The Northern Pacific

by Eugene V. Debs

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To succeed in securing an honorable adjustment of misunderstandings between railroad corporations and their hard-worked employees, is always a source of satisfaction.

The Northern Pacific railroad, from its inception down to the present, has been the one railroad goose that railroad wreckers and gamblers have plucked as often as a pin feather came in sight, or it has been the bleating sheep to be sheared as often as there was wool enough on it to pay for the shearing. It has been regularly plucked, sheared and skinned by a gang of Christless whelps as often as they could secure enough booty to get up a big blow out at Delmonico's,[1] or pay the bills of a trip to Europe, and when, as in the present case, the concern had been sandbagged and bludgeoned to an extent that a receiver and a United States court, a sort of an ox an ass team, was required to draw its breath, the receiver and the court combine to rob the employees that the old goose may replume herself for another plucking just to keep the gamblers and wreckers in pocket change and their wives and daughters in pin money.

The fellow, Judge Jenkins, ambitions of notoriety quite regardless of its character, doubled up his decrees in the interest of the corporation, seemingly desirous of making himself specially odious to railroad employees.

In the first instance, the Jenkins judge, sitting at Milwaukee, issued his autocratic order restraining the employees of the Northern Pacific railway company from going on a strike, or from damaging, Interfering with or injuring the property of the road in the hands of the receivers. It also contained the following prohibition, restraining the officers, agents and employees of the receivers "from combining and conspiring to quit, with or without notice, the service of said receivers, with the object and intent of crippling the property in the

[1] Delmonico's was regarded as the finest restaurant in New York City.

custody, or embarrassing the operation of said railroad, and from so quitting the service of the said receivers, with or without notice, as to cripple the property or to prevent or hinder the operation of said railroad."

But the receivers, becoming alarmed, they appealed again to Jenkins, who issued a second injunction directed to the officers of the various labor organizations, embracing the employees of the Northern Pacific by name, restraining them from conferring with, advising or counseling the men to go on a strike, and restraining the men from striking or quitting the employment of the company or receivers, either with or without notice.

The action of this judicial snipe was so outrageous that action has been proposed in Congress to see if something cannot be done to curb his autocratic ambition, as will be seen by the following resolution, offered in the House of Representatives by Congressman McGann,[2] February 5 [1894]:

> *Resolved,* That the Committee on Judiciary of the House be and is hereby directed to make such investigation into all the matters and things herein alleged and report to the House whether or not the Hon. Judge Jenkins, judge of the United States Circuit Court of the seventh circuit, has therein abused powers or process of said court, or oppressively exercised the same, or has used his office as such judge, to intimidate or restrain the employees of the Northern Pacific Railroad or the officers of labor organizations, to which said employees or any of them were affiliated, in the exercise of their rights and privileges under the laws of the United States; and if they shall find that said judge has abused the process of said court, as alleged, or oppressively exercised the powers of his office as judge of said court to the injury of the employees of said railroad and others, then to report whether such act or doings of said judge warrant the presentment of articles of impeachment therefor, and to further report what action, if any, should be taken by Congress to prevent a repetition of the conditions now laid by said order, and by an injunction upon railway employees on the said Northern Pacific road, those engaged on other roads, officers and members of labor organizations throughout the country, and all persons generally.

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[2] **Lawrence E. McGann** (1852-1928), a Democrat, was a two-term member of the Congress from Chicago.

It may not be that the fawning corporation sycophant will be impeached, but that the Jenkinses, Dundies, Rickses, and Tafts will hear and feel something drop, calculated to curb despotic proclivities, we do not doubt.

At this juncture it is specially refreshing to note that all the United States judges are not of the Jenkins and Dundy stripe. This is made to appear in the columns of the *St. Louis Globe-Democrat* of February 11th. Sneaking of the extent of the jurisdiction of Jenkins it seems that inasmuch as the larger part of the Northern Pacific lies in the eighth judicial circuit, of which judge Henry G. Caldwell is the presiding judge, it becomes necessary to institute proceedings in this, the eighth circuit, in aid of or ancillary to those originally instituted before Judge Jenkins at Milwaukee, in the seventh circuit. The jurisdiction of Judge Jenkins only extends to the western boundary of the state of Wisconsin. All of the Northern Pacific Railroad from Duluth, in Minnesota, which runs through the states of Minnesota, North and South Dakota and Nebraska and Colorado lies in Judge Caldwell's circuit, and it therefore became necessary to have Judge Caldwell endorse Jenkins. This Judge Caldwell refused to do. He is evidently not a corporation lickspittle, is not purchasable, and is withal a man of sterling convictions. He is reported as saying:

> If receivers should apply for leave to reduce the existing scale of wages, before acting on their petition I would require them to give notice of the application to the officers or representatives of the several labor organization to be affected by the proposed change, of the time and place of the hearing, and would also require them to grant such officers or representatives leave of absence and furnish them with transportation to the place of the hearing and subsistence while in attendance, and I would hear both sides in person, or by attorneys, if they wanted attorneys to appear for them. The employees on a road in the hands of a receiver are the employees of the court, and as much in its service as the receivers themselves, and as much entitled to be heard upon any proposed order of the court which would affect the whole body of employees. If, after a full hearing and consideration, I found that it was necessary, equitable, and just to reduce the scale of wages, I would give the employees ample time to determine whether they would accept or reject the new scale. If they rejected it they would not be enjoined from quitting the service of the court, either singly or in a body. In other words, I would not enjoin them from striking, but if they made their election to strike I would make it plain to them that they must not,

> after quitting the service of the court, interfere with the property, or the operation of the road, or the men employed to take their places. A United States court can very readily find the means to effectually protect the property in its possession and the persons in its employ. I have in one or two instances pursued the policy I have indicated, and the differences were satisfactorily adjusted.

The *Globe-Democrat* says:

> To put the position of the two courts sharply: Judge Jenkins, in the seventh circuit, holds that he has power to restrain the officers of the labor organizations from ordering a strike and the men from going on a strike or from combining or counseling together for the purpose of inaugurating a strike. Judge Caldwell's action shows that he holds the power of the court t-o extend only to preventing the employees or any one else from injuring or destroying the property in the hands of receivers, or by force or threats interfering with the men who are engaged in operating the road. He does not, by his order, undertake to prevent them from going on a strike, or undertake to enjoin them from consulting together with reference to a strike, leaving that without inference by the court with the declaration that if any persons interfere with the property or men actually at work, either by violence, threats or intimidation, he will then deal with them as law breakers.

Manifestly, Judge Caldwell is a man, while Jenkins is a mouse, and as a result, the order of the mouse is circumscribed within narrow limits — men are still men where Judge Caldwell rules — though they may be something quite different under the jurisdiction of Jenkins.

The troubles between the employees and the receivers of the Northern Pacific began in December. For a time there was every indication that the federated orders had determined to make a stand for their rights; that, whether pleading or protesting they would show Spartan courage. The various federated orders had their grievance committees marshaled in force. They met and deliberated; called for their grand executive officers, who responded, regardless of time, distance, or expense.

The negotiations finally ended on February 10th, when the following letter was addressed by Mr. E.E. Clark, chairman of the federated executives to General Manager Kendrick:

Dear Sir:—

As chairman of the federated board of representatives of your employees, I am instructed by them to inform you that in view of the present conditions they reluctantly accept the situation, and request that, agreeable to their expressed willingness, the receiver's petition the court to ratify the amendments to the schedule on January 1st, which have been agreed to by them in the several conferences which have been held in St. Paul and this city.

In doing this, we express the hope that rapidly improving business and increased earnings will soon render it consistent for you to restore in whole or in part, that which has been found necessary to hike from the men.

Yours very truly,

E.E. Clark.

We regret that the men have had to accept the reduction while their hearts

> Like muffled drums, are beating
> Funeral marches to the grave.[3]

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[3] From "A Psalm of Life," by **Henry Wadsworth Longfellow** (1807-1882). The original stanza reads: *"Art is long, and Time is fleeting, / And our hearts, though stout and brave, / Still, like muffled drums are beating / Funeral marches to the grave."*