CLASS CONFLICT AND THE SUPPRESSION OF TRAMPS IN BUFFALO, 1892-1894

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Class struggle shapes every aspect of the law. In Buffalo, New York, the railroad strikes of 1892 and 1894, coupled with a major depression, heightened the level of class conflict. Hundreds of thousands of American workers had "taken to the road," both as a form of political protest and to look for work. When one of these "tramp armies" reached Buffalo, it was greeted by a show of working class solidarity among the Polish immigrant community, and by massive police repression under the control of the bourgeoisie. This paper analyzes the economic, political, and social context of those events.

> *Every workingman is a tramp in embryo.* [*Alarm*, October 11, 1884]

> *The policemen swung their long nightsticks right and left, left and right, and every time they hit a man he fell bleeding like a stuck pig, and whining and moaning like a kicked dog. . . . The horses were pulled up on their hind legs; they pawed the air with their front legs and mowed down the hoboes like grass, tearing their scalps open and bruising and wounding them.* [*Buffalo Evening News*, August 25, 1894]

The police in Buffalo, New York, engaged in a prolonged and vicious campaign against tramps during 1893-1894. In those depression years as many as several hundred thousand of the three to four million unemployed workers in the United States "took to the rails" in search of work, thereby exposing themselves to the danger of arrest and six months in prison under the Tramp Acts. The Tramp Acts were part of an increasing tendency of state legislatures to expand the criminal law. These laws, adopted in the 1870s and 1880s in a large number of states, particularly in the Northeast, outlawed travel without visible means of support and subjected a significant proportion of the working class to the threat of months in prison at hard labor. Passing through Buffalo, a major railroad center, was especially risky, for the city's large and disciplined police force had been deployed to catch tramps at the railroad yards. As many as 140 were "pulled" or "vagged" in a single day. At times over 800 were in the Erie County Penitentiary,

The analytical and editorial assistance of Gerda Ray is gratefully acknowledged. Kenneth Kann, Mike Davis, and Drew Humphries made numerous suggestions and criticisms. An earlier version of this paper was presented at the Annual Meeting of the American Sociological Association in New York City, August 30, 1976.

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

where the total number of inmates seldom exceeded 1,000. On at least two occasions nonviolent tramps were shot by the police.[1]

This analysis of the enforcement of the New York Tramp Acts in Buffalo discusses the organization of the police and police decision making in response to a particular crisis. It supports the Marxist contention that the police are not neutral in the class struggle, but rather are an instrument of ruling class domination. Moreover, this police repression was an important factor in the maintenance of class relations, and class struggle, in turn, shaped the development and expansion of the police institution.

The enforcement of the tramp laws also revealed the ways in which reformist and repressive strategies were intermixed within the police apparatus. Bourgeois reformers used police reforms and social work practices to increase the level of repression. Eliminating control of the police by the political machine, another key goal of reformers, was also part of a deliberate strategy to reduce working class influence in the institution.[2] To answer the questions "Why the Tramp Act?" and "Why at this particular time?" requires Marxist analysis of the relationship between the criminal law and class conflict in the late nineteenth century (Hay *et al.*, 1975; Thompson, 1975).

This study will first consider the nature of the Tramp Act in New York State: its origins, scope, and context. Then it will turn to the population most directly affected, the tramps, and their relation to the working class. The next section will analyze the enforcement of the Tramp Act in Buffalo within the context of the characteristics of that community: class composition, ethnicity, working class unrest, and ruling class hegemony. The escalation of strategies to control individual tramps led ultimately to a major confrontation with an "industrial army" of unemployed workers moving through the city.

I. TRAMPING AND THE TRAMP ACT

Tramping in the United States was closely linked with unemployment and the changing nature of the labor market brought about by rapidly developing industrial capitalism. The periodic

1. On the general context of the Depression of 1893-94, see Hoffman (1956), Reznick (1953). On Buffalo, see Shelton (1976), who shows clearly that the reformers who dealt with the tramp problem were a ruling elite and used reform measures to serve their class interests; but she does not analyze the repressive nature of their reforms. Ringenbach (1973) describes the tramp problem in this period, but does not adequately consider the class basis of the reformers nor explore the close relationship between violent repression and reform.
2. Hays (1964) and Bernstein *et al.* (1977) deal in detail with the anti-working class nature of progressive reform movements. For a case study of the impact of such reforms on one police department, see Woods (1973).

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

depressions of the late nineteenth and early twentieth centuries brought on regular peaks in the number of tramps as thousands of workers "took to the rails" in search of work. Moreover, geographical shifts of industry toward the Great Lakes region and beyond, and the existence of "moving" jobs, such as railroad building, mining, crop harvesting, and lumberjacking, meant that travel in search of work was necessary for millions of workers. Unattached immigrant males frequently traveled for a time upon arrival in the country, while looking for a favorable situation. The West attracted sons of Eastern and Midwestern farmers and factory workers, looking either for work or adventure. Finally, some workers resisted the work discipline demanded by factories and preferred to eke out a living from odd-jobs "on the road."[3] Although unemployed workers had traveled in search of work well before the Civil War, it was the large-scale industrial transformation following the war which created a "tramp problem" of major proportions. The large pool of surplus labor characteristic of the capitalist mode of production grew too large and difficult to manage during depressions.

The view that tramping was one mode of working class adaptation to the demands of industrial society is reinforced by an analysis of the tramp population. In 1892-93 J. J. McCook, a sociologist at Trinity College in Hartford, Connecticut, conducted a "tramp census" of 1,349 tramps in fourteen cities, and found that they were nearly indistinguishable from the general working class population in most of their demographic characteristics: 57 percent had trades or professions; 41 percent were unskilled laborers; 56 percent were native born, with those born in Ireland, England, Germany, Canada, and Scandinavia next; 90 percent were literate. Eighty-three percent gave the fact that they were "out of work" as their reason for tramping. Only 11 percent admitted ever having been inmates of almshouses. Sixty-seven percent were not teetotalers, and 39 percent had been convicted of drunkenness. When asked how they got their food, 27 percent said they worked for it, 38 percent that they paid for it, 20 percent that they begged, and 9 percent that they worked and begged. These characteristics are not strikingly different from those of the lower paid half of the male working class population, except for the unusually large proportion of single men (90 percent), the large number of arrests for minor offenses, and the fact that some begged. McCook's survey was conducted by police officers and no doubt contains many inaccuracies, but it compares favorably with another sample consisting of all the patrons of the Baltimore Wayfarers' Lodge during

3. There is an extensive literature on tramping, e.g., Ringenbach (1973), Seelye (1963), Tyler (1967), Anderson (1924), Foster (1939).

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

the first twenty days of February, 1894. Of the nearly 500 questioned, 57 percent were native born, 17 percent Irish, 9 percent German, and 10 percent British. Fifty-five percent were under thirty and 83 percent under 40. Forty percent were in the skilled trades; 8 percent firemen, miners, and sailors; 2 percent bookkeepers and clerks; 2 percent farmers, drivers, or teamsters; and 47 percent general laborers.[4]

There are no good estimates of the size of the tramp population, largely because tramps could not clearly be distinguished from the unemployed. McCook, using a tortured formula derived from his sample, estimated 45,000, but he based this estimate on the number of tramps staying in the police lodgings in Boston in the winter of 1891-92. His estimate is probably low because Boston was off the main tramp circuit, particularly in the winter. Police lodgings housed 39,976 persons in Baltimore alone in 1893, and 1,679 in Buffalo; but these figures include many who were not tramps, as well as an undeterminable number of multiple users, and they exclude the two-thirds of all tramps who, according to McCook's sample, never used such lodgings.[5]

These data locate tramps as solidly working class, not a lumpen proletariat or criminal class who survived by exploiting others. However, Police Chief Pendleton of Lynchburg, Virginia, summarily defined all tramps as criminals, in a manner common at that time:

> . . . They are criminals of the lowest type, who use the time while being helped by kindly disposed persons to spy into those premises and use the information thus acquired to rob those same premises later.
>
> When a man goes to a freight yard with the intention of riding a freight to the next town, he is a thief. He is going to steal a ride, and so even the honest laborer who starts out to "hobo" to the next town in search of work, is morally and actually a thief, and the transition to the old kind of thief is very easy. [Dilworth, 1976:115-16]

Because reformers so often charged tramps with criminality, and used that to legitimate violent repression, it is important to consider the evidence more closely.[6]

4. J. J. McCook (1893a, 1893b), who conducted this tramp census, was a professor of sociology at Trinity College in Hartford, Connecticut, and was active in the COS. He carried out numerous elementary surveys for the use of charity reformers (1892a, 1892b). He became interested in tramps when he was chosen by the Hartford Town Meeting to be chairman of a committee on outdoor alms. This led him to a study of tramps as "venal" voters (48 percent voted within a single year) a fact that alarmed McCook, but further supports the argument that tramps were very much like the rest of the working class population in most respects. The Baltimore data are from Gould (1894).
5. McCook (1893b:63-64). The Annual Reports of the police departments in most cities published lodging figures.
6. Two important historical articles emphasize the ways in which the charge of criminality has been misused to artificially separate criminals from the working class to legitimate repression: Linebaugh (1976), Schwendinger and Schwendinger (1976).

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The most spectacular form of criminal activity attributed to tramps was train stealing. "Industrial armies" heading East, usually including large numbers of railroad men, "requisitioned" trains, and led great chases, frequently against federal troops.[7] Other train thefts originated in conflicts with hostile train crews. A group of tramps in Medford, New Jersey, stole a train by disconnecting the engine, and ran off with it, leaving a string of cars to serve as housing for 600 workers crowded into Medford to work on the cranberry harvest. Although train stealing was a federal offense, many workers viewed it more prosaically as a means of transportation (*Buffalo Express*, Sept. 13, 1893).

More threatening were occasional reports of violent crimes by tramps. In unrelated incidents near Buffalo during 1894 one railroad conductor was shot and another robbed of his watch and chain by hoboes whom the conductors were trying to throw off trains. A wave of petty "tramp burglaries" was reported along the railroad lines southeast of Buffalo. The wife of a Congressman from upstate New York insisted that he should leave his safe open when he was away from home: "I have seen too many tramps," she said, "to feel at ease, even with dogs running free about the grounds, and would much rather have the silver stolen than be chloroformed by a burglar who could easily drop from one freight train, accomplish the crime, and depart on the next." Police Chief Tillard of Altoona, Pennsylvania, echoed William Pinkerton, famous private detective and strikebreaker, in identifying a class of professional tramp beggars who moved between Bowery hotels in New York and the mining towns of Pennsylvania and Ohio.[8]

While these examples tell us something about the diverse types of tramp crime, McCook's data tell us more about frequency: 6 percent of those he surveyed reported being convicted of a crime, 39 percent reported being convicted of drunkenness, and 2 percent reported stealing part of their food (McCook, 1893a). Even with an allowance for underreporting these proportions are not far out of line with what might be expected for much of the rest of the working class. These is no question that some people who traveled as tramps committed serious crimes, but they could not have been more than a small proportion of all tramps. Petty theft of food and small articles was also often attributed to tramps, and there can be no doubt that hungry people with no work sometimes resorted to such activities. Many tramps, however, insisted on working for

7. There are a number of accounts of train stealing in Pollack (1962:chapter 2), McMurry (1970), and Leavitt (1886).
8. For examples of tramp criminal behavior see Leavitt (1886), Rood (1898), Dilworth (1976:117, 123-26), and *Buffalo Express*, September 13, 18, 1893, May 24, 1894.

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

their food, and major industrial armies set up disciplinary mechanisms to control petty theft.

The efforts of police chiefs, reformers, and newspapers to link all tramps with a few types of criminal behavior is perhaps best understood as an attempt to frighten the "good citizens" who "misguidedly" gave aid to tramps in the belief that they were deserving poor. "There is certainly some reason for this army of lawless bums . . . I believe that the biggest fault is with the people themselves. The American people, as a rule, are too sympathetic and easily worked," was the analysis of Chief Goodrich of Binghampton, New York. "Our people are over and above humane in the handling of tramps," echoed Chief Woods of Erie, Pennsylvania.[9] Unquestionably Goodrich and Woods were correct: working people and small farmers across the country supported the tramp armies, as well as the thousands of individual tramps, with frequent and substantial donations without which it would have been impossible for so many to travel "on the tramp" (Bradshaw, 1896:338).

This discussion of tramp criminality introduces the contradictory meanings of the term "tramp," which require further explanation. Widespread public use of the term began in the depression of 1873-74, the first major, nationwide industrial economic contraction. The *New York Times*, for example, first used the term in 1874 to describe the traveling unemployed. During the years that followed it was used almost indiscriminately to describe several different categories of people. "Tramp" came to be applied to those supposedly "work-shy": those who preferred not to work if they could avoid it. This, in the eyes of ruling class reformers, frequently included those unemployed through no fault of their own, a very large proportion of the working class during a depression. The term "hobo," often used in conjunction or even interchangeably with "tramp," properly applied to workers who followed their jobs from place to place. This was most common among harvesters, railroad workers, and lumberjacks in the West. "Vagrants" were distinguished as people who remained within a single community and did not travel, but similar confusion arose over whether vagrants were work-shy or worthy unemployed. "Beggars" were either vagrants or tramps engaged in the particularly reprehensible work of begging on the streets or from house to house. Finally, and intermixed with all the above, were "criminals," a professional criminal class who, according to reformers,

9. Dilworth (1976:118-20, 114). Many social scientists of the day linked tramps with crime, e.g., the economist Ely (1893) and the criminologist Lea (1894).

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police, and the media, traveled with tramps, used tramping as a cover for their work, and encouraged other tramps to engage in crime, a temptation to which they succumbed all too readily.[10] Thus, the term "tramp" carried with it all these elements, freely confused with each other.[11] Neither reformers nor police usually bothered to make fine distinctions. Criminal images of tramps served to legitimate the high level of repression, but the suppression of crime was not the key motivation behind vigorous tramp control. The police, we shall see, arrested as tramps employed workers, vagrants, disorderly youths, young people traveling in search of work, scabs who refused to work, and local petty criminals.

The large numbers of tramps on the road in the depressions of 1873-1874 and 1877 precipitated the adoption of the Tramp Acts. New Jersey enacted the first American Tramp Act in 1876, followed by a wave of similar acts in northeastern states, including Rhode Island in 1877 and Delaware in 1879. New York's Tramp Act was passed in 1879, in response to the depression and strikes of 1877, and it was revised and strengthened in 1885 as a result of the 1884 depression so that it became a "model" Tramp Act copied by other states (Ringenbach, 1973:22-24; Leavitt, 1886; Hubbard, 1894) (see Appendix). Within twenty years of the first Tramp Act, Harry A. Millis (1898), of the University of Chicago, found that only four of 44 states had no legislation on the subject, although four others left the matter to local option, and three treated tramps as deserving poor, rather than criminals. Five years earlier McCook (1893a) had reported only 21 state Tramp Acts.

The speed with which the acts were adopted, and their timing, require analysis. The major force behind enactment of the law, particularly in the Northeast, was the Charities Organization So-

10. The thesis of the "criminalization" of the surplus labor force, particularly the mobile segment, as an instrument of ruling class domination, has been developed most thoroughly for England. R. H. Tawney (1967:275) eloquently set out this issue when writing of the Tudor tramp: "His history is inevitably written by his enemies." Karl Marx (1967:663-67; 713-75) addressed vagrancy and tramping in some detail in *Capital*, especially in the chapters on "The So-Called Primitive Accumulation," and "The Nomad Population." See also Breir (1974). William Chambliss (1964) studied the repression of tramps cross-culturally. The political history of the American tramp has yet to be written. Robert Tyler (1967) looked in some detail at I.W.W. organizing among hoboes, which led to increased police repression. Finally, Caleb Foote (1956) clearly showed that "vagrancy-type" law in Philadelphia in the 1950s operated in the same way.

11. These definitions and confusions of definition come from a reading of articles on tramps, vagrants, beggars, and the unemployed, in *Forum* and *The Charities Review*, two important journals of reformers in the 1890s. E. Lamar Bailey (1898) critized Henry Edward Rood (1898) for failing to make important distinctions where great differences existed, and suggested the basic outline I have used. For discussions of the origin of the term "tramp," see Ringenbach (1973:3-4) and Leonard (1966). For an analysis of the meaning of the term "hobo," see Adams (1902).

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ciety (COS). Formed in Buffalo in 1877, and composed primarily of educated members of wealthy bourgeois families, the COS quickly spread across the Northeast. It assumed a major role in the effort to "organize" charities scientifically to prevent indiscriminate almsgiving from demoralizing the working class and encouraging laziness. It emphasized (1) careful investigations to distinguish the worthy poor from the lazy and improvident, (2) forms of charitable assistance designed to put people back to work as soon as possible, and (3) workhouse and prison "rehabilitation" for tramps and other "antisocial" elements who did not adjust to industrial work roles (Lowell, 1894, 1896; Watson, 1922).

Through frequent programs, magazine and newspaper articles, personal contacts, and social events (including opulent charity balls), it sought to organize the bourgeoisie behind its social programs. Some measure of its success is illustrated by its ability to induce the Buffalo mayor to call a meeting of businessmen and COS reformers to raise $100,000 in private contributions for a COS administered relief program (*Buffalo Courier*, Dec. 17, 18, 29, 1893; Jan. 7, 1894). Although the *Express* was the daily paper of Buffalo COS reformers, both the Cleveland Democratic *Courier* and the Republican *Commercial* maintained the same positions on tramps and other social programs. The charitable ideas of the COS and its supporters were rooted in their bourgeois class position and were profoundly violent and anti-working class. The COS advocated starving the children of alcoholics in an attempt to reform their parents, urged unemployed workers in depressions to save for the hard winter months, and criticized public school teachers who fed hungry students (Shelton, 1976: chapter 6; Wilcox, 1895; Almy, 1895).

The COS inspired program also actively promoted the idea that tramps were political troublemakers who incited otherwise well-disciplined local workers to class violence. Particularly after the 1877 railroad strikes, in which dozens of people were killed and hundreds of railroad cars burned, the COS demanded the enactment of Tramp Acts to curb the swelling number of "tramp agitators." Those strikes had involved thousands of railroad and other workers with myriad legitimate grievances; but by blaming them on tramps bent on destruction, the COS and its allies were able to press for the enactment of repressive laws which could then be used against a broad spectrum of the working class (Bruce, 1970; Dacus, 1969).

When working class opposition to the Tramp Acts mounted, particularly during the depression of the 1890s, the COS and its allies recognized that their privileged class position was jeopar-

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dized by the impact that tramps had on the rest of the working class, an impact that destabilized existing class relations. Economist Richard T. Ely expressed this fear:

> The greatest danger which threatens a section of the community and in consequence, we may say, the community as a whole, is that a considerable proportion of the unemployed may suffer social shipwreck, and so become part of the "submerged tenth." Recent researches in pauperism and crime make nothing plainer than that there is a section of the wage-earning classes comparatively weak, which in times like these tends to yield to the temptation to become beggars and criminals and prey upon society. [Ely, 1893]

This need to "hold the line" against the erosion of the working class is a major theme of the writings of the COS. Josephine Shaw Lowell emphasized the importance of distinguishing the "genuine worker" from the tramp, and argued that the organizing of charities was necessary to keep relief seekers from permanently degrading themselves and entering the ranks of tramps (Lowell, 1894, 1896).

The Tramp Act significantly expanded the power of the criminal law in controlling the working class in three ways. First, and most important, the focus of the law shifted from beggars and urban vagrants to the most oppressed segment of the working class, the unemployed and the marginally employed, those "living without labor and visible means of support" for at least part of the year. Elbert Hubbard (1894: 593-600) criticizing the Tramp Acts in *Arena* in 1894, described this shift in his analysis of the Delaware Tramp Act. For Hubbard the reason for creating the act was that many workers did not adequately fall within the scope of the vagrancy act because they had money and were looking for work.

Second, the New York Tramp Act, like similar legislation in other states, made what were misdemeanors, if committed by others, felonies if committed by a tramp, thus codifying harsher penalties for traveling unemployed workers: three years at hard labor. This provision alone would have been enough to signal the Tramp Act as a stark example of class justice in a bourgeois legal system that claims to be blind to personal attributes. Although this provision was aimed at the threat of traveling tramp criminals, and focused largely on common kinds of property crime, its effect was to make traveling workers a suspect class with less legal protection than other citizens, since virtually all of them could be legally classified as tramps. Such laws could be used to repress working class labor organizers and political radicals, who were often arrested as tramps.

Finally, the Tramp Act, unlike older vagrancy laws, centralized antitramp policy at the state level by providing that the state reimburse local governments for the cost of jailing tramps. This

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provision implemented the COS policy of relying on imprisonment to stop the practice of "passing on" tramps to the next town. With a large number of tramps on the road, cost conscious local governments had an incentive to avoid locking them up, but the COS recognized the regional character of the problem, and the inadequacy of ad hoc local practices. State intervention to stop "passing on" provides an early example of the move toward statewide "crime control" measures, paralleling the increase in state control of education, health, and other social services.[12]

These provisions, as repressive as they are, reveal only part of the class oppression of the Tramp Acts, for these laws were enforced by police and judicial actions that often exceeded what the Acts authorized. The development of these enforcement practices in Buffalo, their social foundations, and the functions they served, will be analyzed in the next section.

II. POLICE REPRESSION OF TRAMPS IN BUFFALO

The harshness of the police repression of tramps in Buffalo in the 1890s was conditioned by the severity of the depression. By 1890, Buffalo was the eleventh largest city in the United States, one of the most important of the Great Lakes centers of transportation, industry, and commerce. Twenty-six railroads served the city, and thousands of ships called annually, making Buffalo a major transshipment point for both Western raw materials and Eastern manufactured goods. The effects of the depression were felt most heavily by the city's working class, which was disproportionately foreign born and employed in manufacturing and unskilled labor. The official estimate of 10,000 unemployed was a gross underestimate: 5,000 were unemployed in the Polish community alone, which represented only 25,000 of the city's total population of 255,664. One out of two railroad workers was reportedly unemployed, and most other industries laid off large numbers of workers as well (Shelton, 1976: chapters 1, 6).

Tramps and the Tramp Act became an important arena of class conflict in Buffalo in the 1890s because of the ties between the local working class and the tramps. This relationship was in turn shaped by the nature of the trade union movement in Buffalo, the organization of a socially conscious ruling class, and the actions of a relatively efficient police department. We will consider the impact of each of these on the enforcement of the Tramp Act.

The Buffalo Central Labor Union (CLU), a confederation of local unions, had become an important local political force since

12. For "passing on" as a focus of reformers, see Ringenbach (1973:20).

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its founding in the 1880s. Composed primarily of native born and German skilled workers, it generally favored immigration restriction as a cure for unemployment. There were few Polish or Italian members to resist such a position in the early 1890s. But at the same time the CLU often exhibited class solidarity with nonmember immigrant workers: in April 1894 it passed a resolution criticizing Police Captain Frank Koehler for blocking the holding of a Polish celebration and for forbidding Polish woodworkers to use a meeting hall in order to organize themselves (*Buffalo Express*, April 23, 1894). The CLU support for the immigrant tramp army further demonstrated this working class solidarity. The CLU formed local political alliances with with the Irish Democratic Sheehan machine and the reform right wing of local Republicans, and with the COS on such matters as opposition to child labor and support of the eight-hour day (MacTeggart, 1940; Shelton, 1976: chapter 7).

The CLU was in frequent conflict with conservative Republicans and local Bourbon Democrats, who were most often their employers. CLU unions struck Buffalo industries between four and fifteen times per year and threatened strikes much more often. However, Buffalo unions did not go out on strike in support of the Pullman workers when requested to do so by Eugene Debs. In 1896 they heeded the warnings of Republican manufacturers and those conservative Democratic leaders who defected to McKinley, and voted Republican. In sum, Buffalo's CLU followed a generally conservative trade union policy typical of the era. At times they worked with manufacturers and progressive reformers to gain improved working conditions and higher wages. But when workers were stalemated in conflicts with conservative manufacturers the CLU supported militant strike activities and boycotts.[13] The CLU had some access to the newspapers, where they voiced support for the tramps and criticized the police. However, they lacked the political clout to influence significantly police enforcement of the Tramp Act.

Unlike the hardships for the working class, Buffalo's expanding economy in the 1870s and 1880s had made it a prosperous city for entrepreneurs, many of whom retained personal control over their large local businesses. During the 1890s there were said to be ninety millionaires in the city. And there was a large number of capitalist entrepreneurs, only slightly less wealthy, who dominated the city's economy and were important in the industrial

13. John Palmer has analyzed the election of 1896 (1967). The most important local Democratic leaders deserted Bryan for McKinley. MacTeggart (1940) contains accounts of a number of Buffalo strikes and boycotts.

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expansion of the entire region (Powell, 1962; Hubbell,1893; Shelton, 1976: chapter 2).

Class conscious and tightly organized, the ruling bourgeoisie had long controlled the political life of the city. They had organized the city government and had served in the most important political positions, including the offices of mayor and police commissioner (Harring, 1975; Shelton, 1976: chapter 4). The economic and political ties of the bourgeoisie were elaborated in their social life. Living in large homes in the center of the city, along Delaware Avenue and its side streets, they knew each other well, were often related by marriage, and met on a regular basis in exclusive clubs (Luhan, 1933).

This ruling class was not monolithic. It was able to accommodate with ward based political machines, as these came to play increasingly important roles. The Irish Democratic Sheehan machine was the largest, but even it never held power. Opposition parties mounted periodic "reform" campaigns, but these carried no political analysis beyond simplistic affirmations of honesty and efficiency (Palmer, 1967; Shelton, 1976: chapter 3).

The decade of the 1890s produced a major bourgeois reform movement in Buffalo, composed of Republicans and Democrats opposed to the corruption and the inefficiency of the traditional machines of both parties. These reformers advocated putting Buffalo's city government on "sound business principles." Ideologically they were committed to the corporate liberal solution of applying new scientific and professional techniques to the amelioration of the worst abuses of industrial capitalism (Shelton, 1976: chapters 1-4; Palmer, 1967). Reformers and more traditional capitalists did not differ over long-term objectives, for both sought a stable capitalist economic system, but only about the best strategy for achieving that goal. Both feared large-scale class conflict, and organized to control it. Often they worked together easily in such areas as police reform and poor relief. The conflict over police reform in this period was predominantly a question of how best to suit the tactics of policing to the rapidly changing practical and ideological aspirations of the bourgeoisie (Bernstein *et al.*, 1977:32-42).

The Buffalo police force was created at the initiative of wealthy Republican businessmen in 1866. The original 100-man force under state control was succeeded by a 200-man municipal force in 1872. After ten stagnant years the force was disciplined, expanded, and reorganized following a serious dock strike and depression in 1884. By 1893 it had grown to 576 men who were well disciplined and reasonably efficient. Although there were occa-

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sional charges to the contrary, the Buffalo police built a strong antilabor record for going well beyond the call of duty in breaking strikes. Buffalo's ruling bourgeoisie exerted tight control over the police until well into the twentieth century through a series of businessmen commissioners and a succession of three businessmen superintendents. The CLU and individual unions repeatedly criticized the one-sided use of the police in strikes (Harring, 1975, 1976; Hubbell, 1893).

The enforcement of the Tramp Act in Buffalo began in 1891, when 2,110 arrests were made under that statute, or about 11 percent of the total arrests for the year (see Table). Although we cannot be certain why there were no tramp arrests earlier, several explanations are possible. Throughout this period it is clear that the police had freely arrested people for a wide variety of offenses against the public order, including vagrancy, and many of these arrests may have involved behavior that was charged under the Tramp Act after 1891. For example, there were 1,400 fewer vagrancy arrests in 1891 than in 1890, suggesting that two-thirds of the tramp arrests may have been simply instances of vagrancy. One reason for this shift in categorization may have been that the state paid for persons jailed under the Tramp Act, but not those jailed for vagrancy. Second, 1891 marks the beginning of the administration of Police Chief Daniel Morganstern (1891-1894), a dry goods merchant who served as the first of the businessmen superintendents who administered the force from 1891-1904. This general shift toward more businesslike administration of the force led to a greater number of arrests for two reasons: (1) the class interests of the businessmen exerted more influence over policing measures; as class conflict increased, and the class position of businessmen was threatened, the police became more important as a force of class control; (2) a renewed concern with fiscal efficiency made state financing of imprisonment under the Tramp Act more attractive. The Buffalo police had first engaged in serious strike-breaking activity in 1877. The Great Strike, virtually a general strike in Buffalo, was smashed with a carefully organized club swinging charge. Beginning in the 1884-1886 period Buffalo, like most other cities in the Great Lakes industrial area, greatly strengthened its police force, largely in response to a nationwide wave of strikes calling for the eight-hour day (Commons, 1926: chapter 9). The Buffalo police developed a well-organized, paramilitary antistrike plan that could be implemented on very little notice. And even under normal conditions the Buffalo police functioned as an antilabor force, working closely under the direction of the manufacturers (Harring, 1975, 1976: chapter 6). Finally, the COS was engaged in an intensive drive in Buffalo, and in other

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cities, to encourage the police to enforce fully the provisions of the Tramp Act. The shift in Buffalo's policy at this time, and the increase by 700 in the aggregate of arrests for tramping and vagrancy, were consistent with this policy.[14]

TABLE

ARRESTS FOR MAJOR PUBLIC ORDER CRIMES BY SPECIFIC OFFENSE IN BUFFALO: 1886-1900

Year	Total Arrests	Drunkenness	Disorderly Conduct	Vagrancy	Tramps[a]
1886	9,544	2,803	1,876	1,528	0
1887	12,404	4,152	2,513	2,625	0
1888	14,149	5,132	2,572	3,178	0
1889	16,170	5,926	2,532	3,640	0
1890	17,628	6,599	3,210	3,170	0
1891	18,575	6,759	3,160	1,750	2,110
1892	21,383	8,256	3,642	1,779	2,287
1893	19,062	6,144	3,386	1,820	1,925
1894	26,069	6,824	4,014	4,764	4,716
1895	24,889	9,861	3,653	1,690	2,464
1896	22,573	4,139	4,139	1,090	2,423
1897	25,573	10,319	5,085	1,166	3,149
1898	24,489	9,612	4,764	1,118	2,661
1899	23,338	9,971	4,431	1,021	1,622
1900	28,347	12,160	5,121	1,292	1,932

a. Prior to 1891 there were *no* arrests for the offense of being a tramp.
Source: Buffalo Police Department (1886-1900)

Tramp Act enforcement in Buffalo in this early period followed a model familiar in most American cities. Officers were stationed in the railroad yards to arrest tramps, but because of the number of tramps, and the absence of a strong repressive policy, individual police were allowed a great deal of discretion and thousands of tramps got through town safely. But antitramp strategy became consistently more repressive over the next three years, and these tentative and uncoordinated enforcement practices gave way to a strongly stated 1893 policy: all tramps were to be locked up on sight. Arrest statistics record the impact of this policy: by 1894 tramp arrests had more than doubled in three years. Tramping and vagrancy together accounted for 20 percent of the total arrests in Buffalo in 1891 and nearly 40 percent in 1894. Heightened class conflict, beginning with a major railroad strike in 1892 and culminating in a severe depression in 1893-94, led to increased repression of the working class, partly through the Tramp Acts.

The link between the role of the Buffalo police department in class control, particularly strike control, and its vigorous antitramp policies becomes clear through an analysis of the railroad

14. All arrest statistics are from the *Annual Report of the Chief of Police* of the Buffalo Police Department, published from 1873.

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

switchmen's strike of 1892. The attempt to break the strike quickly merged with an antitramp crackdown: many railroad men went to jail as tramps, along with the itinerant unemployed and workers, who were brought in as scabs but then refused to cross picket lines.

The switchmen's strike, called on August 13, sorely stretched police resources because it was dispersed over miles of railroad lines outside the city limits. On the volatile Polish east side, where most of the tracks were located, Captain Kilroy, the police department's expert in military discipline and strike specialist, spread sixty policemen out along six miles of track. Eighty-five officers were assigned duty at the city limits, sleeping in three cars loaned by the railroad. Brief skirmishes were fought with crowds of strikers and neighborhood supporters, generally ending in club swinging charges by the police. In one such incident Philip Day, a coal and wood dealer, was severely beaten on his own doorstep while watching the police beat Jack Dennison, an engineer returning from the store with groceries.[15]

Crowds of strikers and supporters challenged the police repeatedly around the yards, leading to dozens of incidents. These crowds tried to stop the movement of trains in every way possible while the police tried to keep the tracks open. All in all, the contest was close. A few scab trains were stopped, but others were able to get through. The union charged that police officers were acting as switchmen and assisting in the movement of trains. A delegation went to see Mayor Charles Bishop to register a protest, which was ignored. On the strike front police officers were taunted for scabbing. One crowd of boys, seeing police officers riding on top of boxcars (where brakemen normally ride) called derisively: "Get onto de gay brakemen. Dey's too fat to stand up and dey's so weak dey have to carry brake sticks. I wonder who put up for dey suits" (*Buffalo Express*, August 13-15, 1892).

Suppressing the strike was clearly beyond the capabilities of the Buffalo police. On August 17, the police were augmented by 5,000 State Militia under the command of New York Central Railroad Superintendent Doyle, a General in the Militia, and 200 reserves were hastily recruited by the police and sheriff. "They are there for blood if the lawless element makes a move looking for resistance," warned the reform Republican *Express*. After a few more days of street fighting the strikers capitulated. There were

15. Buffalo's 1892 switchmen's strike is well known in labor history, and it is considered one of the major events leading to the formation of the American Railway Union, headed by Eugene Debs, and the Pullman strike of 1894. See Foner (1955:253-54). The events reported here are from the *Buffalo Express*, August 13, 16-17, 1892.

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

more complaints of militia members throwing switches and helping run trains, which was not unlikely since their leader was an executive of the railroad. Some militiamen and police reserves defected while facing striking workers, giving rise to the charge that there was substantial working class sympathy on the part of the police.[16] The actions of the regular Buffalo police, however, contradict this interpretation: the force worked long hours to break the strike, with a high degree of effectiveness. Their shortcomings appear to have been the result of overextension along miles of track and the fatigue accumulated from being on the job for several days. The working class loyalties of individual police officers were neutralized by a number of factors, including high salaries, military discipline, and training emphasizing the neutrality of the rule of law. Finally, the ethnic origins of the police were roughly two-thirds Irish and one-third German, and thus different from those of much of the working class, particularly the new immigrant workers. The railroad's charge of inadequate police protection is more likely to reflect its reactionary demands for an even higher level of violent repression.[17]

While the strike was in progress, the police engaged in a series of solidly antiworking class techniques to break it. A mayoral proclamation forbade congregating on the streets in working class neighborhoods, and the police enforced the rule. Taverns were ordered closed in working class districts. Leaflets defending the strikers were seized, and the distributors arrested. Individual

16. *Buffalo Express*, August 17-18, 1892. Foner (1955) asserts that the militia and deputies deserted, but not that the police did.

17. The class loyalties of the police in the nineteenth century are the subject of much debate. Herbert Gutman, and others following him, emphasize the working class social origins of the police and their unreliability as agents of bourgeois domination. See, e.g., Gutman (1959a, 1959b, 1964, 1968a, 1968b). Although Gutman's research is commonly cited in support of the "police as workers" hypothesis, it is inadequate for several reasons: (1) Gutman's work contains as many examples of repressive antiworking class behavior; (2) Gutman writes of the period of early industrialization in small to middle sized communities where the bourgeoisie had not yet consolidated its control of governmental institutions; (3) Gutman's community studies are highly selective, focusing primarily on isolated mining communities with strong working class strike activity. Bruce Johnson (1976), argues strongly that the class loyalties of the police are with the working class, using in part an historical argument similar to Gutman's. He uncritically accepts a few secondary sources which do not adequately prove his point, and he totally ignores a large body of literature that refutes his position.

There are a number of accounts of police officers refusing to act against strikers, but my examination of many such accounts convinces me that they are of questionable validity and that the frequency of such displays of working class solidarity on the part of the police is exaggerated. The major source of this error lies in the tendency of bourgeois media to reprint, as though they were true, the charges of manufacturers and chamber of commerce members, that the police were unreliable. Often there were just as many claims by workers that the police were scabbing. Where data are available on the deployment of police forces during strikes it is often clear that the police were using all means at their command to suppress the strike, but the manufacturers still complained that this effort was not enough because they wanted to increase the size

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strikers and strike leaders were arrested on a number of charges, often fabricated, to get "troublemakers" off the streets. Finally, and most importantly, Chief of Police Daniel Morganstern ordered that the city be cleared of tramps. On August 20, the first day the order was in effect, Buffalo Captain Regan of the first precinct reported that 75 tramps were arrested (*Buffalo Express*, August 19-21, 1892). An *Express* reporter asked Morganstern what the purpose of his order was. The Chief responded:

> The idea is to get as many of these good for nothings as possible out of the way during the present difficulty, as they are apt to hang around with the strikers and incite them, and possibly many do mischief themselves. Besides it reduces the crowds so that it is easier to distinguish the classes of citizens with whom the police and militia have to deal. [*Buffalo Express*, August 21, 1892]

A close examination of these tramp arrests shows that the police could not tell tramps and workers apart. Harry Drew and William Brady, both railroad men, were arrested as tramps and given ten days each. Charles Williams and John Baken were scabs brought in to fill switchmen's jobs, who refused to work when they found there was a strike. They were charged and jailed as tramps, along with six other scabs jailed as vagrants. Drunks, loiterers, stone-throwers, and many more scabs were brought in from the first, second, seventh, and other precincts and given ten- and fifteen-day sentences for tramping. Eventually the newspapers stopped reporting individual arrests and noted simply: "a lot of bums and vagrants collected by the police in first precinct got ten days in the Pen," and "a large number of tramps and vagrants locked up in No. 9" (*Buffalo Express*, August 21-22, 1892).

The switchmen's strike received extensive working class support, which unsettled the Buffalo ruling class. "The whole strike principle is wrong," editorialized the *Express*, "it turns honest men into criminals and upholders of crime" (*Buffalo Express*, August 16, 1892). The idea that "bums and strangers and tramps" were responsible for the violence was attractive to all concerned—including the grand master of the switchmen's union who did not want responsibility for the mass action that was needed to win the union's strike. But no one could distinguish tramps from community residents and railroad men in practice as easily as they did in such statements.[18]

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of the force, call up the militia, or deputize trusted men as reserve police. Brenda Shelton (1968) argues that the police in this strike were essentially neutral. Evidently this was the case, but that strike was very different from the switchmen's strike of 1892. Both sides were Irish, and the bourgeoisie split over which side to back. Moreover, predominantly Irish police officers were ordered to protect Polish and Italian scabs taking Irish scoopers' jobs, perhaps explaining some of the department's "neutrality." For a fuller discussion of the class position and loyalties of the police, see Bernstein *et al.* (1977).

18. Grand Master McSweeney's statement blaming the violence of the strike on tramps must be understood in the context of the period. Unions were

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The increase in the number of workers arrested as tramps and the public clamor for strengthened antitramp measures were an expression of bourgeois perceptions of the tramp as a dangerous troublemaker in local labor relations. Even the grim statistics showing a doubling of tramp arrests in a three-year period do not reveal the full extent to which the criminal justice system was devoted to the repression of workers under the Tramp Acts. During the summers of 1893 and 1894 the Erie County Penitentiary held between 600 and 900 tramps much of the time, out of a prison population seldom exceeding those totals by much. Tramps were routinely given thirty- to ninety-day sentences, and they were virtually never able to pay their fines. Most other offenders were punished with $5 and $10 fines, or ten-day jail sentences. Tramps, then, filled the penitentiary out of proportion to their share of arrests because of the longer sentences they received and their inability to pay fines. They shared the penitentiary with accused awaiting trial, and convicts doing terms, for serious assaults or major property crimes. Not all of these tramps had been arrested in Buffalo, but only a few smaller cities, the largest of which was Niagara Falls, sent prisoners to the Erie County Penitentiary.

These prison statistics still conceal the viciousness of the police in dealing with the victims of unemployment and depression. Much of the violence was committed by police officers, but the overall policies originated with the upper echelon of police officials, the mayor, and local businessmen. Clarence Lucas, for example, a twenty-two-year-old resident of Columbus, Ohio, on his way to Boston where he had been promised a job, was one of six tramps "rolling peaceably into the city on the Lake Shore freight." Two police officers ordered them to drop off and fall in line. Four of them did, but Lucas and another ran, an understandable response given the prospect of a long jail term. The senior police officer, Sergeant Cottrell, opened fire with his revolver and shot Lucas in the calf of his leg (*Buffalo Express*, July 9, 1894).

Local papers encouraged this behavior. "Police in the ninth precinct are furiously in earnest in their attempt to clear their territory of tramps. The morning report to the Sergeant shows 40

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not strongly established. They were treading a fine line between the need to organize strong mass actions to fight for their members' livelihoods and the class collaborationist AFL policy of seeking respect and recognition from the employers (Felice *et al.*, 1977). Thus while the strike was on, the union actively encouraged mass support by the Buffalo working class, and the working class turned out in great numbers. Since a large number of railroad workers were unemployed, there is no reason to doubt that substantial numbers of tramps were involved in this and other strikes. Thus the characterization of militant strikers as "tramps" probably has an element of truth in it, but it conceals the real issue: tramps were unemployed workers and this use of the term "criminalizes" militant workers and delegitimizes class struggle.

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arrests on Saturday and every one of them a tramp." If such publicity was not sufficient to indicate its support, the *Express* a month later celebrated the efforts of Niagara Falls police and directly criticized the Buffalo police for throwing tramps out of town, rather than following orders and jailing them: "Twenty-one tramps were disposed of in Niagara Falls, most given 60-90 days in the penitentiary. Tramps are flowing into the city in generous and unwelcome numbers. The police have orders to gather them in at every turn. A few are sent to jail and others are given walking papers" (*Buffalo Express*, May 14; June 30, 1894).

This accusation of softness on the part of the Buffalo police did not take account of the facts that the population of the county penitentiary was reaching new heights almost daily, and that most of the new inmates were tramps. A contemporary observer visiting the Erie County Penitentiary found a large number of tramps "unloading a canal boat in the hot sun . . . they worked slowly and sullenly and had to be continually hustled by those who had them in charge." The prison was horribly overcrowded: the "Pen," a stone courtyard with two iron gates, held fifty tramps. Eight were packed in a small cell so closely that only the heads nearest the door were visible (*Buffalo Express*, May 31; June 23, 1894). Jack London, who served thirty days in the Erie County Penitentiary on tramp charges during June and July, 1894, described the scene from the inside: "I was forced to toil hard on a diet of bread and water and to march the shameful lock-step with armed guards over me—and for what? What had I done?"[19] London had been taken to the prison in a 16-man chain gang. There he was stripped, bathed, vaccinated, his hair was cropped, and he was clothed in a striped convict suit. Then he was locked in a small, vermin infested

19. Jack London was 18 when he was imprisoned in the Erie County Penitentiary. He had left Oakland in April of 1894, trailing Kelley's Army, the largest of the unemployed armies following Coxey's Army toward Washington. London caught up with Kelley near Omaha, marched with it to Hannibal, Missouri, deserting on May 24. By his own account, he refused to accept discipline and often roamed ahead begging for food and keeping the best for himself while the rest of the men went hungry. After deserting he "hoboed" to New York City where he slept, read, and drank ice-cold milk in City Hall Park until he was attacked from behind by a policeman. He fled to Niagara Falls to view the sights, and clumsily ran into a policeman. He was indignant over getting a 30-day sentence without even getting a chance to speak at his trial, and without the judge even going through the formality of finding him guilty. In prison, London quickly became a trusty and, like all the other trusties, used the position to exploit other inmates, engaging in graft for extra food, tobacco, and other minor privileges, such as mailing letters. This required using substantial brute force, since 13 trusties had to maintain their privileged position over 500 inmates in the cellblock: "We could not permit the slightest infraction of the rules, the slightest insolence. If we did we were lost. Our own rule was to hit a man as soon as he opened his mouth—hit him hard, hit him with anything" (London, 1970:110). Upon his release, London begged along the "main-drag" in Buffalo, and spent the money on "shupers" of beer. Later that day he hopped aboard a freight heading south toward Pennsylvania (Foner, 1947:14-21; London, 1970).

https://doi.org/10.2307/3053333 Published online by Cambridge University Press

cell in a large "hall . . . built out of bricks and rising six stories high, each story a row of cells, say fifty cells in a row. . . . A narrow gallery, with a steel railing [ran] the full length of each tier of cells." Diet consisted of a ration of bread the size of two fists along with water in the form of "coffee" made with burnt bread crusts in the morning, "soup" with grease and salt added at lunch, and as a purplish "tea" at dinner. The work task was to unload huge stay-bolts from canal boats, carrying them over the shoulders like railroad ties, under the watchful eyes of guards with repeating rifles marching on top of the walls (London, 1970: 74-121).

In spite of these inhuman conditions, demands for increased repression contined. Editor George Mathews, a COS member, complained in his *Express*: "The Buffalo police are inactive compared to Niagara Falls. There are hundreds of tramps arriving daily, but the police instead of locking them up attempt to keep them out of town" (*Buffalo Express*, May 31, 1894). The Buffalo police were anything but inactive, but the fact that they were still being prodded illustrates the panic that was seizing the city's ruling bourgeoisie—reformers as well as traditional business leaders.

This panic, and the demand for increased repression of tramps, followed the failure of winter relief measures initiated by the COS in the fall of 1893 in response to the Polish bread riots in the Broadway Market (*Buffalo Express*, August 24-25, 1893). In December, at the request of the COS, Mayor Conrad Diehl invited a number of Buffalo's leading citizens to a meeting. The men agreed to subscribe $50,000 (later raised to $100,000) for a relief fund to pay men for jobs such as stonecutting, at wages fixed low enough not to attract unemployed from out of town. A committee composed largely of COS members, but including other wealthy citizens, was appointed to administer the program (Wilcox, 1895; *Buffalo Express*, December 17, 18, 1893; Shelton, 1976: chapter 6).

The relief program did not work, partly because of the nature of the COS program, and partly because wealthy reformers could not fully grasp the magnitude of the unemployment problem. Over 6,000 applied for relief jobs at 70 cents per day, a figure deliberately set very low so as to constitute the "work test" required by the COS to separate the deserving from the nondeserving poor. The large number who applied were mostly Italians and Poles because Irish, Germans, and Americans "would not work at such low wages" (about one-third the daily rate of a common laborer). Ultimately $64,000 was distributed to 6,277 workers, an average of about $10 each, which was hardly adequate to relieve a family in a Buffalo winter. The COS, refusing to accept its own work test as

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an adequate measure of who needed relief, began a policy of rigorous investigations to separate the deserving poor willing to work for 70 cents a day from the "frauds" willing to work for such wages although not truly in need. Using police and community informers as investigators they disqualified 2,006 of the first 3,450 enrolled in their relief program, and thereafter enrolled only those who came to them through COS procedures, or who were certified by other proper authority. The Catholic charities, Salvation Army, and working class church groups did not participate in the COS relief program because of its hard line against the poor and its rigid stand against all other "unorganized" forms of charity. COS insistence on investigation in the middle of a cold winter when thousands were obviously hungry, and its disqualification as "frauds" of men willing to work for 70 cents a day on outdoor manual jobs in winter, undermined its position among working class organizations (Shelton, 1976: chapter 6; Wilcox, 1895).

The repressive foundation of COS charity policies emerged very clearly in its analysis of the failure of the winter program. It blamed "imposters," especially among the Poles, and turned more strongly to the police to weed them out, with the support of the rest of the bourgeoisie. A request by the city's poormaster for an additional $30,000 for relief was opposed as unnecessary. The COS turned to increased repression and demand for work and savings that were unrealistic given the depression and high unemployment rate. Frederick Almy, local COS leader, announced that the COS was determined not to repeat the mistakes of the past year. "The system adopted and used last winter did almost as great harm as it did good. It seemed to put a sort of premium on poverty and many were given aid who were perfectly able to take care of themselves." Relief was not the solution. The previous winter had taken many by surprise. Now that summer was coming everyone had time to "practice strict economy" to make ready for the next winter, although the summer of 1894 was to produce even higher levels of unemployment (Shelton, 1976: 148).

The spring of 1894 brought with it conditions that challenged police, charity reformers, and Buffalo's entire bourgeoisie. Large-scale unemployment coupled with increasing labor militancy, particularly the threat of a nationwide railroad strike, made each of these groups more determined than ever to keep Buffalo free from tramps. Yet the number of tramps continued to increase, and editor Mathews saw conspiracy as the only explanation:

> The main cause of the sudden rush to this city appears to be the imminence of a railroad strike hereabouts. Tramps, like all vicious characters, revel in troubled times and a strike is like a picnic to them. Hence it is that whenever a strike is promised the road agents forsake the country and flock to the big cities.

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> Much of the damage attributed to strikes is really the work of tramps. In nearly every case when a tramp is arrested in a strike he gives his occupation as a railroad man. [*Buffalo Express*, May 31, 1894]

This hard-line policy emerging from the winter relief program, coupled with a panicky fear among the ruling class of impending conflict brought an immediate response from the police force. Superintendent William S. Bull, a "good businessman" recently installed as a reform police superintendent, ordered the department to increase its repression of tramps. Rather than simply increasing the number of tramps arrested at railroad yards, the new policy called for a large-scale effort requiring the cooperation of the entire city government. The first victims of this new policy were Jeffries' Commonwealth, 350 strong, and "Count" Joseph Rybakowski's "industrial army," made up of 175 Chicago Poles and Bohemians. Both were bound for Washington, D.C.

Jeffries' Commonwealth and Rybakowski's Army were part of a nationwide movement of "industrial armies," closely linked to the Populist political movement (Pollack, 1962: chapter 2). Armies from many parts of the country set out for Washington to demand federally financed public works programs and work for everyone. Coxey's Army, the most famous of these brigades, left Massilon, Ohio, for Washington in March 1893. Coxey was arrested a month later at the Capitol as he presented his demands and was charged with walking on the grass (McMurry, 1970). All told, perhaps 10,000 workers joined these armies at one point or another. They captured the imagination of a large segment of the working class, and were strongly supported by many labor organizations, Populists, and socialists. Populist Governor Lewelling of Kansas issued a widely discussed "tramp circular" defending tramps and ordering the police to cease enforcing the Tramp Act. He carefully outlined the repressive nature of antitramp laws and detailed their adverse impact on the working class. Populist Governor Pennoyer of Oregon carried this one step further when he commented that he "didn't give one whoop" whether federal troops managed to catch tramp train stealers.[20]

Jeffries' Commonwealth had come from Seattle to Duluth by train, and there they had switched to Great Lakes vessels. The Buffalo press reported that they were heading for the city on the towed schooner *Grampian* and described them as "the worst looking freight ever." Two days later an editorial in the *Express* laid

20. Pollack (1962: chapter 2). Lawrence Goodwyn, who has written the best analysis of Populism, reprints the entire tramp circular, calling it "properly symbolic of the democratic legacy of Populism (1976:597-99).

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out a plan for preventing their arrival, which the police and public officials later adopted:

> We do not want the expense of feeding them, the trouble of sending them to jail, or the difficulty of keeping police surveillance over them. They must be prevented from landing. This is a problem for authorities to solve in the next few days. Perhaps Dr. Wende will discover he has the authority to quarantine them 20 miles from the port unless they consent to sail away quietly. [*Buffalo Express*, July 21 and 23, 1894]

The next day the corporation counsel and the police chief's clerk spent a good deal of time "looking up the law," preparing to advise Superintendent Bull as to his duties. But Dr. Wende, the Commissioner of Health and a COS member, saved the day:

> . . . chances are that all of them will have sore legs if they do give the city a call. It may be that the vaccination (that all hoboes will be given) will not be of the ordinary kind. City Clerk Mark Hubbell has suggested that it might be a good idea to vaccinate them on their legs to prevent them from begging. Commissioner of Health Dr. Wende is seriously considering this suggestion. [*Buffalo Express*, July 24, 1894]

Superintendent Bull had announced that all the tramps would go to the penitentiary, but he was upstaged by the sadistic suggestion of the Health Commissioner. Jeffries' Commonwealth Army landed in Cleveland instead of Buffalo. According to the ship's captain, "they were all mechanics, engineers, sailors, cooks, barbers, all sorts, and a good class of men, clean and intelligent. Victims of the played out boom in Seattle. As trustworthy as any" (*Buffalo Express*, July 23, 26, 1894).

III. POLICE REPRESSION OF COUNT RYBAKOWSKI'S INDUSTRIAL ARMY

Unlike Jeffries' Commonwealth, "Count" Joseph Rybakowski's Army of Polish and Bohemian canal workers from Chicago managed to enter Buffalo, obtaining considerable support in the local Polish community and from organized labor.[21] For a time, the

21. Count Joseph Rybakowski was a civil engineer educated in Poland. He was 33 years old in 1894, had "crossed the Atlantic Ocean" several times, was fluent in seven or eight languages, and had worked in both New York City and Chicago. He gave his occupation as "editor of a Polish labor paper" in Chicago, and responded to charges that it was an Anarchist paper by saying that "according to the capitalist press all labor papers are Anarchist papers." Rybakowski had travelled widely in the United States, and knew at least a few members of the Buffalo Polish community. It is not clear whether he really was a count. The Buffalo papers strongly questioned this, but Rybakowski claimed that he was the last member of a noble family. His wife, described as a "young Polish girl" and "the brains of the whole outfit" carried all the cash and travelled ahead of the Army as an advance person, negotiating food and shelter with local officials (*Buffalo Express*, August 16, 17, 21, 28, 1894). There is no evidence that the Countess in fact was the leader of the Army, although her role was important. The charge that she was the "brains" seems best understood as a sexist insult aimed at the Count by the *Express*.

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Buffalo bourgeoisie expressed its uneasiness over working class and immigrant challenges to the social order by repressing the tramp army. Rybakowski was a charismatic leader who refused to be bullied by authorities, and he continually mocked the police, the mayor, and other public officials. The tramp army offered a socialist political analysis of tramping which placed responsibility squarely on capitalist exploitation. This boldness was too much for the Buffalo bourgeoisie. By a major feat of personal diplomacy and the threat of massive resistance, the Count managed to delay for four days the execution of Police Superintendent Bull's threat to "vag" his entire 175-man army. Ultimately, however, the army suffered the roughest treatment inflicted on tramps in Buffalo. Two of them were shot by the police with cold-blooded premeditation, twenty were seriously clubbed, and 120 were arrested and jailed for terms of ten days to six months.

The Count's Army was well disciplined and nonviolent. When a farmer near Ashtabula, Ohio, shot one of the members of the Army without cause a number of the men had demanded revenge, but they obeyed the Count's order to march on. When the Army had become involved in a dispute over the use of an old pile of wood near Dunkirk, New York, the Count permitted his arrest by one deputy sheriff in spite of the anger of his men, and he paid for the wood and court costs (*Buffalo Courier*, August 18, 1894).

Upon nearing Buffalo, the Count sent his wife ahead to negotiate with the Mayor and the police. High city officials held a number of meetings to determine how to respond. Superintendent Bull insisted on "vagging" the entire Army, but more moderate voices prevailed. The decision to control and contain the Army, however, ultimately resulted from the Count's defiance of authority and his determination to proceed. When the Army overran a solitary police chief in nearby Hamburg, in the presence of Buffalo Superintendent Bull and Police Commissioner Charles Rupp, it seemed more expedient simply to let them pass through. On the way to Buffalo the Count told a reporter about a stormy meeting in Bull's office. "He made great threats as to what he was going to do with us. He doesn't like our crowd and we don't like or care for him." Another reporter questioned the Count about the prospect of being arrested: "Then the thought of being arrested has no fear for you?" "None whatsoever," responded the Count, "we are traveling in the cause of justice." The Army was met at the city

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The Army had left Chicago on June 7, 1894. In addition to 175 men, it included two old provision wagons, drawn by old horses, and three banners saying, "Down with Plutocracy," "Fraternity, Equity, Liberty," and "Industrial Independence." The Army had been arrested once before, in Toledo, but had hurriedly been released and sent out of town (*Buffalo Express*, August 21, 1894).

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limits by a mounted police patrol and escorted through the southeastern corner of Buffalo to a farm just beyond the city limits. Although this farm had been loaned to the Army by John Makowski, a Polish real estate broker, he apparently did so without authority. The farm actually belonged to Father John Pitass, the leader of the Polish Roman Catholics, the Democratic political leader of the Polish community, and a wealthy businessman and real estate speculator. Pitass at once demanded that Police Captain Frank Koehler, the antilabor captain of the eighth precinct, arrest all the tramps for "burning his fence." Koehler responded that the farm was outside of his jurisdiction and that Pitass should see Erie County Sheriff Isaac Taggert (*Buffalo Express*, August 20-21, 1894; *Buffalo Courier*, August 20, 1894; *Buffalo Evening News,* August 21, 1894).

Koehler and Pitass were controversial figures in the Polish community because they were identified with bourgeois efforts to use the police to repress working class unrest. Koehler, of German descent, carried out a disproportionate share of COS investigations since he commanded the largest Polish precinct, and he shared the hard-line COS position. "They are hungry, but have not yet reached the starvation level," was his analysis. After the bread riots of 1893 he dismissed reports that the Poles were starving as "nonsense," pointing out that "almost all of them find enough money to pay their fines" (*Buffalo Express*, August 23-25, 1893; July 11, 1894). Pitass's leadership caused a major split in the Polish community. There were religious riots as parents took their children out of his Catholic schools, and a number of his parishioners left the Roman Catholic Church and formed a Protestant denomination. Koehler provided police officers to guard Pitass's priests in the saying of mass (Shelton, 1976:7-9).

This division in the Polish community occurred largely along class lines. The Polish neighborhood, located along Broadway on Buffalo's east side, numbered about 25,000 in 1893 and was rapidly expanding. Most of the wage earners were common laborers in heavy industry, the docks, and the railroad yards. So severely were the Poles affected by the depression that one newspaper reported that 5,000 were in "imminent danger of starvation." In August of 1893 there had been bread riots in the Broadway Market, followed by an orderly meeting of 5,000 Poles demanding public works jobs (*Buffalo Express*, August 23-25, 28, 1893). By the spring of 1894 the Polish community was even more militant. In June, 500 to 800 Poles marched on the offices of the mayor and the poor department demanding public works jobs and protesting inadequate poor relief, and had to be dispersed by the police. The editors

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blamed the disturbances on "anarchists and socialists" who lived among the Poles (*Buffalo Courier*, June 20, 1894; *Buffalo Express*, June 20, 1894). Similar marches followed in July (before the arrival of Rybakowski's Army) and in September (a month after the arrest of the Army). Thus Rybakowski arrived in the midst of an already tense situation, characterized by a high degree of class conflict. This high level of political mobilization occurred outside of existing local political structures. Pitass and Koehler were resented for different reasons: Koehler directed police repression of political meetings and strikes, while Pitass was seen as a wealthy opportunist leading the Polish community for his own selfish ends. Both opposed working class militancy, which Rybakowski effectively tapped (Shelton, 1976: 7-10, 140-48; Obidinski, 1970: chapter 1).

The Polish community strongly backed support of Rybakowski. The Count and his wife paid dozens of calls on community leaders, although some followed Father Pitass and refused to see them. This attention paid off handsomely. Three wagons of clothing and food were collected for the Army in the Polish community, including 400 pounds of sausage, 1,000 loaves of bread, 2 cases of whiskey, 4 kegs of beer, cigars and tobacco. Meetings were held in the Polish community to discuss the social questions raised by the Army. An undetermined number of local men joined; twenty residents of Buffalo were arrested when the Army was crushed, but at least sixty members of the Army escaped arrest, and persons from Buffalo were probably in a better position to do so (*Buffalo Courier*, August 21, 22, 1894).

Captain Koehler denied the existence of such support, repeatedly claiming that the Polish community was through with the tramps, and he harassed local Poles who supported Rybakowski. When a four-person committee was formed to feed the Army, Koehler sought out one of its leaders and found him loading bread into into a wagon at the Broadway Market. "Is that for the hoboes?" he demanded. "It seems to me that food might be distributed to better advantage!" (*Buffalo Evening News*, August 21, 1894). Superintendent Bull prevented the Count from accepting a three-day engagement at a Main Street theater by refusing to permit the speech. Extra police were dispatched to the main roads leading to the hobo camp with orders to prevent them from entering the city. Thirteen tramps who sneaked into the city were arrested, given ten days each, and segregated from other prisoners (*Buffalo Evening News*, August 21-22, 1894).

It was Sheriff Isaac Taggert, however, and not the repressive Superintendent Bull, who went to the hobo camp to investigate the

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condition of Pitass's fence and found it intact. He talked with the Count, looked at the hands of some of the men and, finding them calloused, announced that the men could stay three days. After leaving the camp Taggert gave a remarkably sympathetic interview.

> I felt a good deal of sympathy and provided them with bread. I thought they needed bread more than bullets. The only crime these fellows are guilty of that I know of is the crime of poverty, and if that is to be regarded as a crime it will come pretty near hitting most of us. When I saw their bruised feet and hands horny from the effects of toil I could not regard them as tramps. They are men out of employment like thousands of others. . . . The Polish people who are helping them are not doing it blindly without looking into the suffering which is at the bottom of the movement. They are really hard working Poles looking for jobs. [*Buffalo Courier*, August 22, 1894]

He sent the Army 300 loaves of bread at his personal expense. Yet despite this he ordered these same people shot, beaten, and arrested three days later.

Sheriff Taggert assumed a critical role in dealing with the Army because it had camped just outside city limits, within his jurisdiction but not that of the Buffalo police. He was the least experienced law enforcement officer involved, having only been in office since May. Taggert was a "dues paying" Democrat with no history of party involvement, who had been appointed to a five-month vacancy in the Sheriff's office when the previous sheriff was removed for vote fraud. He owned two downtown hotels and paid taxes on $100,000 worth of property (*Buffalo Express*, May 30, 1894). As the tramps had approached Buffalo, he had yielded to the demands of a group of wealthy homeowners on Lake Erie south of Buffalo, and deputized them. His friendly relationship with the wealthy lawyers and businessmen on the lake shore was critical in explaining the later attack on Rybakowski's Army. Taggert, who could give 300 loaves of bread to the tramps, could also sympathize with the requests of the wealthy to be sworn in as special deputies to "protect their property" from tramps. Among those sworn in was attorney Henry Ware Sprague, a COS leader who administered a fresh air camp for poor Polish children. While Taggert and others were attempting to arrange the peaceful departure of the tramp army, he was making alternate preparations for repression (*Buffalo Courier*, August 19, 22, 1894; *Buffalo City Directory*). Taggert's deceptively swift change of heart is more comprehensible in light of the change in the overall strategy of the Buffalo bourgeoisie toward Rybakowski's Army. When the Army first arrived, they hoped to speed it along through the city without open conflict. When this did not occur, they prepared the rout Taggert was to lead.

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In the meantime the hobo camp was full of activity. There was a major effort to recruit additional members from among the local unemployed. Five hundred Buffalo residents paid 10 cents each for admission to the camp; indeed, since the gatekeepers refused to accept money from "fellow workingmen," the actual number of visitors was much higher. Thirteen tramps were responsible for security, and the entire scene was orderly. Local socialist orators kept the crowd's attention with speeches in Polish, German, and English, and socialist newspapers were distributed free. The Count was invited to an endless round of local meetings (*Buffalo Express*, August 22, 1894; *Buffalo Courier*, August 22, 1894).

The Count and his men were not accustomed to such favorable community response and were somewhat reluctant to leave Buffalo when the sheriff's deputy served them with an eviction notice on the morning of August 24. The previous afternoon it had been announced that the Army was going to move to Woodlawn Beach, a resort area on Lake Erie just south of Buffalo, at the invitation of John Titus, a hotelkeeper frequently charged with selling liquor to minors. Titus's motives are unknown, but his invitation provoked a storm of protest from the wealthy property owners nearby, many of whom had been made deputy sheriffs. William H. S. Otto of the Woodlawn Association announced that the property owners would meet the tramps with shotguns, and went off to see Sheriff Taggert. The series of meetings that followed led to a reversal of Taggert's earlier policy: a decision was made to oust the tramps. The Buffalo police, in consultation with Mayor Bishop, announced that they would carry out the hard line policy they had proclaimed four days earlier. Superintendent Bull warned: "I won't let them set foot in city limits. I am tired of hoboes." Bull, Mayor Bishop, and the city attorney deliberated about using the Buffalo police to dislodge the hoboes from their camp in Cheektowaga, but decided that the police could not legally act outside the city limits. A few hours later the Buffalo police led the charge on the hoboes—outside the city limits. Police officials, city officials, and businessmen jointly made this decision to smash the tramp army. Although notions of legality were strictly observed during discussions, the determination to violate the law by using the Buffalo police for an aggressive attack on a group of peaceable hoboes was also made at the highest level. Three captains leading four companies of officers were dispatched to the city limits. As soon as they arrived, they offered Sheriff Taggert all the support he needed: "I will back you with all my men and I've got enough to

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kill the whole outfit," promised Captain Killeen, the senior officer present.[22]

The scene immediately preceding the shooting and clubbing is relatively clear. After a deputy served the eviction notice the Count announced that the Army was not ready to leave and would stay as long as it liked. The deputy returned to the Sheriff's office and Taggert, in a fit of rage, announced that he was going to "lock up every damned one of those damned tramps as soon as he could get together a sufficient force of men." The qualification was critical because the Sheriff, unlike the police, did not command a large, disciplined force. His small number of regular deputies had to be augmented by the volunteers who flocked to his office for a chance to participate in the excitement of arresting a large force of tramps. Having failed to recruit private detectives and Buffalo police the Sheriff settled for what he could get: 35 to 40 volunteers, mostly small businessmen armed with their own guns and clubs. This crew, along with an equal contingent of Buffalo police not under Taggert's command, immediately started for the farm in a rented wagon. The half-hour trip was interrupted by a stop at a tavern in the stockyards for "refreshments." Here the Sheriff further incited his men to violence against the peaceful hoboes: "Now understand you're going in there for business. Go right in, don't stop for anything, and take that damned Count dead or alive. Handcuff him first and bring him here at once."

When the deputies arrived at the camp they found a scene of mass confusion. The men were gathered around the Count waiting for some kind of instruction, which was not forthcoming. Some of them picked up clubs from a fallen tree. A Buffalo police officer on horseback rode into the middle of the tramps and announced, "You unwashed dirty devils, you're under arrest, what the hell are you blowing about. Let these boys alone or we'll knock your heads on the other side of the fence." The Count calmed the situation by announcing that he would walk to the court. The men all insisted on standing by the Count and marched off with him (*Buffalo Evening News*, August 19, 24-25, 1894).

Along the way the Count and his men learned what lay in store for them, probably from a reporter. Judge Foster was waiting in his courtroom, a little anteroom off the bar in the roadhouse that he owned in Cheektowaga, 100 feet from the Buffalo line, with a clerk, a city attorney, and a pile of commitment forms that had been completed in advance. In fact, the evening papers had al-

22. *Buffalo Express*, August 25, 1894; *Buffalo Commercial*, August 23, 1894; *Buffalo Evening News*, August 24-25, 1894; *Buffalo Courier*, August 25, 1894. The three captains were Killeen, Kress, and Koehler.

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ready put out extras announcing that the Count and other tramp leaders had each been given ninety days in the penitentiary and the rank and file ten. This revelation caused a great deal of anger and outrage among the marchers. When they arrived at the court they refused to enter but banded around the Count in a field across the street.

Although the hour walk from Buffalo to Cheektowaga had been uneventful Sheriff Taggert was still preoccupied with violent intentions. Along the road he met John O'Brien, a short stocky Irishman who was returning from hunting with a shotgun over his shoulder. Taggert immediately swore him in as a deputy. "Is that gun loaded?" demanded Taggert. "No Sir," responded O'Brien. "Well, load it," ordered Taggert. O'Brien evidently did not believe the order and did not comply. After a few moments the Sheriff again asked whether or not he had loaded the gun. When O'Brien acknowledged that he had not, Taggert was furious and commanded O'Brien to load the gun right there. It was O'Brien who later fired the first shot at the tramps (*Buffalo Evening News*, August 24-25, 1894; *Buffalo Express*, August 25, 1894).

The Count's refusal to walk inside the court confused the inexperienced Sheriff, who deferred to the Buffalo police. Captain Killeen took command and, mindful of the jurisdictional niceties, ordered the Sheriff to send his men to take the Count, promising to back them with all the Buffalo police present. It is unclear whether a deputy was sent to get the Count, followed immediately by a rush of deputies, mounted Buffalo police, and foot patrolmen, or whether the mounted Buffalo police actually led the charge. In either case, police and deputies beat the tramps for 3 to 5 minutes. The Buffalo Police Department's normal crowd control strategy was a well-disciplined, club-swinging charge, and this time they injured 20 hoboes with clubs, 9 seriously.

The extent of the gun-play is hard to determine. The newspapers, which all had reporters on the scene, reported that "bullets flew like hail." This account may be exaggerated, but it indicated some shotgun and pistol fire. It is clear that most of the shots were fired by Sheriff Taggert's deputies, who were largely small businessmen. It is questionable whether any of the hoboes fired weapons. All of the papers except one reported that they saw a "few" revolvers concealed in the hands of the tramps. A bullet grazed the head of a deputy, and the tramp who reportedly fired the shot suffered a shotgun blast in his leg. That exchange, however, occurred in the middle of a barrage of shooting by the deputies. If the tramps fired at all, they fired only a few times and then only after they had been fired upon by O'Brien in the initial confusion.

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It was reported that as one of Taggert's deputies was about to murder the Count in cold blood, Captain Killeen reportedly saved his life by knocking the gun out of the deputy's hand (*Buffalo Evening News*, August 25, 1894; *Buffalo Express*, August 25, 1894; *Buffalo Commercial*, August 24, 1894).

In spite of all the injuries no one called an ambulance for twenty minutes. In the meantime a reporter described what he called the "Battle of Hobo Run":

> The level green field looked like a place of battle. Groaning men with blood streaming from heads and bodies lay prostrate on the field and the grass was dyed with blood. Miraculous no one killed—a score wounded, ten seriously. [*Buffalo Express*, August 25, 1894]

The sympathetic account above belies the hostility of the daily papers. They praised the police action and described the tramps in the worst terms they could muster:

> The hobo army of embryo Anarchists scattered like sheep after being shot and clubbed and the haughty Count became a cringing coward and begged for his life, crouching on his knees like a whipped cur. [*Buffalo Evening News*, August 25, 1894]

Within minutes Count Rybakowski's Industrial Army had been crushed by the Buffalo police and Taggert's deputies. No sooner had the ambulances cleared the scene than the remaining hoboes were lined up and hauled before the judge. The battle had caused a great deal of confusion, and it complicated the commitment process. Because longer sentences were now in order the judge had to fill out the commitment forms again. It took less than two hours to try all 70 men. The Count and ten other leaders received the longest hearing, and were finally bound over for felony indictments for assault, and committed to jail pending indictment.

The sentences of the others ranged from six months (the maximum under the Tramp Act) to discharge. As the *Express* reported: "It was a puzzle to discover the basis for discrimination in sentencing." The key variables appeared to be (1) whether or not the accused had a family; (2) length of "tramphood"; and (3) degree of dirtiness or raggedness. But these guidelines were followed erratically. About ten were discharged without punishment; most of these were from Buffalo and had just joined the Army, though a few were family men from Cleveland and Detroit. Other Buffalo residents were given jail terms, sentences which were illegal because the Tramp Act only applied to people outside their county of residence. The lengths of the sentences were deliberately staggered so that the men would be released and thrown out of town at different times to prevent regrouping. Much of the difference in sentence lengths was purely arbitrary.

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By the time the judge had finished with the first 70 tramps, the police brought in 20 more picked up in a massive search of the area. These were also sentenced on the spot. It was now nightfall and the sheer number of prisoners made it impossible to take them to the penitentiary. Besides, Judge Foster did not have the commitment papers ready. The 90 men were held for the night in a nearby barn loaned for the purpose by George Urban, the flour magnate and one of Buffalo's leading citizens.

Judge Foster turned out to be more lenient than Judge King, whose court the next morning "looked like a hospital" as he tried eight of the most seriously injured hoboes who had been arrested after being treated at Fitch Hospital. King gave each a lecture and three months in the penitentiary:

> Why didn't you get work instead of going around with a horde of tramps. Your camp was a school for thieves and burglars and all of you will soon graduate as full fledged crooks. You would just as soon put a knife through a person as to look at him. [*Buffalo Commercial*, August 25, 1894]

The judge, like the press, the police, and the bourgeoisie, glibly defined unemployed workingmen without known criminal records as potential murderers so as to justify more severe punishment. To emphasize his point Judge King asked a reporter as he left court: "Did you have any trouble with them? You ought to have shot a few of them" (*Buffalo Express*, August 25, 1894).

By now almost 100 men had been transported to the penitentiary where the scene was one of mass confusion. They were kept in a large warehouse while prison officials waited for commitment forms. When these arrived the men were processed in small groups. They were bathed and clothed in prison stripes. The women's section was cleared and the tramps were locked eight to a cell on that block. Others were kept in a courtyard under conditions of terrible overcrowding with no place to sleep. A reporter for the conservative *Commercial* visited the prison and managed to use the inhumanity he witnessed to revile the inmates who were its victims. "Not an eye gleamed with intelligence or reflected a human soul," he wrote (*Buffalo Express*, August 26, 1894; *Buffalo Commercial*, August 25, 1894).

There remained the problem of the Count and ten other leaders held in jail awaiting charges. Three days later the district attorney decided not to seek felony indictments. He reasoned that an assault charge would not stand up in court because there was no evidence that the accused had assaulted anyone, and because no jury would convict given the Count's popularity with local workers. They were therefore taken back to Judge Foster's court in Cheektowaga to be tried as tramps. A heavy guard was necessary

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because the police were fearful that supporters would try to rescue the Count.

These supporters had hired the Count an attorney so that he, unlike the others, had some semblance of a trial. The major witnesses for the prosecution were two deputies who testified that they had seen the Count in the hobo camp and had heard him request more bread from the Sheriff. When the prosecution rested, the Count's attorney made a twenty-minute speech moving for a dismissal on the ground that the prosecution had not proven that any of the accused were tramps. Twenty members of the audience applauded. The motion was denied, and the Count took the stand. He protested that none of them were tramps, arguing that he was employed as a newspaper editor in Chicago and had $45 when he was arrested. Judge Foster convicted him and sentenced him to 90 days. The others got from 10 to 90 days as well, and they were all taken to the Erie County Penitentiary (*Buffalo Express*, August 28, 1894). As their sentences expired each was placed on a train and sent a short distance outside of the county. Every effort was made to get them out of town before winter.

President Reid of the CLU, a machinist who worked for the Lackawanna Railroad, vigorously criticized the police action. His statement reveals the class consciousness of the workers and their solidarity with the tramps:

> When I visited their camp they would not accept admission—wouldn't take money from a workingman. I looked around for the vicious, dirty, bloodthirsty tramps our press has been talking about all week but couldn't find any. I found them ragged but they had tried to improve themselves as much as they could with soap and water. I found that fifty of the men had union cards. The sheriff did good by giving them 300 loaves. How is it that he changed his mind so quickly and gave them bullets instead of bread; treating them like criminals instead of hardworking men? [*Buffalo Express*, August 27, 1894]

Other delegates characterized the sheriff's deputies as "vagrants who hung around city hall," and insisted that "there is not a workingman among them." During 1894 the CLU adopted at least three resolutions attacking the police for repression of working people (*Buffalo Courier*, August 27, 1894; *Buffalo Express*, August 27, 1894). The strongest of these was a response to the suppression of Rybakowski's army:

> Resolved that we the delegates to the CLU in regular meeting assembled do hereby emphatically denounce the said Sheriff Taggert and Superintendent Bull for the flagrant and high handed manner in which they violated the law and treated a body of heroic and self-reliant poor to imprisonment without cause, without reason, and without a semblance of a fair hearing. The indecent haste with which the aforesaid officials acted proves their unworthiness. [*Buffalo Express*, September 10, 1894]

Even such modest support was remarkable considering the danger from the police for working class groups who defended tramps.

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Police Superintendent Bull had prevented a public meeting in a hired hall called to explain the purposes of Count Rybakowski's Army. Meetings to organize a joint Buffalo-Rochester contingent to join Coxey's Army had to be held in secret. The police even raided workers' homes in the Polish community looking for the remnants of Rybakowski's Army (*Buffalo Express*, March 28, 1894; August 23, 25-26, 1894). Even within the CLU, however, support for the tramps was not uniform or automatic. At its next meeting a sizable element challenged Reid's presidency, at least in part over his support of the tramps. But he was reelected with over two-thirds of the vote—clear evidence that the workers supported his defense of the rights of tramps.

IV. SUMMARY AND CONCLUSIONS

For three days Count Rybakowski and his "Industrial Army" of Chicago Polish and Bohemian workers were an important part of Buffalo's Polish and working class communities. The support and assistance that Rybakowski received mystified and frightened the ruling bourgeoisie. Mass meetings of up to 5,000 workers demanding jobs, bread riots of 500 or more, community support for striking switchmen so extensive that the police could not suppress it, and well over 1,000 visitors to a "hobo camp," all made it clear that existing class relations were undergoing a strong challenge. Rybakowski, in deciding to stay in Buffalo, posed a serious threat to the privileged position of the bourgeoisie by providing a catalyst for the dissatisfied, local working class. Whether or not Rybakowski's Army, its organizing, and its socialist politics, actually constituted such a threat cannot be known, but the fears of the bourgeoisie were aroused by what they saw: social disorder was frequent and intense. It was conflicts such as this, reproduced throughout the nation in the 1890s, that demonstrated the repressive potential of the Tramp Acts to impose severe sentences on large numbers of workers for trivial offenses.

But the repressive rules of the Tramp Acts are only a part of the story. The pattern of enforcement, both legal and illegal, substantially increased the level of repression. Marginally employed and unemployed workers were seldom able to secure effective redress for wrongs suffered at the hands of police and lower courts. Tramp Act cases were summarily tried before a local justice without a jury, pitting the testimony of a "tramp" against that of a police officer. Strident demands for repression of tramps by local newspapers, businessmen, and frightened citizens encouraged abuses, as did the generally "panicky" atmosphere. The contemporary literature abounds with examples of illegal behavior by police and judges, as well as lawful decisions that produced

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serious injustice. Often such behavior was lauded as an example of effective local policing. *Forum*, a journal of nineteenth-century reformers, carried an article on the "Rahway Plan," whereby tramps were "arrested on sight and put to hard labor on the streets in chain gangs." This method was supposedly highly successful, but had to be abandoned because it was illegal and "any of the tramps so treated could have sued the city for damages" (Rood, 1898). However, such a suit was not likely since, as a Maryland judge noted, "if these vagabonds do not think the tramp law is constitutional let them raise a fund and carry their case to the appellate" (Hubbard, 1894: 597). The *Express* editorialized against an article on the rights of tramps in *Arena* (a liberal journal of commentary on social issues), saying that "it was more worried about stopping them than in protecting their rights" (*Buffalo Express*, March 26, 1894). Most of the Buffalo victims of the Tramp Act are anonymous. Count Rybakowski and his men were only a few of the 13,502 people locked up as tramps and the 14,973 jailed as vagrants in Buffalo between 1890 and 1895. None of them had any rights in Buffalo, and Buffalo was not atypical.

This analysis of the broad and sweeping power of the state under the Tramp Act parallels Caleb Foote's (1956:603) study of the administration of "vagrancy-type" law in Philadelphia in the 1950s. Such laws serve to secure the banishment of unwanted persons, to harass and control suspicious persons, and to provide a "catchall" criminal statute under which to arrest and punish those who are "otherwise not demonstrably guilty of any crime." Elbert Hubbard noted that the Tramp Act, subjected every member of the working class to arrest and jail for any act that challenged existing class relations:

> . . . this rule of convicting of vagrancy on general principles is to be seen daily in every police court. Prisoners are run in on every conceivable charge, and where the testimony is not sufficient to convict the judge gives the victim thirty days for vagrancy. [Hubbard, 1894: 596-98]

Analysis of reported tramp convictions in the Buffalo press revealed almost every conceivable form of abuse, corroborating Hubbard's analysis. In addition to strikers, scabs, and traveling workers, the Buffalo police also arrested local loiterers, troublemakers, and the husband of a suspected prostitute on tramp charges. Strict legal requirements were ignored: under New York law one could not be a tramp in his own county of residence, but Buffalo residents were convicted as tramps on a number of occasions.

Analysis of the economic, political, and social context of Buffalo's antitramp repression illustrates the class basis of legal repression. A complex network of social relations, shaped by class

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struggle, determined the antitramp policies that emerged in Buffalo. These social relations extended across the community, involving a half-dozen units of city and county government, traditional commercial and manufacturing interests, reformers, newspapers, and different segments of the Polish community and organized labor. At each stage the impact of changing class relations in a period of intense class conflict had an important impact on the law and on the police.

Class struggle, in a very real sense, accounted for much of the uncertainty and changing policies of those who repressed the tramps. The original plan to stop Rybakowski from entering the city, as Jeffries had been stopped, was blocked by the Army's determination shown in its first confrontation with Superintendent Bull and Police Commissioner Rupp. The Army's reinforcement of the split in the Polish community led to the first public demand that it be repressed. Debate over the charity policies that applied to tramps was reproduced in class struggle over the organization of labor. This analysis of the actual process of decision making underlying the enforcement of criminal law in a community shows that the law is not above class struggle, but another arena in which it occurs.

The class basis of police and charity reform makes inadequate the traditional analysis of "repressors versus reformers." The fundamental purpose of both groups was to preserve the existing class society, and their differences were largely tactical. Moreover, a given person or group moved back and forth between repressive and nonrepressive tactics. By 1893-94, for example, the COS was coming to recognize that unemployment was not effectively controlled by police repression, and it began to organize employment exchanges and other forms of relief. However, heightened class conflict resulted in increasing emphasis on police repression until the immediate crisis abated and the reformers once again had sufficient breathing space to organize less repressive programs. Selection of the most effective tactics for class control depended on the view held by the ruling bourgeoisie of the social context within which it operated, rather than on abstract principles that can easily be labeled "repressive" or "humanitarian."

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APPENDIX

AN ACT concerning tramps
(NEW YORK STATUTES, 1885; chapter 490)

passed June 11, 1885

§ 1. Every tramp, upon conviction as such, shall be punished by imprisonment at hard labor in the nearest penitentiary for not more than six months, the expense during such imprisonment not to exceed one dollar a week per capita, to be paid by the state.

§ 2. All persons who rove about from place to place begging, and all vagrants living without labor or visible means of support, who stroll over the country without lawful occupation, shall be held to be tramps within the meaning of this act.

§ 3. Any act of vagrancy by any person not a resident of this state shall be evidence that the person committing the same is a tramp within the meaning of this act.

§ 4. Any tramp who shall enter any building against the will of the owner or occupant thereof, under such circumstances as shall not amount to burglary, or willfully or maliciously injure the person or property of another, which injury under existing law does not amount to a felony, or shall be found carrying any firearms or other dangerous weapon, or a burglars tools, or shall threaten to do any injury to any person or to the real or personal property of another, when such offense is not now punishable by imprisonment in the state prison, shall be deemed guilty of a felony, and on conviction, shall be punished by imprisonment in the state prison at hard labor for not more than three years.

§ 5. Any person being a resident of the town where the offense is committed may, upon view of any offense described in this act, apprehend the offender and take him before a justice of the peace or the competent authority.

§ 6. This act shall not apply to any person under the age of sixteen years, nor to any blind person, nor to any person roving within the limits of the county in which he resides.

§ 7. Any person convicted under this act shall be entitled to the same commutations of sentence as now provided by law for any prisoner committed to the state prison or penitentiary.

§ 8. This act shall take effect immediately.

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