

---

# Liberty and the Courts

by Eugene V. Debs

Published in *Locomotive Firemen's Magazine*, vol. 18, no. 3 (March 1894), pp. 275-277.

The *Commoner and Glassworker*, in a recent issue, publishes the following:

The general manager of the Northern Pacific Railway has discovered a new way to prevent strikes. He goes into the United States courts and has all the leaders in the movement arrested for "combining and conspiring to quit the service of the road." Upon this complaint an injunction is issued against each individual, and a failure to observe the court's order will land the offender in prison. It is the first order of the kind ever issued in the United States. The Northern Pacific is now in the hands of receivers. The difficulty arose out of reductions in wages. Should this action of the court hold good, the working classes will soon find all their rights and privileges as free men nullified, and they will be forced by due process of law to labor for just such compensation as receivers and courts deem proper and just to the government and stockholders, and the right of individual contract is void. It is difficult to distinguish between such action on the part of a republic and some of the old English laws of two or three centuries ago, which fixed both the wages and hours of the working people. Our boasted freedom is fast becoming a sham and mockery, and will hasten the entire dissolution of our present social conditions.

The foregoing is highly suggestive. The receiver of a railroad and a 3x4 United States judge in combination are able, it seems to compel employees to hold up their hands while the aforesaid receiver and lodge put on the manacles and rivet them.

That the Northern Pacific railroad should be in the hands of a receiver creates no surprise; that a receiver of such a bankrupt concern should exert his powers and authority to reduce wages that dividends may be paid on watered stocks and bonds is strictly in keeping with

modern methods of piracy. Receivers are to railroad corporations what the jimmy is to expert safe examiners, who, needing cash, smilingly and philosophically remark, in the language of P.M. Arthur: "If you can't get what you want, take what you can get." Corporations have no souls to be damned and are expected to wreck and rob, rob and wreck, in carrying forward their great enterprises designed to develop the resources of the country and give *eclat* to our Christian civilization. But hitherto it has been held that judges of courts, particularly United States courts, were, in all things relating to character, reputation and justice, in a word, all things of good report among men, superior to corporations and their tools. True, there have been mean, depraved, despicable judges, vicious creatures, moral monstrosities entitled to receive "greater damnation" than falls to the lot of many other scoundrels, but the people generally, in fact, universally, in this country, have been taught to revere judges of courts. There has been an idea, widely disseminated, that as a last resort appeals to the courts for justice would not be disregarded; that the poor and the friendless, as certainly as the rich and powerful, would be heard and their wrongs redressed. Such has been the drift of opinion. If at any time in the past such conditions were based upon facts they have in these latter days become the most arrant delusions. True, it is written in the "Bill of Rights" that "Justice shall be administered freely, and without purchase; completely and without denial, speedily and without delay." But it has turned out that the "Bill of Rights" has proven to be, in ten thousand instances multiplied by ten thousand, a miserable fallacy, mockery and deception; until it has come to be understood that the thing labeled "justice," to be "administered freely and without purchase," bears about as much resemblance to justice as a blue tailed fly bears to a bald eagle. And as for justice being administered "completely and without denial," there are upon record ten thousand cases where maimed railroad men have been denied justice by courts, and where cruel denials have been administered to the widows and orphans of dead railroad men who were killed in the line of duty, by judges of courts where corporations demanded the sacrifice, and as for justice being administered "speedily and without delay," the records show that the declaration constitutes the prize sham of the age.

As a result of all this the reverence the people formerly entertained for judges and courts of justice is rapidly disappearing. It is widely believed, indeed it has become a settled conviction, that a poor

man has about the same chance for justice in the courts of the country that a hummingbird would have in passing through the flames of Vesuvius to escape without having its wings singed, while the rich, the corporations, trusts, and all rascally combinations, by the magic of money have things as they want them, upon the principle, doubtless, that gave Jay Gould his astounding success, that when he "wanted a judge lie bought him;" at any rate the fact is that judges and courts in the United States are no longer revered. Wigs and gowns and all the ancient flummery which made a judge appear to the populace as a creature of superior dust — porcelain as compared with brickbats — have lost their tabs manic power, until the "ermined robes" of an average judge have no more significance than attaches to a ten dollar ulster, and United States judges in integrity and intellectuality rate fearfully near zero.

For this rapid depreciation of judges and courts there must be a reason, and it behooves the people to investigate until they ascertain the true cause. We do not imagine any very deep excavations will be required to develop a mine of ignorance and egotism of astounding richness. Surface indications are simply immense. The outcroppings of imbecility are quickly pointed out by school children. It is a rare circumstance to find a United States judge who is not afflicted with big-head and pig-head, a condition of vacuity and vanity, stupidity and stubbornness, arrogance and insolence, qualities which have become so common as to rarely create surprise, and yet it so happens that vast interests are committed to these judicial deformities, which may he determined, right or wrong, just as flipped coppers may come up heads or tails, as chance may decide, hut if a railroad pass is dropped in the slot of the judicial machine, or something more weighty still, then justice throws her scales to the dogs, strips the bandage from her eyes and breaks for the woods, but that particular judge proceeds to "hold court" and "issue decrees," just as if he was not under popular indictment for malfeasance in office.

Why this humiliating degeneracy? It is not difficult to answer the important query in consonance with an overwhelming weight of facts.

In the first place, political partisanism has, in numerous instances, contributed to the degradation of the judiciary. It has been, to some extent, a popular theory that a hidebound partisan, elevated to the bench, at once proceeds to burst his shell and transform himself into a sublimated creature, in whose make-up all the humps and depres-

sions on his cranium indicative of meanness and malignity, disappear; that an “itching palm” is no longer a source of trouble, and that the hinges of his knees are so readjusted that they will not respond when wealth and power demand crooked legs. Alas, experience has taught the people to discard such hallucinations, and to regard courts as deadfalls and judges as simply the manipulators of the triggers.

Judges being selected for their partisanism, for their familiarity with the machine, and as a reward for services, it follows, as a general proposition, that small potatoes are, as a rule, elevated to the bench, and the courts become, therefore, so many political machines, clothed with extraordinary powers and prerogatives. It is well known that in the scramble for nomination or appointment the supreme essentials of a judge — large ability, knowledge of the principles of law, unflinching honesty, tireless devotion to right and justice, are practically ignored and that candidates secure election or appointment because they have rendered a political party assistance in campaigns, rough and tumble fights for supremacy. True, it may be said that sometimes a qualified man is selected, but such incidents are exceptional. As a rule, judges of courts seldom rise above mediocrity, and often fall calamitously below it. Being men of small caliber, often mental midgets, what more natural than that they should bring courts into contempt by orders, rulings and decisions which make jurisprudence ridiculous?

It is contended that lawyers of brains no longer aspire to be judges: (1) Because they can earn more money practicing law, and (2) because the office of judge, generally, has become odious rather than honorable, in which small men strut around, targets for the flings and jeers of the people, their decisions being largely in the nature of *chucaluc* — or, worse still, like a 25 number lottery, where the chances are 999,000 to 1 that you do not draw a capital prize, and about 200,000 to 1 that you draw no prize at all. But, if it were a fair game of chance, men might gamble for justice in the courts and curse their luck while heroically accepting defeat; but it has come to this, at last, that the rich — corporations and trusts, as in the case of the Union Pacific, the Northern Pacific and the Ann Arbor affair — can obtain anything they want to help them crush the poor. Anything to the contrary is the exception — and only magnifies the rule. Occasionally, some distinguished scoundrel is lightly punished. In such a case the press engages in flambeau reports which are of special service to rich rascals generally, because, in the midst of the glorification over

the conviction of one miscreant, a thousand go scott free, or to Canada.

Certain it is, that throughout the land, judges and courts are regarded with ever increasing suspicion and derision. Under the constitutions of states and the federal constitution, judges, as has been observed, are clothed with autocratic power. Note the creature called "judge" who, by a stroke of his pen, reduced sovereign citizens, employees on the Union Pacific and Northern Pacific, to slaves. Note the infamous rulings of Ricks and Taft in the Toledo affair. Such exhibitions of power are becoming alarmingly frequent, and the people believe they have discovered the reason why of them. With small salaries, venal judges will "make hay while the sun shines." Poor devils have nothing to offer for justice but gratitude, while the corporation can add to its thanks the coin of the realm — banquets, free passes and luxurious palace cars. True, men may appeal from Pilate to Caesar — if they can give bond — in the absence of which they go down to silence and defeat, and as well might a sparrow protest against a cyclone, or a jackrabbit against a prairie fire.

The judiciary of the country, in the opinion of multiplied thousands, is the rodent that is gnawing at the foundations of the liberties of the country, and if the question is asked, why so many mobs, regulators, white caps, popular uprisings in which Judge Lynch presides? the answer is generally — "Oh, damn the courts, they're no good."

Talk of dangers to the perpetuity of liberty and free institutions from ignorance, poverty, wealth and its combination — the real danger lies in a venal, debauched, arrogant judiciary. Corporations are now chuckling over their victories achieved by pliant, weak, imbecile lickspittles "on the bench." The Union and Northern Pacific incidents ought to be convincing. They tell in "mournful numbers" what is in reservation for railroad employees. Chained to the corporation — subjected to the lash of general managers *et al*, their condition may be better than that of old plantation slaves, "fo de war" — for as yet, we believe, they are not included in "blanket mortgages," nor listed as assets in watered stocks and bonds. As an initial step, they are simply chained to the tracks, to their machines, to pick, throttle, punch, switch, and brake, but as in the case of Job, how soon the devil will rob them of everything but their integrity, his "Honor," the judge, only knows — but the way things are moving, it ought not to be long before railroad employees will curse the day they were born, since to eat their hard-earned fare as a part of the rolling stock of a railroad, is

enough to create a widespread epidemic of suicide. .Such calamities suggest the immortal words of Patrick Henry — “Give me liberty or give me death.”

*Edited by Tim Davenport*

1000 Flowers Publishing, Corvallis, OR · June 2017 · Non-commercial reproduction permitted.  
First Edition