
Is Legislation Needed? How Shall It Be Obtained?

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The interrogatories which form the caption of this article are addressed particularly to railroad employees.

In a broad sense, the lawmakers of the country, whether found in legislatures or in Congress, are partisans. The term, as used in this connection, is not intended to be in any sense offensive.

Where there is free speech and a free press, there will be parties. It is inevitable, and of this result we indulge in no complaints.

“In old colony times, when we lived under a king,” there were parties. There was a party that favored British taxation without representation, and a party opposed to such taxation. Hence the Anti-Tea party that was organized in Boston, a party that boarded a ship loaded with tea, and emptied the cargo into Boston bay, which gave rise to an old battle song of which the following, as we recollect, was a stanza:

Johnny Bull, and many more,
Soon they way are coming o'er,
And when they reach our shore
They must have their tea.
So Johnny put the kettle on,
Be sure to blow the fire strong,
And load your cannon, every one,
With strong gun-powder tea.¹

During the revolution the Whig and Tory parties existed, next to the Republican and Federalists; after these came the Democratic and Whig parties, then the Democratic, Whig, and Abolition parties; later

¹ First verse of a song written in 1813 by an unknown author, sung to the tune of “Molly, Put the Kettle On.”

the Democratic and Republican parties, with here and there a Prohibition party. At this writing there are three parties in the field: the Democratic, the Republican, and the People's Party, the latter sometimes being referred to as "The Farmer's Alliance," and which, at the same time claims to be a Labor party, or the Workingmen's party.

If we were to be guided in our estimate of parties, predicated upon professions expressed immediately prior to an election, we should be compelled to aver that all political parties are deeply concerned about the welfare of labor — that their solicitude for the happiness and prosperity of workingmen absorbs a large percentage of their thoughts, and that they are ceaselessly wrestling with the subjects, how best to promote the interests of men whose labor pays all interest, taxes, and revenues, and keeps the world from stagnation and decay.

This system of profession, chicane, duplicity, and hypocrisy has been practiced for years and has inspired many a time workingmen

With hopes, that but allure to fly,
With joys, that vanish while he sips
Like Dead Sea fruits, that tempt the eye,
But turn to ashes at the lips.²

Here and there, now and then, the claims of workingmen have been recognized and laws have been placed on the statute books which modified some of the outrage that had fastened itself upon our Christian-savage jurisprudence, a relic of barbarism and a legacy of the dead past, those dark and damned ages, when in judicial parlance, it was always "master and servant," or "master and slave," but never "man and man;" when no workingman, either in court or out of court, sought to have any right restored, or respected, which had been cloven down by his "master."

The world of workers took hope when the Declaration of Independence declared that "all men are created equal," and the day on which it was first read is a national holiday wherever float the stars and stripes, and he shouts—

Forever float that standard sheet!
Where breathes the foe but falls before us,
With Freedom's soil beneath our feet,

² Lines from the long poem "Lalla Rookh" (1817), by Thomas Moore (1779-1852).

And Freedom's banner waving o'er us.³

But the question arises, over whom does the starry banner float nowadays? Over a nation of freemen? Nominally it does — but in fact it does not.

Workingmen declare that they are not freemen, if their employers may, with or without law, hire Pinkerton thugs, arm them with rifles, and order them to shoot down workingmen like dogs, without provocation. These infernal cutthroats, these vagabonds from the slums, these hired outcasts, constitute a military force unknown to the state, and yet workingmen have been unable, except in a few instances, to strike down the murderous policy of some railroad corporations which employ these thugs.

We confess that in all our readings of savage and barbarian methods, we have found nothing more essentially devilish, more infernal in all regards, than the employment of Pinkerton outlaws to murder workingmen at the behest of a corporation.

We talk glibly of lands cursed by autocrats and aristocrats, and exclaim — Read our Declaration of Independence! Behold our Flag! Remember Bunker Hill and Yorktown! Contemplate the territorial grandeur of our Republic! And in our rapture we contemplate the luminous track of glory, permanent and bright, made by our fathers, to which we love to refer; but as one beholds an armed gang of Pinkerton murderers ready to kill railroad men, under orders from a railroad corporation, does not his blood run cold in his veins? And when men who make laws are appealed to end the infamy by enacting a law forbidding its continuance, and are given to understand that it will not be done, what, if any, is the remedy?

Is it longer wise to continue in affiliation with any party that thus rudely and contemptuously thrusts us aside? Is it not wise to form an alliance with some party that is pledged to reform abuses so glaring that the devil himself would be unable to frame an excuse for their continuance?

Is it not of the highest importance that railroad employees should give special prominence to the “co-employee” iniquity?

³ Four concluding lines by Fitz-Greene Halleck (1790-1867) appended to the poem “American Flag” (1819), by Joseph Rodman Drake (1795-1820). For Halleck's claim of authorship, see *New York Musical Pioneer and Chorister's Budget*, vol. 2, no. 11 (Aug. 1, 1857), pg. 1.

It is scarcely required to offer a word in outlining its measureless injustice, and that it should be incorporated into America jurisprudence staggers belief. Railroad men fully comprehend the wrongs it inflicts.

What is the demand? It is not to repeal statutes by virtue of which this wrong, scarcely less than a crime, exists, but to enact a law which shall at once and forever strike from the records of the courts the damning evidence that with all our boasting we are living under decisions based upon neither law nor testimony, but which as effectually blast the rights of workingmen as if it were written in our constitutions that railroad employees are serfs or chattel slaves, who have no rights which courts are bound to respect.

Who, of all the wise men in America, possessed of hearts and whose sensibilities are not dead beyond the reach of hope, are not horrified almost daily by the records of the maimed and killed employees of railroads?

By the rulings of the courts, based upon no law, except that non-descript thing called the “common law” — handed down from the time when the employer was *master* and the workingman a *slave* — neither a workingman nor his heirs, having a claim against a railroad corporation for damages, have any more standing in court than an African slave in “old plantation times.” The courts show them no consideration whatever, provided it is shown that he was maimed or killed by the negligence or ignorance of a co-employee, though in the employment of the co-employee he had no more voice than a man who died before the flood — and the corporation is usually prepared to show that a co-employee was the cause of the injury.

In one or two states, perhaps, the infamy has been wiped out. Why not in every state? Simply because the corporation has demanded that it should stand.

The corporation is always on hand when a legislature meets. Its agents find out who are the base-born, degenerate creatures who *represent* themselves; they find out the price of those men who are known to be “for rent” or “for sale,” and paying their price, own them.

Some of them sell cheap, others demand round sums, but the average is never large and the political mendicants are easily *fixed* — and in 99 cases out of 100 the railroad employee is compelled to accept defeat.

All of this leads to the inquiry, What are railroad employees going to do about it? Will they accept defeat forever and a day? Are they so wedded to their chains that they will never make a freeman's effort to break them?

The old parties, call them by what name we may, have been tried, and their promises have been broken as often as they have been made. The corporation has won a victory in nearly every instance. Is it worthwhile to trust them further? Does not every consideration of justice, right, truth, independence, and the supreme importance of the interests at stake, demand a change of policy?

There has come to the front, within a recent period, a new party, as we have said — the People's Party. It proposes certain reforms, some of which, at least, are of a character that commands widespread approval.

We are not required to print the platform of the People's Party, nor to endorse all the propositions it contains. We are not required to so much as suggest that all railroad employees should become identified with and active workers in the People's Party; but the question arises, Wherein does the People's Party antagonize any demands of railroad employees? In what plank of its platform is to be found hostility to the interests of labor?

In response, it will doubtless be said, in some quarters, that the People's Party has evinced hostility to railroads, and because of this unfriendliness the interests of railroad employees are jeopardized.

The question arises, In what way is the People's Party unfriendly to railroads? In discussing such a proposition let us be frank.

The People's Party expresses the opinion that the *water* in railroad stock should be *squeezed* out; that railroads should do business on honest investments and not upon a basis of fraud, and that they can afford to so reduce rates of transportation for persons and freight as to make them what they were designed to be, a blessing to the country.

Railroad corporations at once set about to defeat such legislation, and at this juncture comes into view strategic movements on the part of railroad corporations of astounding audacity.

In the first place, the corporations say to the states, "If you reduce rates we will reduce the number of trains." This reduction of the number of trains is to operate in the way of a penalty upon the sovereignty of the people, the sovereignty by virtue of which the corporation exists.

In the next place, the corporation prepares petitions to be presented to legislatures, requiring their employees to sign them, under a threat, direct or implied, that their work and wages depend upon their compliance.

In addition to this, the corporation, having immense facilities at hand, sends forth their henchmen to organize their employees into clubs for the express purpose of antagonizing the farmers, the Farmers' Alliance, and the People's Party, to the extent that such legislation as the farmers demand shall not be had.

In view of these strategic movements how stands the case with railroad employees who demand, and ought to have, certain important laws enacted for their protection?

If railroad employees antagonize the farmers, what more natural than that the farmers shall reciprocate this hostility? Throughout the Middle, Southern, and Western states the farmers, if united, will dictate legislation. That they will unite is a logical conclusion, because everywhere their interests are practically identical.

It is urged by some that the policy mapped out by the farmers is impracticable, that they are the victims of vagaries. But is it not said in certain quarters that workingmen are "the enemies of capital" and that when they strike for their rights or against wrongs that they "become the enemies of society and constitute a 'dangerous element,'" and are not corporations ceaselessly devising schemes by which they hope to disrupt and destroy labor organizations?

But such discussions are foreign to the purpose of this article, and, returning from any seeming digression, we ask, What are the advantages railroad employees expect to gain by antagonizing the farmers or the Farmers' Alliance?

Is it believed if railroad employees succeed in defeating the farmers, that the corporation will aid them in crushing out the Pinkerton infamy? Do railroad employees, those engaged in the train service, so much as dream that the corporation will, when the farmers are defeated, demand of legislatures that the co-employee iniquity shall no longer disgrace the jurisprudence of the country? Do railroad employees have so much as a molecule of evidence that the corporation, when it has used them as tools to defeat legislation in the interest of the farmers, will, for such exhibitions of acquiescence, at once proceed to increase their wages and promote their welfare so generously that grievance committees will no longer be required to stand guard to watch our interests, ceaselessly in peril?

Our conviction is that railroad employees are in a position to determine for themselves, independent of intimidation or any form of bulldozing, what their interests require in the way of legislation, and that every consideration of prudence demands that they should place their votes and influence where they can achieve with the greatest certainty results that will be promotive of their welfare.

The old parties, prolific of professions of fealty to labor, have, as a rule, been guilty of the most shameful apostasy. Shall we forever be their dupes, so craven that we cannot muster sufficient independence of party discipline to break the fetter that have bound us, and vote as independent, self-respecting citizens?

Such questions are now up for debate, and as between serfdom and freedom, let workingmen declare their preference. If workingmen propose to sing

Hail Columbia, happy land

in earnest, then they must add,

Let Independence be our boast,
Ever mindful what it cost.⁴

The time has come, as in the far away days of the Israelites, when idol worship was making sad inroads upon the spineless sons of the chosen people — when Baal had 400 prophets and God only one Elijah, who said, “How long halt ye between two opinions? If the Lord be God, follow him; but if Ball, follow him.”⁵ And now, if he corporation be the railroad employees’ god, let them follow it and do its bidding, but if their own independence and self-respect, their liberty and citizenship combined, is preferable — then by all the gods, let them assert themselves, be true to themselves, though the furnace of their afflictions be heated by the plutocratic Nebuchadnezzars⁶ sev-

⁴ Lyrics from “Hail Columbia,” written in 1798 by Joseph Hopkinson (1770-1842) and set to music composed in 1789 by Philip Phile (c. 1734-1793) for the inauguration of George Washington. The song was regarded as an unofficial national anthem during the 19th Century.

⁵ *1 Kings*, chapter 18, verse 21.

⁶ Assyrian king of the 6th Century BC held responsible for the destruction of the temple of Jerusalem.

enty times hotter than when cremated martyrs of the past demonstrated that their courage was equal to their convictions.

Edited with footnotes by Tim Davenport

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