
Judge Caldwell and the Union Pacific Employees

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When a man is summoned to give testimony in court, and takes an oath to tell the truth, any eulogy touching his veracity becomes a questionable compliment, an intimation that “the truth, the whole truth and nothing but the truth” had been in peril, and that the witness had been, fortunately, rescued from the unpleasant dilemma to which perjurers are sometimes subjected.

It appears that Judge Caldwell entertains views relating to the duties of a judge quite in consonance with those which devolve upon a witness — he does not like to be eulogized nor thanked for being honest and upright — as is shown by the following incident:

Chairman Vrooman of the B of LE thanked the judge for his decision, whereupon, the judge, quick as a flash, replied: “No thanks are necessary, Mr. Yrooman, *when a court dues its duty clearly, without fear or favor, it is not deferring of thanks.*”

These were words “fitly spoken,” as beautiful and as valuable as “apples of gold in pictures of silver.” Judge Caldwell is evidently made of the right sort of material — a large percentage of iron and sand, with no intermixture of sawdust, putty, or *caoutchouc*.¹ Nevertheless, Mr. Vrooman is not to be seriously criticized for thanking Judge Caldwell for his celebrated decision, since every honest man in the country feels thankful for his verdict, for, notwithstanding it was not entirely unexpected, when it came it was phenomenal — a revelation, that at once set a revolution in motion. Judge Caldwell’s decision was eminently natural and rational, direct and honest, distinguished for its law and common sense, and justice to all parties.

¹ Unvulcanized natural rubber.

In this connection it is pertinent to remark that it was these characteristics that created widespread surprise. We have remarked that a decision was expected in which something would be said differing from the decision of Judge Dundy, and workingmen entertained hopes that some relief would be granted them, that they would receive honorable recognition, and their rights receive some judicial consideration, but they had so often, of late, been the victims of brutal judicial bludgeons, wielded by other United States judges, in the interest of receivers and corporations, that they were unprepared for declarations from the bench which emancipated them from the degrading grasp of ignorant and rapacious receivers acting in the interests of men who held millions, evidences of debts, but in fact representing the most stupendous frauds ever perpetrated in this country. Judge Caldwell, in treating this feature of the case, became, morally, heroic. He referred to the receivers, of whom four of the five were totally incapable of determining what wages employees should receive, and their opinions upon the subject were of no consequence, because they knew nothing about wage schedules, and while the judge expressed a prudent anxiety to have the road relieved of its financial embarrassments, he said, "to accomplish this desirable result the wages of the men must not be reduced below a reasonable and just compensation for their services. They must be paid fair wages, though no dividends are paid on the stock and no interest on the bonds." It is just here that Judge Caldwell puts some facts upon record, in such such a way that ought to strike dumb those who are eternally defending corporations as models of honesty, and lampooning labor organizations as the enemies of capital. Said the judge: "It is part of the public history of the country, of which this court will take judicial notice, that for the first \$36 million of stock issued this company received less than 2 cents on the dollar, and that the profits of construction, represented by outstanding bonds, was \$43,929,238.44." These two items represent \$79,929,528.44, of which at least \$35,280,000 was pure fraud. \$43,929,328.44, was a trick in construction, also a fraud upon innocent stockholders and the government.

After all, we inquire, what is there remarkable about the decision of Judge Caldwell that it should awaken continental interest? Truth never changes; justice is eternal; inalienable rights are immutable. Judge Caldwell grasped them and wove them into the woof and warp of his decision — a triumph of the judiciary over the world, the flesh

and the devil, corporation cussedness and capitalistic greed. That the decision was phenomenal, rare, exceptional, is of itself an arraignment of the courts of the country. Judge Caldwell, erudite, profound and analytical, capable, abstruse, master of the technical in law and logic, like all great-minded men, states propositions which a wayfaring man can comprehend, and then, bringing the law of equity to bear upon the case, brushes aside subterfuges, sophistries, special pleadings, chicanery, and every vulgar trick, and blazes a way through the jungle of jugglery that leads men out into the clear light of common sense, which is always good law. He pays no attention to the sinuous trails of serpents, the pathways of trappers, the little elevations where prairie dogs bark, but knowing the right way, he illuminates it by the search lights of justice and wins the gratitude of a nation.

Workingmen — railroad employees, have believed that they had rights that should be respected, but time and again corporations, aided by judges, had struck them down, until railroad employees were being taught that only fines and imprisonment awaited them if they asserted their rights, but Judge Caldwell came to their rescue and told them, told the country, corporations, and receivers, that, “In this country it is not unlawful for employees to associate, consult, and confer together with a view to maintain or increase their wages by lawful and peaceful means any more than it was unlawful for the receivers to counsel and confer together for the purpose of reducing their wages. A corporation is organized capital; organized labor is organized capital. What is lawful for one to do is lawful for the other.”

It was this right, which had been struck down, that Judge Caldwell restored, and in the reestablishment of which he took occasion to remind employees and employers that railroad receivers cannot abrogate contracts at their own sweet will; that they cannot “hang employees and try them afterwards;” in a word, that laws are made for employees as well as employers; that courts are established to administer justice, and not for the purpose of aiding and abetting wrong; that in the United States “the period of compulsory personal service, save as a punishment for crime, has passed,” an intimation that the courts which have sought to visit upon railroad employees “the pains and penalties of the early English statutes” perpetrated a damnable outrage, for which they should be impeached and disgraced forever. In announcing that railroad employees are entitled to fair wages, that contracts shall be respected, that employees shall be paid though the payment of dividends and interest on watered stocks and bonds is

postponed, that employees have a right to organize and confer together in all matters relating to their welfare unmolested and un-intimidated, we say, in making such announcements Judge Caldwell voiced eternal principles of right and justice, for which he is entitled to the gratitude of railroad employees and all the toilers of America.

The *Magazine* has a right to indulge in no little self felicitation, because on numerous occasions since we have had control of its pages we have, in our way, advocated the principles laid down by Judge Caldwell in his masterly decision, and the decision absolutely vindicates the theories of law and justice we have advocated and maintained. The decision of Judge Caldwell is full of inspiration for workmen to stand firmly by their organizations, and to be content only when they are awarded the fullest measure of their rights.

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