

**The Power of the Judiciary:  
Lincoln's Birthday Speech, Chicago  
[excerpt]  
(February 12, 1911)**

This day 102 years ago Abraham Lincoln was born. He was in many respects the most extraordinary man ever produced by this country. Up to the time of his birth the slave ships sped from coast to coast, fanned by the wings of the Holy Ghost. Fifty years ago Lincoln filled the presidential chair. That chair has been vacant ever since. When Lincoln entered upon public life slavery had control of every department of government; the president was its puppet. The Supreme Court was its liveried lackey, Congress its medium. At the behest of this power the Supreme Court announced to the world that the slave had no right that his master was bound to respect.

Lincoln objected to this, dared to criticize this august judicial tribunal, and was denounced and condemned by the press of the slave power.

At Springfield, President Taft pronounced a eulogy upon Lincoln yesterday. It would be interesting to know now what Lincoln thinks of Taft. The party with which Lincoln affiliated was revolutionary under his leadership. That party today is reactionary, rotten, and not the place of celebration. The place of his home, Springfield [Illinois], has been turned into a den of thieves. These small fry politicians and shyster lawyers are now hitching their old cart in the Lincoln style.

Lincoln does not need them; they do need Lincoln. They are traffick- ing under his great name, furthering their own schemes, their own selfish interests.

I believe it has been announced that I was to speak upon Taft, a very big subject — but nothing in it.<sup>1</sup>

The very first I ever heard of Mr. Taft was when we were engaged in a strike on a railroad over here in Toledo, Ohio, and he was on the Federal bench. A railroad corporation pressed the button and he came from Cincinnati, his home, to Toledo on a special car, the road having called for him, and when he arrive at Toledo he went to the headquarters of that corporation and issued an injunction without hearing the employees,

thereby paralyzing the labor organization with which I was connected. That was the first time I ever heard of Mr. Taft.

The next time I heard of Mr. Taft was two years later, when, at the behest of the same corporate power, he issued another injunction, sending a lot of workmen to jail, and when he sentenced a lot of them he said: "I am only sorry that Debs is not here, for if it were he instead of you, I would give him as many years as I am giving you months."

You observe that there is no love lost between my subject and myself.

From the time that Mr. Taft issued these injunctions his promotion was very rapid. It is now said that he has risen from the ranks to a place of eminence.

Fred Warren cannot make that claim — he stayed in the ranks, fighting side by side with the working people for emancipation.

President Taft evidently concluded that a mistake had been made in the indictment and prosecution, or rather persecution, of Warren.

According to the courts, Warren is not fit to be at large; according to Taft he is not fit to be in jail. He is then an extremely undesirable citizen. I would not undertake to say what I think may become of him, but this is certain, that he has a very promising future behind him.

President Taft imagines that he has snuffed him out; as a matter of fact he has just lighted his torch.

The judges were foolish enough to imagine that if they could only put Warren in jail they would have silenced him. Taft knew enough to know if they put him in jail his voice, though mute, would be heard all around the world.

Warren's crime consists of having been absolutely true to himself and having, in the discharge of his duties to himself, having exposed the crimes of capitalism. They have not money enough to buy him nor power enough to intimidate him, so they tried to put him in jail through their judges.

And here let me say that we all owe a great deal to my colleague and fellow-worker; it is not on his account that he is at liberty today, but on account of those of you who are assembled here this afternoon. The tide has been steadily rising. It became a menace to the class in power; they could not help but recognize it, and they thought that if they could but jail him they would silence him.

The Supreme Court consists wholly of corporation lawyers, and the corporation lawyer does not become a hallowed saint when he is elevated or raised to the bench; he is a corporation lawyer, and so he is a corpora-

tion judge. As he is here so he was there. Only a little while ago President Taft filled two vacancies on the Supreme bench: one of them went to Willis Van Devanter,<sup>2</sup> formerly a lawyer of the Union Pacific Railroad Company, and the other went to Horace H. Lurton,<sup>3</sup> the attorney for the Louisville & Nashville Railroad Company.

They are on the bench simply because they will do the will of the corporations — and what earthly chance does a workingman have before that tribunal? That court is maintained simply to pronounce his doom, to keep him in slavery and subjection.

Let me cite here an illustration of what the courts do. When a little girl in a factory down in New Jersey, while working, had her arm torn from her body by defective machinery, she appeal to the courts for reparation. She was awarded a verdict and judgment for \$17,500 in the trial court.

The corporation promptly appealed tot the Supreme Court of New Jersey; the Supreme Court, in reviewing the testimony, found that in the course of the trial a photograph had been introduced showing the defendant in her confirmation attire, and the learned judges, as they are called, declared that this was irrelevant, and that because this was irrelevant, all of the evidence tending to show the criminal negligence and the responsibility of the corporation was nullified, and the Supreme Court turned that poor, mutilated girl out in the street empty-handed.

And now let me choose a few words deliberately. There is not a footpad in the whole city of Chicago that would rob a poor mutilated child, yet the Supreme Court of New Jersey, under capitalism, has been guilty of that crime.

When, a little while ago, a locomotive fireman in North Carolina, who had been on duty 23 consecutive hours and who from physical exhaustion fell and had his leg cut off appealed to the court and was awarded \$5,000 by the jury. The corporation appealed to the Supreme Court and the Supreme Court declared he was guilty of contributory negligence, because he had violated a law of the state that provided no employee of a railroad should be on duty more than 16 consecutive hours.

If he had not violated that law he would have been discharged and blacklisted; having violated that law to save his job, and having been practically incapacitated for life and having been awarded \$5,000 by a jury, the corporation, under the capitalist system, appeals to the Supreme Court and the Supreme court sets aside this verdict of \$5,000 and declares that he was not entitled to a cent.

The working class, in my opinion, would have been perfectly justified in marching upon that court and disbursing it; they would have been perfectly justified in taking such an action.

If ever I lead another strike in the city of Chicago and Peter S. Grosscup,<sup>4</sup> or any other corporation hireling sitting on the federal bench issues another such outrageous and unjust injunction against me as he did 15 years ago, I will tear it to tatters and trample it under my feet. And, if this be contempt of court, let him make the most of it — and I will not engage a lawyer to defend me either. If there is any power in the working class, I will not need a lawyer; and if there is no power in the working class, a lawyer can do me no good.

Now, let's get right down to the matters that immediately concern us. It is well to protest against all of these injustices and outrages, but the effect of a mere protest dies away. There must be some change. In a word, the working class must be organized. I use the word "organized" advisedly; I don't mean disorganized, but I mean organized.

When we workers realize and develop and assert ourselves and our economic and political power, there is nothing between this earth and the stars that shine above us that can stand between you and complete emancipation.

Lincoln said that "whereas the good things are produced by those who toil, therefore those who toil are entitled to have and enjoy the things that are produced."<sup>5</sup>

That is the very quintessence of socialism. Lincoln wanted the worker to have and enjoy the full product of his labor. You workers are simply the hands in the capitalist system. You do the work and they do nothing, yet they think you are entitled to nothing and hold you in contempt, and this will be as long as you let them do so.

Take the women under this system, the ones who work. Take the woman who, under the scourge of poverty, is driven to the factory and becomes a factory girl. She has no social standing whatever. If they work in a building scrubbing, getting down upon their knees without pads to scrub the stairways and clean cuspidors all night long — and this for a mere pittance — they are simply another tool of the capitalists without social standing, without respect, and not earning a comfortable living by working more than half of each day. They are reduced in the eyes of society to the lowest plane of degradation.

I am not appealing for the exceptional man, but for the working class for the purpose of counseling themselves to victory. The socialist movement was organized for the purpose of leading the workers to a higher

plane, of getting them to rely upon themselves, and our industrial unions have done much for this. We should not have craft unions and fight one another through our craft leadership, thus taking you away from each other and thus taking away from you the strength of your power.

We have had an object lesson here in Chicago. The garment workers' strike ought to have been won triumphantly and would have been if the workers had been organized into one great organization. That is a lesson we all should heed. We work together in a united body and as a working class and not accept that which is handed down by a few capitalists.

Therein lies the secret of success — to take possession of industry in every department of activity. You do not need the capitalist, but the capitalist needs you and must have you.

Published as part of “Debs and Warren Voice Protest on Lincoln’s Birthday” in *Chicago Daily Socialist*, vol. 5, no. 93 (Feb. 13, 1911), p. 1.

<sup>1</sup> William Howard Taft was the fattest president in American history, with his weight topping out in 1911 at 332 pounds (151 kilos).

<sup>2</sup> Willis Van Devanter (1859-1941) of Indiana was nominated for the Supreme Court by William Howard Taft in December 1910. He remained on the bench until his retirement in June 1937.

<sup>3</sup> Horace Harmon Lurton (1844-1914), a native of Kentucky and former lieutenant in the army of the Confederate States of America, was the oldest person appointed to the Supreme Court when he was nominated for the bench by William Howard Taft in December 1909.

<sup>4</sup> Peter S. Grosscup (1852-1921) of Ohio was named a judge of US District Court for Northern Illinois by President Benjamin Harrison in December 1892. In that capacity he was one of the first judges to impose injunctions against Debs and his American Railway Union in 1894. Grosscup would remain a personal nemesis of Debs for the rest of his life. In 1899 Grosscup became a judge of the US Court of Appeals for the Seventh District, a position which he held until 1911.

<sup>5</sup> This is a very rough paraphrase of the original quotation, which reads: “And, inasmuch [as] most good things are produced by labor, it follows that [all] such things of right belong to those whose labor has produced them. But it has so happened in all ages of the world, that some have labored, and others have, without labor, enjoyed a large proportion of the fruits. This is wrong, and should not continue. To [secure] to each laborer the whole product of his labor, or as nearly as possible, is a most worthy object of any good government.” See: “Fragments of a Tariff Discussion,” Dec. 1, 1847 in Roy P. Basler (ed.), *The Collected Works of Abraham Lincoln*, volume 1, page 412.