

CHAPTER IV

FEDERAL ARMY IN STRIKES

THE two most remarkable instances of the use of United States regulars occurred in Chicago in 1894 and in the Cœur d'Alene Mountains in 1899.

At the close of the Chicago strike President Cleveland appointed a Commission of three to investigate fully into its causes and its course. The three men were: Carroll D. Wright, Commissioner of Labor, John D. Keenon of New York and Nicholas E. Worthington of Illinois.

From the report of that Commission¹ it appears that in 1886 the twenty-four railroads centering or terminating in Chicago formed a voluntary, unincorporated body called the General Managers' Association. The functions of this association were to consider questions of management, to deal with questions of transportation and to fix car service, rates, wages and the like. The President's Commission could find no legal status for such an association, saying: "If we regard its practical workings rather than its professions as expressed in its constitution, the General Managers' Association has no more standing in law than the old Trunk Line Pool. It cannot incorporate, because railroad charters do not authorize roads to form corporations or associations to fix rates for services and wages, nor to force their acceptance, nor to battle with strikers. It is a usurpation of power not granted." The Commission might have added that the association was obviously in conflict with the Sherman Anti-Trust Law.

¹ Senate Ex. Doc. No. 7, Fifty-third Congress, third session.

Until June, 1894, the General Managers' Association dealt incidentally and infrequently with wages. The railroad employees did not awake to the seriousness of this situation until March, 1893, when the switchmen of each road demanded more pay. The General Managers' Association, speaking for each and all of the twenty-four roads, told the men that they were paid enough; if anything, too much. "This was the first time," says the Commissioners' Report, "when men upon each line were brought face to face with the fact that in questions as to wages, rules, etc., each line was supported by twenty-three combined railroads. . . . This association likewise prepared for its use elaborate schedules of the wages upon the entire lines of the twenty-four members. The proposed object of these schedules was to let each road know what other roads paid. . . . It was an incident of the General Managers' Association to 'assist' each road in case of trouble over such matters, one form of assistance being for the association to secure men enough through its agencies to take the places of all strikers."

This powerful and aggressive organization of the railroads compelled the employees of those roads to form a general union, for, says the Commissioners' Report, "it should be noted that until the railroads set the example, a general union of railroad employees was never attempted." Accordingly, in 1893, the entire railroad labor service was organized into the American Railway Union. Mr. Eugene V. Debs, who for two terms had been city clerk of Terra Haute, Indiana, and for several years secretary and treasurer of the Brotherhood of Firemen and editor of the *Locomotive Firemen's Magazine*, became president of the Railway Union. The new organization very rapidly acquired strength. In May, 1894, it won a strike on the great Northern Railroad.

Among the members of the Railway Union were the employees of the Pullman palace car shops just outside the city of Chicago. Believing that the union was in-

vincible and that their hour had come for relief from oppressive grievances, they insisted upon striking. The Strike Commission says that the officers and directors of the Railway Union "did not want a strike at Pullman" and "they advised against it, but the exaggerated idea of the power of the union which induced the workmen at Pullman to join the order, led to their [the Pullman men] striking, against their [the Railway Union's] advice;" and, "having struck, the union could do nothing less, upon the theory at its base, than support them." It was therefore unanimously voted in convention "that the members of the union should stop handling Pullman cars on June 26 (1894), unless the Pullman Company would consent to arbitration." The Pullman Company refused to arbitrate. "On June 26 the boycott and strike began. . . . Throughout the strike, the strife was simply over handling Pullman cars, the men being ready to do their duty otherwise."

Then, continues the Strike Commissioners' Report: "On June 22 an officer of the Pullman Company met the General Managers by invitation, and the General Managers, among other things, resolved: 'That we hereby declare it to be the lawful and right duty of said railway companies to protest against said proposed boycott; to resist the same in the interest of their existing contracts, and for the benefit of the traveling public, and that we will act unitedly to that end.'" And adds the Commission: "From June 22 until the practical end of the strike the General Managers' Association directed and controlled the contest on the part of the railroads, using the combined resources of all the roads to support the contentions and insure the protection of each. . . . Headquarters were established; agencies for hiring men opened; as the men arrived they were cared for and assigned to duty upon the different lines; a bureau was started to furnish information to the press; the lawyers of the different roads were called into conference and combination in

legal and criminal proceedings; the General Managers met daily to hear reports and to direct proceedings; constant communication was kept up with the civil and military authorities as to the movements and assignments of police, marshals and troops. Each road did what it could with its operating forces, but all the leadership, direction and concentration of power, resources and influence on the part of the railroads were centered in the General Managers' Association. That Association stood for each and all of its twenty-four combined members, and all that they could command, in fighting and crushing the strike."

And one of the first steps of the General Managers' Association toward this end of "crushing the strike" and the American Railway Union was to procure the appointment, by President Cleveland, through Attorney-General Olney, as special counsel for the Government, of Mr. Edwin Walker, who was counsel for the Managers' Association. On the plea of upholding the law and protecting life and property, the General Managers' Association, through Walker, asked for and obtained the judicial and military arms of the Federal Government to crush the strike. For it was Walker who petitioned and received from Federal Judges Woods and Grosscup the now famous or infamous blanket injunction referred to in a previous chapter. It was likewise Walker who asked for and obtained an army of Federal marshals. Later it was Walker who asked for and obtained Federal troops, writing Attorney-General Olney that "the aid of the regular army" was necessary to enforce the orders of the court and to protect the railroad companies in moving their trains, freight and passenger, including the mails.

Ex-President Cleveland, in an article in *McClure's Magazine* for July, 1904, gave his view of the Chicago strike then ten years gone. In that article the ex-President intimated that Federal troops were sent to Chicago because "there was plenty of domestic violence" there at the time,

and that "very little mail and no freight was moving." Yet the facts obtained by the investigating Commission appointed by Mr. Cleveland showed that there was very little disorder at Chicago up to July 3, when the Federal troops appeared on the scene. On June 30 the superintendent of the railway mail service reported to the department, "No mails have accumulated at Chicago so far; all regular trains are moving nearly on time with a few slight exceptions." On July 2 the General Managers' Association published reports, stating that freight and passenger trains generally were running without interruption. The Strike Commission quoted the superintendent of police as saying: "So far as I understand, serious violence or depredations had not been committed prior to the 3d of July, when the troops arrived." According to the Chicago fire department's official report, the total damage up to July 6 had been less than \$6000. In addition to these facts the then mayor, John P. Hopkins, a political partisan of President Cleveland's, testified before the Strike Commission: "So far as I know, and I believe I am thoroughly conversant with the case, the police did all the work required of them. In fact, I have the assurance of the officials of the different railroads that they received the most efficient protection they had ever received during similar troubles. That condition of things existed until July 5."

Indeed, there was so little trouble in Chicago up to this time that the mayor said there was no need of even issuing a proclamation against rioting; and he did not do so until July 6. And not until that date did he call for State troops. Governor Altgeld immediately sent a brigade.

Yet in face of all this the General Managers' Association obtained first the appointment of United States deputy marshals and then on July 3 United States regulars. Ostensibly these deputy marshals and regulars were obtained to uphold the law and protect life and property. Really they were to uphold the unprecedented and revo-

lutionary injunction the General Managers had obtained from the Federal court — an injunction intended to crush the strike and the strikers' union.

In regard to the marshals, the Strike Commission in its report had this to say: "United States deputy marshals to the number of 3600 were selected by and appointed at request of the General Managers' Association and of its railroads. They were armed and paid by the railroads, and acted in the double capacity of railroad employees and United States officers. While operating the railroads they assumed and exercised unrestricted United States authority when so ordered by their employers, or whenever they regarded it as necessary. They were not under the direct control of any Government official while exercising authority. This is placing officers of the Government under control of a combination of railroads. It is a bad precedent, that might well lead to serious consequences."

And on practically the same ground of bad precedent and possible serious consequences, Governor Altgeld had protested against the invasion of the Federal soldiers. President Cleveland replied that they were sent to Chicago in strict accordance with the Constitution and laws of the United States. In his rejoinder to this and for a second time asking that they be withdrawn, Governor Altgeld said: —

The statute authorizing Federal troops to be sent into States in certain cases contemplated that the State troops shall be taken first. This provision has been ignored, and it is assumed that the Executive is not bound by it. . . .

You calmly assume that the Executive has the legal right to order Federal troops into any community of the United States, in the first instance, whenever there is the slightest disturbance, and that he can do this without any regard to the question as to whether that community is able to and ready to enforce the law itself. And, inasmuch as the Executive is the sole judge of the question as to whether any disturbance exists or not in any part of the country, this assumption means that the Executive can send Federal troops into any community in the United States at his pleasure, and keep them there as long as he chooses. If this is the law, then the principle of self-govern-

ment either never did exist in this country or else has been destroyed, for no community can be said to possess local self-government, if the Executive can, at his pleasure, send military forces to patrol its streets under pretense of enforcing some law. The kind of local self-government that could exist under these circumstances can be found in any of the monarchies of Europe, and it is not in harmony with the spirit of our institutions.

The Executive has the command not only of the regular forces of all the United States, but of the military forces of all the States, and can order them to any place he sees fit; and as there are always more or less local disturbances over the country, it will be an easy matter under your construction of the law for an ambitious Executive to order out the military forces of all of the States, and establish at once a military Government. The only chance of failure in such a movement could come from rebellion, and with such a vast military power at command this could readily be crushed, for, as a rule, soldiers will obey orders.

The Chicago strike failed for the same reason that the Colorado strike failed — because courts and soldiers were used against the strikers. In Colorado the Mine Owners' Association, representing the allied monopolies, used the State Supreme Court and the State militia. In Chicago the General Managers' Association, representing the twenty-four railroads centering or terminating there, used the Federal courts and the Federal troops. In one case the Governor, in the other case the President, by his sole judgment, determined that a condition of rebellion existed against the established law and order, which thus imperiled life and property. In the one case the Governor, in the other the President, on the plea of restoring law and order, and of protecting life and property, sent soldiers who really upheld monopoly in deeds of barefaced unlawfulness, while it beat down the strikers and for the time being at least destroyed their union. In Colorado, Judge Steele of the Supreme Court protested, denounced the Governor's action as revolutionary, and declared that it reduced State Government to "the Governor and his military subordinates." In Chicago, Governor Altgeld twice urged the withdrawal of the regulars, avowing that under such construction of the law "an ambitious Execu-

tive" could "order out the military forces of the States, and establish at once a military Government.

And what a military Government would be like we may judge not so well by the experience in Chicago as in Colorado, where they had freer sway. A still better idea may be obtained from experience in the Cœur d'Alene mining range of northern Idaho in 1899.

Idaho is rich with coal, gold, lead, copper and silver; mostly with silver. A few very rich men who are identified with the Standard Oil group own many of the richest deposits and operate them after the manner of Tennyson's "God Almighty of the countyside." In the course of things industrial trouble developed during the spring of 1899. At a place called Wardner there was some kind of demonstration on the part of the miners, and the concentrator mill of the Bunker Hill mine was blown up with powder by, it is supposed and charged, some one on the workmen's side, although no proof of this seems ever to have been found. During an investigation into the whole matter by the Military Affairs Committee of the House of Representatives at Washington, in the following year, it developed that on the plea that the militia had been sent to the Philippines and that the State was without armed protection, petition was made for Federal troops; that this was done by telegraph to Secretary of War Alger and others at Washington; that the mine owners were the petitioners; that Brigadier-General Merriam was dispatched with United States regulars, among them colored troops, to the scene of the trouble; that with the approval of the War Department at Washington, General Merriam declared martial law in Shoshone County, Idaho, on or about May 2, 1899; that he did this immediately, and before the Governor of the State had declared martial law; that he reported at the time to the Adjutant-General at Washington that there were "no signs of resistance"; that on May 6 he wired to Washington that "over 700 arrests" had been made at different mining camps; that

on May 6 he issued a proclamation in which he ordered mine owners to "refuse employment to all applicants for underground work who do not present a duly signed permit authorizing the same," such permit to be "deposited in the mine owners' office, subject to periodical inspection"; that on May 11 he reported to Washington that he was "holding 300 persons in a barn and box cars"; that his prisoners all told equaled or exceeded a thousand; and that some of them were locked up for several weeks, some for as long as eight months.

"No other course is likely to secure rioters," said General Merriam in one of his reports. What did he mean by "secure rioters"? Not that elastic something called "preserving order," which is the favorite explanation for arbitrary acts on the part of the military arm. It meant that he converted himself and his troops into detective agencies and judges in an effort to find the man or men who blew up the Bunker Hill mill. To this end he first and last arrested a thousand or more mine workers and others, and this in defiance of law. Not only were they arrested without the issuance of a single warrant, but though Article I., Section 5, of the Constitution of the State of Idaho expressly declares that the writ of *habeas corpus* may be suspended only when there is "invasion" or "rebellion," and then only in such manner as is prescribed by law. The prosecuting district attorney *pro tem* of Shoshone County, under cross-examination before the Military Affairs Committee, testified that the writ of *habeas corpus* had been suspended in that county, adding: "If the courts had issued the writ of *habeas corpus*, I would have advised the military authority, General Merriam, not to obey it." In plain words, this district attorney asserted that the military arm was superior in authority to the judicial arm — that the bayonet surmounted the law!

And who was this prosecuting district attorney of Shoshone County who was so free with the State's Constitu-

tion that he could abrogate it at will and with it sweep away one of the fundamental rights of American citizenship; one of the immemorial rights of the Anglo-Saxon race? He was William H. Forney, shown by the investigation to be the principal attorney for the Bunker Hill and Sullivan Mining Company, also counsel for the Western Lead Trust, and one of the legal advisers of the Standard Oil Company.

Mr. Forney admitted that he was a resident of Boise, Ada County, when appointed to succeed District-Attorney H. M. Samuels of Shoshone County, notwithstanding the fact that the law of Idaho requires such an officer to be a resident of the county where his office is located. Further testimony revealed the fact that Samuels had been forced out on the ground that he was disqualified to act under martial law, and was threatened with impeachment by the powerful interests if he did not withdraw.

And how were the military orders of arrest executed? According to the common evidence, most of the men were cast into a discarded bull or cattle pen, with straw in the stables to sleep on, but without the privacy of even stalls. This bull pen was what General Merriam called "a barn." The food, of which the prisoners bitterly complained, was served, some said, in large pans, from which each prisoner had to dip with his hand. Others testified that it was served in a kind of cattle trough. Here are a few bits of testimony given under oath before the Military Affairs Committee by some of the men who had been prisoners.

E. J. Flannigan, for fourteen years a justice of the peace in Idaho, swore that Captain Edwards burned the straw of the prisoners' bunks, and threatened to trice them up by the thumbs. Prisoners afterward slept on rough boards, and for nine days got no food but bread and water.

Publisher William Stuart testified that Andrew Johnson, another prisoner, became insane after being threatened with hanging for not telling who participated in the


rioting. Stuart alleged that Johnson was shot and killed by a negro sentry while fleeing from imaginary pursuers.

L. J. Simpkins, an electrical engineer, testified that he was conducted by a guard of four soldiers before Albert Burch, Superintendent of the Bunker Hill and Sullivan Mines, who tried to get admission from him concerning the mill's destruction. Simpkins said that when he refused to make such an admission, he was taken by the soldiers to a lumber pile, prodded with bayonets, and threatened with loaded rifles pointed at his head. After that he was put on bread and water for nine days, and subjected to solitary confinement for sixty days.

George Connell, merchant of Wardner and at the time of his arrest head of the Improved Order of Red Men in Idaho, testified that he had been confined for fifty days without warrant, and that General Merriam, Major Martin and Captain Lyon all declared to him that no specific charge was preferred against him. He averred that there were perhaps seven hundred prisoners in the pen when he was there, and that their treatment by the soldiers was cruel in the extreme. He gave the following instance:—

On one occasion I saw an old man returning to the bull-pen stable in which the miners were imprisoned, and I saw a negro soldier with his bayonet prod the old man in the back to make him walk faster in the lockstep. The prisoner protested, saying: "Don't crowd an old man so hard. I fought four years for your liberty!" The negro replied: "Go on there! Go on there, you old —! I don't believe you ever fought for anybody."

Whether or not such testimony is of importance, the matter for particular consideration here is that, just as in Chicago and in Colorado, soldiers were used at Cœur d'Alene not to perform their proper function, guard life and property and enable the operation of civil law, but to destroy a labor union. Through the promulgation of *his* permit system, by which none not entirely satisfactory to the mine owners could work in the mines, General **Merriam** undertook to run the mines for the mine owners.



But his deep-seated animus against labor unions did not come to light until the investigation occurred before the Military Affairs Committee. Then a report from him to the War Department bearing date of June 1 was produced. In that report the General said: "Since the trouble in Idaho originated in hostile organizations known as labor unions, I would suggest a law to be enacted by Congress making such unions or kindred societies a crime." Yet though there was no such law — neither a United States law nor an Idaho law — this General, commanding a detachment of regulars, treated the miners' union and kindred societies at Coeur d'Alene as if they were in fact a crime, and he set himself up as judge, jury and jailer!

Does not this Coeur d'Alene experience demonstrate the possibilities of military Government? Has it no suggestion of what might be expected in any one of our States were a Governor to follow the Colorado precedent and arbitrarily proclaim military rule? Gives it no indication of what might come in the United States at large should some President, following in the footsteps of Mr. Cleveland, sweep aside State authority and send Federal troops to establish by force of arms whatever he may choose to call "law and order"?

The men of the line in the militia in many localities are as yet not estranged from the general mass of the people and the labor unions. They frequently give proof of their sympathy with strikers whose so-called "violence" they are called out to quell. A notable instance of this appeared in the anthracite strike of 1902 in Pennsylvania, when some of the striking miners were also members of the militia companies called out. Not only did they send to the strike fund a liberal portion of their pay as soldiers, but they collected contributions from most of the other soldiers.

It is a fact that elsewhere, however, unions, feeling that the soldiers are used by the monopoly powers against them, are advising their members to get out and keep out

of the militia ranks. And this is particularly the case in the large cities where the regimental armories, with their thick walls, steel doors and barred windows much resemble fortresses of the Middle Ages that held the populace in subjection to the misrule of despots. More and more in the armories in our large cities the "riot drill" is displacing thought of defense against foreign invasion. It is the enemy at home — the enemy in the poorer quarters of our cities, the enemy in organized form in the labor unions — against which the militia mind is centering; not the enemy in a foreign country. Let any who will examine the military books and periodicals in the regimental libraries, and let him carry his examination up as far as even the War Department at Washington. If he is not already prepared for it, he will be amazed at the large attention given to street riots, strikes and cognate matters. The idea implied, where not expressed, is that the workingman when he will work, and work tractably, is sufferable; but when he organizes to resist the operation of things as they are, he must be put down quickly and completely by force of arms.

It is the military form of the aristocratic idea. And what helps its development is the officering of our militia from our young Princlings of Privilege or those looking to privilege for preferment. Even where the rule prevails to elect regimental officers in the militia a growing preference is shown for those candidates who can contribute most toward regimental or company balls, suppers or other entertainments; who show a willingness to meet other extra expenses; or who offer most possibilities of material preferment outside the armory walls. Consequently young Mr. Monopolist X, or Heir Apparent Y, or Heir Presumptive W, with little or no experience, is overnight jumped into militia command, which may make him a conspicuous guardian of "law and order," of "life and property," at the next strike or lockout on a railroad system or in a mining region when soldiers are ordered out.

And as for the regulars, discipline makes mere machines of the men of the line, to move at command of officers risen, not out of the ranks in a democratic way, but educated apart, after the manner of the old European nobility, and from that exclusive rearing and the entrance to military command as a life calling, possessed of the aristocratic idea that those who have power are those who were born to rule and must be upheld.

Thus Privilege uses the soldiers of the Republic as it uses the courts — for itself and in violation, in abrogation, of the rights of the body of the people.