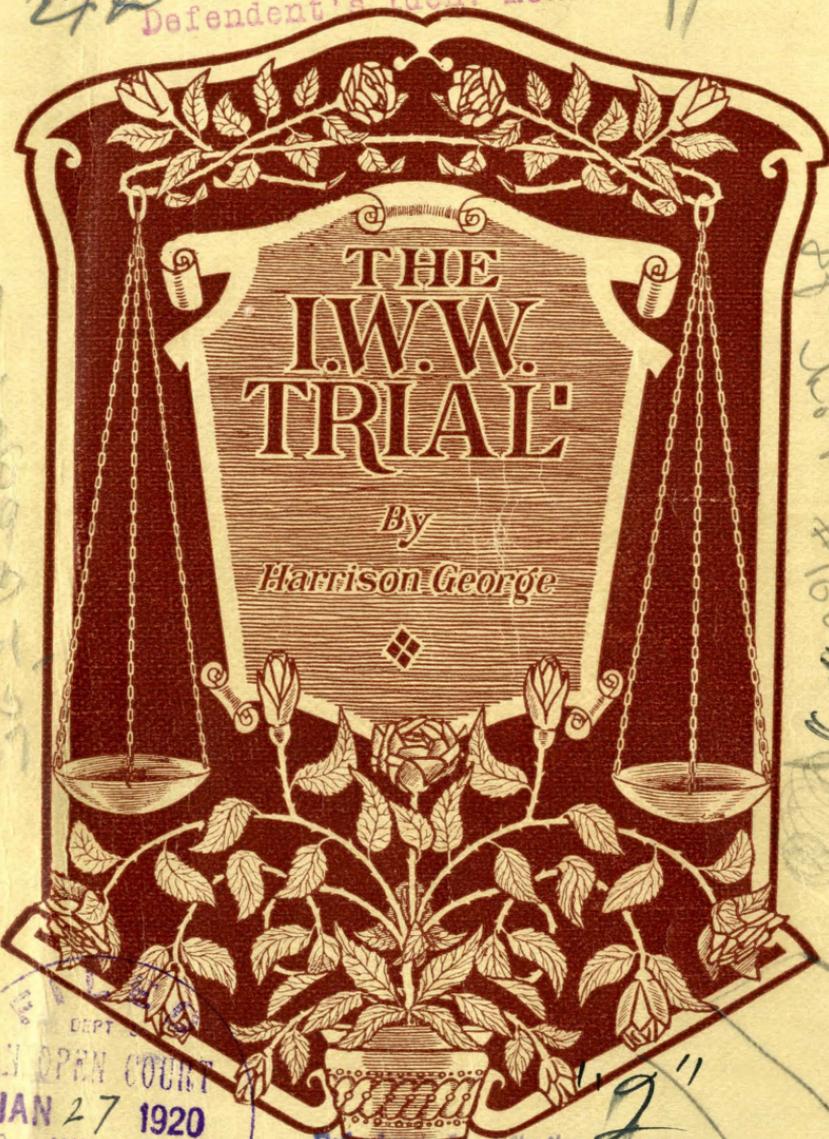


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The I. W. W. TRIAL

Story of the Greatest Trial in
Labor's History by one
of the Defendants

HARRISON GEORGE

Introduction by
A. S. EMBREE





Introduction.



HIS history of the I. W. W. trial at Chicago, by Harrison George, one of the defendants, is necessarily greatly condensed. The author does not attempt to review the testimony of all witnesses for the prosecution and defense, but rather brings out the high lights of the case and shows particularly the importance of it as an integral part of the class struggle. Verbatim testimony is given only where the actual questions and answers bring out these phases.

The narrative starts abruptly with the court procedure after the selection of the jury from the second venire—April 15, 1918. In order to show the background of this greatest trial in the history of labor, it is necessary to provide a brief review of the strikes in the lumber and mining industries of the northwest and southwest in the spring and summer of 1917, which historic struggles, shaking the very basis of capitalist exploitation, so alarmed the lumber and copper barons that federal aid was invoked by them and speedily granted, the fact of the country being at war with the Imperial Government of Germany being made the cornerstone of the prosecution.

Space forbids even a brief review of the early histories of the lumber and mining industries of the northwest and Arizona.

THE LUMBERJACKS

In the spring of 1917, the greatly increased demand for lumber to fill war orders was of itself sufficient to boost wages in the lumber industry to a point before almost unthought of. But for years the loggers had been figuring on some day making a stand for eight hours. While the other demands—shower baths, dries, sanitary bunkhouses, etc.—were

important, the eight-hour day was the one big thing.

The first strike which occurred among the loggers took place on the Fortine River, Montana, on April 17th.

The second strike, lasting three days and resulting in a complete victory for the strikers, was on the St. Maries River, Idaho.

The Flathead River and Stillwater, Montana, and the Little and Big North Forks of the Coeur d'Alene River, Idaho, were the scenes of the next strikes. The companies, by giving an advance in wages of two dollars per day, succeeded in getting the drives through with scabs.

A strike on the Entiat River, near Wenatchee, Wash., was next, the strike winning \$5.00 for eight hours for peavey men and \$6.00 for boatmen and cooks. The strike was of ten minutes duration.

St. Maries River, Idaho, was the scene of a second strike which lasted thirty days and resulted in a decided victory for the strikers.

On June 10, the employes of the Cascade Lumber Company and those of the Humbird Lumber Company at about the same time went on strike as a protest against the food. When they reached town they held meetings and decided to enlarge the scale of the strike to cover the full demands outlined at the first convention of the Lumber Workers' Industrial Union No. 500, I. W. W., held at Spokane, Wash., on March 3, 1917.

Seeing that the two strikes were important and really strategic, the organization committee of the Lumber Workers' Industrial Union decided to act on their instructions. Accordingly a call was issued on June 18, for a general strike of lumber workers for the full demands, to which all the camps of the Inland Empire responded by July 1, causing a complete tie-up of all the camps and a partial tie-up of the mills. A few of the smaller mills were closed and in several of the larger mills the working forces were reduced to one shift in each mill.

The following mills were closed down partially: Milwaukee Land Company, St. Joe, Idaho; Milwaukee Lumber Company, St. Maries, Idaho; Blackfoot Lumber Company, (Owned by Amalgamated Copper Company, Butte), Bonner, Mont. The following were completely tied up: Coeur d'Alene, at Coeur d'Alene, Idaho; Humbird Lumber Company, Sand Point, Idaho; Eureka Lumber Company, Eureka, Mont. and Sumner Lumber Company, near Kalispell, Mont.; Weyerhauser Mill, Elk River, Idaho; Mann Lumber Company, De Borgia, Mont.

The fact that most of the employes of these mills were married men, forced to trade at the company stores and rarely ever free of debt, accounts for the lack of response to the strike call on their part.

On July 4, the most of the camps in Grays Harbor and Puget Sound districts closed down, as is customary at that time of the year, for ten days for repairs and to give the men a chance to celebrate the Fourth in town. A few days previous a call was sent from the short log men of the Inland Empire calling on the long timber men to come out with them. Big meetings of lumberjacks were held at Seattle, Hoquiam, Aberdeen, Tacoma, Everett and Portland.

The result of these conferences was a strike call, issued on July 13. The workers in practically every logging camp responded to the call. By July 17, twenty per cent. of the mills on the Pacific coast had also ceased operation.

The strike was bitterly fought for a period of three months when, after due deliberation, it was decided to go back on the job and use the intermittent strike. This policy was immediately adopted and resulted in a complete victory by December 1, 1917, in the Inland Empire and by January 1, 1918, all through the northwest.

The Lumbermen's Association, seeing that the I. W. W. refused to work more than eight hours and had practically enforced it in all the camps, granted the eight hour day on January 1, under the guise of

patriotism. The Lumbermen's Association of Oregon at the same time refused to grant the eight hour day, giving the same patriotic reasons to explain their attitude. However, the lumberjacks in Oregon kept hammering, pulling new camps every day, and finally Colonel Brice P. Disque, having superintendence of all lumber production in the northwest, after a conference at Washington, went over the heads of the lumber barons and declared for an eight-hour day.

THE MINERS

For years the blacklist system obtaining in nearly all metal mining camps has been the underlying cause of strike after strike. In the copper mining and smelting industry wages, based for the most part on the sliding scale, went up and down with the price of copper. With copper selling at thirty cents in the spring of 1917, wages were the highest on record. But the cost of living had outstripped even the increase in wages. Another great cause of discontent among the miners was the speed-up system which greatly increased the percentage of accidents and deaths.

In Butte particularly the rustling card (blacklist) and speed-up system were both used ruthlessly on the workers. A fire broke out in the Speculator Mine on June 8, and as exits by which the miners could have escaped had been blocked by concrete bulkheads, (to make easier the gleaning of excess war profits) one hundred and seventy-four men died a horrible death.

The indignation of the miners of Butte culminated on June 12 in the calling of a strike by the Independent Metal Mine Workers' Union, the latter made up almost wholly of former members of the Western Federation of Miners.

The response to this strike was wonderful, and demands were made for the abolition of the rustling card, \$6.00 flat minimum scale, union supervision of

safety appliances, and other demands for better conditions underground.

Meanwhile in Arizona, the miners throughout the entire state had been seething with discontent, mainly due to the speed-up system, for many months. A strike had occurred in Jerome in April in which both members of the I. U. M. M. & S. W. (Western Federation) and of the I. W. W. participated. This strike which was mainly for the purpose of bringing the wage scale in Jerome up to the standard of the Miami scale, was won in a short time.

In Miami and Globe the I. U. M. M. & S. W. had presented demands amounting to very little more than a recognition of the union, in April or early in May, later setting July 1, as the date for a strike in case the demands were refused by the companies. In Clifton, Morenci and Metcalfe, the miners, mostly Mexican, organized independently under the Arizona State Federation of Labor, had long been threatening to strike.

At Bisbee the speed-up and the physical examination (blacklist) systems had been the cause of strike talk among the employes of the Copper Queen (Phelps-Dodge) Company and the Calumet & Arizona for more than a year.

On June 15, 1917, the first convention of the Metal Mine Workers' Union No. 800, I. W. W., was held at Bisbee. The Butte strike was endorsed, but delegates present went on record against immediate strike action in Arizona. Nevertheless on June 24 a mass meeting of miners of the I. W. W. elected an executive committee of five and instructed them to present demands to the companies, giving the committee power to call a strike if the demands were refused. Demands similar to Butte demands were presented to the companies on June 26 and being promptly refused the strike was called for the following morning. Nearly eighty per cent. of the day shift came out at once and on the fourth day of the strike ninety-three per cent. were out on all shifts.

At Globe and Miami on July 1, strike calls issued by both the I. U. M. M. & S. W. and the I. W. W. resulted in a complete tie-up of every shaft in both camps. Volunteers manning the pumps could not get supplies through the pickett lines without the consent of the strike committees. Demands presented by the I. W. W. were as nearly as possible identical with demands in Butte and Bisbee.

The miners in Clifton, Morenci and Metcalfe came out immediately afterwards making local demands. At Jerome a strike was called on the 2nd and was followed by a walkout of the majority of the miners in that camp. Other smaller camps also fell in line and the production of copper in Arizona was completely at a standstill.

The strikes were peaceful in every camp. No excuse could be found by the company hirelings to start riots. But the company papers maintained a steady campaign of lying misrepresentation with the object of making the general public believe that the strikers contemplated violence. Their big card was patriotism. On this plea eighty strikers were forcibly deported from Jerome on July 10, in cattle cars. They were turned back at the state line by California authorities and were taken to Prescott, where they were lodged in jail.

On July 12, under the nominal leadership of Sheriff Harry Wheeler, twelve hundred striking miners were rounded up by two thousand gunmen gathered from many points, and loaded on a train of cattle and box cars. There was no food and very little water. They were taken into the state of New Mexico and left on the desert at Hermanas. On July 14, after forty-eight hours without food, the deportees were given shelter and food at Columbus by the United States Government.

Attempts to deport the strikers at Globe and Miami were frustrated by the vigilance of the men. The strike there and in the Clifton district continued in force until about the middle of October, when they

were "settled" by President Wilson's Labor Commission, headed by Secretary of Labor William B. Wilson.

After two months of splendid solidarity on the part of the deportees at Columbus, during which time repeated demands were made for their return to their homes in Bisbee, orders were posted on September 11, that rations would be discontinued. Nearly six hundred immediately returned to Bisbee without protection, completely at the mercy of the so-called Loyalty League. There they were arrested wholesale and the majority of them again driven from the camp. Three hundred Mexicans went over the line from Columbus into Old Mexico and were furnished transportation and employment by the Mexican government. The Bisbee strike was also "settled" in October by the Labor Commission after a pseudo agreement had been made between the companies and a handful of gunmen and scabs hastily "organized" by Chas. Moyer, president of the I. U. M. M. & S. W.

During the month of July in Butte, the Amalgamated Copper Company, "voluntarily" granted an increase in wages amounting to more than fifty per cent. of the increase demanded by the strikers. Other concessions were made by the company, but as the abolition of the rustling card was the chief demand the strikers refused to return to work. On August 1, before daylight, company thugs kidnapped Frank Little, organizer and member of the General Executive Board of the I. W. W., and taking him to a trestle on the Milwaukee railroad lynched him and left his body hanging. The strike lasted six months and was called off on December 18, at a joint meeting of both unions. There was a net gain to the strikers of nearly \$1.00 a day in wages and a slight betterment of underground conditions, but the rustling card was still maintained with a modification that one card would serve for a year instead of it

being necessary for a miner to get a new card every time he quit or was fired.

RAIDS AND INDICTMENT

The fact that 50,000 lumberjacks and 40,000 miners were on strike at once, nearly all the strikers being under the banner of the I. W. W., caused consternation in the camps of the lumber and copper barons. Helpless of their own accord to break the strikes and make safe their enormous excess war profits, they appealed to the federal government, charging that the I. W. W. was being financed by German gold for the purpose of hampering the government in carrying on the war. Attorney General Gregory came to the rescue and a federal grand jury was convened at Chicago during the month of August.

On September 5, 1917, raids were made on headquarters of the I. W. W. at Chicago and on branch offices throughout the country by agents of the Department of Justice. Books, correspondence, even typewriters and spittoons were in many cases seized and taken as evidence.

On September 28, arrests were made after an indictment had been returned by the grand jury. The names of the men indicted follow, those apprehended appearing in capitals:

OLIN B. ANDERSON
AURELIO V. AZUARA
CHARLES ASHLEIGH
JOHN AVILA
CARL AHLTEEN
GEORGE ANDREYTCHE
Joe Barick
CHARLES BENNETT
ARTHUR BOOSE
JOHN BALDAZZI
George Bailey
Jimmy Burch
ROY A. BROWN
R. J. BOBBA
RICHARD BRAZIER
DAN BUCKLEY

JULIO BLANCO
Nick Berbore (Verbanoc)
J. R. BASKETT
G. J. BOURG
J. H. BEYER
STANLEY J. CLARK
McGregor Cole
Ed. Cunningham
Pedro Cori
Ernest D. Condit
RAY CORDES
RALPH H. CHAPLIN
ROGER S. CULVER
ALEXANDER COURNOS
ARTHUR C. CHRIST
J. T. DORAN

E. F. DOREE
 PETE DAILEY
 C. W. DAVIS
 STANLEY DEMBICKI
 JAMES ELLIOTT
 JOSEPH J. ETTOR
 FORREST EDWARDS
 Phineas Eastman
 B. E. Fabio
 MEYER FRIEDKIN
 JOHN M. FOSS
 Joe Foley
 BEN FLETCHER
 ELIZABETH G. FLYNN
 RAY S. FANNING
 TED FRASER
 Sam Fisher
 J. Fishbein
 PETER GREEN
 H. A. GILTNER
 JOE GRABER
 C. R. GRIFFIN
 Fred Goulder
 Charles Garcia
 JOSEPH J. GORDON
 W. A. GOURLAND, (or
 N. G. Marlatt)
 HARRISON GEORGE
 Jack Gaveel
 ARTURO GIOVANNITTI
 James Gilday
 ED. HAMILTON
 CLYDE HOUGH
 F. Humphrey
 WM. D. HAYWOOD
 GEORGE HARDY
 HARRISON HAIGHT
 DAVE INGAR
 C. A. Jones
 RAGNAR JOHANSON
 FRED JAAKKOLA
 OTTO JUSTH
 CHARLES JACOBSON
 CHARLES R. JACOBS
 PETER KERKONEN
 Charles Kratspiger
 Ph. Kusinsky (Kerinsky)
 William Kornuk
 Ben Klein
 H. F. KANE

JAMES KEENAN
 A. D. KIMBALL
 JACK LAW
 LEO LAUKKI
 VLADIMIR LOSSIEFF
 _____ Lanikos
 W. H. LEWIS
 BERT LORTON
 HARRY LLOYD
 MORRIS LEVINE
 CHARLES L. LAMBERT
 H. H. Munson
 _____ Mowess
 WILLIAM MORAN
 JAMES H. MANNING
 HERBERT MAHLER
 A. Martinez
 JOHN MARTIN
 Edward Mattson
 W. E. MATTINGLY
 FRANCIS MILLER
 JOE McCARTY
 CHARLES McWHIRT
 H. E. McGuckin
 PETER McEVOY
 HERBERT McCOSHAM
 CHARLES H. McKINNON
 J. A. McDONALD
 WALTER T. NEF
 PIETRO NIGRA
 George Numcoff
 FRED NELSON
 V. V. O'HAIR
 JOSEPH A. OATES
 PAUL PIKA
 LOUIS PARENTI
 GROVER H. PERRY
 ALBERT B. PRASHNER
 JOHN PANCNER
 JAMES PHILLIPS
 CHARLES PLAHN
 WALTER REEDER
 ABRAHAM RODRIGUEZ
 GLEN ROBERTS
 Fred C. Ritter
 Frank Reily
 Frank Russell
 MANUEL REY
 J. E. Rogers
 JAMES ROWAN

CHARLES ROTHFISHER
Herman Reed
C. H. RICE
Ed. Rowan
SIEGFRIED STENBERG
George Stone (Lowenstein)
ALTON E. SOPER
WALTER SMITH
BEN SCHRAEGER
GEORGE SPEED
Joseph Schmidt
ARCHIE SINCLAIR
SAM SCARLETT
VINCENT ST. JOHN
William Shorey
Abe Schram
DON SHERIDAN
F. P. Sullivan

JAMES SLOVICK
WILLIAM TANNER
JOHN I. TURNER
Louis Tori
HARRY TROTTER
JAMES P. THOMPSON
CARLO TRESCA
JOE USAPIET
Albert Wills
JOHN WALSH
Ben H. Williams
FRANK WESTERLUND
PIERCE C. WETTER
Wm. Wiertola
R. J. Wright
WILLIAM WEYH
SALVATORE ZUMPARO

The number indicted was one hundred and sixty-six; of these one hundred and thirteen were brought to Chicago and arraigned and ninety-three of them were finally convicted.

The men were taken before Judge Kenesaw Mountain Landis, of the United States District Court at Chicago, on December 15, 1917, for arraignment. There they found appearing against them a formidable array of legal talent, consisting of Frank K. Nebeker, formerly leading counsel for Utah copper companies at Salt Lake City, and Claude R. Porter, of Iowa, besides District Attorney Chas. F. Clyne, of Chicago. Appearing for their defense were Geo. F. Vanderveer, who, with Fred H. Moore, so ably conducted the defense of the Everett case at Seattle, Wash., early in 1917; Otto Christensen, an able Chicago attorney; Miss Caroline Lowe, who also appeared as attorney for defense in the Everett case; Wm. B. Cleary of Bisbee, Arizona, was later added to the defense staff. A plea of "Not Guilty" was entered by all.

On December 17, 1917, headquarters at Chicago was again raided by agents of the Department of Justice and occupied until December 31. Truck

loads of literature and material from the publishing bureau were taken as additional evidence.

Two months passed when early in March Judge Landis set the date for trial, April 1. In the meantime several of the defendants had been able to provide bonds and thus were able to assist in the work of defense.

The great trial started on April 1, 1918. For five days the selection of the jury proceeded with the result that the prosecution under the direction of Mr. Clyne had exhausted five of its six peremptory challenges while the defense had used but four of its ten challenges. Five jurors were in the box and the situation seemed to strongly favor the defense. The prosecution then raised the cry that prospective jurors were being tampered with by I. W. W. investigators. Judge Landis ordered an investigation, dismissed the entire venire and set a new date for trial, April 15. A warrant was issued for the arrest of Fellow Worker L. C. Russell on the charge of jury tampering. He was later arrested, and at this time is still in Cook County Jail, awaiting trial.

The trial proper started on April 15, with Mr. Nebeker, acting as chief prosecutor. The selection of the jury occupied nearly two weeks and the narrative starts with the actual presentation of evidence.



The I. W. W. Trial.

OVER two weeks' time was consumed by the prosecution in proving the general fact of the organization and its purpose as shown by its history—going back to 1905.

An expert accountant, one Mr. Bailey, who had audited all I. W. W. financial records for the Department of Justice, under oath as a witness said he had found no German gold.

Elizabeth Serviss, book-keeper at I. W. W. headquarters, called by the government to prove that Haywood was the "man who signed the checks" also proved that this "uncrowned king" received a salary of only \$90.00 per month; she herself getting nearly as much as "the king."

The next witness of importance was Special Agent Roy C. McHenry from Scranton, Pennsylvania, called to testify against Albert Prashner on May 15th as to the charge of sheltering German agents. Vanderveer in cross-examination brought out the following:

VANDERVEER: Don't you know this man here (Prashner) stated to you that if Zumpano (a suspected man) is doing any of the things you say he is, we are glad to know it?

Answer: Yes, sir, he said that.

Q. Don't you know he said, "We have no use for German spies?"

A. Yes, sir.

Q. And he said to you if we detect a German spy in this organization we will report him to you?

A. Yes, sir.

Q. Did you tell counsel (for the government) that?

A. I don't remember now.

Q. I suppose you told him the whole story, didn't you?

A. I think it is in my report.

Q. You told him this, then?

A. He has my report.

Q. Did you include this in your report?

A. Yes, sir.

Q. He has that report?

A. I assume so.

Q. When he was questioning you here?

A. I assume so. I don't know.

McHenry was followed by George F. Buss, Sheriff of Luzerne County, Pennsylvania. Buss was born in Hessen, Germany, and has a dialect like a barrel of old kraut. He got very choleric when under cross-examination as to his reasons for breaking up the I. W. W. meetings and arresting the speakers. In regard to a meeting held at Hillside, Pennsylvania, June 17th, 1917, where Buss had arrested Baldazzi, Graber and Prashner, Attorney Vanderveer asked:

Q. You said you arrested him (Prashner) for not being registered?

A. That was one of the reasons.

Q. Why did you hold him five days for not being registered, when he could get his card in two hours?

A. I want you to know, sir, that I did not hold that man at all.

Q. He was released on a writ of habeas corpus directed to you, was he not?

A. I don't know; the court released them.

Q. Now, you say that was only one of the reasons why you arrested Prashner?

A. Yes, sir.

Q. What was the other one?

A. He was arrested for helping to obstruct the highway.

Q. Was he speaking?

A. Not then, no.

Q. Did he ever speak that day?

A. No, he didn't speak.

Q. How many people were there?

A. Probably 500.

Q. You arrested these three?

A. Yes, sir.

Q. And you don't know a word that had been said, do you?

A. No, I don't.

Q. Did anybody send you up there?

A. Not in particular. The court of the county had instructed me to break up these meetings.

Q. Not (from the judge) on the bench?

A. No, not on the bench.

Q. I see. Now, where did you first get notice of this meeting?

A. Why, I had some inkling of it the day before.

Q. Where did you get it?

A. **I got it through the United Mine Workers.**

Q. I see. **And the United Mine Workers asked you to go up there?**

A. Yes, sir.

Q. **To break up their rival's meeting?**

A. Yes, sir.

Q. And you went?

A. Yes, sir.

Q. And you did it?

A. Yes, sir.

Q. Did you arrest them because someone could not get through (the roadway)?

A. Arrested them because they were going to hold an I. W. W. meeting.

How tenderly Constitutional rights are regarded by the "Black Cossacks" of Pennsylvania may be gathered from the following testimony of Herbert Smith, a lieutenant in the mounted "Coal and Iron Police" of Pennsylvania, a veteran strike-breaker of McKees Rocks. Speaking of a "Cossack" raid on a meeting held June 10th, last, Vanderveer asked:

Q. You were ordered to break it up?

A. Yes, sir.

Q. Did you arrest anyone?

A. I did not.

Q. Do you know why you broke up the meeting?

A. Unlawful assembly.

Q. Did you see anything unlawful?

A. Yes; insulting people going to and fro in the street.

Q. Insult them?

A. We saw them stopped, yes, sir.

Q. You construed that to be an insult?

A. Unlawful action, yes, sir.

Q. Did you arrest anybody for that?

A. No, sir. We broke up the meeting.

Q. Why didn't you arrest people you saw stopping miners?

A. We didn't wish to at that time. We had orders to break the meeting up.

Q. You did not wait to hear what happened?

A. No.

Q. Or to see what happened?

A. No, sir.

Q. Or to see whether it was going to be orderly or disorderly?

A. We did not. We dispersed the crowd.

Q. You did not go there to maintain order, but to break the meeting up?

A. To disperse the crowd; that was our intention.

Q. Now, at the other meetings you did the same?

A. The meetings were dispersed, yes, sir.

Following these Pennsylvania witnesses, fully another week was occupied with the reading of routine correspondence between defendants to prove "conspiracy," probably—but so lacking in exciting disclosures that nearly everyone went to sleep; the jurors nodding drowsily under the strain; Judge Landis jolting his nerve centers with copious gulps of ice-water from a convenient pitcher, or striding impatiently to and fro—stopping now and then to survey the somnolent assembly.

May 23rd; fireworks! And echoes of Cripple Creek ringing out in the Chicago courtroom as three reporters of Butte daily papers put on by the prosecution to prove the utterances of Frank Little were mercilessly grilled by Vanderveer, who sought to prove the servility of these papers to the mining companies; the cause of the miners' strike and Frank Little's bitter phrases and the fact that Little's speech on July 19th had nothing to do with his murder two weeks later.

Of these three witnesses, A. W. Walliser of the Butte Evening Post was the most important. The following is verbatim testimony, minus some "dead timber" of objections by counsel and evasions by the witness:

VANDERVEER: What is the attitude of your paper on the labor issue in Butte? Did it support the strikers during the recent strike?

A. Oh, no, sir, no.

Q. Who reported the fire in the Speculator Mine?

A. There were three or four of us. I was up there.

Q. Did you report in your paper that there were concrete bulkheads in that mine with no manholes and it trapped the men and were responsible for their deaths, to the number of about two hundred?

A. No, sir.

Q. You did not?

A. No, I did not.

Q. Were you there when the bodies of those miners were brought out?

A. I was there part of the time.

Q. You never colored anything you wrote to fit what you understood to be the policy of the paper?

A. I might have colored things. I might have toned down things, and I did repeatedly.

Q. Did you ever hear that **the bodies that were taken from the mine were sold for twelve dollars and a half apiece?**

A. **No, sir.**

Q. Did you ever publish any such story?

A. No, sir.

Q. Would you, if you had heard it and **verified** it?

ATTORNEY FOR GOVERNMENT: I object. That is not proper cross-examination.

JUDGE LANDIS: Objection sustained.

Q. Did you attack the bulkheads in the mine?

A. No, sir,

Q. Did your paper?

A. Not that I know of, no, sir.

Q. Did you attempt to place responsibility for the murder of those two hundred men or more—260 men?

A. It was **not my business.**

Q. It was not your business?

A. No, sir.

Q. Were you ever in the offices of the Anaconda Copper Mining Company on the sixth floor of the Hennesey Building?

A. Yes, sir.

Q. And did you ever see **guns** there?

A. I have seen them in the Miners Union Hall. I have seen them in the Finlander Hall.

Q. Answer my question. Did you see them on the sixth floor of the Hennesey Building?

A. Yes, sir. I saw them all over Butte.

Q. Did you ever see people there that you had **never seen before**, with guns?

A. Why, I don't know everybody in Butte.

Q. I take that to mean you **did** see such people.

A. No. But there were plenty of people carrying guns.

Q. How many (Frank) Little meetings did you attend?

A. I attended one.

Q. Did he speak only once?

A. I think he made only one public address, yes, sir.

Q. In the course of that utterance he referred to "Uncle Sam's scabs in uniform?"

A. Yes, sir.

Q. Now, you have been a newspaper man in Denver?

A. (Witness startled.) Yes, sir.

Q. You were in Denver during the Cripple Creek Strike?

A. Yes, sir.

Q. During Governor Peabody's regime?

A. I was. Yes, sir.

Q. **You knew** what Frank Little **meant** when he talked about "Uncle Sam's scabs in Uniform," **didn't you?**

A. Why, yes, I knew what he meant.

Q. He had come from the scene of the deportation of 1200 miners in Bisbee?

A. Yes.

Q. And they were taken to a stockade in Columbus, New Mexico, and guarded by **Federal troops**, were they not?

A. Yes, sir.

Q. You knew that?

A. Yes, sir.

Q. Now, the **same thing** had occurred at least five times during the Colorado strikes, hadn't it?

A. Oh, **more** than that!

Q. You have heard that remark, "Scabs in uniform" **thousands of times**, haven't you?

A. **Yes, sir**, absolutely, yes.

Q. And **you know** that a miner who uses that during the strike refers to the employment of troops for breaking the strike, don't you?

A. **Yes.**

Q. Did Frank Little tell you that he had been kidnapped four or five times?

A. I believe there was some reference to that in that speech.

Q. And that he had had his leg broken?

A. Yes.

Q. That he had lost an eye?

A. I don't know about losing his eye.

Q. And that he was ruptured by being thrown down and jumped on by the gunmen?

A. He may have told all that.

Q. And you were **surprised** at the **bitterness** of his conduct?

A. Yes, sir, I was.

TRAGEDY

Q. Now, you were in Butte on the First of August?

A. Yes, sir.

Q. The day Frank Little was hanged?

A. Yes, sir.

Q. Do you know who committed the lynching?

A. No, sir.

Q. Did you ever hear about an automobile leaving a certain livery barn up on the hill, or up at the foot of the hill and going up Wyoming street and down through—I don't remember all those streets—with five people in it?

A. No.

Q. Did you ever hear about that machine being—

A. (Hastily) No.

Q. Did you **ever try to find out** who the occupants of that car were?

A. No, sir.

Q. **If I give you the names will you publish them?**

A. **No, sir.**

Q. You won't?

A. **No, sir.**

"If I give you the name of the boy that drove that car, will you publish it in your paper?" shouted Vanderveer at the now highly nervous witness squirming under the stinging probe.

"No!" said Mr. Walliser of the Butte Evening Post, and walked from the witness stand as the

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tension of onlookers relaxed, having completely exonerated himself and his paper from any charge of unfairness and having upheld the traditional honesty of "our" impartial daily press!



CHAPTER III.

THE closing days of May were marked with incidents of increasing interest as the prosecution began interlarding witnesses with the reading of seized correspondence.

The last of their witnesses from Butte, C. L. Stevens of the Anaconda Standard, went on the stand for cross-examination May 24th, and proved that his paper, owned by Mrs. Marcus Daly, chief stockholder of the Anaconda Copper Mining Company, is just as "fair and impartial" as the Butte Post toward union labor. Aside from that Stevens only proved his ignorance, or something worse, by lumping together the two separate unions of miners in Butte with the Pearse-Connelly Club as "all I. W. W.," and attributing to it an anti-draft circular which he said was "commonly known" to have been issued by the Pearse-Connelly Club. Followed—the unimportant letters of G. J. Bourg and William Weyh, the beginning of an attack upon Industrial Union No. 400 of the Agricultural Workers.

Then on May 25th, proceedings were enlivened with a "star-witness" stool pigeon, one Joseph Badozinski, alias Joe Burdell, late member of I. U. No. 400, since April, 1917, an attache of the Secret Service.

Burdell, however, had learned his lines badly; said he had "a bad memory" except for certain lurid details of fire and flood. Strange as it may seem, Burdell, after stating that he was a member of the "International Workers of the World" remarked that his folks had forbidden him to use the family name of Badozinski fully "twenty years ago" because they thought him an I. W. W. at that time. Under cross-examination he candidly conceded that he was a "Scissor-bill" and a "jungle-buzzard."

Pirating "mulligan" off "wobblies" in the "jungles" for many years, Joe drifted westward—"on a pleasure trip to California, lived for two weeks on a box of crackers," finally landing in the northwest harvest fields where, be it said, the I. W. W. spent all their time threshing pitchforks and other hardware. He admitted it a dangerous sport, as the hardware mentioned would backfire instantly and demolish the person putting it in the feeder as well as the cylinder teeth.

Then there was the story of a well and a horse—a most remarkable story. In broad daylight, one noon, back in 1913, an I. W. W. had deliberately, so the "cookee" told him, picked up a 1200 pound horse and thrown the critter down a well! Had added insult to injury by saying "the son-of-a-gun ought to have been down there long ago!" Witness had rescued the animal from a watery grave by means of a derrick and a slip-noose cast round the horse's neck! Wonderful work—as Vanderveer pointed out—so Burdell remembered "another rope," both ropes being cast through a single-block pulley!

For seven years Burdell held out—"wouldn't join a loafers' union." "Hit in the snout" by I. W. W. brakemen, and suffering many violences, he "wouldn't line up." But Fate ended this Odessy of a Scissor-bill at Milwaukee in 1917, where he succumbed to the blandishments of G. J. Bourg, who, after forcing him to join the I. W. W., delivered a thousand-word oration upon the necessity of Germany winning the war, revealing the secret that "when Germany attacks in the East, the I. W. W. would attack in the West," etc. Burdell's testimony, though unimportant, was at least amusing—the jurors laughed.

Badozinski — alias Burdell — lasted until May 28th, when the prosecution opened up on Metal Mine Workers' Industrial Union, No. 800, reading letters passing between Grover H. Perry and various branch

secretaries and organizers. These were wholly industrial in character. One letter from Vincent St. John informed Perry that he, as head of a New Mexico mining company, was in touch with a detective agency which claimed to have operatives in the Arizona camps carrying red cards of the I. W. W. Perry replied that he knew it as "three detectives in Bisbee had come through and their reports were being dictated by the I. W. W. secretary there, but three new ones and the agency manager were on their trail.

Here the International Socialist Review was brought into the case by the prosecution attempting to read to the jury a letter addressed to Perry, signed by Leslie H. Marcy. Vanderveer objected on the ground that the letter was never answered, that Marcy was not an I. W. W., nor was the Review an I. W. W. publication. Nebeker held that the Review was an "I. W. W. organ inasmuch as Haywood himself is an editor of it." Landis sustained Vanderveer.

May 28th and 29th were entirely occupied with the copper miners' strike of Arizona—interlarding witnesses of minor importance against several of the defendants. Three witnesses were called in an effort to prove membership in the I. W. W. of Stanley J. Clark, elected while in the Cook County Jail to the National Executive Committee of the Socialist Party. Although Clark is an attorney and not eligible to membership, these witnesses were quite sure he was a member because he collected money for the Arizona strikers at a speech they heard at a Texas school-house, where, according to them, Clark "made seditious utterances"—among others that "the draft law is constitutional and you must abide by it, but that the war will be stopped only when the workers stop it and the soldiers on both sides shake hands across the trenches."

Letters of Charles H. MacKinnon told of his being deported from one mining camp after another in Nevada last summer—no laughing matter, facing

murderous mobs of business men—an I. W. W. organizer—"an alien in the commonwealth of Israel and a stranger to the Covenant of Promise." Ditto J. R. Baskett whose letters told of being ordered from Jerome, Arizona, by a Justice of the Peace, whose office looked like "a handle factory or an arsenal."

The "meeting of minds," to-wit, "the conspiracy," cracked under the strain when letters passing between the Arizona defendants were read. H. F. Kane, a defendant, wrote to Grover Perry, defendant that R. J. Bobba, defendant, was "suspicious" and that Roger Culver, another defendant was "all to the bad." The written abuse of "conspirator" versus "conspirator" grew to flaming anger, the final letter read stating Bobba's intention to visit Perry's office and "straighten out things properly." Evidently the "conspirators" were barely arrested in time to prevent the sanguinary combat.

Enter now a pitiful weakling of a man, Frank Wermke, alias Frank Wood, now of Battery A-16th Field Artillery, a one-time "soap-boxer" and delegate for the I. W. W. Shifty-eyed and plainly distraught by the prospect, he entered the witness stand and sat gazing at his feet while he answered Nebeker on direct examination in tones so low and with a manner so hesitating as to repeatedly receive bawl-outs from attorneys and the court.

Under the attentive gaze of scores of those he once addressed as "fellow-workers," Wood, who last year wrote many articles in "Solidarity," shamefacedly stammered out the scarcely audible words intended to fix imprisonment upon those men who had, as he declared, "nursed him in sickness" and befriended him on the job and in jail. The old story—he had joined at Sioux City, Iowa, in July, 1916—was in Kansas when I. W. W.'s "took some members out of the jail and locked up the sheriff," followed the harvest northward committing acts of destruction and "hi-jacking;" went to California where 25

I. W. W.'s "captured a freight train;" did more violence around Eureka and San Pedro; went east again, finally landing in jail at Minot, North Dakota last July for carrying concealed weapons. There he suffered "a change of heart" possibly due to a dislike for being punished as an apprehended deserter from the army. "Olin B. Anderson had written him a letter while he was at Jefferson Barracks." But when the letter was produced, it was shown to be an innocent note signed C. W. Anderson, now in jail at Wichita, Kansas, while Olin B. Anderson could not be identified as his old friend.

Like snow in summer's sun, his fabricated story faded away under the heat of Vanderveer's inquisition. As an orphan boy he had stolen something and spent several years in Wisconsin's reform school; was farmed out to a rancher who starved and beat him so badly he ran away—back to the reformatory. He had stolen—but as an I. W. W., he did not "steal and shelter himself behind the union" as Vanderveer asked—"Oh, no. I was conscripting the wealth of the master."

VANDERVEER: "If you saw a man's watch in his pocket where you thought you could get it, would you conscript it?"

Answer: It all depends.

Q. What?

A. If I could get away with it I probably would.

Q. Did you ever hear any defendant in this case advise anybody not to register?

A. I don't recollect any.

Delving into Wermke's past—"a dog's life for two years," as he said, Vanderveer examined his experiences as a migratory worker in the woods and harvest fields. As to conditions in lumber camps Vanderveer asked:

Q. What kind of bathrooms do they have?

A. There is no such thing in existence.

Q. How do you bathe?

A. Any time you bathe is when you can find a washpan of water somewhere, or quit your job and go to town to clean up.

Q. In the harvest fields, or harvest work, rather, where do the men sleep?

A. They usually sleep in the barns and out-buildings or under the rig. Some farmers furnish a tent; some furnished a lousy bunk-wagon.

Q. Did you, after about five years of that, find yourself developing a feeling of friendliness toward the farmers and lumber camp men?

A. You don't mean friendliness, do you?

Q. Well, do I or don't I?

A. My feeling was very antagonistic to the capitalist class.

Q. You became very bitter, did you?

A. Yes.

Asked if he had studied the I. W. W. principles and literature, Wermke replied, "I studied them, yes, sir."

Q. So among them did you study the report of the Industrial Relations Commission?

A. I did.

Q. What?

A. I did.

Q. In that report you found that the Commission appointed by the President of the United States had said that everything you discovered about the industrial conditions was true, did you?

A. Yes, sir.

Q. And that the workers were being exploited and robbed by their employers? What?

A. Yes, I read that.

Q. And that most of them were not paid enough to live on?

A. I read that.

Q. And that a few people in this country owned most everything in it; two per cent of them owned over two-thirds of the property? You saw that in there?

A. Yes, sir.

Q. It increased your bitterness; is that right?

A. Well, my attitude to them was the same as it was when I was working for the state of Wisconsin as a chattel slave. I had that same feeling born right in me.

Q. Now, can you tell me any one thing that has a more definite tendency and a more direct tendency in developing your hatred of this system and your employers than the government's own report that you read?

A. Well, I was aware of those conditions before I read that report.

Q. Let me ask you if you ever heard the expression—"a fair day's work for a fair day's pay?"

A. I have heard that.

Q. Did you ever hear the other one—"a bum day's work for a bum day's pay?"

A. I have heard that, too.

Q. That is what is meant by sabotage, isn't it?

A. That means the slow-down system of sabotage.

While the witness strove vainly to conceal his agitation and while Nebeker, seated directly in front of Wermke leaned forward in silent intimidation, Vanderveer cut into the causes of Wermke's "change of heart" which brought him into the Chicago courtroom as a witness for the prosecution. Vanderveer, hurling his questions like hand grenades across thirty feet of space between him and the cowering witness cast dismay into the opposition as he sprang the denouement—

Q. You did not change because you were **afraid**?

A. Because I was afraid?

Q. You had **nothing to be afraid of**?

A. Nothing whatever.

Q. You did not join the army **because you were afraid**?

A. I did not.

Q. You did not? **Do you tell your friends the truth?**

A. Sometimes I do—sometimes I do not.

Q. **Do you know Aleck Mulberg?**

A. Aleck Mulberg?

Q. **Aleck Mulberg?**

A. I do.

Q. You wrote him a letter on January 21, 1918?

A. I did.

Q. Did you tell Aleck anything that was not true in there?

A. The **first part of it was lies** in reference to the army.

Vanderveer then introduced and read to the jury the letter following:

Camp Greene, Charlotte, N. C.
January 21st, 1918.

Mr. Aleck Mulberg,

Dear Friend:—

I hope you will be pleased to hear from me.

I joined the army last September, because eventually it had to come **or I would be found out and it was not my desire to martyr myself to a term of imprisonment.** So I joined under the name of Frank Wood, as you know me. My real name will be found at the close of this letter.

In the government raids they found that Frank Wood was **a deserter from the army** and among other things a radical or I. W. W. and horrors be it, **he was an organizer.** So I was **thrown in a guardhouse in solitary confinement for nearly a month.** I joined in Colorado, in 1916, and **stayed two days that time.** I am **again** cooking for the First Battery, known as Battery A. I hear they arrested all members in San Pedro. I have been unable to secure any literature lately, and don't know any of the events occurring through the arrest of Bill Haywood.

If possible I want you to post me on those things. Also, get me some papers, the Industrial Worker or Solidarity and wrap them inside a Los Angeles or San Pedro paper. They sometimes tear the wrapping a little to see what paper it is.

The Plattsburg Press states that I was willing to appear against Haywood. That is ridiculous. I was willing to testify at the trials to bring out the wrongs suffered by the poor people and the workers from the capitalist class. They declined to accept me. In the investigation they wanted me to write a statement of sedition against the I. W. W. and myself. I could not do so and told them to send me to Leavenworth. They released me as soon as I demanded imprisonment. I want you to let the boys know that I am still in the game.

Your friend for Industrial Freedom and Democracy,
FRANK WERMKE, formerly FRANK WOOD.

“That’s all,” said Vanderveer in decisive tones, and Wermke, alias Wood, slunk from the courtroom and vanished into ignoble history.



“CONSPIRACY” is a peculiar charge provable by establishing “a state of mind,” and this latter may be adduced by most any sort of testimony. So it is not surprising that what we consider irrelevant evidence in the effort to prove the I. W. W. men guilty of having “a state of mind” is admitted in their trial. What a defendant’s wife told a neighbor over the backyard fence two years ago; the fact that the I. W. W. was born in 1905, significantly preceding the San Francisco earthquake and fire, are facts “competent and material” in fixing the crime of “conspiracy” upon the defendants on trial.

This explains the otherwise strange conduct of the prosecution in bringing scores of witnesses thousands of miles—not to prove that I. W. W. men actually did anything—but to state on the witness stand that “it was commonly rumored as being generally known that someone had heard it said that some alleged I. W. W.’s had been accused of burning something.” This is almost unbelievable, but it is true. Considering the magnitude and importance of the case the evidence seems absurd to us. The only points possible to hang a conspiracy charge upon yet introduced are some written and oral utterances opposing war as an institution and in general, also resolutions passed by two or three isolated union branches before conscription became a fact, stating an ethical objection to it. At the time scores of A. F. of L. locals were doing the same, but—the I. W. W. is on trial and “anything goes.” Stories of “violence and destruction” dissolve into rumors and hearsay in the atmosphere of cross-examination as shown by the proceedings in the early days of June.

HIGHLIGHTS

Deputy Sheriff Cole of Colfax, Washington, told how scores of threshing machines had burned. He had never heard that both the State Agricultural College and the U. S. Department of Agriculture had proven that the smut in wheat exploded by electric sparks from gearings was the cause. Only one conviction had ever been obtained for this offense, that of a half-breed Indian, not an I. W. W., who had signed a confession under duress. "You knew he was an Indian, didn't you?" asked Vanderveer. "Well," said the deputy, "I knew he was some sort of a foreigner."

On June 3rd, 1918, correspondence of Vincent St. John, dating back to 1908, was read. In regard to a Socialist paper whose editor advocated armed organization of the workers, St. John wrote in 1914: "It is as foolish to suppose that the working class can compete with the military organizations of capitalism as to fancy that the workers can succeed by competition with capitalists in industrial production." Here, also, it was revealed in a letter from Haywood to St. John, dated in January, 1916, that the Department of Justice was "investigating" the I. W. W.—long before America entered the war.

On June 3rd a number of characters from the copper camps of Arizona were exhibited. "You are what is commonly known as a 'gunman'?" asked Vanderveer of one. "I am," proudly stated the witness. Many of these gunmen were sent back to Arizona without having testified. Readers may guess the reason from the following bits of testimony:

E. T. Ussher from Miami, Arizona, after denying he was a gunman, was forced to exhibit a strange combination of suspenders and pistol holster—the holster being, as he said, "a part of his dress, without which he would lose his pants." Defense attorney Cleary questioned Ussher about breaking up an I. W. W. dance last March. Ussher replied, "The

discontinuation of that dance was incidental. What we did was to **stop the defense subscriptions** that those people were making."

Q. The defense subscriptions?

A. Yes. They were collecting money for some defense fund; we broke that up.

Q. Did you have warrants for the arrests?

A. No.

Q. Were they breaking the law?

A. Yes, that is my interpretation of it.

Q. That the collection of funds for the purpose of defending men in jail was a breach of the peace?

A. Well, some of them are proven enemies of the government and the collection of funds for their defense or comfort is certainly aiding and giving comfort to the enemies of the United States.

Q. Tell me the names of the men this defense fund was to defend.

A. I cannot do that.

Q. Well, how do you know then that they had been proven enemies of the government?

A. Because their card said for the defense of men now incarcerated in jails of the United States.

W. B. Clegg, Miami gunman, under cross-examination by Vanderveer:

Q. I am asking if you understand what a strike is?

A. Yes, I understand.

Q. It is a controversy between two people?

A. Well, that was; yes, a strike usually is.

Q. Did it ever occur to you that either one might be wrong?

A. I could not see where they (the I. W. W.) were right.

Q. You knew that they were mining copper for eight or nine cents a pound and selling it to the government for 23½ cents?

A. I knew the government had fixed that price and had asked the people not to strike.

Q. You knew that the workers there were striking for more wages, didn't you?

A. Yes.

Q. And you thought it was unpatriotic under the circumstances?

A. I sure did.

Q. You called it an I. W. W. strike?

A. No, we didn't call the Western Federationists' a strike at all. The I. W. W.—

Q. That was an imitation, was it; the I. W. W. were right about it—calling the Western Federationists' no strike at all?

A. No, I don't think they had any right to say that.

H. K. Peterson, another Miami "gunman," under fire by Vanderveer:

Q. Were you ever employed as one of the guards?

A. I was.

Q. Gunman? You know what I mean by a gunman?

A. Define it.

Q. Well, I will define it for you: A gunman is a man sometimes with a reputation for using a gun; usually handy and quick with a gun, who is brought into a strike zone for the purpose of bullying or deporting or abusing working people.

A. I was not.

Peterson became "sassy" when asked why he did not arrest seditious speakers at the strike meetings instead of merely "reporting them to superior officers."

Q. Is that the way you always did out West? What did you carry a gun for?

A. To shoot blackbirds.

Q. Did you report that to your superior officers?

A. No, sir; because I never shot any.

Peterson said Julio Blanco made a seditious speech and advocated government control of the mines.

Q. Didn't you like the idea of the government taking over the mines?

A. I didn't like the idea of those speeches.

Q. Answer the question—you are not in Arizona now. I asked you if you liked the idea of the government taking over the mines?

A. I did not.

Q. You believe in profiteering, don't you?

A. I do not.

Q. You believe in letting the copper companies do that? In fact, you believe in helping them do it, don't you?

A. It is none of my business what they do, if I get—

Q. If you get a job and get your pay check?

A. If I get remuneration, it does not make any difference what you or anybody else makes.

Vanderveer elicited some information as to conditions in the California fruit industry and Judge Landis made an eminently fair ruling while Antonio Cerutti of the California Packers' Corporation was being questioned upon possible reasons for the defendant Parenti calling a government strike mediator "a helper for the vampires."

Q. How long do you work your men in the canneries?

A. Well, we haven't got any hours. We work till we get through.

Q. You work till you get through—daylight or dark?

A. Sometimes.

Q. And when they don't work they make nothing and the rest of the time they make 25 cents an hour?

A. Yes, sir.

Q. And you worked them sometimes from daylight to dark?

A. Yes, ten, twelve, or thirteen hours.

Q. You are very considerate of your employes, aren't you?

NEBEKER: I object, if the court please, as immaterial and irrelevant. (After a sharp tilt between counsel in which Nebeker said Parenti's reference to "vampires" was highly disloyal).

JUDGE LANDIS: Now I am just putting this question: Suppose it was a bad mess there, that the cannery companies were in a situation of unjustly treating their men and all that would go with that; would that have any bearing upon Parenti's state of heart? Objection overruled.

Regarding a speech made by Peter McEvoy at San Jose, George A. Wilson testified, "I heard him say that the President of the United States was a hireling of Wall Street."

VANDERVEER: That was not the first time you have heard such remarks, is it?

A. I don't quite understand the question.

Q. I say that was not the first time you heard it suggested that Wall Street elected the president, was it?

A. No, I have heard it in years previous.

Q. You have heard it in every campaign speech you ever listened to, on one side or the other, didn't you?

A. Yes, sir, I have.

Q. Did you hear him talk about the craft form of organization?

A. Well, I heard him compare the I. W. W. with the ordinary labor unions.

Q. He explained how foolish it was for men to organize in different unions so that they would compete with each other?

A. Yes, sir.

Q. So that when some of them went on strike others could not?

A. Yes, sir.

Q. And that the object of a strike is to make the boss come to terms?

A. Yes, sir.

Q. And if you were all in one union you could do that by all striking together?

A. Yes, sir.

Q. Did you ever hear him say anything in defense of the Kaiser?

A. No, sir.

Q. He did not believe in war, very evidently?

A. Well, no, according to his speech.

Q. Just that the people who got us into war, the Kaiser and the King of England, or whoever it was, should fight it out for themselves?

A. Yes, sir, that is what he said.

Q. And you don't think that is a good idea?

A. I don't think so.

H. Thorwaldson, Sheriff at Fresno, California, tried to connect the I. W. W. with "lots of fires," yet, under cross-examination it shrunk to four fires of unknown origin. That the California Raisin Growers' Trust had hired firebugs was the information Vanderveer finally forced Thorwaldson to disgorge.

Q. Now, what other kinds of cussedness went on down in your valley other than these four fires?

A. Other than fires?

JUDGE LANDIS: (testily) Killings, suicides, rape or anything. Tell us all about it.

Here the witness stalled until closely pressed, when he said, "Oh, yes, I remember now. There was another fire, the one you mean." There were four boys that set this fire to these raisin trays. The California Raisin Association was organizing and getting signers to join their association, and there was a man that owned these raisin trays that was reluctant to join, and these boys conceived the idea—they were very **enthusiastic for the association**—they would **do a little sabotage** themselves. So they set fire to those trays and were convicted of it, and the California Raisin Association said that as long as these boys did this **erroneous** act—Mr. Griffin said, "I feel in duty bound to pay the man for his loss." (A loss of \$8,000.00.)

It was witness Geo. H. Hudson of Fresno, who earned a "distinguished service" medal. All last summer he was not paid for his detective work, yet he was a better detective than all of the government's regular officers who raided the hall. For did he not "find things" they could not? Indeed, 'tis so! He "found" a bottle of emery dust; he "found" a cup of copper nails, too; and other things! "Are you," said Vanderveer in sarcastic tones, "the official finder for your town?" Hudson cast a dark inference about a planing mill fire but had to admit that the origin of it was a mystery and as easily attributable to anything or anybody as to the I. W. W., whose hall was close by, Vanderveer driving home the issue:

Q. You had no purpose, of course, in stating to the jury that it was almost across from the I. W. W. hall, had you? (No response.)

Q. Do you know anything about what started that fire?

A. No, sir, I don't.

Q. Do you know of any reason why you should come into this court and testify about it at all?

A. Because it started at an unseemly hour of night.

Q. Do you blame all the fires that start at night on the I. W. W.?

A. At times, I do, yes, sir.

Although not an officer of any kind, Hudson had arrested an I. W. W. last summer for advising raisin pickers in front of the state employment bureau to demand 5 cents a tray instead of the proffered 3½ cents.

VANDERVEER: You didn't approve of that, did you?

A. No, 3½ cents—

Q. 3½ cents is quite enough for them, isn't it?

A. It is, yes.

Q. So you cut it?

A. I had nothing to say right at the time.

Q. You had nothing to do with running that employment office, did you?

A. Not a bit.

Q. You had nothing to do with hiring those men, did you?

A. No, sir.

Q. It was none of your business whether they got 3½ or 10 cents a tray, was it?

A. No, sir.

Q. You thought they ought to go out anyway?

A. I didn't think anything about it. I didn't have anything to say with him until he got too raw with it and I had the patrol wagon come and pick him up.

Q. Did you prosecute him?

A. No sir, we released him.

Q. What did you pick him up for?

A. To get him away from there, to kill the agitation around the bureau.

Q. Did he go back there?

A. The next day, he did, yes, sir.

Q. Did you pick him up again?

A. No, sir.

Q. Why not?

A. Why, he kept his mouth shut.

Q. That was all you wanted, was it, to keep his mouth shut?

A. To keep the agitation down, yes, sir.



CHAPTER V.

THE great trial moved swiftly along during the second week of June. Much uninteresting correspondence was read and for hours at a time most of the defendants and part of the jury were wrapt in profound slumber. "Not poppy, nor mandragora, nor all the drowsy syrups of the world" could out-opiate this soporific "evidence."

Sleep is undeniably sweet, but there were interesting interruptions by witnesses—38 in number during the period from June 8th to 15th inclusive. Of this sum, 6 were "straw bosses" of lumber camps, 6 were federal special agents, 13 were state or municipal police officers, 4 were company managers or employing farmers, 5 were scabs, 1 was a "stool-pigeon" and 3 unimportant "outsiders." The I. W. W. is proud of its enemies.

Many of the Minnesota witnesses did not testify at all as Vanderveer had brought out, from those who did, the fact that many Finnish workers who had not registered for the draft acted under mistaken advice from the Russian consul at Chicago who told them they were exempt from service here as they were exempt in Russia for years past by the Tsar's order.

Cross-examination of John Kenny of the Department of Justice, stationed at Duluth, Minnesota, disclosed a suspicious harmony between Kenny and Steel Trust officials. Kenny's contract with James Gilday, an I. W. W. organizer in the Mesaba Miners' strike in 1916, and later suspected of being a labor spy, was investigated by Vanderveer.

Q. Were you ever connected with a detective agency?

A. No, sir.

Q. You say that you have never written James Gilday a letter about his expenses as a detective?

A. I never have. (Vanderveer here secured samples of Kenny's signature for later reference.)

Q. At the time you interviewed him in 1916, did you do it as a private citizen or as a representative of the Department of Justice?

A. It was as a citizen representing a gentleman from the east by the name of O'Blennes.

Q. Who was this man O'Blennes?

A. He is chief of the labor department of the Carnegie Steel Company at Pittsburgh.

Q. Connected with the Steel Trust?

A. Yes, sir.

Q. He wrote you, did he, to have Gilday cease his activities in the strike?

A. He did not write to me. He talked to me.

Q. Did this occur in your office at Duluth?

A. Yes, sir.

Q. I presume you were paid for your work?

A. Yes, sir.

Q. Was it because you were connected with the Department of Justice that he came to you?

A. I think not.

Q. Did O'Blennes go with you when you talked to Gilday?

A. No, sir.

Q. Did he pretend to know Gilday?

A. Pretended to know his father.

Q. Did he explain why he didn't do this personally for his father, rather than have you do it?

A. I don't think he did, no.

Q. **Was it ever mentioned to you that Gilday's father was connected with a detective agency?**

A. **No, sir. I was told his father was a labor leader in Pennsylvania.**

Q. Connected with the United Mine Workers of America?

A. I was not told that; just told he was a labor leader.

The witness then explained how soft-hearted and generous the Carnegie Steel Company was towards

this "I. W. W. agitator." He said, "O'Blennes came to my office and said he was a representative of the Carnegie Steel Company and that Gilday, whose father was a prominent labor leader in Pennsylvania, was under arrest, in custody at the county jail in Duluth; that Gilday had a mother, I think he said, or a sister who was very sick and about to die at his home, and that O'Blennes would like very much to have me go and see Gilday and ask him to return, to withdraw from the I. W. W. activities and return to his home before his mother should die. He said he was doing this on account of Gilday's folks, and I went and talked to Gilday at the jail."

Q. Had he come clear from the east to do this?

A. I don't know. I assumed he was up there in connection with the strike.

L. S. McKay, a typical "Simon Legree" of the harvest fields, after telling how vast numbers of the I. W. W. had thrown bolts into his thresher and escaped detection, was brought to earth by Vanderveer and landed with that "dull, sickening thud" as may be observed from the following:

Q. You would not have an I. W. W. around?

A. No, sir.

Q. What was the trouble about?

A. Well, they would not work.

Q. What do you mean, they would not work hard, or they would not work fast, or they would not work good?

A. Well, they would do neither.

Q. They would not do any? How long did you work?

A. I worked reasonable hours, the custom of the country.

Q. What is that? How long?

WITNESS: (appealing to Landis) Do I need to answer that, Judge?

ATTORNEY PORTER: That's all right. Answer the question.

VANDERVEER: Are you ashamed to answer?
How long did you work?

A. I went to work at 4 o'clock in the morning.

Q. When did you quit work?

A. I quit work at 8 o'clock in the evening.

Q. Sixteen hours! Do you call that reasonable?

A. Now, look here—

Q. No, I do not want to argue it with you. I am here to ask you questions and you are here to answer them. You call that reasonable, do you?

A. Yes, sir. It is the custom of the country.

Q. And if it was the custom to work 20 or 22 hours, would you do it?

A. I would work, yes, as the custom.

Q. What would you expect those fellows to do in those two hours that you were not working them? Just waste—just waste that two hours?

(No answer.)

Asked how hot it was in the wheat fields of Whitman County, Washington, according to the thermometer, McKay said, "I don't know. It would run up until you could not read it."

Q. And that is where your men were working?

A. They do not take the temperature out in the sun.

Q. No, but you take the wheat out in the sun, don't you?

A. Yes.

McKay admitted he used abusive language to his men when they complained—and discharged them besides—and Vanderveer exploded.

Q. Now, suppose one of your men would give you a punch on the jaw, you would have understood that, would you not?

A. I might have.

Q. But throwing a bolt in the threshing machine you could not understand, working the men 16 hours a day in the hot sun and then talking that way to them.

A. The sun don't shine all day.

J. A. McBride was the lone stool-pigeon witness of the week. He had to be lead by Porter on direct examination, but at that he could only recall that someone in the I. W. W. Hall at Aberdeen, Washington, had made some "seditious remarks" which he "couldn't remember very well." What he did, how he did it and his character is shown by his own words. He joined the I. W. W. at Aberdeen on July 15th, 1917, while the lumber strike was on.

VANDERVEER: Were you ever a member of a union except the I. W. W.?

A. I was a member of the I. L. A. No. 2, New York, about 1902.

Q. Were you a stool pigeon then?

A. No, sir.

McBride said he had joined the Naval Militia in January, 1917, but was excused when called for service, because he had seven children and bad teeth.

Q. Why had you entered the service in January?

A. I thought there was a chance to see service if war was declared.

Q. In spite of the seven children?

A. Yes, sir.

JUDGE LANDIS: Did you claim exemption because of the seven children?

A. I did not, I did not.

LANDIS: Who was the doctor who examined you?

A. I don't remember.

LANDIS: When was that examination?

A. I don't remember the particular date, your Honor.

LANDIS: (sarcastic) Can you give me the year?

A. Yes, sir, 1917.

LANDIS: What month?

A. That I don't remember.

LANDIS: Well, when were you discharged?

A. I don't remember the date now, your Honor.

LANDIS: Give me the month.

A. I couldn't do that, even.

Landis looks disgusted, then tells Vanderveer to "go ahead."

Q. How long after your discharge did you become an investigator?

A. Almost at once.

Q. And that, you say, was arranged by a man who was a deputy sheriff?

A. At that time, yes, sir.

Q. Did you know at the time he first spoke to you and that you went to work that you were working for the Lumbermen's Association?

A. I presume so, I was hired to get information about the strike.

Q. And you reported to this man?

A. Nearly every day, yes, sir.

Q. Did the I. W. W. tell you the Lumber Trust was exploiting the workers?

A. I have heard them claim that.

Q. You didn't believe it?

A. I didn't, no.

Q. Did any of them explain to you that the Lumber Trust has stolen its timber land?

A. They did not.

Q. Did they tell you that the only chance workmen had was by sticking together for their common interests?

A. They undoubtedly told me that.

Q. Did you believe it?

A. I did.

Q. Why, then, did you go out to spy on them? You are a workingman, aren't you?

A. I am.

Holding up an application for membership in the I. W. W., Vanderveer asked: Did you sign one like this?

A. I signed something; what it was, I don't remember.

Q. So far as you know, you were signing a pledge of loyalty?

A. I presume I was.

Q. And you did not intend to be loyal, did you?

A. I did not.

Q. And when you got into the organization you immediately set about spying on its meetings?

A. I did.

Q. And its members?

A. I did.

Q. You say at first you found some difficulty in getting access to an inner circle?

A. I did.

Q. You found an inner circle?

A. Yes, sir, I did.

Q. Apparently a well organized bunch inside?

A. Yes.

Q. Who were they? Name the members.

A. I cannot name any of them.

Q. Who was the man you looked up when you had difficulty about getting into their confidence?

A. A man by the name of A. B. Miner.

Q. Was he a stool-pigeon?

A. No, sir.

Q. A member?

A. Yes, sir.

Q. You did not know him very well?

A. I have known him five or six years.

Q. Who was it he introduced you to?

A. No one in particular.

Q. Told them you were all right?

A. He did.

Q. Which was not true?

A. Apparently not.

Q. You say you were paid in cash?

A. Every week, yes, sir.

Q. Gold, silver, paper or what?

A. Legal tender of the U. S.

Q. Well, you know silver is the usual payment

for such services as you were rendering? You heard how Judas was paid, didn't you?

MR. PORTER: Oh, now—

MR. NEBEKER: If the Court please—

VANDERVEER: That is all.

A ubiquitous young man was F. A. Thrasher of Portland, Oregon, special agent of the well known Department of Justice. He swore that Harry Lloyd, defendant, who is over draft age, had said he would "resist conscription with his life's blood." This remark, so Thrasher swore, was spoken May 17, 1917, while he and other officers were "**on a slacker case.**" Vanderveer was astonished.

Q. A slacker case on May, 17th, 1917?

A. A slacker case.

Q. Yes?

A. Yes, I say a slacker case, a man that had not registered, we call them slackers out there.

Thrasher was reminded that no one registered previous to registration day on June 5th, 1917.

C. N. Buffum, manager of the Panhandle Lumber Company of Idaho, brought in a busted bandsaw for the prosecution and some good testimony for the defense. Who or what broke the saw did not appear—the testimony is given below. About last year's strike.

Q. You were informed that the strike was for the eight-hour day?

A. I was, after it was pulled.

Q. You know there had been a convention of lumber workers held that spring in Spokane?

A. Yes, sir.

Q. At which demands had been formulated for an eight-hour day?

A. Yes, sir.

Q. You had men who were keeping you informed of everything like that occurring in the I. W. W. conventions, didn't you?

A. Yes, sir.

Q. What did you do to adapt yourself to the demand which you knew would be made?

A. Nothing.

Q. Were you very deeply concerned about filling these government orders?

A. Yes, sir.

Q. Why then did you take no steps to avert a strike (called June 20th, 1917,) of which you had warning early in March?

A. Because we had no trouble.

Q. Do you belong to any association of lumber men?

A. Yes.

Q. What is the name of it?

A. The Western Pine Lumbermen's Association.

Q. How many of the mill men of eastern Washington and Idaho belong to it?

A. Practically all of them.

Q. Do you know Dr. Carleton Parker?

A. Yes, sir.

Q. A professor in the University of Washington, a representative of the War Department of the United States?

A. Yes, sir.

Q. Have you met him?

A. Yes, sir.

Q. He came through Washington and Idaho and talked with you mill owners individually and met the representatives of your association, didn't he?

A. Yes, sir.

Q. As a representative of the United States Government?

A. Yes, sir.

Q. And urged you to concede the eight-hour day?

A. Yes, sir.

Q. And told you that the War Department and the President of the United States, through him, asked that of you?

A. Yes, sir.

Q. And you refused to do it.

A. We granted the eight-hour day voluntarily.

Q. When?

A. The first of January, 1918.

Q. Parker was there in September, wasn't he?

A. Yes, sir.

Q. And you did not grant it in October?

A. No, sir.

Q. You did not grant it in November?

No response.

Q. You didn't grant it in December?

No response.

Q. **You granted it when you found you could not run your mill any other way, didn't you? DIDN'T YOU?**

A. Yes.

Q. And you have been calling the I. W. W. disloyal?

A. I have, yes, sir.

Q. You have. Did they ever call you disloyal?

A. I don't know.

Q. Were you at liberty to grant the eight-hour day in your plants **without consulting the association** of which you are a member?

A. No, sir.

On June 14th and 15th the prosecution went back to Butte; Butte, the mysterious; Butte, the sinister contact point of class conflict; Butte, the great copper camp—built on the ugly slopes of the “richest hill in the world”—the dark and bloody ground so rich in the unutterable tragedy of Labor's serfdom and rebellions.

A question or two of Vanderveer's intimated, but did not reveal, some possible disclosures that may later set the nation agog with stories now hidden. The situation as varnished over by the prosecution presented only a disjointed and semi-amusing jumble of a Sinn-Fein circular, seven Irishmen and a pair of breeches. The circular was connected with the

breeches and Porter was trying to put the breeches on the I. W. W. when Vanderveer halted the witness with the objection: Wait, wait. The trousers speak for themselves, your Honor. Landis: Yes, the breeches would speak.

PORTER: Do you know whatever became of them?

WITNESS: They were introduced in the Federal Court of Montana as evidence in another matter. I understood that the Judge—

LANDIS: The Judge is not wearing them?

A. I hardly think so.

The trousers testimony was thus dropped. About the anti-draft circular Vanderveer put a pregnant question to the United States Marshal of Montana by inquiring if that official knew that Mr. Rohn, President of the North Butte Mining Company and another man, a German named Von Pohl, had some connections with the famous circular. The marshal didn't know, neither did he know why the Montana district attorney should conceal such things from him and from the Chicago prosecutors.

Another query of significance put by Vanderveer to Patrick Howe, a Butte policeman:

Q. Do you know a man named Morrissey, captain of detectives in Butte?

A. Yes, sir.

Q. **Do you know he took a twenty-day lay-off on the morning of August 2nd because he had scratches on his face?**

Nebeker's objection to this question was sustained by the court.

"For lack of evidence!"—J. J. Keenan, Stanley Dembicki and Julio Blanco have been released. This leaves 109 on trial.

THE third week of June opened with the promise of a speedy passing, as the prosecution had announced a purpose to close their case by Wednesday, the 19th. With the closing of the prosecution's side in view, the interest became heightened, as all looked for "surprises" and expected some tremendous broadsides at the finish. It was a real disappointment when nothing of the kind occurred, when no climax came, and everything merely fizzled out like a bad fire cracker.

Comparatively few witnesses appeared, the most important ones taking the stand Monday, the 17th. To illustrate what was left of them after Vanderveer's grilling, let us pick at random from the record, let us examine the testimony of Elton Watkins, special agent of the Department of Justice, stationed at Portland, Oregon, and sent from there last July to the lumber strike district at Astoria, Oregon.

On direct examination Watkins told of his Sherlockian methods with some pride. He didn't go to Astoria to settle the strike, to ascertain the cause, or to confer with both sides. He did talk with the bosses; he did ask the postmaster who the I. W. W. secretary was; and he did spy upon the strikers' meetings through a crack in a partition to hear what A. E. Soper, then secretary, now a defendant, said in speeches.

Vanderveer: Did you make any effort to gain access to those meetings by the regular door provided for that purpose?

A. No.

Q. You wanted to be sure that nobody would be warned of your presence and thereby be guarded in their talks? You wanted to hear what they said among themselves, didn't you?

A. Indeed I did.

Q. Didn't Mr. Soper say that violence was a sign of weakness? When people became industrially impotent they became violent?

A. I don't remember, but he did say that was the method of the A. F. of L.

Q. You did not hear anything about the war, did you?

A. No, I don't recall anything.

Q. Nor anything about conscription?

A. No.

Q. You say Mr. Soper explained "direct action." Do you remember his explanation of it?

A. The way I remember, "direct action" was in presenting their demands or grievances directly to the fellow who owned the place.

Q. And if they could not adjust it, force it by strike?

A. Yes.

Q. Or by industrial methods?

A. Yes.

Q. Did Mr. Soper or anyone else at the meetings advocate the driving of spikes in logs or the breaking of saws?

A. No, I never heard that.

"That is all," said Vanderveer.

The prosecution tried hard to make this "spikes in logs" theory stick, but to no avail. Two knives broken from a rotary planer machine were made much fuss over, Nebeker tenderly fondling them in ostentatious display before the jurors, as he examined a witness on "direct." These planer knives were brought from a mill at Aloha, Washington, by a mill superintendent, Mr. Frank Milward, who knew the knives were broken, but did not know what the cause was, or who, if anyone, was responsible; yet, of course, testifying that it "must have been the I. W. W."

Vanderveer: Did you ever see a spike knot (a natural growth) in spruce?

A. Yes, considerable.

Q. Did you ever see it break a planer knife?

A. Yes.

Q. Very often?

A. Yes, quite often.

One might comment here how unfortunate it was that the I. W. W. did not exist in George Washington's boyhood, else he might have responded to the question of who cut the cherry tree by saying, "Father, I cannot tell a lie; the I. W. W. did it."

But Vanderveer was not through with Mr. Milward, and while the hundred defendants leaned forward in hushed expectancy, the little lawyer with the fighting jaw launched an attack that carried the prosecution off its feet and caused Nebeker to go white and red by turns, uncovering in a few minutes the depravity of our opposers.

Vanderveer: You say you are the superintendent of the Aloha Lumber Company?

A. I am, yes.

Q. That is located between Aberdeen and Mo-clips, Washington?

A. Yes.

Q. Where were you on the 20th day of May, 1918?

A. Well, I could make a pretty close guess.

Q. Where were you on the 20th day of last month?

A. I would make the same guess.

Q. You were at Aloha, Washington?

A. That is the best of my knowledge.

Q. How far do you say your plant is from the Joe Creek Shingle Company?

A. Two and a half miles, probably.

Q. Do you know the foreman of the Joe Creek Company, Mr. Campbell?

A. I know Mr. Campbell, yes, well.

Q. I want to ask you whether, on the 20th of last month—your name is Frank, isn't it?

A. Yes, sir.

Q. Mr. Campbell came to you and told you that a certain man who had formerly been employed in their mill had quit work there; that they wanted him to stay and he would not—just that much?

A. I remember a conversation something of that kind.

Q. And whether that man did not come to Aloha? Wasn't he sent down there to get his pay, ostensibly?

A. I don't know anything about that.

Q. He came down there?

A. I saw—

Q. And you and some other gentlemen took him and locked him in a car from about 8 o'clock in the morning until about noon?

A. Well, you wish then, probably, to make me instrumental in that, other than just being a spectator?

Q. Oh, I am trying to find out were you there?

A. I saw it transacted.

Q. And then **you and some soldiers** took the man out about noon—**tarred and feathered him**, didn't you?

A. I saw it done.

Q. You had nothing to do with it?

A. Well, no; no more than being a spectator. I never laid hands on the man or put any tar on the man.

Q. Did you say anything to the men to **encourage** them?

A. I don't know if I did in particular.

Q. Did you say anything to **discourage** them?....

A. No.

Q. **What?**

A. I said I did nothing to discourage them.

Q. Nothing to discourage them, although some of them were your employes?

A. They were all.

Q. Except the soldiers?

A. **The soldiers were also my employes.**

Q. The soldiers were also your employes? You didn't order them to stop that?

A. No, sir.

Q. You thought he was an I. W. W., but was not; isn't that a fact?

A. How do you know about that?

Q. Well, didn't you?

A. I think he probably was.

Q. Is that the reason you tarred and feathered him?

Nebeker: I object, if the Court please. The witness has not said he tarred and feathered him.

Landis: Objection sustained.

Vanderveer: Well, is that the reason you watched the others tar and feather him?

A. Put that as one reason.

Q. You approve of what that crowd did to that fellow, did you?

A. Well, you claim I did.

Q. Well, did you?

A. I did not disapprove.

Q. You believe in that way of handling things, don't you?

Witness: (to the Court) Would I be compelled to answer a question of that nature?

Landis: Yes.

Witness: Well, I don't believe the man got anything he did not deserve.

Q. Well, then, you believe that is all right?

A. In that particular instance.

Q. **You made a nice, loyal citizen of that man, of course?**

Nebeker: I object, as not proper.

Landis: Objection overruled.

Q. You made a good, loyal citizen of that man?

A. I don't know anything about that man.

Q. You made him dearly love the soldiers? You made him love the flag and everything, didn't you?

A. I don't know what he loved.

Nor was this the end of Milward's discomfiture. On being recalled to the stand next morning, June 18, and after finishing with questions from counsel, Judge Landis took a notion to do some investigating

on his own account and, waiving aside the anxious objections of Nebeker, he spoke to the now worried lumber boss: "Just a moment. Sit down. You mentioned a figure of \$33 a thousand in talking about lumber, didn't you?"

A. I haven't any recollection.

Vanderveer: I did, Your Honor.

Landis: Was it spruce or fir?

A. Spruce.

Q. When was this price of \$33 in force?

A. Your Honor, **I don't like to go back into the things**; it has gone up; I think in 1916 we got about that much for spruce.

Q. For aeroplane construction?

A. Yes.

Q. What do you say it is now?

A. Spruce has went up in price, if you will let me explain; we are getting an average today of about \$75 a thousand.

Vanderveer: You said \$90 yesterday.

Landis: What I want to know is what happened to your spruce to make it worth \$90 today, where it was worth \$33 two years ago.

After much evasion which vexed His Honor, the witness finally had a happy thought. A. Well, logs cost two and a half times as much.

Q. Why is that?

A. Why, I only know that the increased cost of production—

Q. Well, now, tell me what that is?

A. Well, labor is double in price.

After much verbal stumbling, Milward stated that labor previously was paid \$2 for ten hours and now cost \$4.00 for eight hours.

Q. Now, when was this \$4.00 for eight hours fixed?

A. **I do not like to tell you the date**, because I have forgotten it.

Q. Well, about when was it?

A. **This spring** (1918); cannot that be taken from the record? I don't remember.

Q. Well, if you don't know—you were there; can't you tell within thirty days of it, when you went on the eight hour shift?

A. I would say it was about the first of April, 1918, after the I. W. W. strike on the job.

Landis: All right. Anybody any questions?

Vanderveer: And for your specification spruce you get \$105.00 and \$110.00 a thousand, don't you?

A. **We do.**

Two or three slant-headed persons who had scabbed during the lumber strike were brought in to tell their misfortunes. Said misfortunes consisted of exceptionally itching underwear, noticed after refusal to participate in walk-outs made by the whole crews, nonunion men as well as I. W. W. crews. Nebeker contended it was a powder called "cow-itch," while Vanderveer suggested that the bunk-house vermin had merely concentrated upon the scab because he was the only victim remaining after the walk-out. Anyway, the scabs didn't know positively what the cause was, so the trial for "seditious conspiracy" went merrily on and the story of the pro-German lice is a matter historians and solemn judges may review and ponder over.

It was on June 19, at 4:50 p. m., after a long day of reading I. W. W. arguments against "militaryism" (which is the way both Nebeker and Porter pronounce it), that Nebeker turned to Landis and cried, "Your Honor, the government rests." The jurors were told to spend the following day as they pleased, as they would not be needed, and court adjourned until 1:15 p. m. the next day, when counsel for defense was expected to make motions for dismissals.

At the appointed hour on the 20th of June, the defendants being present, Vanderveer made a motion for dismissal in toto. "Overruled," said Judge Landis. The prosecution "non-suited" eight defend-

ants and they were released. Tardy justice was thus afforded Roger Culver, Harrison Haight, W. E. Mattingly, Otto Justh, A. Rodriguez, Joseph Laukis Paul Pika and Walter Reeder.

Vanderveer moved the complete dismissal of eighteen more.

"Overruled," said Judge Landis.

Next, Vanderveer offered a motion to dismiss the third and fourth counts against some sixty defendants, being the "anti-conscription" counts, and the contention made that no testimony connected them with such a charge.

"Overruled," said Judge Landis.

Vanderveer fought over some individual cases. "What has Ben Fletcher ever been shown to have done," said he, "except that he got married and wrote in for his week's wages?"

"Overruled," said Landis.

"Whatever Charles Ashleigh might have done last year, not one word of evidence is brought to show it, and Your Honor knows as little about it as of the Angel Gabriel," said Vanderveer.

"Overruled," said Landis.

Another question fought over was Vanderveer's motion to expunge from the record certain so-called "disloyal" acts and utterances under claim that they were acts of individuals and not in furtherance of any possible conspiracy.

"These acts," said Landis, in overruling the motion, "although not criminal in themselves nor apparently carried out by plan, may tend to show a state of mind, and, therefore, are admissible as evidence to be considered by the jury."

In comment Vanderveer said: "If this theory holds, nobody is safe, and I, for one, want to take to the woods."

Vanderveer read a judicial decision to the effect that "connection must be proved, and not assumed," continuing, "and Mr. Nebeker must prove his theory that when Haywood says 'no' he means 'yes,' as he

has asserted; the liberty of these defendants cannot be left to the guesswork of counsel. This is the law!" he shouted.

"Overruled," said Landis.

The writer is beginning to wonder if the I. W. W. are the only ones that may be accused of "disrespect for the law."

There are now 101 defendants. Friday, June 21, Pietro Nigra was sick and no court was held. The day following Albert Prashner sent down a doctor's certificate declaring illness, and further action was again delayed until Monday, June 24.



Vanderveer's Opening Address.

THE Federal Building at Chicago squats its low massive bulk of grey stone, like a misplaced feudal castle, in the very heart of the famous "Loop District." For blocks around, story piled upon story, gigantic sky-scrappers thrust their sharp angles into the clouds. Now and again fogs creep in from the great inland sea blotting out for a time those ugly walls wherewith man seeks to shut out heaven. Almost unnoticed here, the sun rises out of the lake and passes over the zenith to lose itself in the pall of smoke o'erhanging the West Side factory district. But always, day and night, winter and summer, the air vibrates with the throbbing rumble of traffic. In a voice of continuous thunder the God of Business cries but one word—"Gold! Gold!"

It is Tuesday morning, June 25th. After four days of delay—four days filled with rumors, arguments in open court with defendants absent, conferences behind closed doors, etc., all ending with Judge Landis' significant ruling against the defense's asserted intention to introduce the Industrial Relations Commission Report—the great trial proceeded.

"Hear ye! Hear ye!" sang a voice back of the bench. The big room held an air of hushed expectancy. But there could be no silence. Through the open windows came the roar of the city; the smooth voice of George F. Vanderveer, beginning the opening statement for the defense, scarce rose above the tumult:

"This case is unusual. It is supposed to be a case against William D. Haywood, James P. Thompson, John Foss, and a great number of other men whom you never heard of before, but—it is a charge

of 'conspiracy' wherein the prosecution claims these defendants have conspired to violate certain laws of the United States and for which alleged crime the prosecution here purposes to send these defendants to prison. Yet in reality, it is the purpose of the prosecution to destroy the organization with which these men are connected and to break the ideal for which their organization stands.

"You are told that this case is of great importance to the nation; yet it involves more than the nation—it involves the whole social order. There are five counts in the indictment which recites numerous 'overt acts' supposedly committed in furtherance of the 'conspiracy;' one of these acts is the circulation of the Preamble of the I. W. W. Constitution; another an editorial in an issue of Solidarity entitled 'We are Dissatisfied'—the latter plainly stating that 'the present industrial system is useless and we mean to destroy it.' It is the function of the defense to explain this to you. We want you to notice especially that the purpose of this organization is not to destroy government but to control industry—two things which ought to be separate.

"It is manifestly impossible for me, gentlemen, within the limit of time allotted to me to attempt it—to tell you all that these hundred or more defendants have said or done, and all that they have had in their minds.

"They classify themselves, however, into two classes. Some have had something to do with strikes—not unlawful as such—and which become unlawful only when accompanied by a certain sinister, unlawful purpose which is attributed to them in these various counts of the indictment.

"Some of these men, again, have had no direct connection with any strike, but they have engaged during the period of supposed conspiracy in organizing men on various jobs—or have gone out as lecturers, or have carried the gospel of the organization in whatever manner to the workers.

"I am not clear, in my own mind, upon what theory counsel seeks to hold here men who have had nothing to do with strikes, men who have had nothing to do with war activities. It may be counsel's contention that their activities as members became unlawful by reason of the unlawful character of the organization. Again the question whether or not it is lawful or unlawful in its character must be determined by its purpose.

"Now, in every issue of Solidarity, about which you have heard a great deal here—on the top of the front page you will find these words—'Education—Organization—Emancipation.' What do they mean? What do they mean standing alone or taken in connection with other things which you will find stated as part of the philosophy of the organization?

"For instance, what do they mean in connection with the statement that the two classes in our society have nothing in common, the working class and the employing class?

"I want to state to you what these men have said, what they have done, and what their intention has been in doing these things.

"His Honor has struck out my reference to the Industrial Relations Commission Report. I do not want to repeat. You will remember—how the vast majority of our common laborers in the basic industries from which this organization recruits its membership, are unable to earn the barest living for themselves and their families. It has been the function of these men to tell these facts to the working people, in order that, understanding their conditions, and the causes of their conditions, they may more intelligently and efficiently go out and find and apply the remedy. It is a sad commentary on our system that 79 per cent. of the heads of our working class families are utterly unable to support their families and to educate their children on a plane of civic decency. Nobody can right the wrongs of the past. All we can do is to concern ourselves with the future

and prevent, if possible, further development and growth of a system which brings these things about.

“One hundred per cent. of railroad workers are employed by corporations; ninety per cent. of all workers in mines are employed by corporations; seventy-five per cent. of all workers in other industries are likewise employed by corporations. What is the purpose and method by which corporations, once organized, get together and blend themselves by a system of interlocking directorates or what not, into a large industrial unit known as a trust?

“We have reared up in our midst here a tremendous industrial fabric. When we look at it sometimes and contemplate the figures which it represents, it is appalling. We wonder what we are going to do. The bigger the thing the more it must be fed, because you have got to feed it six per cent. or ten per cent. or twenty per cent. or twenty-five per cent. a year, otherwise it disintegrates of itself.

“Another thing that is significant in connection with this development is the fact that trusts when formed, almost without exception, go under the management of financiers rather than business men. That makes for social waste. How far has that gone? I want to mention this, and I want you to get what it means because of its great social importance. The largest trust which stands over them all is what is known as the Money Trust, comprised of three rings; one known as the Morgan Group, which controls \$22,245,000,000; the Baker or First National Bank Group, which controls \$11,500,000,000; the third, the Stillman, or National City Bank Group controls \$11,000,000,000. This gigantic combine controls wealth to the equal of the total values of all property in the states west of the Mississippi, both north and south. This colossal power destroys initiative, pigeonholes inventions and stifles business credit. You know and I know and these boys know better than anybody in the world that it has corrupted absolutely every source of public informa-

tion. You never get the truth unless by accident. We are going to prove that to you in this case; right out of the mouths of some of these fellows who are sitting here and don't know how we are going to do it.

"Finally, perhaps most important of all, you have reared here a thing which is more powerful than your government itself; a thing which is the government—the invisible government of your country; which every day determines how much you eat, how much you get for your work; what kind of schooling your children get and how much food; whether your babies have proper medical attention; another thing—it has absolutely destroyed business ethics—business morals. A few years ago when the Pure Food Law was being considered, Doctor Wiley was told 'If you make us call things by their right names you will bankrupt every food industry in the country.'

"How do these things affect the workers and the future of the coming generations? How affect prostitution? We will prove to you how the present system gives a girl a chance; that four times as many babies in working class families die in infancy than in the families of the business and professional class. And to what end is all this? That a few, a mere handful, should grow richer than any Croesus; that they may have autos they haven't time to count; that they may lavish luxuries upon their lap-dogs that your babies and mine may never hope to have; that they may give monkey dinners and dog weddings.

"All of us agree this situation is not right. But counsel says, 'Your way is the wrong way, you must use political action.' Now, I never saw a gambler but what wants to use his own cards and make his own rules. We have tried that game and Bull-Moosed a while. We have tinkered with the tariff. We have busted the trusts into little pieces. And how much have we accomplished? Why?

"I have told you a while ago that we have reared up a thing here bigger than we are, but that thing

looks to me like a pyramid. It is top-heavy. It is balanced on its little point and that little point is on the back of Labor, and that is where the tap-root goes through, where it must get its dividends; and that is the point where the I. W. W. attacks it and is going to bust it. The minute you take the milk bottle away from this thing, that minute it is going to look around for a living elsewhere. Why political action? This thing was not reared by law. It grew because some men by combining in trusts and corporations within industry got power to exploit Labor. And it will quit growing just as soon as Labor organizes and gets the power to stop its being exploited. 'But you use sabotage,' says counsel. Yet out of the thousands of lumber mills in Washington, he brings only two which had saws broken by something not proven and a few threshing machines out of hundreds testified about here by witnesses. We will bring witnesses—not the kind you have seen here, I hope—but reputable farmers, who have been dealing with the I. W. W. for years in the places best organized by it, who will tell you they never had better workers than the I. W. W.

"A number of years ago the French Federation of Labor endorsed sabotage as a labor tactic and one of its leaders, Emile Pouget, wrote a book about it. He was not an I. W. W. That book was translated but not by an I. W. W., and was first published by B. W. Hupes in New York City, and exhibited everywhere. You will find here in the Chicago Library five times as much literature on sabotage as we ever saw, all open for reading. Courses of instruction on sabotage and direct action and everything else are taught at Harvard, Princeton, Stanford and in universities everywhere. The I. W. W. has sold these books, partly for revenue, partly because we believe that education about anything, right or wrong, is a good thing.

"In our confidential literature dozens of times the I. W. W. has argued and warned against violence.

In 1912, at the Seventh Convention, the General Executive Board report upon that subject was printed later into a book called 'On The Firing Line.' Nobody who reads that fairly and honestly can be in any doubt about our position on violence. Remember that the I. W. W. was born out of the bloody Cripple Creek strike and if ever Labor learned a lesson on the futility of violence it was there in Colorado. 'Why destroy a brother's product?' we ask. Somewhere, counsel says, we advise workers to 'misplace a nut.' When I contemplate that in comparison with evidences of strike violence that are all about you in this city every day—not I. W. W. violence—it is hard to restrain the inclination to laugh. Again—in one of the Agricultural Workers' bulletins is reprinted a circular letter sent out by some bank to farmers telling them how the I. W. W. was burning up everything somewhere else and that letter ended by saying, 'You can get insurance for \$4.00 a thousand from the Boyd National Bank.' Far from destroying, we will show that last summer the I. W. W. literally saved the forests of western Montana, northern Idaho and Washington from fire."

Speaking upon the 1917 Lumber Strike, Vanderveer told how the A. F. of L. and the I. W. W. had struck side by side for the eight-hour day; how he had gone in person to Governor Lister of Washington, and how that official had tried vainly to get the lumber barons to compromise on a nine-hour day.

Coming to Butte and the industrial tyranny exerted by the Anaconda Copper Mining Company, he said, "For years there have existed in Butte conditions which have kept that camp in continual turmoil. The Butte operators have what is known as the 'rustling card' system, an institution of which you have never heard and may have some hesitation about believing. You may be the best miner in the world yet if you went to Butte you couldn't get a job if you were a union man. You have to go to a central bureau and go through an examination; you

are told to come back after they look up your record. If your record shows you are a good slave you get a white card which entitles you—not to a job—but to permission to hunt a job up on the hill. This company has elected every senator, every governor and everybody else. It has elected mine inspectors to investigate safety conditions—after somebody is killed.

“That is how things are run—and there had been a strike—and they had their little machine guns out on the hill; and they had cowed and beaten and compelled Labor until it stood it just as long as a human being can stand that kind of a thing and still call itself human.” (Vanderveer’s voice, vibrant with the passion of his cause, proceeded.) “On the 8th of June, there was a fire, known as the Speculator fire, and if you have never seen a mine fire, with all that it means, then I cannot picture it to you. No man can picture it to you. It is a thing that simply surpasses description. The people who went to this mine found the gates locked and the property barred. Wives and children could not go there to see whether or not their husbands and fathers were burned to death.” Pausing in a futile effort to repress emotion, the voice went on in trembling earnestness. “The women went up on that hill with all the horrors in their hearts that previous experiences had taught all miners’ wives; crying and weeping; and finally the bodies came out; and with the bodies came the men who found them! and with the men who had found them came the damnable story of how it happened. Then these poor people went down to the morgue. They saw the bodies lined up there, 175 of them; 68 of them burned so black they were never identified—burned to a crisp. They were told that underground, in order to prevent spread of fire which might do some damage to property, they had built concrete bulkheads without a manhole. When the fire occurred, the men sought shelter in underground exits into other mines, but they encountered

these bulkheads and there the bodies were found, literally piled in one charred heap, sacrifices to the greed for gold. They say the I. W. W. started a strike, but I tell you the men in that camp, driven to frenzy by that thing, went out on the hill on the 11th of June and organized that union.

"Then there was another strike down in Arizona. On the 12th of July, in Bisbee, 1186 men were taken at the point of machine guns—mind you, I say machine guns, mounted on automobiles, and taken down to the ball park, and there loaded into filthy cattle cars that were six inches deep in manure; hauled out through a blistering Arizona desert to a place called Hermanas, shuffled back and forth between there and Columbus, New Mexico, where they finally were taken in charge by U. S. troops. Something like one-third of those men held Liberty Bonds, hundreds more were registered for the draft. But there was somebody in Bisbee who was better than they, who said, 'They are disloyal.' But a curious thing happened on that 12th day of July; every man approached was asked, 'Will you go to work or be deported?' Did you ever know of such a method of making men sell their labor at the other fellow's price? While all this was going on, wives and children were left at home to starve—without money—without food—without anything in the world."

Nearing conclusion, Vanderveer said, "If patriotism means to wave flags from the housetops and then profiteer, then the I. W. W. is unpatriotic. If patriotism means that one must believe in war as the best way of settling things—in wholesale slaughter of innocent people—is right, then again, I say the I. W. W. for years has been in that sense unpatriotic; because the I. W. W. has not believed and does not believe in war."

Upon hampering war production, Vanderveer explained that if a conspiracy really had existed many more industries would have been shut down by the I. W. W. "Secretary of Labor Wilson's report

for 1917 shows thousands of strikes," he said, "yet the only ones the I. W. W. had anything to do with were those I have talked to you about and for those there existed ample aggravation and ample cause, the Lord knows.

"Finally," said Vanderveer, "I am going to show you these men, because when you decide if they have been guilty of crime or not, you are deciding whether or not they are criminals—and the final test of that is the test of their manhood, and you are going to see them under cross-examination by the most astute counsel the government could get. I want you to adopt as a guiding principle the ideal expressed in a book by William E. Stead, a British writer who visited Chicago some years ago and afterwards wrote a book called, 'If Christ came to Chicago.' I want you to consider what Christ, if he came to Chicago and looked upon these men and the things they have done and the motives that have moved them, would say; whether he would condemn or whether he would approve; and when you have considered that, I want you to write that answer in your verdict."

The voice died away. Upon the city's canyons arose the forgotten war of the tides of commerce. Out across the Dearborn Street chasm in the windows of a sixth-floor sweat-shop the bent forms of women kept up their monotonous motions; hour after hour they sit there, sewing, sewing, sewing. . . .

A moment's pause—and Vanderveer raised his voice. "Call James P. Thompson." The I. W. W. had begun its countercharge against Capitalism.

Defense Opens.

JAMES P. Thompson—"the rough-neck Isaiah" of the American proletariat, took the stand as the first witness for the defense and for two days the marble walls of a federal court echoed with the most passionately terrible denunciation of capitalism ever heard in such dignified surroundings.

Vanderveer's questions passed swiftly over Thompson's career as a worker from the time when he became a marine fireman on the Great Lakes at the age of 15 until 1905, when he left the I. L. A. which he helped organize on the Chicago waterfront, to begin his long career as a lecturer for the I.W.W.

Landis sustained the government's objection to the introduction of the report of the Industrial Relations Commission, but in Thompson's denial of making seditious speeches, he was allowed under the rules to show what his speeches really were, and in reproducing them on the stand he read copiously from the report the parts taken as texts for his lectures given to audiences throughout the country. In this fashion the industrial background of the case leaped into view and Thompson laid the philosophical and economic basis for the I. W. W.'s attack upon the whole capitalist regime. Logical in the facts and figures cited to prove his contention of the class struggle and the unequal distribution of wealth; tragic in his vivid portrayal of the sufferings and brutalities borne by the workers and their desperate and bloody struggles on the battlefields of industry. Thompson broke down and tears coursed down his cheeks as he told of the strike of hop-pickers on the Durst ranch at Wheatland, California, in 1913. "Some day" he said, "when Labor's age-long fight for life and freedom is ended, then will there

be a monument raised over the graves of the Wheatland martyrs—and it will show the little water-carrier boy and his tin pail lying there on the ground mingling his blood with the water that he carried, and over him, in a posture of defense, the brave Porto-Rican with the gun he had torn from the cowardly hands of the murderers who had fired upon a crowd of women and children.” Lawrence, Ludlow, Everett—the whole story was told, with a gaunt and terrible coloration of how the workers live, labor and die to feed the fortunes of great industrial kings. Scornfully turning to the prosecution he continued:

“The very people who are abusing the I. W. W. today, if they had lived in the days of our forefathers would have been licking the boots of King George. They would have said of the boys fighting barefooted in the snow at Valley Forge, ‘Look at them! They haven’t got a shoe to their feet and they are talking about Liberty!’ The people who are knocking the I. W. W. are the same type who dragged William Lloyd Garrison through the streets of Boston with a halter; who killed Lovejoy and threw his printing press into the Mississippi River; it is the same type who murdered Frank Little!”

Nebeker rose to object, to be met with a hot rejoinder, “I do not mean to be personal,” said Thompson. “This is what I said in my lectures, but if the shoe fits—wear it.”

“The status of women as wage workers,” said Thompson, “is most important; not only as they are used by employers to scab upon the male workers, but because their low wages threaten the very vitals of society with the cancer of prostitution.”

Reading from the report of the Illinois Vice Commission, he cited statistics showing that two-thirds to three-fourths of women wage workers receive less than \$8.00 a week, nearly one-half get \$6.00 per week; while Marshall Field, who employs women and girls at these figures, receives an income from

their labor at the rate of **\$700.00 an hour**. Thompson told of the sordid lives of these girls, who forsake one necessity for another necessity in trying to live a life of normal decency until that hour when virtue seems a light price to pay for just a little relief from the miseries of barren existence—for only an hour in the sunshine to these little “flowers that grow in the shade.”

Citing the vast fortunes supposed to be the reward of men with “mighty brains,” Thompson pilloried an anti-social morality which justifies the use of mental ability in exploiting labor. “If your brain is good you are rich already,” he said, “but you are a mental prostitute when you use it as an instrument of plunder.” He quoted Supreme Court Justice Brandies as saying that “America has an hereditary aristocracy of wealth which is foreign to American ideals and is menacing to the nation as a democracy.” “Justice is denied, the whole machinery of government is in the hands of employers and there is one law for the rich and another for the poor,” said Thompson, and quoted from a speech of William H. Taft wherein the ex-President said: “We must keep the Law and Justice a little closer together in order to justify the Law.” Commenting upon such conditions, Thompson cited the words of warning uttered by Judge Cullen of New York: “There is danger,” said Judge Cullen, “real danger, that the people will see with one sweeping glance how we lawyers in the pay of predatory wealth corrupt law at its fountainhead; that the furies may then break loose and all Hell will ride on their wings.”

Thompson then elaborated upon the theory of Industrial Unionism as a method used in purging the social order of the evils of oligarchy and freeing the political state from the corruption of absolutism. “As an end,” he said, “we want Industrial Democracy; the industries should be owned by the people, operated by the people, for the people. Scientifically organized labor is the only logical and effi-

cient force making for social progress; that is why we I. W. W. organize Industrial Unions into One Big Union—that is why we say we are 'building the New Society within the shell of the old.' ”

It was laughable to see Nebeker upon cross-examination. Almost the first question asked was, "Does your organization advocate 'free love?'" Thompson replied, "No; for the same reason that most everybody does, we get married in the same way and try to be happy in the same way."

Q. Do you regard courts as being capitalistic institutions?

A. Well, they are the courts of the dominant class, yes. But no narrow interpretation; the laws are made to reflect the interests of the dominant class.

Q. Do you believe in violating laws that seem to you and your organization to be bad?

A. I do not believe in violating any law—unless it is an extreme case. As a rule, we ought to obey the laws and take steps to correct sentiment against them.

Q. Now, what sort of interference with machinery do you say would be sabotage? Take for example a steam engine.

A. Yes, take a steam engine. If you could take the drive wheels off of it and lay them over on a fence, they would not be able to go ahead until they put them back on; but if you broke the wheels off, that would not be sabotage.

Q. Suppose you left a nut loose on a machine and it came off?

A. If it leads to destruction, you are destroying; the act must not result in rendering it defective.

Q. Now, note this and see if you remember this—(reading from Pouget's Sabotage) "These instruments of production being our own property, we can do with them whatever we best please. We can run them for our own good, as we surely will, but if we so choose, we can also smash them to pieces."

A. Yes, I remember reading that. He does not say that is sabotage, though.

Q. Your conception is, is it not, that over here on one side are all of the wage workers of the United States; over on the other side are all the cohorts of Capitalism?

A. That is very vague—there is a large working class and an employing class whose interests are diametrically opposite.

Q. Now, the purpose of your organization, I assume, is to prevent anybody from the one side, that is to say from the wage working side, getting over into the other side, into the capitalist side?

A. No, not at all.

Q. Has your organization ever assisted any young men in becoming independent and getting over in to the capitalist class?

A. Oh, yes, many times. We always tell them that if they want to be independent they have to get high wages and get them by joining the union and taking them.

Q. And if your organization was successful in getting all these men over into that class, the organization would commit suicide, wouldn't it?

A. If we got them all over in that class, we would all have to go to work, and then we would have what we want.

Q. If you got them all into the capitalistic class—

A. Impossible.

Q. —and if they ceased to be wage workers and became employers, they would cease to be members of your organization?

A. They would have to employ themselves, then.

Q. What about churches in general? Do you regard them as capitalistic institutions?

A. Well, churches existed long before capitalism existed, so that would be absurd.

Q. You do not care how unequally wealth is distributed amongst the capitalist class?

A. We look at it as all one great company—one class.

Q. So that whether 2 per cent of the capitalists have 60 per cent of the wealth of the capitalists, from your standpoint, is not any worse than if 60 per cent of the wealth was distributed uniformly among the capitalist class?

A. A very great difference. It shows the tendency to center the whole earth in the hands of a few industrial kings.

Q. If a member of the capitalist class loses his property and becomes a wage worker he becomes a member of your organization, doesn't he?

A. Eligible to membership, yes.

Q. And in that way he strengthens your organization?

A. His interest becomes ours, he may not strengthen our organization.

Q. It becomes a matter of interest to you to have just as many of the capitalist class deprived of their property as possible?

A. That is not a logical conclusion under conditions today. Every man crushed out from business comes into the labor market in competition with us.

Q. Where does the money come from that is used to pay this array of defendants here?

A. It comes out of the pockets of the boss. If the union becomes strong enough, we make the boss pay for it.

To poke fun at Nebeker's silly questions on "free love," Vanderveer opened re-direct of Thompson as follows:

Q. Mr. Thompson, does your organization believe in marrying old millionaires to young actresses?

A. (Smiling) Certainly not.

Q. Does it believe in marrying young girls to debauched members of European nobility?

A. It does not.

Q. Does it believe in marrying the Astor fortune to the Vanderbilt fortune?

A. That is a good union for the capitalists, from a financial standpoint, but we do not believe in the economic reason for marriage. We believe in happy marriage—a normal, natural life.

Vanderveer followed the testimony of Thompson with extracts from literature printed or sold by the I. W. W., reading at length from Mary Marcy's "Shop Talks on Economics," to bring out the Marxian theory of Value and the analysis of value, price and profit. Reading also from Austin Lewis' "Proletarian and Petit Bourgeois" and Vincent St. John's "Industrial Unionism," Vanderveer set forth the dominance of the unskilled and the I. W. W. idea of union structure.

On Friday, June 28th, the courtroom grew curious when a large easel and cloth blackboard were set up in place of the witness chair. Christensen called defendant J. T. (Red) Doran as witness, and "Red" launched into a long and brilliant illustrated address upon the social structure, showing conclusively how it was based upon robbery and degradation of the many for the benefit of the few. Doran remained on the stand for cross-examination the next morning. Nebeker, more angry than wise, could only exhibit his personal spleen by such questions as "Did you ever sell patent medicine on street corners?" and "How long since you did any manual labor?" On re-direct, Christensen sarcastically inquired of Doran if he knew "how long since Sammy Gompers did any manual labor?" which question was, of course, "immaterial and irrelevant" to Mr. Nebeker and His Honor.

Doran was followed by defendant Charles Ashleigh, whose fine appearance and clear cut explanation of the relative attributes and comparative values of political and industrial democracy attracted marked attention from the jury. Nebeker on cross-examination tried to make a stand for labor legisla-

tion as against "direct action." On re-direct regarding this supposed efficacy of laws, Ashleigh stated that "labor laws are almost always but a ratification of action already taken by organized labor on the job," and cited the case of the Welsh coal miners and how the English Parliament had to bow to union rules. During Ashleigh's testimony Judge Landis ruled against Vanderveer introducing Charles Edward Russell's pamphlet "Playing the Game," which shows how "labor politics" failed miserably in Australia. However, by some legal "hocus-pocus" Vanderveer was reading this material to the jury five minutes later.

Out from a group of defendants came Charles R. Griffin of the Lumber Workers I. U., No. 500, a huge bulk of a man in a blue shirt open at the collar, who gave his home address as the Cook County Jail and his vocation as a "lumber-jack or a pine-cat." Griffin, somewhat droll in manner of expression and his lumber-jack vernacular, excited the interest of all his auditors. He went into the details of life in the northwest woods and told in simple language of the miserable life of the men who furnish the world with lumber. "Some camps" he said "have muzzle-loading bunks where the loggers have to crawl into pigeon-hole box beds over the end board, these muzzle-loaders being built three tiers high." Landis lent a curious ear when Griffin told of how strikers had encountered "hard-boiled gunmen." "What?" asked Landis of Griffin, "what is a 'hard-boiled gunman'?" Griffin replied, "That's a gunman who beats up on strikers without provocation," adding apologetically, "I'm talking with the only language I know, your Honor." "That's all right," said Landis, smiling, "I precipitated it; you didn't."

The first witness not a defendant then appeared, and gave his name as W. H. Margason of Aberdeen, Washington. He was on the Strike Committee at that place in the summer of 1917 and told about con-

ditions in the camps and how the I. W. W. had improved them by the strike.

VANDERVEER: What percentage of camps had bathing facilities before the strike?

A. About one-tenth of one per cent.

Margason said that when men are scarce the food becomes good. "Thirty-five per cent. of the entire force employed in the lumber industry are I. W. W.," he said, "and ninety-five per cent. of the I. W. W. membership also belong to the Loyal Legion of Loggers and Lumbermen."

Sam Scarlett, defendant, took the stand next. Sketching his life's history briefly, he told of his birth in Scotland 33 years ago, of how he had served his six years apprenticeship as a machinist and after working for a time in Great Britain emigrating to Canada and thence to the United States. He struck with the International Association of Machinists when called out in the great Harriman Line Strike in 1911, joining the I. W. W. that year after seeing the failure of craft unionism illustrated in that strike and after listening to James P. Thompson explain industrial unionism on a street corner at Rosevale, California. With graphic and biting sarcasm Scarlett explained how the strike was lost after three tragic years of struggle by other crafts scabbing on the shopmen and the latter even scabbing on themselves by repairing Harriman Line cars in the shops of a supposedly competing company. "Throughout those years of suffering for the shopmen these desperate men with starving families fought on, encouraged now and again by a wire from Samuel Gompers, the little English-Jew who still thinks America is a British province; and who had the gall to keep saying "stick together, boys" while nourishing his fat paunch with a salary of \$720.00 a month, at Washington, D. C.

Nebeker spent little time on Scarlett; something as follows:

Q. Where is your home?

A. Cook County Jail.

Q. Before that?

A. County Jail, Cleveland, Ohio.

Q. Before that?

A. City Jail, Akron, Ohio.

Q. Are you a citizen?

A. No, sir.

Q. How long have you been in this country?

A. 14 years.

"That's all," said Nebeker, evidently having hopes of deportation under the new law regarding aliens who are "revolutionary."

Edward Hamilton, defendant, the next on the stand, on July 2nd, was a living testimonial to the failure of capitalist society.

"I do not know who was my mother or who was my father. I was adopted out of an orphan asylum when four or five years old by people who treated me with such extreme cruelty that I ran away when eleven years old to drift about and find my way into jails where I came in contact with the foulest sexual perverts"—is a sentence that should burn with shame upon the consciousness of those who raise the banner of apology for such a putrescent and systematic debauchery of little children. The I. W. W. came into his life, Hamilton indicated, as a purifying and elevating force and the only means whereby the disinherited could seek and find some measure of social justice.

John M. Foss, defendant, came to the stand next and told in his simple, quiet way, the story of his life as a worker. Low wages in civil life caused him to be attracted to the regular army, he said, where he served six years and was honorably discharged, there being eight battles credited to his record in the Phillipine campaigns. Foss told of going to Butte after the Speculator fire. Over the objection of Nebeker, Foss answered Vanderveer's question as to whether or not he had visited the Butte morgue. "Yes, sir," he said, "when I first came into Butte,

I walked up from the depot to the main part of town. Going up one of the main streets, I noticed a big crowd standing in front of a lighted-up establishment and I asked some of the people passing by—‘what is going on over there?’ ‘Why,’ they says, ‘that is an undertaking establishment; there are a lot of dead miners laying in there.’ I says, ‘Are you allowed to go in?’ They says, ‘Yes, anybody can go in, the friends are allowed to go in to see if they can identify one another’—and I went in.”

“Now, outside were a lot of men, miners, a lot of women and children, lots of them were crying as I walked in. I should judge 50 dead miners were laying in there, and I don’t think there was a man over 35 years old among those dead miners. I went through there and I looked. There was one body covered with a white sheet; the man in charge was showing this body to two other people and I took advantage of the situation. It made me sick to look at it. From the upper jaw down through the neck was all blown away; and the eyeballs were laying out on the cheek. That is the reason they kept him covered. Over on the other side of the place there were about twenty other miners, young fellows, all burned and charred; some of them had little black specks on them like there was an explosion of some kind. There were three bodies there not covered up. The hands of these three miners **were worn down to the second knuckle** on their fingers, the bone sticking out; and they stated to me that those men were found at the bulkheads in the mine, where they fought after being trapped and they had clawed at these bulkheads of concrete and had worn their fingers down until only the second joint was left. And when I had looked around there I walked out—and when I walked out—I cried.”

Foss finished his testimony on July 2nd, and was followed by E. F. Doree, defendant, who told of the peonage of the southern lumber states—of “mill towns and free towns”—of the brutal oppression of

both "poor whites" and the poorer "blacks" in long detail.

W. T. Nef, defendant, took the stand to testify. Nef's chiefly important statement was that as secretary of the Marine Transport Workers I. U., No. 100 he knew that 12 miles of docks in Philadelphia were controlled by the I. W. W.; besides over a thousand members who worked in the U. S. Navy Yard, there, handling chiefly munitions of war. Also he stated that there were close to 5,000 seamen and marine firemen members of the I. W. W. plying out of Atlantic ports. Nef was followed by Archie Sinclair, defendant, who drolly described how he had been deported by a mob of business men from his home at Bemidji, Minnesota, early last year.

On July 2nd, John Avila, defendant, a naturalized Portuguese, who came to America when 14 years old to go to work in the eastern textile mills for \$2.45 a week, told of his near-murder at Franklin, New Jersey, last August. While working in a barber shop at this town, which is owned by a mining company, he had casually spoken to some of the miners who wished to organize about the I. W. W. He was ordered out of town, but while on the way to the station with his suitcase, he was picked up by the chief of police in an automobile. The chief drove to some of the business houses, picked up a few of the "best citizens" and then, in broad daylight, drove to the edge of town, put a noose about his neck, threw the rope's end over the limb of a tree and pulled him clear of the ground. As he dangled, choking and fighting for his life, with hands shackled, one of the officers of the law kicked him in the testicles and he lost consciousness. Evidently acting upon a tardy fear of punishment, the brutes let him down and he came to his senses a few hours later in a cell. Almost dying with agony, and covered with blood that had gushed from his ears and mouth while strangled by the noose, he was taken before a police judge who is paymaster for the mining company and

sentenced to 90 days at hard labor. He was held incommunicado but smuggled a note out and was later released on appeal to the Superior Court at Paterson, New Jersey. Avila also exhibited to the jury the broken arm received from the Massachusetts militia in the Lawrence Strike in 1912. As Avila had done no work for the union during the period covered by indictment, it seems clear that the only reason he is on trial is that he escaped being murdered.

Next came John Edenstrom, an outside witness, now chairman of the Organization Committee of I. U. No. 400. He told of the union in the harvest fields and how the commercial clique had created all the hostility between the workers and the farmers. The prosecution started a small tempest when Porter asked Edenstrom if he ever got mail under another name. Vanderveer shot Porter a question, "Have you been opening his mail?" Landis criticized Vanderveer for the "improper remark" to be met with—"Well, your Honor, it is a question prompted by bitter experience." "Have you any evidence of this—have you any such letters?" asked Landis with some heat. "Hundreds of them," said Vanderveer, "that I can bring before you." His Honor quieted down.

Morris Levine of the Lumber Workers and James Phillips of the Marine Transport Workers, both defendants, followed Edenstrom on the stand.

A. S. Embree, present secretary of Metal Mine Workers I. U., No. 800 appeared to tell the story of the Arizona deportations. Court adjourned until after the Fourth of July, the boys in jail celebrating National Independence Day by being locked in their cells all that sweltering summer's day. Embree resumed on the 5th of July. The law of Arizona was but the plaything of the Copper Trust, he said, in giving a long and explicit account of how he and 1185 other men were deported from Bisbee by gunmen under direction of Sheriff Harry Wheeler and

company officials. Embree was examined by Attorney W. B. Cleary, himself a deportee, and his story of that memorable 12th of July, 1917, when all law was set aside in the interest of industrial autocracy, was backed by many photographs of the deportees and their deporters. On the morning of that day five men with rifles came out of the office of Postmaster Bailey, and more guns came from the Y. M. C. A., Embree stated.

Of those deported, 40 per cent. were members of the I. W. W., 25 per cent. were members of the A. F. of L. and 35 per cent. were unorganized workers or business and professional men. Fred Brown, state organizer of the A. F. of L., was deported. Several grocery men were deported; also the proprietors of two restaurants with all their employees. Registered men, 400 of them, were sent away and forbidden to return, even for draft examination; many holders of Liberty Bonds, one a cash purchaser of \$15,000 of these bonds—everyone who would not bow to gunman rule and Copper Trust law—400 married men with families dragged from homes and sent into the desert—

Vanderveer read to the jury a letter sent by Embree to President Wilson from the deportee's camp at Columbus, New Mexico. It set forth the facts and cited several sections of the United States Constitution violated by the Copper Trust and Arizona officials. Embree asked for legal redress. The reply he got was dated from Washington, D. C., September 29, 1917, and was signed by William C. Fitts, Assistant United States Attorney General. It said that the Department of Justice had looked into the matter and could not see where there was any law broken! An official O. K. to the Prussianization of industry. Nebeker did not trifle much with Embree.

Joseph Akin, an I. W. W. witness for defense, gave a clear statement of what the union was worth to migratory workers. Akin was one of the many beaten up at Aberdeen, South Dakota. He was fol-

lowed by Meyer Friedkin, defendant. All the prosecution has against Meyer is that he gathered subscriptions for Solidarity during July, 1917.

An important witness was Frank Rogers, a Butte miner, appearing on July 5th. He told of conditions in the mines, of the "rustling card" blacklist system, of the strike and the independent miners' union he helped to organize following the Speculator Fire. An anti-draft circular charged to the I. W. W. was issued by the Pearse-Connolly Club, he said, which also had planned the parade on June 5th to protest against war and conscription.

Rogers spoke of Frank Little's funeral and told how the funeral procession was five miles in length. He referred to one man whose name was called as "one of the men who killed Little." He had seen Frank Little's body at the undertaker's.

VANDERVEER: Do you know a man who has one hand cut off, and a hook where his hand ought to be?

A. Yes, that is the famous gunman of the A. C. M. Company.

Q. What is his name?

A. **Billy Oates.**

Q. What kind of hook is this on his arm?

A. Well his arm is cut off about here (indicating) and it is just like a baling hook that you use in lifting bales of hay; nothing but the wrist and a hook on the end.

Q. Did you see the back of Frank Little's neck? What did you see there?

A. There was a bruise there as though this hook had been stuck in there.

Q. A bruise or a hole?

A. A sort of hole.

Nebeker here made an objection as "immaterial, etc." The day's session was adjourned just then and Rogers took the stand the next morning—the 6th of July. He proceeded over Nebeker's objection and told how he had seen **Billy Oates** attack a miner's

wife and threaten her with his terrible hook-hand. Judge Landis here got interested and took up the witness—"Did you see this personally?" Rogers answered, "Yes, sir." Landis turning to the Clerk of the Court said—"Issue forthwith subpoena for William Oates of Butte, Montana."

A. L. Sugarman testified that he went to Haywood last summer to try to get some ciruclars criticizing the Draft Act printed. Haywood had refused, he stated.

On July 6th, the defense scored heavily when it convicted the prosecution of concealing papers that were seized because they were those favorable to the defense. The concealing was proved, but of course, the intent to deceive was denied.



CHAPTER VII.

THE second week of July was marked with a rush of defense testimony which practically carried away the edifice built up by the prosecution, placing the Department of Justice on the defensive and setting Nebeker and Porter apologizing for capitalism.

On July 6th, however, the inevitable turn-coat, a shining something always present in labor cases, came forth in the form of Peter Dailey, once Secretary at Kansas City and for a short time chairman of the Organization Committee of I. U. No. 400 at Minneapolis. Whether from a brain sick with Syphilis or from a soul naturally craven, for several months Dailey had gone about among his co-defendants with a hang-dog air and shifty eyes. He had sent in his card to Landis and asked to be allowed to join the army. Twice he had created a scene in court, once throwing himself prone on the floor until hauled out, once at roll call rising to announce that his name was not Peter Dailey but Ralph Dwyer—in all these ways seeming to convince the prosecution that he would be willing timber for a frame-up. There being nothing he could truthfully “confess,” his co-defendants pitied rather than condemned him, as there is some question as to his sanity. On Saturday as the boys filed out of court, Dailey approached Murdock, an assistant to Nebeker, and by pre-arrangement was taken to the prosecutor’s office. Vanderveer stopped them at the door and spoke to Dailey. “I don’t care what you do, Dailey,” he said, “only don’t plead guilty.” Evidently Vanderveer did not fear that the poor, degenerated simpleton could harm the case by any admission of fact, but, to all who have observed Vanderveer, he was proud of “the boys”—his boys in a sense, and he was

pained at the sight of a weakling among them. Never in the history of American labor has such a group shown a more unbroken fighting front to its foes than here in Chicago; no recrimination, no treachery.

When Dailey was brought back to the jail, he was segregated from the others, but the rumor got about that he had signed a "confession" of fourteen typewritten pages. What that will amount to has yet to be seen when the rebuttal begins.

However, the week that followed compensated for the finding of any fly in the ointment. It opened with the reading of the bulletins put out by the independent miners' union of Butte, which union had pulled the Butte strike charged by the prosecution to the I. W. W. These bulletins, which had been concealed by the government and their existence denied, stated that the independent union was not formed by the I. W. W.; also they scored some heavy raps at the Copper Trust and they gave the story of how Senator Myers of Montana was a confessed bribe-taker, how Butte was over-run by gunmen from the "6th floor" and how Frank Little came to be murdered. Congresswoman Jeannette Rankin was forbidden to speak in Butte.

Jacob Margolis, a Pittsburgh attorney, appeared to testify as to the character of Scarlett's speeches there and to Andreytchine's remarks against the use of violence.

John F. Dooley, the next witness, brought into court the story of his life as a migratory worker. It shall speak for itself.

Defense Attorney Otto Christensen: How old are you?

A. 33 years old.

Q. Are you a member of the I. W. W.?

A. Yes, sir.

Q. How long?

A. Since a year ago last January.

Q. What is your line of work?

A. Well, as a general rule I am a sailor, but I work ashore once in a while.

Q. Ashore you are what is known as a migratory?

A. A migratory worker, yes, sir.

Q. And will you explain what you mean by that?

A. Well, my understanding of it is a man that goes from one job to another and conditions are so bad he cannot stay on any one job any length of time.

Q. How long have you been doing that kind of migratory work?

A. Why, I had to go to work when I was 13 years old.

Q. Why?

A. Well, my father had seven of us to bring up and he was getting pretty small wages, and we had to get out and help rustle bread and butter for the rest—and my mother had to take in washing to help.

Q. Is your father alive now?

A. No.

Q. What happened to him?

A. He died, getting up to go to work one morning in 1906.

Q. Why did you join the I. W. W., Mr. Dooley?

A. I was looking for a way to better my conditions in life, and naturally I looked into them and figured out it was about the best thing I could do.

Q. How did it happen you didn't join with them before?

A. Well, I was brought up a Catholic and I had a religious prejudice against them for a while—also I understood, according to the newspapers, before I looked into it, that they favored destruction of property.

Q. When you did join them and became acquainted with them, what did you find out about those things?

A. Well, I found out they were not anti-religious and did not believe in the destruction of property.

Q. Do you know what is meant by sabotage?

A. I know what I mean by it.

Q. Yes, what do you mean by it?

A. Well, I mean something like the Italian; when they cut his pay, he cut an inch off his shovel—he withheld the product of his labor power to beat the boss at his own game.

Q. Now, during the summer of 1917, what were you doing?

A. Well, I worked at construction work out of Great Falls, Montana, for a while, and then we went out fighting fire out of Elbow Lake.

Q. What do you mean by "we went out?"

A. There were 185 went out of Great Falls together, and of that 185 there were 20 that were not I. W. W.'s, the rest were.

Q. There were 20 who were not I. W. W.'s. How about after the fire was over?

A. They came down and took out cards.

Q. Do you know who it was sent the call in for the government; what man was in charge of that district?

A. Well, Jim Gerard is Forestry Supervisor. I think he sent the call in.

Q. Now, how was that gang of 185 men organized for fire fighting purposes?

A. Why, they were organized through 5 I. W. W. foremen and one fellow who was not an I. W. W.

Q. Who was in charge from the Forestry Service?

A. A fellow named Norman, an ex-army captain.

Q. How long were you fighting that fire?

A. We were out eleven days altogether.

Q. What hours were you working?

A. Sometimes we left camp at 5 o'clock in the morning and got back anywhere from 8 to 10 P. M.

Q. Was there any complaint on the part of the men about the hours?

A. No complaint at all.

Q. Have you made any trips with cargoes of supplies from the Pacific to the Atlantic ports?

A. I just finished up one 32-day trip the 4th day of June.

Q. From what port to what port?

A. From Seattle, Washington, to Newport News, Virginia.

Q. What boat were you on?

A. The steamer Bremerton.

Q. What kind of cargo?

A. Flour.

Q. Any other members of the I. W. W. on the crew?

A. There were six of us in the fireroom. I don't know how many were on deck.

Q. Now, did you pass through any submarine zone?

A. We passed through them but were not bothered.

Q. Was that about the time the submarines were on the Atlantic coast?

A. It was at that time.

Q. Did you have watches out for them?

A. Yes, we had watches out for them. We couldn't do anything else only douse all the lights at night.

Q. Do you know, of your own knowledge, about other members of the I. W. W. who were in that service during the past month?

A. Well, the Andalusia was an old German steamer that was commandeered by the government; she had pretty near a full order of I. W. W.'s.

Q. How did you know that?

A. I sent in their names to you when you sent a call for names of I. W. W.'s.

Q. What others?

A. The Seneca, she had a bunch of I. W. W. in her—I don't know just how many. The Westfield, she had a bunch of I. W. W. in her; and the Satchem,

the one that was sunk last June this side of France, she had a bunch of I. W. W. in her.

Q. Sunk how?

A. Torpedoed.

Dooley stated he had never heard of any conspiracy being in existence among the I. W. W.

Q. What would have been your attitude if you had?

A. After the war I think I would have battled.

Q. What?

A. I think I would have fought, because I have relatives over in France myself.

Q. What relatives?

A. Three young brothers, and I don't know how many of my young cousins—all in the draft age.

Dooley was followed on the stand by Forest Edwards, defendant, the 1917 Secretary-Treasurer of I. U. No. 400. As head of the Agricultural Workers, Edwards testified that that union was formed in 1915 and grew rapidly. Contradicting the witnesses for the government previously brought from eastern Washington, Edwards stated that in 1914, when all the threshing machines were claimed to have been burned, there were scarcely 200 I. W. W. in eastern Washington where in 1917, when no fires were charged, there were thousands of I. W. W. in that section. Edwards told of the tentative agreement made with the Non-Partisan League in North Dakota which nearly created the unusual situation where "both workers and the farmers have to have a card in North Dakota; one in a farmers' organization and the other in the I. W. W." There had been trouble in South Dakota, he said, but not with the farmers. The Commercial Club of Aberdeen, S. D., lead by the Chief of Police and the Attorney, had formed a Vigilante Committee, which had come between farmers and workers and taken many of the latter to the edge of town and beaten them unmercifully with heavy clubs. To stop the outrage the I. W. W. had thrown a picket line around the state and

started the slogan, "Let the Vigilantes do the work," a program calculated to impress the farmers with the necessity of calling a halt to the Vigilantes—that is, of the business men in the towns.

On July 9th, following Edwards, William Graunat, a migratory worker, told of how these Vigilantes had beaten him and nine others at Mellette, South Dakota, 20 miles from Aberdeen last July. Attorney Christensen questioned him as follows:

Q. How was it done?

A. Why, they held us flat on the ground with hands out and feet out and fellows there with big clubs hit you over the back with them. Then there was a fellow grabbed me by the head, while my face was down towards the ground, and I received a mark here (indicating) from a stone there.

Q. Scars there now, are there?

A. Yes, sir.

Q. What did this beating do to your back?

A. I came into Fargo, North Dakota, three days afterwards. My back was black and blue—marks as big as my arm on there.

Q. Now, what had you done to invite this?

A. Why, we didn't do nothing. We came up there to go to work in the harvest fields.

Q. Have you ever been convicted of any crime?

A. No, sir.

Q. And you say you are supporting your mother?

A. Yes, sir.

Q. While your younger brother is in the service?

A. Yes, sir.

Nebeker's questions of Graunat indicated that Nebeker thought Graunat should have appealed to officers of the law (who helped to beat him) for protection and redress!

Almost pathetic, as symbolizing the tragedy of labor under wage slavery, was the story of William Casebolt, 25 years of age, a poorly dressed worker, timid and visibly embarrassed by the courtroom atmosphere. Casebolt was born on a Kansas farm.

Q. How long did you live on the farm?

A. Until I was about ten years old.

Q. What did you do then?

A. I started to work for a living.

Q. What was the reason?

A. My people couldn't support me; a big family. Casebolt said he got little chance to go to school as a boy.

Q. Tell the jury how the crops of this country are harvested.

A. I generally always started in Kansas and Oklahoma.

Q. Because the grain ripens there first?

A. Yes, sir.

Q. And they follow the grain as it ripens, do they?

A. Yes, sir.

Q. Where do you sleep when you are following the harvest?

A. Sleep on the ground mostly; sometimes in the barn on a blanket.

Q. What hours have you been accustomed to work?

A. Anywhere from 10 to 15 and 20.

Q. Provide you with beds? Sheets and blankets and things?

A. You carry your own blankets when you are threshing, if you want them; if you don't, you sleep in the strawstack.

Q. In that respect a horse is better off than you are?

A. Far better off than a human being is in the harvest fields.

Q. What hours do you work in the woods?

A. Well, you work 10 hours and some more. Sometimes you work 12 or 14 hours.

Q. How do you wash your clothes?

A. In a tin can behind the bunkhouse.

Q. When do you do that?

A. On Sunday.

Q. Did you ever see a camp with a bathtub in it?

A. Never did.

Q. Or a shower bath?

A. Never saw a shower bath either. Speaking of bunks: maybe you will come in today and go to work and somebody left yesterday. You sleep in the same blankets and sleep in the same bed. Now, at night, when you come in from work, after working in the snow all day, you hang your socks and clothes that are wet up by the stove right in front of your bunk—no ventilation whatever, you breathe all the foul air you can get.

Q. What do you sleep on?

A. They have straw; have wooden bunks with straw in them.

Q. What wages were you getting in the woods in northern Minnesota, Michigan and Wisconsin, 3 to 5 years ago?

A. I was getting \$35 a month five years ago.

Q. What are they getting up there now?

A. Anywhere from \$40 to \$60, depending on the camp and the work too.

Q. Where do you eat?

A. In the cook shack.

Q. What kind of table utensils do you have?

A. You have tin plates mostly; tin cups and tin saucers and tin spoons.

Q. What kind of grub do you get?

A. It is very poor.

Q. When did you join the I. W. W.?

A. I joined the I. W. W. on July 18th, 1917.

Q. Now, Casebolt; you registered for military service?

A. Yes, sir.

Q. Did you claim exemption?

A. No, sir.

Q. Were you inducted in the service?

A. Yes, sir.

Q. Whereabouts?

A. Camp Grant.

Q. I will ask you whether previously you had volunteered for service in the army?

A. Yes, sir. I tried to get in, but they wouldn't take me.

Q. Where?

A. In Duluth, Minnesota.

Q. What was the trouble?

A. I had a bad foot.

Q. How did you hurt the foot?

A. I had a horse fall on it.

Casebolt here produced his discharge paper.

Q. What has the I. W. W. ever done for you, Casebolt?

A. The I. W. W. has helped me in several ways.

Q. Do you carry credentials (as delegate-organizer)?

A. I carried credentials until I was drafted into the army and then I turned them in.

Q. Are you going to carry them again?

A. I am going to carry them as quick as I get back into the woods.

On cross-examination prosecutor Porter insisted on magnifying the fact that the wages paid in the woods were "in addition to the lodging and food furnished." Vanderveer opened re-direct with some sarcasm:

Q. They feed you in the camps, do they?

A. Yes, sir.

Q. Just the same as they do the horses?

A. Yes, sir.

Q. And they bed you, do they?

A. They bed you just exactly the same as they do the horses.

Q. And when you get sick like a horse, do they call a doctor for you?

A. Sometimes you got to stay in a bunk two or three days and then they send you to a hospital; they never call a doctor without you are dying.

Casebolt was followed by Roy A. Brown of the Lumber Workers I. U., Charles McWhirt of the

Construction Workers I. U. and Alton E. Soper, joint secretary at Astoria, Oregon, last year—all defendants. Their testimony merely substantiated the fact that the strike in the woods and mills last year was for industrial demands and had no bearing upon the war.

There was no court on July 10th, owing to the temporary sickness of Ben Fletcher, the only negro defendant, who, it was reported by an investigating bailiff, had defied the food administration and the natural laws of alimentation by partaking overfreely of numerous heavy..... for breakfast.

Soper finished his testimony on the morning of July 11th, and was followed by the first I. W. W. soldier witness to be in the army service, now a cook at the Reserve Officers' Training Camp at Fort Sheridan. Clark had joined the I. W. W. as a worker in the stockyards at Sioux City, Iowa, in 1916. He testified that he was at Augusta, Kansas, in 1917, when Phineas Eastman, then the secretary there, had been taken to task and relieved from duty as official by the membership because of strong anti-war talk. As a member at Augusta he denied any knowledge of the anti-conscription resolution alleged in the indictment as an "overt act" and supposed to have been sanctioned by the local membership. Clark was frank and open in expression and Nebeker could not shake him or impeach his sincerity. On re-direct Vanderveer asked:

Q. Now, do you think you know what the I. W. W. stands for?

A. Well, I know how I came to the I. W. W. to better the condition of the workingmen, as well as myself.

Q. And since you have been in it, have you found it to be a workingman's organization?

A. Yes, sir.

Q. Do you believe in it, son?

A. Yes, sir; I believe in the organization.

Q. When you come out of the army, are you going to be a member again?

A. I am going to be a member again if I come out all right; if I don't get killed over in France.

Allan Brooks, a witness, who owns two large ranches in the state of Washington, testified that there was no trouble in the Yakima Valley last year when troops were sent in and abrogated all the powers of civil government, closed I. W. W. halls, threw men into bull-pens and denied them access to attorney and even refused to honor a writ of habeas corpus—although not acting under any declaration of martial law.

Defendant Don Sheridan followed Brooks and substantiated all his statements in detail. Here it was that Nebeker's sneering reference to Joe Hill as a "murderer" struck fire from Vanderveer, who proceeded to bring out Hill's noble nature by reading his songs, also proving that Hill was legally murdered by the state of Utah over the protests of President Wilson and of the Swedish government, both asking in vain for a fair trial.

James Rowan, defendant, occupied the witness chair for the greater part of two days—July 11th and 12th. Rowan was Secretary of the Lumber Workers I. U. No. 500 during the 1917 strike, also he was secretary for the Spokane District of both the Agricultural and Construction Workers' Industrial Unions. Rowan was the one upon whom the prosecution laid the charge of calling a general strike in the two industries last named, in order to cause the release of members from jails and bull-pens in the Northwest.

Rowan conceded the correctness of this charge, but showed, with the testimony of those preceding him, how the strike call was justified. The civil government had broken down, he said, and there was no legal means of redress, as all constitutional guarantees were denied by the militia acting without any authority except that of the bayonet. Halls were

raided and turned into recruiting offices, while the members were even taken off jobs and sent to pens. The District Organization Committee had been out in the trouble zone, and, though a vote of the membership was impossible owing to the interference, they reported that sentiment called for a district general strike as a last resort to obtain law enforcement, and, on the night of August 10th, ordered Rowan to issue the strike call to take effect on August 20th unless prisoners held illegally were released by that date. This had its desired effect, Rowan stated, but it also had the effect of causing his offices in Spokane to be seized by the soldiery on August 19th, 1917, and Sheridan and himself jailed without warrant or charge, until the indictment at Chicago was returned September 28th when they were sent east to answer it in the present trial.

Rowan is 39 years old, born in Ireland—a face immobile and a spirit irreconcilable. In measured tones and with that dry humor peculiar to the Irish race, he stood his ground on cross-examination. He **would** be heard fully—not shut off with half answers—and often it appeared that Nebeker and not Rowan was on the defensive. Nebeker, in referring to a speech on sabotage made by Rowan, said: “And you told this to a lot of irresponsible men?” “I did not,” snapped Rowan, his eyes flashing and his index finger pointing at the prosecutor—“those men were workmen and they are no more irresponsible than you are.”

From Rowan's correspondence it appeared that he had received many inquiries from members asking what to do about registration for military service. Always he replied that the organization had taken no stand and that it was an “individual matter.” On May 23rd, 1917, he wrote to Haywood, asking if this was correct. On May 29th Haywood had replied—“Your position is correct. No union has taken any action and most everybody thinks as you do.” It was shown that when Rowan and Sheridan were jailed

by the soldiers on August 19th, 1917, and the Spokane papers were crying for suppression of the I. W. W., the Spokane District Council of the A. F. of L. had adopted a resolution asking the entire A. F. of L. in the United States to join in a national general strike until such time as constitutional rights were restored and the I. W. W. given a square deal.

Rowan was recalled to the stand again on July 13, after some intervening testimony, to deny authorship and knowledge of a certain suspicious letter. This was a body blow at the prosecution as the letter in question had been both introduced in evidence and printed in the indictment as an "overt act", only—and this is the important feature—the letter as introduced was signed **in typewriting, "Strike Committee," and dated Seattle, Washington, August 2nd, 1917**, while in the indictment it is charged as "Overt Act" No. 12—"Said **James Rowan** on August 2nd, 1917, sent the following letter **from Seattle, Washington, to Chicago**. It was established beyond doubt that Rowan **was not in Seattle** during the strike of 1917. Vanderveer surprised the prosecution by calling Nebeker's office assistant, Mr. Howe, to the stand. Howe said no duplicate of this letter had been found in the Chicago headquarters or in Rowan's Spokane office files. The letter as introduced had previously been charged to have been seized on September 5th, 1917, in Room 25, Union Block, Seattle, which was the editorial office of the "Industrial Worker."

This letter, which was obviously written by some other person than Rowan and possibly upon the typewriter seized by government agents in Seattle **after** it was so seized, is given below in full. Its phraseology shows it to be purely a "frame-up." The information it conveys of there having "been considerable agitation in Seattle," was, on August 2nd, 1917, **no news to Haywood**; while the whole tenor of the letter is suspicious and the phrase, "it is reported that Government agents here are active." is laugh-

ably transparent. Remember, the indictment charges James Rowan sent this—James Rowan who was all the while in Spokane. The letter is as follows:

Seattle, Wash., August 2 1917.

William D. Haywood,
General Secy Treasurer,
Chicago, Illinois.
Fellow Worker:

There has been considerable agitation in Seattle among the lumber mills, ship yards and other industries and the old bugaboo of "patriotism" is being preached on all sides. The Government has been asked to interfere and it is reported that Government agents here are active.

We have the good will of the German people here and we feel sure that they are in sympathy with our cause. We do not call them Germans however, but refer to them the same as others, as Fellow Workers.

We are going to carry our points if we have to stop every industry on the Pacific Coast. We did not declare war and we have not consented to the workingman giving up his liberties and being drafted.

Yours for industrial freedom,

THE STRIKE COMMITTEE.

In further comment on this letter, the writer states as a fact of common knowledge that "German people" are scarce in Seattle and even more scarce in the I. W. W. Also, the I. W. W. when on strike have DEMANDS, not "points" to "carry"—while the crowning joke is that an I. W. W. should think so little of "industrial freedom" that he would fail to begin those words with capital letters.

Mike Grace, a shift boss from a Butte copper mine, testified on the 12th of July regarding mine dangers and the general custom of bulkheading between mines. Some days before the Mine Inspector visits a mine, Grace said, he as shift boss was notified in order to clean up and make the workings "look pretty." Mike, the regulation Butte Irishman, said

he saw some of the rescue work at the Speculator Fire; however, Grace was plainly reluctant at unburdening his soul, having an eye, doubtless, to the fact that his job in Butte is at the mercy of the Copper Trust and, as a man with a family, duly impressed with the presence of an attorney known as a Copper Trust lawyer, at the government's table.

The Reverend Walter M. Short, now mayor of Sioux City, Iowa, appeared to tell the story of what had happened during the Free Speech Fight there during the winter and spring of 1914-15. Short is evidently a man of liberal mind and his social standing and personal appearance won attention from even the tired jurors. There was no ordinance against street speaking, he said, nor had the I. W. W. speakers advocated violence or otherwise conducted themselves in a manner not in accord with his sense of decency and good citizenship. The Chamber of Commerce of Sioux City had caused the trouble and the same body had later used chicanery to oust the I. W. W. from the hall they had leased. Despite his political enemies using the I. W. W. as an issue in elections, Short stated he was elected mayor by a large majority. This took prosecutor Porter aback as he—Porter—had announced himself as candidate for governor of Iowa and aims to win votes by touting himself as an I. W. W. hater. Porter undertook cross-examination, but did little except elicit the information that Short was opposed to the puritanical methods of the Prohibition movement. An element of humor came to light a day or so after Short returned to Iowa when Porter received a wire saying that Short had announced his candidacy for governorship in opposition to Porter.

The defense landed several heavy blows on Saturday, July 13th, many material witnesses appearing and giving stories that could not be shaken. The first was Ed Maloney, a farmer owning 640 acres of land in North Dakota. Most of this is wheat land and he had employed many I. W. W. harvest and

threshing workers who all gave "pretty good service." Maloney said he had threshing machines burn up—one in 1905 and another in 1910, before the I. W. W. existed; fires catch either from sparks generated by gearings or from sparks from the straw burning engines, he said. The first I. W. W. he saw was in the 1915 season; more appeared in 1916, and in 1917 nearly all workers were I. W. W. As the union gained control, Maloney said hours had been shortened and the pay increased. He said he had paid \$4.00 for 10 hours in 1917.

"Why did you pay \$4.00" asked Vanderveer.

"I had to," replied the witness.

Nebeker thought he could impeach Maloney by asking him if he was a member of the "alleged-to-be-disloyal" Non-Partisan League, but Maloney was not a League member, nor had he ever been.

Next witness, Elmer Engebrietz, a logger from Spokane, and an I. W. W. member, told his story. He was born in Norway, 33 years ago, came to America in 1907 and took up a homestead, which he lost for lack of money to make the required improvements upon. He had worked as a logger and had suffered a broken leg in the woods, which put him in the hospital for 18 months; had a damage suit fought against the company, but never got a cent. Elmer joined the I. W. W. in 1912 for economic reasons obvious to himself. He was in Spokane on registration day and saw William Moran, defendant, guide many members to registration offices. Elmer had walked 80 miles from Spokane with an I. W. W. crew of fire-fighters, of which he was foreman, to the Selzer Reservation and had saved the timber belonging to the Potlatch Lumber Company and was paid by the government for the work. He was a member, also, of the "Four L."

Next came a fine, clean-cut worker, Paul Hoabb by name, from St. Maries, Idaho. Hoabb is an experienced logger and "river driver" and gave in detail a technical description of the industry; how

men are frequently killed while "breaking roll-way" and driving logs through "white water" rapids. Hoabb had registered and been drafted and had been four months at Camp Lewis when an old axe wound to his foot showed up under strain of training for service and he had been discharged. Hoabb was asked for his discharge papers—he had them, also some Liberty Bonds and a membership card in the "Four L's." Vanderveer found something else—something new and curious to American eyes—to-wit **a passport.**

VANDERVEER: Now, I see another paper here among your belongings?

A. That is a passport.

Q. What is a passport? Why do you have that?

A. So I could get by in the northern part of Idaho.

Q. So you can get by?

A. Yes, sir.

Q. And who has those passports?

A. Why, Benewah County.

Q. I mean whom are they issued to, working people, or whom?

A. The working people.

Q. All working people have them?

A. Yes, sir.

Q. Why is this necessary?

A. Why, to keep track of the men whenever they want to pinch a bunch, I suppose, they just look up those passports.

Hoabb had worked as "fire patrol" in the forests during the summer of 1917.

VANDERVEER: Who were you working for in the fire patrol?

A. William J. Ross.

Q. Who was he?

A. Fire warden for the Coeur d'Alene Timber Protective League.

Q. That is an association of timber owners, is it?

A. Yes, sir.

Q. What was your duty on patrol?

A. Fire chaser stationed on the look-out looking for fires in the forest.

Q. Anybody supervising your work?

A. No, sir.

Q. And were there any fires in that strike district?

A. No, sir.

Q. Do you know about a fire that occurred in what is known as "Fourth of July Canyon"?

A. I heard about it.

Q. Do you know any of the men who went up to fight it?

A. Yes, sir; there was about 25 men out of Fernwood, out of the picket camp, volunteered to go.

Q. Members of the I. W. W.?

A. Yes, sir.

Q. Did you see any of the men afterwards?

A. Yes, sir.

Q. Where did you see them?

A. St. Maries, Idaho.

Q. Well, where were they?

A. **In the bull-pen.**

A great reward, truly, for loyal service in fighting forest fires; to risk their lives in hard and dangerous labor and to return from such duty to be thrown in vile bull-pens and held at the lawless pleasure of soldiery!

Butte again! William F. Dunn of Butte, Executive Board Member of both Loc. No. 65, International Brotherhood of Electrical Workers, and the Silver Bow Metal Trades Council. As an A. F. of L. official, Dunn said he was not especially friendly to the I. W. W., uttering the mild criticism that he thought "their hearts better than their heads." Dunn is a man of strong personality and has an appearance of manly dignity. Yet when Butte is in the court-room, there is an all-pervading sense of something smothered—every witness from Butte wears upon his face that taciturn and reserved expression which speaks so

eloquently of the terrorism with which the very air of the big copper camp is permeated. Dunn was a valuable witness. He told of how the Employers' Association, headed by Mr. Rohn of the North Butte Mining Company, had started the "rustling card" system to blacklist socialists and run them out of Butte and out of Butte city political control. After the Speculator Fire his Union, the I. B. E. W. No. 65, had joined the strike with the new miners' union. A committee from the A. F. of L. had investigated this new union and found it had no connection with the I. W. W., he said. He had heard Frank Little make an "organization speech" on July 19th; he also saw Little's body at the undertaker's on August 2nd. Vanderveer asked Dunn, "Did you see the card that was found pinned to Frank Little's body—the so-called 'Vigilante warning' signed '3-7-77' "? Dunn replied, "Yes, I got one myself." He produced it and Vanderveer attempted to introduce it in evidence but Nebeker objected. The card was received by Dunn through the mail, he said, in answer to Judge Landis, who here started a vigorous inquiry. The card resembles the one found on Little's body, the letters "L. D. S. S. W." being printed by hand; a circle enclosed the letter "L" and underneath the "D" on Dunn's card was a cross and the date "12 noon August 25th," the date Dunn was marked for assassination. For thirty minutes Landis stormed Dunn, who refused to reveal the name of a detective who had told him the name of the man who had sent out these death warnings. Dunn was visibly under tension; who could say that he was not carrying a man's life on the end of his tongue? Nebeker, the Copper Trust Attorney sat before him—Nebeker, with a face gone pale as a corpse and nervously striving to conceal his agitation. Dunn said he was told one **J. Taylor** sent the cards of death out—but he would **not** tell who the detective was that told him. Nebeker sat stabbing viciously at a paper with a pencil. What does Nebeker know? Landis raves at the close-mouthed

witness. If Dunn would speak, what would the wires carry to Butte? What would happen to the man who was trusting his life to the man in the witness chair at Chicago?

Landis finally agreed to allow Dunn to conceal the detective's name from public utterance; then, turning to his clerk said, "Issue a forthwith subpoena for J. Taylor, Butte, Montana."

"What luck did you have with the other forthwith subpoena?" asked Vanderveer, referring to "Billy Oates."

"It has been served," said Landis, nodding sagely. "The gentleman is available for whatever purpose necessary."



CHAPTER VIII.

IT has been mentioned in a previous chapter that the prosecution was placed on the defensive. The third week of July put it on the run, and, in spite of several obviously biased rulings on the part of Judge Landis, Vanderveer was driving home the issue and clinching it upon the other side. Before the week's session ended on July 20th—on that day in fact, Nebeker wilted in the face of the unimpeachable evidence produced and admitted that the I. W. W. had nothing to do with the strike in Butte—was not responsible for it. His admission was put in the record and stood as a reversal of his opening contention.

William F. Dunn, A. F. of L. official from Butte, continued his testimony on Monday morning, July 15th. He finished by telling of the exorbitant cost of living in Butte over other cities—35%—and, also, remarked that when the Government sent Mr. Rogers from Washington to adjust the strike, this worthy gentleman confined his activities to hob-nobbing with the A. C. M. political ring.

Dunn gave place to defendant C. H. Rice, who told of the brutalities which led up to the massacre at Everett, Washington, on November 5th, 1916. Rice was one of forty-one I. W. W.'s who were made to "run the gauntlet" at Beverly Park by the Everett "Vigilantes." He had his shoulder broken by these semi-official sluggers of the Lumber Trust.

Rice had spent 1917 in organizing ship-builders and did not function in the lumber strike. Rice was on a local committee of Seattle which sent out a circular asking for an "expression of opinion" upon calling a national general strike to protest against the wholesale jailing and persecution of members. Nebeker made much over this, but revealed nothing

except that the committee never received a reply from anyone that Rice knew of.

Next upon the stand came a stalwart, broad-shouldered man, a pleasant-mannered Irish miner from Butte, who told in that nonchalant way usual to those whose every hour of labor is an hour of peril how he and a few other miners had fought their way through that hell of flame and smoke which swept the Speculator Mine in June, 1917, and left its sacrifice to greed in the form of 174 burned and mangled men. The story of this man, who walked out of the jaws of death into the Chicago courtroom is worth perusal.

VANDERVEER: Where were you employed before the Speculator Fire?

A. In the Never-Sweat Mine.

Q. Why do they call it that?

A. Because it is so hot, I guess.

Q. You were working in the Speculator on the 8th of June?

A. 1917, yes.

Q. Do you know when the fire broke out?

A. About 11 o'clock at night, June 8, 1917.

Q. What shift were you working on?

A. The night shift—went to work at six o'clock.

Q. What level were you on when the fire broke out?

A. The 2600.

Q. That means 2600 feet underground?

A. Yes.

Q. How far apart are the levels?

A. 200 feet.

Q. Are the levels in adjoining mines connected?

A. No.

Q. Well, do the workings connect?

A. Some places they do.

Q. How many men were working on the 2600 level with you?

A. About a hundred men.

Q. How many were working "on the breasts" or whatever you call it, where you were?

A. About forty.

Q. What were you doing that particular night?

A. Running a machine.

Q. What kind of a machine?

A. It is called a "Buzzy" machine.

Q. "Buzzy" machine?

A. In other words, we called them in Butte, Montana, "widow makers."

Q. Why do you call them that?

A. Because it is run by one man. It is not very safe for one man to be working in those mines alone.

Q. It is a drill, is it?

A. Drill, yes.

Q. Is it dusty working around this machine?

A. Pretty dusty. You have to wear a muzzle to keep the dust out.

Q. Were there other men working around you?

A. Yes, two more.

Q. How far away?

A. About 80 feet.

Q. I want you to tell the jury how you first noticed the fire. They don't know anything about it. They never heard of it.

A. Well, gentlemen, I noticed smoke in the stope some time around 12 o'clock I guess. I found an awful taste in my mouth, so thought I would go and get a drink of water and get some powder. So I met the leader from the drift—

Q. You met whom?

A. The leader, and Dugan the "nipper."

Q. What is the "nipper's" job?

A. He is the man who packs the tools around to the miners.

Q. Where do you get the powder?

A. Well, there is a magazine down in the mine.

Q. Now, you tasted this unusual taste in your mouth?

A. Yes.

Q. Did you notice the other men who were there?

A. Well, I couldn't see them for the smoke. It was getting so thick.

Q. What did you think this smoke was at first?

A. I thought it was powder smoke first.

Q. Thought somebody was shooting?

A. Yes. Then I got suspicious. So I went down to the drift and I met this man **Dugan, this "nipper."** **He lost his life.** So he told me there was a fire in the shaft.

Q. Fire in the shaft?

A. Yes, and we climbed up to the 2400.

Q. That is, 200 feet?

A. 200 feet.

Q. How did you climb up?

A. Just the "man-way," up a ladder.

Q. How big a hole is this man-way?

A. Well, enough space for a man to get through.

Q. What kind of a ladder?

A. Just an ordinary ladder.

Q. Did you take your dinner pail with you?

A. Yes, I threw my dinner pail away in the man-way.

Q. Why did you throw it away?

A. I knew I had to fight for my life, then.

Q. How many men went up with you?

A. Fifteen.

Q. When you got up to the 2400, what did you do?

A. We met fourteen more men up in the 2400.

Q. That made 29 of you?

A. 29 of us. They were also running back from the fire.

Q. The fire was down at the shaft, you say.

A. Yes.

Q. How far were you from the shaft?

A. 300 feet.

Q. What did you and these other men do?

A. Well, we went in a drift, and we stayed there for 36 hours.

Q. What is a drift? How wide is it?

A. About six feet wide.

Q. And how high?

A. About eight feet high.

Q. What did you do in that drift?

A. We put up a partition to keep out the gas.

Q. What did you use to build it with?

A. Timber and our clothes; clay and everything.

Q. Everything to pack it up tight?

A. Yes.

Q. Did you have any air in this place you bulk-headed out?

A. No air at all.

Q. **What became of the rest of the hundred men down on the 2600 foot level?**

A. **They died.**

Q. There were 29 of you in there?

A. 29 of us in there. Fifteen were able to walk to the station.

Q. You had no air and water?

A. No.

Q. Is there a water pipe through the mine?

A. No, there is not.

Q. **After you had been in there 36 hours, what did you do?**

A. **Well, we had to get out. We couldn't stand the suffering any more.**

Q. Did you know anything about how the fire was?

A. Well, we knew the shaft was on fire.

Q. I mean when you went out?

A. No, we didn't know; just took a chance on our life.

Q. Just took a chance on your life and tore down the bulkhead?

A. Yes.

Q. You could not stay there any longer?

A. No, we would die if we stayed inside.

Q. When you tore it down and got out, what did you do?

A. We rang for the cage in the old shaft.

Q. Did the cage come down?

A. Yes, after half an hour's time.

Q. When you got up on top, what did you do?

A. Well, some went to the hospital.

Q. How long were you there?

A. I was there for eight hours. I went down there two days later.

Q. Why did you go down there two days later?

A. Well, the effect of the gas was in my brain.

Q. You don't know of your own knowledge how this fire started, do you?

A. No, I don't know.

Q. Do you know of any **other men on the 2400 foot level** that were not in behind the bulkhead?

A. Yes, there were several that were not there

Q. **And what happened to them?**

A. **They died.**

Q. Did you see the bodies of any of the men who were burned?

A. I saw some of them in the undertaker's.

Q. How many?

A. Three.

Q. Just three?

A. They were the bodies that were taken out of the mine before we got out.

Q. Did you see any that were taken out afterwards anywhere?

A. No, I couldn't stand the pressure. I was upset.

Q. You couldn't stand what?

A. I couldn't stand to see it. My nerves were all upset.

Q. You are a pretty strong fellow, aren't you?

A. Yes, pretty strong.

Q. Now, Mr. Shea, how long was it after that before the strike was declared?

A. Two days later.

Q. Who conducted the strike; I mean what union?

A. Butte Metal Mine Workers Union.

Q. Did the I. W. W. have anything to do with it?

A. No.

Q. Did they have any union there at that time?

A. No, I don't know of any.

Q. What was the strike about?

A. Well, **the rustling card** and **better conditions** in the mines.

Q. About how long altogether have you worked underground?

A. About seven years.

Q. How many times have you seen a mine inspector underground?

A. Oh, a couple of times.

Q. A couple of times in seven years? Would you know beforehand that he was coming down?

A. Yes.

Q. What would you do then?

A. Oh, get cleaned up; get ready for him.

Prosecutor Porter tried to make it appear that the mines of Butte couldn't be so bad as Shea always remained there. Mr. Porter asked, "Yet, every time you go away for a month or two, you always come back to Butte, to these mines, don't you?" Mr. Shea: "Yes."

Here Vanderveer resumed on redirect and raised a laugh that swept the court, to vanish in the tragedy of the witness' last replies.

VANDERVEER: You are a miner, aren't you?

A. Yes, sir.

Q. What else do you know besides mining?

A. Mining and common labor; that's all.

Q. What is your nationality?

A. Irish.

Q. What kind of a camp is Butte?

A. Butte is a pretty hot camp.

Q. Well, lots of Irish there?

A. Lots of Irish, yes. More widows in Butte than in any other town of its size in the United States.

Q. More widows. Is that the reason you go back there?

A. I guess so.

Q. Is that the reason you are single?

A. Well, I mean—the mines have made all these widows.

Q. Why have you never married, Marty?

A. Because I would never live to be an old man in Butte.

Q. What is the matter?

A. Well, the miner's consumption gets you when you are about 37.

Q. Is that prevalent around there?

A. That is common; yes, sir.

Q. What causes it?

A. Oh, the hot mines and the copper dust.

Another Butte miner, John Musevich, a Croatian, followed Shea upon the witness stand. Frankly and simply, this bent, rough-handed man poured forth a torrent of broken English, a pent-up story of Labor's side of the class war. John has a large family in Butte, where he has lived for 14 years. Because of his activity with the short-lived union of 1914, this man had been blacklisted, and every day for over a year he had called at the "rustling card" office seeking in vain to get a chance to ask for work. Finally, when the A. C. M. thought he had "learned his lesson" he was allowed to go to work at the Speculator Mine. Only a glimpse of Musevich's testimony can here be given. Asked by Vanderveer if the mine was dusty, he replied, "Dusty? I should say it is!"

Q. What kind of dust?

A. It is a copper dust, and now it is a damned sight worse. When you get into this zinc ore or lead ore, it is dry, hard ground; it makes fine stuff like flour and it goes right into your lungs.

Q. Is that good for you?

A. I don't think it is for nobody good.

Q. I understand that (Speculator) shaft is timbered on all sides?

A. Yes, the shaft is timbered with 12x12's.

Q. Does that timber get dry?

A. That shaft was dry as a bone, because that shaft was downcast; the air going down.

Q. Was there any water in there to take care of fire? **Any fire hose, or nozzles down there for the miners to put out a fire with?**

A. No, there wasn't any at all.

Musevich had come to the Speculator to go on shift at midnight on June 8th. The fire being on he could not get a cage to go down and after discovering the reason he and other men acting under orders of the "Super" had tried to check the blaze in the shaft by playing a hose down the shaft mouth and only succeeded in driving the smoke downward to the lowest levels. Then two heroes—two who are nameless in history because they wear no livery of an empire and sought to save human life instead of destroying it—two men seeing the ore skips were still running, threw some old cars in the bottom of a skip, converting it into an emergency cage; and then, in a desperate attempt to rescue their fellow workers trapped half a mile in the mountain's belly below, they—"catch the first cage and they went down and they ring the bell to 22."

Q. That means the 2200 foot level?

A. Rang the bell for 2200 foot level, tried to save the men from there first, but when they came down (witness pauses), they (at the top) move the cage after about half an hour's time.

Evidently these two men were overcome before they had a chance to leave the cage in their heroic efforts to save the men at the 2200 station.

Q. Were you there when the cage came up?

A. Yes, sir. Somebody went into the engine room and told the engineer to hoist the cage up, that them fellows is burned all through. So he pulled it up,

and when the cage come up it was red hot. So they turned the hose on that cage to cool them fellows off, and left that cage there for about a half an hour to cool it off. Then it was about 3 o'clock, I believe, and they lowered the cage down to the platform, and we opened the cage and was trying to get them fellows out, and so—them fellows was both of them crossed his arm, one on each other and got their heads together; so when we tried to pull it out, I was just on the side to get one man from the right arm; and I kept the arm in my hand, and the hand it was loose.

Q. The arm pulled off?

A. Yes, so then I grabbed the whole body and throwed it off on the platform and covered it up with a canvas. The arm was burned off and the foot was burned just down to the bone sticking out; that's all it was with them two fellows. You could see where the nose was and the eyes, and that's all. They were as black as anything.

These two men went to their death when they "rang the bell to 22." Musevich is speaking now of rescue work later when he went down to take out the dead.

Q. Now, did you find any bodies underground?

A. I found at the 2200 station. There was six of them there.

Q. Where were they?

A. They was right on a pile of rock; the station was burned and the ground was caved right on top of them.

Q. Do you know anything about the bulkheads under there?

A. There was bulkheads some place; on the 28 there was one, and on the 24 and 26.

Q. Where were the bulkheads?

A. To the east side, going to the High Ore Mine.

Q. Did the levels go through from the Speculator to the High Ore?

A. Yes, they was open.

Q. How were they on this night of the fire?

A. Well, because the fire—was open about three weeks before. Then they put some bulkheads in some of them places where gas was coming from the Murdock Mine.

Q. What kind of bulkheading?

A. Cement, about six inches thick.

Q. Any doors in them?

A. No, I broke one on the 1800, and there wasn't any door. The door was from the other side; wooden doors. Then in the middle they put boards and **eight inch cement.**

Q. Could you open it from the Speculator side?

A. **No.**

Q. You broke it? How did you break it?

A. I was breaking with the machine, blasting. But them fellows, when they ran to the bulkhead on 26, they found them in a bunch, 19 of them.

Q. Dead?

A. All dead, yes.

Q. How were they found?

A. Well, them men—**nobody could look at that.** And they was bare; and there was nothing but drawers on them and shoes. They took their jumper and overalls and shirt and what they have and tried to bulkhead themselves with it, but **they couldn't stop the gas, you know. It was too much gas. They fell. They worked with their hands. It was in the dark,** and when a man is in the dark, about six or seven feet room between the timber and the level, **you can't do much. The rock is all over.**

Q. How far were they from the bulkhead?

A. They was right there in the bulkhead.

Q. But if it had been open, the men could have got through?

A. Oh, yes, if that was open the men could go through the High Ore.

Q. **And saved their lives?**

A. **Sure.**

Q. Did you notice the fingers of any of those men?

A. Oh, yes, they was all wore out, working to save themselves.

Q. They were what?

A. They was wore out. **It was terrible to see it. It was bad to look at it.**

Q. Do you know what caused the strike?

A. Well, the people was scared because two shafts was burned that way; and they talking—"Let us go on strike to get better conditions and get our own control through the mines."

Q. Do you know when President Taft went through the mines?

A. (Laughing) Oh, yes. (In 1914)

Q. Do you know where they took him?

A. They took him down in the Leonard Mine.

Q. Did you ever see the drift he was in?

A. He was in the 1200 drift, the station. A foreman, Tom Mitchell, he had that drift just limed as it could be, and whitewashed, you know.

Q. Whitewashed?

A. Yes, station and everything. It is as clear as street is here today—that drift for about a thousand feet or so the surveyors find out there ain't any ore on there, and they put the miners in there and set up the machines, and so when President Taft was coming in, the miners working on the machines and he took the crank and he say "All right, golly, the miners have snap in Butte." But the truth is the other places is terribly hot.

Q. Do you belong to the I. W. W.?

A. No, sir.

Q. Ever belong to it?

A. No.

Q. You belong to the Butte Metal Mine Workers, do you?

A. Yes, sir.

The next witness was one George Taylor, who was employed as deputy sheriff during the lumber

strike. Taylor said he was discharged because there was no violence; the I. W. W. were law-abiding.

When the next witness, Joe Kennedy, organizer of the Butte Metal Mine Workers' Union, began to testify, Nebeker was forced to make retreat. The prosecution had to swallow its first contention that the Butte union was "only the I. W. W. camouflaged." Kennedy corroborated others in regard to the causes of the strike, told how he had organized the independent union, and, also, he told of how that union's hall had been raided on September 5th, 1917, and the membership list taken, as was done at the I. W. W. hall the same day. Strangely enough, after the government officers laid hands on the list of members, many of these were suddenly discharged by the A. C. M. although miners were badly needed in production.

Glenn Roberts, defendant, was called as witness on July 16th. He stated that he was 30 years old and had registered. Then Roberts produced his registration card; also a discharge from army doctors who had recently examined him and declared him physically unfit on account of tuberculosis developed in the Cook County Jail. Roberts is also a defendant on the Fresno, California, indictment of similar character and returned by federal grand jury there after Roberts was removed to Chicago last year. When the Fresno hall was raided on September 5th, 1917, Roberts had just received a new desk, which was empty when the raiders went through it, so he stated in contradiction to the yarn told by Fresno's "official finder" previously mentioned in this book. The first time Roberts saw the "copper nails and emery dust" was in the Chicago courtroom, he said; these things had not appeared at the preliminary hearing given him at Fresno, upon which order of removal to Chicago was given. Evidently these exhibits were the result of a happy after-thought on the part of Fresno's "official finder."

Ira E. Worley, a Montana rancher, said he had

farmed in the wheat belt of Washington from 1900 to 1912 and in Montana from 1912 to the present time. In both states he had hired I. W. W. threshing crews and found they gave as good service as other workers. Worley also said threshing machines burned up before the I. W. W. appeared, from various causes, usually from smut fired by sparks from gearing.

There was considerable reading from **Solidarity** on both the 16th and 17th of July, a very tedious proceeding during the hot weather prevailing; but on the 17th interest was aroused when a colored man in Khaki took the stand for the defense. With genial grins and the inimitable Dixie dialect he told his story. His name, Fred Williams, of a stevedore regiment lately returned from a year's service in France.

"Are you a member of the I. W. W.?" Vanderveer asked.

"I sho is," Williams replied, wagging his head in a positive way, "and so is mah wife too."

"I see you wear your I. W. W. button on your uniform. Do you always wear it?"

"Deed I do; I wore it ovah in France, too."

"See many I. W. W. over there in France?"

"Yes, suh; lots of 'em!"

Williams was in charge of a company of men who chose him as boss of the company and dubbed him "Sergeant."

VANDERVEER: How many men in your company, Fred?

A. Sebenty-foah.

Q. And how many I. W. W. are there?

A. Sebenty-foah!

Williams testified on the morning of July 17th. In the afternoon, after Bert Bassnett left the stand, Williams was recalled by the prosecution, which tried to impeach his testimony by sheer intimidation. Williams has a volunteer contract with the quartermaster department specifying his duties and soldier

garb off duty, and blue jean garb while on duty. Nebeker tried to scare him into saying that khaki was not his legal dress. But the contract spoke for itself and Nebeker failed in spite of the fact that an army major, large and florid-faced, sat waving a Prussian swagger-stick at the government table in an effort to overawe the I. W. W. negro in khaki. There have been many moments when the prominent presence of this gentleman and others of his kind made the I. W. W. defendants wonder if this were a civil trial or a court-martial. This was decidedly one of those moments. Vanderveer's ire was aroused. He turned to the witness:

Q. How long before you got on the stand did I see you, Williams?

A. A few hours.

Q. Ever see you before?

A. No.

Q. Now, how long after you left the stand this morning before an intelligence man from the U. S. Army collared you out here in the hall-way?

A. 'Bout five minutes.

Q. Didn't the major here (indicating the person in olive drab at the prosecution table) take you to a room in this building and detain you there for three or four hours, ask you all kinds of questions and copy all your papers?

A. Yes, sah.

Q. Do you think you did anything wrong by coming here to testify in this case.

A. I doan see as I did, sah.

Williams left the stand and the Major and another army officer rushed out of the room after him. Vanderveer turned to Landis and said, "I wish your Honor would see that this witness is not punished in any way for coming here to testify." Landis only nodded.

Bert Bassnett, alluded to above, was an I. W. W. from Seattle, where he served last summer as chairman of the "Seattle Strike Committee." The head-

quarters of this committee were at the local hall, 208½ So. Second Avenue and not at the Union Block, where the now famous "German people" letter was alleged to have been found. Bassnett laughed at the suggestion that he would write such an insane and disloyal letter, and proceeded to exhibit a batch of official papers. Two of these were discharges from the U. S. Army, showing Phillippine Island service with many battles during the two terms. The other two were also army papers, showing his appointment in service, first as corporal and then as sergeant. He was recompensed for service to his country by being bedded in a pig-pen. Describing the bunkhouse, he said:

"The foreman showed me a big long shack and said, 'You go in there and find a bed.' I came back and told him I couldn't find any bed. So he came back and showed me. It was divided up into little stalls with an alley-way between. There was hay in the bunks, upon two-inch boards. There were hogs beneath us as it was built on a bank. The front end was level with the ground and the back end was on a bank. Underneath was where all the old clothes and wash water and stuff was thrown and the hogs slept under there. The fleas and bed-bugs were something awful. I couldn't sleep at all. They would crawl up and drop right in your face. It was practically impossible to sleep. And the grub was poor—very poor."

A glimpse of what may be called "High Finance" was revealed on July 17th, when Landis suspended the I. W. W. cases for an hour or two, the defendants and the jury remaining in the room, while he listened to a petition in bankruptcy brought by numerous people who had bought stock in a mail-order corporation after reading its circular headed, "Making Brains Produce Profits." The action developed against the Riley Schubert Grossman Company and three other interlocking "blue-sky" concerns. The judge made a drive on this corporation which had

capitalized for \$1,250,000 without paying a dollar, and raised a laugh among the spectators when he inquired of Mr. Grossman, the \$15,000 president of the company, who "Riley" was and learned that "Riley" was a dog!—Schubert's and Grossman's canine "pardner."

There followed much reading from **Solidarity** regarding the Bisbee deportation; how farmers were refusing to raise wheat at the price set by the government; a resolution opposing the draft and demanding a general strike in the coal mines, passed by the U. M. W. of A. Local No. 1962, last year; also Chaplin's "Fable of Spiders and Flies," which told how the "Agitator Fly" had objected to his kind being eaten by spiders, saying, "What is there in common between Spiders and Flies, anyway? Why not overthrow all Spiders and abolish the Web?" Also excerpts from Justus Ebert's book, "The New Society," with its story of the Lawrence Strike and how the babies of the textile workers were starving in the mothers' wombs—born dead—while a certain employer took his bride on a honeymoon with two Pullman cars for her pet dogs, which were fed upon choice steaks and kept in suites in Chicago's best hotels.

This was followed by the testimony of Joseph Davis, a government labor agent in the Forestry Service, who told of employing about 600 I. W. W.'s to fight forest fires in Montana. These men he hired out of an I. W. W. hall, and Davis said they gave good service—"The best I have ever seen"—and then he added—"If it had not been for the I. W. W. last year, the forests of Montana and northern Idaho wouldn't be there now."

On cross-examination Nebeker tried to get Davis to recant by slyly intimating that his government job was in danger. Davis didn't scare and held to his story. It is noticeable that the prosecution strikes a snag in nearly every witness and can only put up a

bluff at cross-examination—idle questions which reveal nothing.

Ralph Chaplin, defendant, artist-poet, and editor of "Solidarity" during 1917, took the stand on the morning of July 19th, 1918, and gave an account of how his life's events had influenced his conclusions upon industrial and political questions. Born in Kansas thirty years ago, he had studied art at night-school while working during the day-time in the darkroom, "spot-knocking" photographs. Later, another boss, knowing he was a "scissor-bill," had him pledge \$10 a week out of a \$16 wage to invest \$500 in the boss' business. When that was paid in, the boss told him to go to hell and got another victim. This \$500 was recovered because Chaplin was a minor when the contract was made; so he took this and started into business for himself with the ambition to be "independent." But—he found a trust controlled all supplies and he was unable to buy anywhere and had to quit. So he went back to the easel, working for wages. He then went to Mexico for one year and noted the extreme poverty of the peon class under the Diaz regime. Coming back, he had worked for the Chicago Portrait Company until the artists struck against conditions there. When that strike was lost he went to West Virginia, where he did artist work in the coal mining region. For several years previous he had been an enthusiastic member of the Socialist Party, "soap-boxing" and writing articles. In West Virginia he did much work on the "Socialist and Labor Star" at Charleston, which paper became the spokesman for the U. M. W. of A. coal miners' strike at Paint Creek and Cabin Creek. During this strike Chaplin acquired his hatred of the labor-crushing militia. He described to the jury the "Bull Moose Special," an armored train, built by union machinists in the C. & O. shops, loop-holed for machine guns and rifles; a train that was manned by Baldwin-Felts detectives and commanded by Quinn Morton, a company superintendent, and in the

darkness run through the strikers' colony at Holly Grove, belching death to men, women and children. Chaplin came out of that strike zone with undying hate for industrial tyranny. He had written many poems about that strike and Vanderveer read them to the jury: "What Happened in the Hollow," "The Mine Guard," "When the Leaves Come Out," and "Too Rotten Rank for Hell." The latter Vanderveer asked about. "Does it express your contempt for the prostitute newspaper men?" "Well," said Chaplin, "a part of it."

Chaplin told how the Socialists in West Virginia had won all the local elections during the strike, but were kept out of office by bayonets. He explained the I. W. W. attitude on violence and that sabotage was neither violence nor destruction, but the "black cat" an emblem of bad luck for the boss.

"Those who never work," Chaplin said, glancing quickly at Nebeker, "do not know there is a class struggle."

Referring to Nebeker's allusion to sabotage as a "secret doctrine" Chaplin said, "Secrecy is not necessary; we want the whole world to know."

In regard to the charge of "disloyalty," etc., Vanderveer questioned Chaplin at some length.

VANDERVEER: You remember when militarism was first discussed here before we entered the war?

A. Oh, yes.

Q. Campaigning for it all over the country?

A. Yes.

Q. Did that arouse any special apprehension in your mind?

A. Yes, it did.

Q. Of what nature?

A. That the militaristic system would be built up in these United States by the powers of invisible government, similar to the militarism of Germany. In other words, that the American people, in spite of their spirit of freedom, would reach the stage here in these states and cities where a civilian would be

brushed off the sidewalk by an officer in uniform and where the civilian population would have to kowtow to military rule all the time, and where military means would be used to keep the workers cowed and subjugated beneath the rule of the master class always. I saw that coming, or felt it coming.

Q. Did anything occur during the year of 1917 to confirm your fears?

A. Yes, indeed, a great many things.

Q. Where?

A. Well, the arrest of our boys by the militia. It was right in keeping with the things that have been hammered into me ever since I had the power to observe anything.

Q. Do you still believe that that use will be made of troops, for breaking strikes in this country?

A. I don't see any reason why they should change now, unless there is some governmental power strong enough and clean enough to take hold. Wall Street wants it that way.

Q. What are your sentiments about the flag, Ralph?

A. Like everybody else, every American boy, at least, I was taught that the flag was the symbol of freedom. It was the symbol of things that my forefathers had lived for, fought for and died for; that the flag stood for American freedom; that this American freedom was different from the freedom in other countries and that the flag stood for it all.

Chaplin said he had seen the flag used for other purposes—at Lawrence, Lowell—

Q. How about the Lumber Strike; the cry of patriotism throughout that? How did that affect you?

A. Well, it is the same thing. To my mind, the flag has been stolen from me by the people who have stolen the whole of the United States from the American people; these men of Big Business, of invisible government, they have taken my land away from me; they have taken my flag away from me. It is

my flag as much as it is theirs; but they have arrogated this unto themselves. They say that the man who does not do as they want him to do is a traitor. But it is the ideas back of the flag that I particularly stand for. I say that this country now—I cannot see where this country now is the same, or has the same spirit it had back in 1776. In other words, I see this country now ruled by a profiteering gang. These men who say—"We are the government; we are the country; this is our flag,"—they will make you kiss it on the slightest provocation, assuming you are a traitor at heart, or that you are disloyal, when they themselves are coining their so-called patriotism into billions and billions of dollars.

On Saturday, July 20th, George Rickèr, a Montana lumber-jack, member of the I. W. W., told why he had joined the union, how great a change the union had wrought in hours, wages and conditions; also, he told how he had, with other I. W. W.'s fought forest fires last summer. As a "blanket stiff" he had carried his bed on his back for 22 years. "But that is over now;" he said, "the I. W. W. 'jacks' burned their rolls of blankets on May 1st, 1918, and made the bosses furnish decent bedding."

"Red" Bresnan, of I. U. No. 400 told how the I. W. W. had improved conditions in the harvest fields and had had no strike in 1917 outside of the retaliation strike directed at Aberdeen, South Dakota, Vigilantes. "Red" also told how the Minnesota "home guard" militia had shot up the I. W. W. hall last year in Minneapolis.

John Doran, now a shipyard worker at Seattle, but formerly a Butte miner, appeared to testify about Butte. He lived there for thirty years and was County Clerk under the Socialist regime before the Socialists were blacklisted out of Butte. Doran had a hand in the 1914 independent union and last year had taken a leading part in forming the Metal Mine Workers' Union which called the strike. When he mentioned Billy Oates, the hook-handed gunman,

Nebeker paled, as he always does at the mention of his name, and, turning to Vanderveer said he would concede that the I. W. W. had not caused the Butte Strike. This ended the week's session.



THE twelfth week of evidence—the Class War in court—and defendant after defendant taking the stand to hurl defiance in the face of industrial tyranny; staunch and unshakable in adherence to the principles of the One Big Union and every word bearing the deep sincerity of “men who do.” These, with many outside corroborative witnesses, made a lively and interesting week.

The first witness on July 22nd, Christ Sauser, had taken the stand just previous to Saturday’s adjournment. Sauser, a man 55 years of age, was born in Germany, but is now a citizen of the United States, having lived here for 37 years. Sauser joined the I. W. W. in July, 1917, at Seattle and had worked his way east to see his boy in Chicago, who was drafted, and to testify “for the boys here.” He found very few Germans in the I. W. W., he said, while telling of his experiences in the lumber strike region. As a member of the U. M. W. of A. he had worked for years in coal mines, but said that the I. W. W. was the better form of unionism.

R. J. Whittaker of Missoula, Montana, an ex-sheriff and owner of a 640-acre ranch, testified that the lumber strike was very peaceable and that the I. W. W., whom he had hired on his threshing crews, were good workmen. During the strike the I. W. W. secretary had solicited his assistance in an effort to close the saloons. The witness tried to do this but was blocked by the lumber companies and a preacher named Gadsben who said, “Let the loggers go broke and they will have to go back to work.” The witness stated that he was now on the State Executive Board of the Non-Partisan League, which led Nebeker to hint at that organization’s “alleged disloyalty.” Vanderveer then proceeded to “brand this lie right on

the nose" as coming from the Grain Trust. Whit-taker had two sons in the army and owned Liberty Bonds galore.

VANDERVEER: Do you do your own threshing?

A. Yes, and my neighbors' as well.

Q. Have you and your neighbors employed I. W. W.'s?

A. Why, yes; we employed them the same as anyone else.

Q. Did they ever throw pitchforks through your machine, or iron or rocks?

A. No.

Q. Did they ever destroy property or raise hell?

A. Not that I ever heard of, except in the newspapers. The newspapers were always full of it.

John J. Keenan, a defendant, dismissed since the trial began, took the stand. An erect and vigorous man, though 64 years of age, he told his story. Known as "The Sergeant" among the I. W. W. members because of his 12 years service in the British Army, Keenan was a living witness to the stupidity of the Department of Justice. Keenan was on the Executive Board of the old Amalgamated Iron Workers and took part in the Homestead strike in Pennsylvania in 1892. He told in detail of the battle there between 300 Pinkerton scabs, sent in by Henry C. Frick, and the strikers. Blacklisted everywhere, he had since been a migratory worker, going back to England to serve as a soldier. Keenan has a son with the army in France.

VANDERVEER: From your experience as a soldier, how have you come to regard war in general?

A. **I hate it.**

Q. Did you ever conspire to stab your boy in the back?

A. No, sir.

Q. Did these other boys over here (indicating the defendants) do anything of that sort?

A. **Never.**

Tom Bell, a lumberjack, and for one year an I. W. W. member, told of the lumber strike and how it was caused by conditions. "Only a fool would advocate driving spikes in logs," said Bell in contradiction to the charge of the prosecution. Nebeker again began admitting points of contention here. Bell was asked about the I. W. W. attitude on booze. Nebeker said, "We will admit the organization's attitude against liquor."

"I thought you said that was just some of our camouflage," said Vanderveer. Grinning at Nebeker's discomfiture, he continued—"How about the stand against violence? Do you admit that?"

"No, we don't" snapped Nebeker.

"Well, anyhow," replied Vanderveer, turning to resume examination, "We will make you admit that."

Bell then began to tell how the I. W. W. fire fighters had saved the forests of the Northwest last year. Nebeker again interrupted with an admission by the Government. "We will have no rebuttal on the fire-fighting," he said.

Arthur Boose, defendant, told the story of his life as only Arthur Boose himself can tell it—how and why he became an I. W. W. Joe Graber, defendant, followed Boose upon the stand. Graber was born in Russian Poland where, early in his youth, he joined the Russian Social Democratic Party. After being persecuted for revolutionary activity, he fled Russia to work in the mines of Germany. But the Kaiser liked him not, and as the Kaiser and the Tsar conspired to make Europe unpleasant for him, he came to America in 1910. Here he found a larger measure of political liberty but found as well an industrial tyranny which caused him to join the I. W. W. Graber was one of the 262 I. W. W.'s arrested by the "Black Cossacks" under the direction of Sheriff Phillips at Old Forge, Pennsylvania, in 1916, during a strike in the coal mines. Graber contradicted some of the statements made by Sheriff Buss, witness

for the prosecution, which worthy had arrested Prashner, Baldazzi and Graber in June, 1917. In July, 1917, Graber was arrested at Scranton as a "German Spy" and has been in jail ever since, being practically interned without charges until indicted at Chicago on September 28th, 1917.

George Hardy, defendant, was born in Yorkshire, England, he said, upon taking the witness chair. For three years under colors for England, he had served in the Boer War. Of his six brothers who had all volunteered in the present war, two were killed in action, one other has been gassed, and another is now in a hospital, wounded. During 1915 Hardy worked on the docks at Hull, England, and later as seaman on the transports carrying troops and munitions from Britain to Belgium, dodging submarines. In 1916 he came to the United States and joined the I. W. W. because its form of organization resembled the British Transport Workers Federation . . . "It took in everybody, and I saw the I. W. W. was the same." After working on a British transport plying between Europe and America, he took service on the U. S. Transport Crook, carrying horses and supplies between Anchorage, Alaska, and Seattle. Most of the crew on the "Crook" were I. W. W., he said. Hardy said European labor knows all about sabotage, and he laughed at the prosecution's endeavor to make sabotage appear mysterious and sinister by fussing over the "black cat."

Richard Brazier, defendant, member of the General Executive Board, testified to the fact that the I. W. W. had never taken an official stand for or against the war, although urged to do so by many members, including Frank Little and himself. There was a hopeless disagreement among the members of the G. E. B. and the matter had been dropped after hot discussion at the G. E. B. regular meeting at Chicago in July, 1917.

Bert Lorton, defendant, said he was born in Birmingham, England, 41 years ago, and under cross-

examination admitted that he actually was secretary of a local Recruiting Union, that his office at Chicago was in the same building as Haywood's office, and further, that he persisted in remaining a member when he knew that the union was growing. Porter got all "het up" because Lorton had not become a citizen. So Lorton explained:

"The reason I did not become a citizen, in the first place, in the west where I lived at that time, there was a great objection to a man that belonged to any radical organization becoming a citizen of the United States. It was fought out in the courts by a man named Leonard Olson. I am not looking for notoriety—I do not care to fight it out in any court. Now, another reason is this; to be a citizen you have got to stay in one place and have your home there, and it is not possible for lots of men doing that kind of work to have a home of any kind. Another reason is that I think I am as good a citizen as any man; I am an industrial citizen; I work in the industries and I have helped to produce the wealth of this country, and the only way I could get a vote was to vote in the union to which I belonged; that is the only way a worker can get a vote in this country for the betterment, not only of his condition, but the country's condition."

S. I. Phillips, now an employee of the Calumet and Arizona Mining Company, (the C. & A.) of Bisbee, Arizona, and a deputy sheriff under Harry Wheeler at the time of the deportation, July 12th, 1917, told of the conditions in the mines which brought on the strike and how the strike was "very orderly **on the part of the strikers.**" Phillips had other duties and was not called upon to help deport the strikers, but he had talked with them when they were loaded into cattle cars for deportation. He heard Sheriff Wheeler tell John Greenway, manager of the C. & A. Company, to pick out all men who would consent to go back to work and stand them to one side. Few men would consent, despite the

rumors that the deported men were to be sent to France. The men said they would "rather go to France than work in Bisbee mines, anyhow."

Loyalty Leaguers were armed with the regulation rifle supplied to soldiers by the U. S.; also they were furnished with machine guns, and Phillips said he was told by Loyalty Leaguers that day that—"the government is behind it." Afterward Phillips was in the police court when a deported miner who had dared to return was "tried" for "vagrancy" before Judge Frank Thomas. The miner said he had "constitutional rights and money in his pocket." Judge Thomas told him, "Money in your pocket and constitutional right means 'Guilty.' Get out of town or 90 days on the road." The Judge then turned to Phillips and said privately that he "did wrong but was forced to do it."

CLEARY: Did he say who forced him to do it?

A. He said he was forced by the Loyalty League.

Q. Did he say what the League would do to him if he didn't do it?

A. He said he would lose his job.

Q. How does he hold his office?

A. By appointment, by the City Council.

Both Greenway and Wheeler later received commissions as officers in the U. S. Army, said Phillips.

Walter Smith, defendant, told in detail of the how, the when and the where of the Northwest Lumber Strike. The I. W. W. he said, had elevated the standard of living and had helped the loggers to "become more like men than dogs." Smith became angry at Porter's idea of "leaders in the I. W. W." when Porter insisted that James Rowan "was the head of I. U. No. 500."

"Rowan ain't the head of No. 500" snapped Smith, "the head of No. 500 is the rank and file of No. 500."

The A. F. of L. had struck for the 8-hour day last summer and closed down all the sawmills in western Washington, so the government couldn't

get any lumber, just as the I. W. W. struck in the camps, yet Smith hadn't heard of Gompers being jailed for it.

VANDERVEER: Was there any thought in connection with the strike in the woods last year of interfering with the government operations, Walter?

A. Not that I know of.

Q. If your 8-hour day had been granted and decent conditions established in the camps, would you have gone back to work?

A. There would not have been any strike.

C. W. Davis, defendant, also testified about the lumber strike which was really started by the action of the International Union of Timber Workers in calling a strike of A. F. of L. millmen—the I. W. W. on the coast had struck after the A. F. of L. had already decided a date for strike. Davis was on the only strike committee in Seattle and as it was a local committee with an office at the local hall, 208½ South Second Avenue, it was called the "Seattle Strike Committee" and had never signed itself "The Strike Committee" as those words appear in the now notorious "German people" letter.

VANDERVEER: When you wrote letters, did you send them out?

A. Certainly.

Q. Do you have any idea how a letter addressed to Haywood who was in Chicago and written at 208½ South Second Avenue in Seattle, should get into the Union Block in Seattle, seven blocks away?

A. No.

G. J. Bourg, defendant, told of the raids by militiamen upon the I. W. W. Hall at Kansas City, Missouri, early in 1917, when these worthies, led by an officer who was a city detective, and protected by the police, repeatedly came into the hall, drunk, and wrecked the furniture and beat up the I. W. W. members. When the victims complained the City Attorney said that the militia "had his consent to raid the I. W. W. hall any time they wished to."

Later Bourg had been secretary at Aberdeen, South Dakota, where he was jailed one night at 1:30 A. M. He was taken in an automobile by the Chief of Police of Aberdeen to the edge of town where a band of Vigilantes appeared and held him down while one of their number beat him unmercifully with a heavy club. He was threatened with death if he returned, but went back the next day. He tried to get redress with a lawyer—failed— and left Aberdeen disabled when the I. W. W. threw a picket line around that section and said—"Let the Vigilantes do the work."

Charles Plahn, defendant, testified. About the only serious charge against Plahn was that he had been beaten up by Steel Trust gunmen at Bessemer, Michigan, last summer. He had survived the beating, had read Solidarity and had paid his dues. Therefore, these being crimes, he was indicted.

Another defendant, equally a malefactor, was Sigfried Stenberg, who was bookkeeper for the Swedish paper "Allarm" last year. He worked for the boss daytime to support his wife and baby girl and at night he had voluntarily contributed an hour or so to post a ledger. Despite his youth and soft-voiced bashfulness, Sigfried was evidently a desperate character, as he, too, had been indicted and in jail for ten months, while his wife and babe relied upon the I. W. W. for support, and, by the way, had received it in spite of the efforts of the Department of Justice to strangle the I. W. W. defense and relief fund by seizure of the organization's mail in transit.

Likewise, Frank Westerlund, defendant, was a bad guy, a "real bad guy," who had taken subscriptions for the Finnish I. W. W. paper "Industrialisti" while talking with other Finlanders around Duluth, Minnesota, streets. Then, last summer, he had gone west on an excursion trip and had talked with some Finlanders in their boarding-houses. Ha! Nebeker thought to make a point:

NEBEKER: These Finnish people you talked to were working people, were they?

A. Sure; I never saw any millionaires living in a miner's boarding-house.

On July 24th, John Martin, defendant and former secretary of the Seattle District of Lumber Workers' I. U. No. 500, took the stand. Martin had his office in Room 40, Union Block, Seattle, on the floor above Room 25, editorial office of the "Industrial Worker" where the "German people" letter was alleged to have "been found in a tin box."

Martin had co-operated with Dr. Carleton Parker who tried to settle the Lumber Strike in the interest of the War Department. The Lumbermen's Association had refused both the national and state government's requests to grant the 8-hour day to the I. W. W. and to the Industrial Union of Timberworkers of the A. F. of L. which struck simultaneously with the I. W. W. Martin denied knowledge of the "German people" letter and said that the stationery it was written on had been discarded when the Seattle District got letterheads of its own. Vanderveer called Nebeker's two assistants, who were in charge of seized correspondence, to the stand, where both admitted that no other letter signed "The Strike Committee" had been found in any file. Some of the methods used by the government raiders were shown by Martin's testimony.

VANDERVEER: Where were you at the time of the government raids September 5th?

A. I was at the office in the Union Block.

Q. And the government came in there with search warrants and went through your stuff?

A. Well, they came in—two or three government officers and five or six uniformed police.

Q. What did they do?

A. Just started in—there were a good many cards hanging on the wall of members of the I. U. T. that had transferred into the I. W. W. Those cards were red, just like our own, and I suppose that

caught their eye, and they started in and tore them down. So I walked over towards them and asked them what they were doing and what authority they had, so one produced a search warrant and let me look it over.

Q. What did they take from the office?

A. They took everything, even my laundry.

Q. Did they take any of the fixtures?

A. They took all our papers; all our filing cabinets; waste paper baskets. They did overlook the spittoons, though. They took everything there was in the office, typewriters and adding machines. They handled it very rough.

Q. Did you ever get any of them back?

A. No, sir.

Q. Have you tried to get them back?

A. Yes, sir. I also tried to get an inventory of what they took, but I haven't got any.

Q. Were those typewriters guilty of anything, or were the adding machines guilty of anything?

A. Not that I know of. The typewriters might have misspelled a word now and then.

Martin, though indicted last September, was not arrested until just previous to the trial. He told why he would not surrender.

"I did not have any desire to become a victim of syphilis or consumption like some of the boys have become over in the Cook County Jail. We heard about those things; how they were being treated."

VANDERVEER: Do you know how many of these boys here have become tubercular there?

A. A good many.

Nebeker seemed worked up over "that German, Karl Marx," and questioned Martin closely upon what books were in the I. W. W. hall at Seattle.

NEBEKER: Karl Marx has been referred to as a sort of foster-father of this organization, hasn't he?

A. The lumber barons and the industrial kings are the foster-fathers of this organization.

Vanderveer called defendant C. H. Rice to name

over from memory a long list of classified and scientific books kept at the Seattle hall. There followed some humor on cross-examination.

NEBEKER: Were there any books written by an I. W. W. other than read in evidence here?

A. I don't know whether Victor Hugo was an I. W. W. or not; I have never seen him around the hall there.

Q. Oh, you have not?

A. No; Karl Marx might have been, though.

George Andreytchine, defendant, who was editor of the Bulgarian language paper for the I. W. W. during 1917, took the witness chair to tell how it was that the paper had such a strong anti-militaristic character. It developed that Andreytchine's hostility to militarism was not directed by any thought of opposing the United States in the prosecution of this war, but an inherent dislike for war in general and the poison of Prussian militarism in particular.

Andreytchine's experiences as a soldier in Bulgaria were brought out to show that those who taste the horrors of war have reason to abhor it.

VANDERVEER: How long were you in the military service of Bulgaria?

A. Eleven months.

Q. Did you see any active duty?

A. Yes, almost every single day of military service was in the trenches.

Q. In what war?

A. In both the first and second Balkan wars.

Andreytchine told of the terrible atrocities practiced by both sides and of the brutality of the officers to the common soldiers—"The rations allowed to us were cut down to make some of the regimental officers profit, and during the war some of our men, who were acting as censors, got letters from officers to their wives telling them that the longer the war lasted the better for them, because they are in soft and will fill their pockets, while we, the dogs, are dying for them. And I also remember when we took

Adrianople, a big fortress, and we lost 11,000 dead in three days and nights; the next day marching through the streets, we found thousands of merchants coming from Bulgaria all ready to start business there and exploit the poor, ignorant people that are found in all communities. We found over 180,000 Turkish soldiers there, dying from starvation and cholera. Our officers were always behind us; they commanded from behind with telephones; only the non-commissioned officers who were from the ranks were in the trenches."

Q. Then, during the second war in which you were aligned against Greece, did you see active service?

A. Yes, our regiment was still in the thick of the fight and we were put near Saloniki at a town called Kilkesh, and we fought the Greek Army, which was superior in numbers, for over eight days. Many a day we had no food and there was no water in that field. On the 21st of June our positions were broken; the Greeks, reinforced by Serbian troops, took our front trenches and drove us back. Their machine guns annihilated whole regiments. Our loss was about 8,000.

Q. On your side?

A. On our side, and I was wounded that day by shrapnel in the right foot and bayonet in the back.

Q. What year was this, George?

A. 1913.

Q. Did your experiences in that army lend any color to your ideas?

A. Yes, the experiences in the army taught me to abhor war and everything that is connected with it—militarism and preparedness and patriotism.

Q. Had you ever witnessed or heard of brutalities visited upon women of your country?

A. Yes, sir. It was done by all armies; first, when I was a little boy, it was done by the Turkish army. Many of the women who were outraged died.

Then afterwards it was done by our own army in Turkey.

Then, when we were driven back by the Turks, Greeks and Serbians, it was done upon those same women by the invading armies, and I have seen with my own eyes atrocities committed upon women by Bulgarian soldiers and that made me hate all armies, any army, Bulgarian included.

It was apparent that Andreytchine's experiences had had something to do with his policy as an editor, which policy, it was shown, met with opposition at a meeting of the I. W. W. editors held in May, 1917. There he had quarreled with Chaplin and others who, so he said, had determined to keep to industrial programs and to avoid all comment upon war or conscription. In fact, the "conspirators," far from having a "meeting of minds," had disagreed upon matters of policy and cursed each other roundly.

Andreytchine had lived in France and stated that the French Confederation General Du Travail, in common with all European unions, is revolutionary in aim, and differs widely from the conservative spirit of the A. F. of L.

He also told of being involved in the Iron Miners' Strike on the Mesaba Range in Minnesota in 1916, when 20,000 unorganized miners struck against the feudalistic control of the Steel Trust and how thousands of gunmen had been deputized to intimidate the strikers; how John Allar had been murdered on the picket line, and of the arrest of strike leaders upon a murder charge growing out of a shooting affray between deputies and miners at the home of Joseph Masonovich, a striker.

Andreytchine had opposed Germany and German socialism and had pilloried Scheidemann and Sudekim, as "traitors to internationalism." Nebeker asked if Karl Marx was not born in Germany and the witness said, "Yes, but he was exiled from Germany and his books were 'verboten' by Bismarck."

Nebeker's questions upon philosophy elicited the following from Andreytchine:

"Nothing that is is 'radical.'" All things that exist are natural. The anarchists would destroy the state; socialists would control the state—the latter being the most superficial program of applied sociology."

John I. Turner, defendant, told of the strike of "river-hogs" on the Fortine River in Montana, which was the beginning of the big Lumber Strike of 1917. When troops were called in an officer told Turner that he was "surprised at the strike being so peaceable."

It happened that Turner had acted as attorney for the strikers who were arrested and tried before a Justice of Peace at Eureka, Montana.

"Are you a lawyer?" asked Vanderveer, smiling.

"No-o-o," drawled Turner, a southerner by birth.

"Well," said Vanderveer, "did you win the case?"

"We sure did!" said Turner—and everybody laughed.

Peter R. Green, defendant, also testified about the Lumber Strike. Like Turner, he stated that an anti-conscription resolution passed by the Lumber Workers' Convention **before** the war had been forgotten and had nothing to do with the strike of 1917. It appeared that the Seattle A. F. of L. and numerous other bodies of labor had also passed resolutions. Peter Green told also of his arrest at Klamath Falls, Oregon, on some absurd charge because a flour mill had burned. The lumber company had incited such hostility against the I. W. W. that a lawyer, coming from Portland to defend him, had been run out of town and threatened with lynching.

Olin B. Anderson, defendant, testified that he had joined the I. W. W. in March, 1917, and had spent most of the time since in jail. The apparent reason was that he had written articles for SOLIDARITY—

news articles showing the progress of the Lumber Strike.

On July 26th, W. E. Hall, a witness from Grays Harbor, Washington, rather confounded the prosecution by declaring that the A. F. of L. precipitated the lumber strike in western Washington. Hall, who was then Vice-President of the International Union of Timberworkers, said that union decided, at a convention held in June, 1917, to strike on July 15th, 1917, for the 8-hour day. The I. W. W. had finally decided, early in July, to strike in the Western, or Seattle District, and both Unions struck simultaneously; the A. F. of L. controlling mainly the mills and the I. W. W. controlling chiefly the logging camps. The first camp that struck was half I. W. W. and half I. U. T., said Hall, who added that Gompers had endorsed the strike by an open letter to the strikers.

VANDERVEER: After the strike was declared, what were your duties and where did they take you?

A. I was organizer for the International Union of Timberworkers. I was in Seattle, Tacoma, Port Angeles, Everett, Bellingham, Enumclaw, Rainier, Centralia, Olympia, Aberdeen and Hoquiam.

Q. What percentage of the lumber section does that represent?

A. Almost all in western Washington.

Q. Did you ever observe or hear of any violence or destruction or lawlessness started by the strikers in any of those places.

A. There was absolutely none.

Hall said that he, acting for the I. U. T., had pulled the Aloha Lumber Company's men on strike and contradicted in that statement the testimony of Frank Milward, who had testified for the prosecution that the "I. W. W. did it."

VANDERVEER: Did you pull any other camps before you returned to Aberdeen?

A. No, sir.

Q. When you returned to Aberdeen, what occurred?

A. Mr. Dole, the manager, had a warrant for me.

Q. Were you arrested?

A. Yes, sir.

Q. On what charge?

A. Charged with being an enemy of the government; interfering with production of spruce, and it went on for about a whole page—I don't know what it was.

Q. Were you tried?

A. Yes, sir.

Q. What happened at the trial?

A. The prosecutor of Grays Harbor County said there was no statute to cover the indictment. I was turned loose.

Q. What, if anything, had you done to hinder the production of spruce?

A. Called the men on strike.

Q. Was that after your action had been approved by Mr. Marsh, President of the Washington State Federation of Labor and member of the State Council of Defense?

A. Yes, sir.

Q. Mr. Hall, after the Secretary of War had requested the concession by the mill owners of the 8-hour day and that request had been rejected by them, do you know of any of **their** officials who were arrested as you were for interfering with production of spruce?

A. **No sir.**

Q. You are now a member of the I. W. W., are you not?

A. Yes, sir.

Q. When and where did you join?

A. Last Christmas, at Seattle.

Q. Why did you join?

A. I joined after about two years investigation of the I. W. W.

Q. Had any special reason been furnished you?

A. Well, my reason for thinking that the A. F. of L. is not organized in the proper manner is because they put the craft before the organization. What I mean is the Shingle Weavers with 3,000 members, thinks his dinky little union is of more importance than the welfare of the whole organization. They have no transfer card system and among us men who work at almost unskilled work, it is necessary to have a universal transfer card. To explain the matter: The A. F. of L. has a union called the Cooks and Waiters of America. It has another called the Marine Cooks and Stewards. Now between these two unions a man that cooks on the water—he cannot cook on the land, unless he pays a new initiation fee and takes out a new card and becomes a new union man. Another reason, I found out that signing contracts with employers, that there is no way to make them observe contracts unless you have economic power to enforce them. The Timberworkers signed contracts during 1917, direct with various employers; the employers repudiated all contracts and came out for the open shop. So there isn't anything in forming a contract in my estimation.

Q. Did you observe anything about the conduct of the I. W. W. in their strike which in any manner influenced you in becoming a member?

A. Yes, sir. It was the most peaceable strike I think I ever saw conducted on the Pacific Coast.

Following Hall, A. V. Azuara, defendant, editor of the Spanish language paper, took the stand. He was born in Spain and told how the liberals of Spain had opposed the monarchy by holding up the republics of Mexico and the United States as havens of refuge. Azuara had thought to better his conditions by going to Mexico; but, much to his surprise, had found in the Mexican republic a horrible system of peonage, of barbarous exploitation under the regime of President Diaz, who had conspired with invading capital and established virtual slavery under his military dictatorship. Azuara told of the horrors

suffered by peons in the fields of Yucatan, of the massacre by soldiers of the textile strikers at Rio Blanco; of the "ley de fuga" and how Standard Oil, Guggenheim, Hearst and others had corrupted that republic as they had this one. Mexican papers in opposition to Diaz had cited the U. S. as what a republic should be, had spoken of how free the workers of the U. S. were; therefore, Azuara emigrated here only to taste of such freedom as was offered his class at Ludlow, at the Durst hop-ranch in California, and in the salmon canneries of Alaska, where he had worked. He had joined the I. W. W. because experience had shown him that Woodrow Wilson's book "The New Freedom" was correct in stating that the industrial kings of America controlled the government. On cross-examination prosecutor Porter demanded in a voice of pathetic indignation—"If you don't like this country, then why don't you go back where you came from—answer that?" "Because," retorted Azuara, "the low wages paid here prevented me from ever accumulating enough to pay my return passage."

It will be recalled that earlier in the trial the prosecutor had sought to prove that some Finlanders in Minnesota had not registered because they were I. W. W. members. Now, the defense brought witnesses to prove that this was a Finnish matter, and **not** an I. W. W. matter, as the Finns were subjects of Russia and had been exempted from all military service by order of Tsar Nicholas. Whether I. W. W. or not, they had mistakenly supposed themselves exempt from operation of the Registration Act, even the attorney for the Russian Consul at Chicago having so advised them. Hundreds of these Finnish men had been arrested as a result. E. L. Kimball, a lawyer from Duluth, Minnesota, testified that he was hired by a Finnish co-operative society—not by the I. W. W.—to straighten out the affair. Kimball had been accompanied by defendants Lauki and Jaakkola in visiting Finns held in various

jails for not registering. Through them, acting as interpreters, he had explained the law and the Finns had registered. Kimball added that the Minnesota State Council of Defense had advised the Department of Justice that the Finns were not to blame and should not be prosecuted. Several witnesses, Finlanders, were called to support the contention of the defense. Some of these testified that many Finns had written and spoken very bitterly against defendant Leo Laukki because he had, as editor of the Finnish paper, written an article specifically advising registration. The article was read to the jury.

The last witness of the week on the stand was Corporal Hugh P. Reynolds, 342nd Infantry, stationed at Camp Grant. The prosecution gets panicked when it sees an I. W. W. in uniform—and here was a corporal!

VANDERVEER: When did you join the I.W.W.?

A. In February, 1912.

Q. Why did you join it, Corporal?

A. On account of economic conditions. Because it is a labor organization to better the conditions of the working class.

Q. Do you understand what is meant in the Preamble when it says that the working class and the employing class have nothing in common?

A. Yes, sir.

Q. What is the foundation for that belief?

A. My own observation and experience.

Q. Have you ever before been in the service of the United States?

A. Yes, sir. Three years in the Navy.

Q. Did you seek exemption when you registered?

A. No, sir; although I held a sickness discharge from the Navy.

Q. Did you at any time in your travels and in your contact with members of the I. W. W. and your visits to their halls ever hear anybody advocate disloyalty or insubordination?

A. I have not.

Q. Do you mean to become a member when you get back here?

A. I mean to become a member of the I. W. W. or some other organization that may be progressive along industrial lines.

Q. Do you still have occasion to go around the I. W. W. halls occasionally?

A. Yes, sir.

Q. In uniform?

A. Yes, sir.

Q. Any difference in the reception that you get there now and what you got before?

A. No, sir.

Q. Do you see other soldiers around the halls?

A. Yes, sir.

Q. Other soldiers out at Camp Grant—who are members I mean?

A. Yes, sir.

Q. Ever hear any insulting remark around an I. W. W. hall or among the I. W. W.'s anywhere about your uniform or your service?

A. No, sir.

Q. Mr. Reynolds, have you been a member of any A. F. of L. union?

A. Yes, sir.

Q. Are you now?

A. Yes, sir. The Hotel and Restaurant International.

Q. Been through, or seen some strikes in both organizations?

A. Yes, sir.

Q. What do you think of this question of violence as the I. W. W. and the A. F. of L. practice it?

A. I have been through two I. W. W. strikes and I have seen no violence.

Q. Have you seen violence in A. F. of L. strikes?

A. Yes, sir.

Q. Do you think you understand the reason for the difference?

A. Yes, sir. The cause of violence is because one class of workers are allowed to stay on the job while the other class of workers are out on strike, and it causes hard feelings between them.

(Here court adjourned—4 P. M. July 27th.)



CHAPTER X.

“IS there a class war?” The Preamble of the I. W. W. asserts the affirmative. For publishing that affirmative the organization’s officials were indicted. That great Magna Charta of Labor—the Preamble of the Industrial Workers of the World, is on trial, an issue, an important issue, in this great battle which, in a legal way, the author has alluded to as “A Second Runnymede.” With few exceptions every witness for the defense is asked if he or she believes in the first clause of the Preamble, if “The working class and the employing class have nothing in common.”

The first witness on July 29 was Charles Thompson, in khaki, of the 43rd Depot Brigade, stationed at Camp Grant, Ill. Born to poverty on an Iowa farm, Thompson has been a wage worker away from home since the age of fourteen, and had joined the I. W. W. at Sioux City, Iowa, in 1915.

VANDERVEER: Why did you join the I. W. W.?

A. Because I thought that such an organization was necessary and I knew of no other like it.

Q. Do you believe in it now that you are in uniform and no longer working in industry as you did before?

A. I believe in it just as strong, and I want to see the boys at home here build it up by the time we get back from wherever we are fighting. I want to see an organization here ready to receive us and help us carry on what we have been trying to carry on.

Q. Are you acquainted with the Preamble of the I. W. W.?

A. I know it almost by heart.

Q. It is stated there, among other things, that the working class and the employing class have nothing in common; do you believe that?

A. I believe that and I have realized that since I was fourteen years old; I believe that the working class and the employing class have nothing in common—absolutely nothing.

Nebeker evidently could scarcely believe his ears at the words which came out of Thompson's uniform. Cross-examination ran along something like this:

NEBEKER: Did you read what "Solidarity" and "Industrial Worker" had to say about this war by the United States, during 1917?

A. No, sir; I never read anything about the war in "Solidarity;" I had too much other stuff to think about; the big war, the Class War.

Q. The Class War?

A. Yes, sir.

Q. This war between the United States and Germany did not impress you as of as much importance as this class war, is that the idea?

A. That is it actually; that is the idea.

Vanderveer drew out of the witness why he thought the class war so fundamental.

VANDERVEER: What are the results of this poverty which you say exists among the hardest working people?

A. Well, they die at a young age.

Q. What is the result upon their education?

A. They have hardly any education; they have no opportunity to get it—the same as myself.

Q. What is the effect upon the morals of some working women and girls, as you see it?

A. Why, a lot of them get run down, in poor health, and out of a job and become prostitutes.

Q. Do you think that is because they want to be?

A. I think that is because they have to be.

Q. Now when you go overseas, you will want to be fed, won't you?

A. Yes, I want to be fed.

Q. Have you ever heard of any conspiracy among your fellow workers to deprive you of the foodstuffs

and other things necessary to the army—things that you yourself will want over there?

A. No, I never have.

Roy E. Carter, private in the 161st Depot Brigade at Camp Grant, told much the same story and said that he agreed with the first clause of the Preamble. "Their interests are not identical in any way because the interest of the employing class is profit," he said.

VANDERVEER: You do not think the employers pay much attention as to whether you are sick or well or tired or weak?

A. No, sir.

Q. Or whether your women are moral or forced to be immoral, or whether your babies live or die?

A. I don't believe they do.

Carter joined the I. W. W. in 1915 as a logger and told how the union had raised the wages in the Minnesota woods from about \$26 a month to from \$50 to \$70.

Private Otto Stolp, a volunteer in the Engineers' Corps stationed at Fort Benjamin Harrison, Ind., generated some lively cross-fire between himself, Vanderveer and Nebeker.

NEBEKER: Your heart and soul is in this war?

WITNESS: Yes, sir.

NEBEKER: And you are fighting loyally for your country, are you?

WITNESS: Yes, sir.

VANDERVEER: And your heart and soul is in the I. W. W.?

WITNESS: Yes, sir.

VANDERVEER: And you are fighting loyally for that?

WITNESS: Yes, sir; fighting for both.

NEBEKER: You don't know much about the I. W. W., do you; you have never read much about them?

A. I did not have time to read, sir, before we got the eight-hour day. I was working all the time.

Vanderveer then resumed—Q. Do you know what the Preamble says—"The working class and the employing class have nothing in common?"

A. Yes, sir.

Q. You know that it is the corner-stone of the I. W. W.?

A. Yes, sir.

Q. Do you believe that?

A. Yes, sir.

Q. What makes you believe it?

A. The way I have been driven around through the country.

Q. Do you believe in the kind of patriotism that profiteers while you are abroad?

A. No, sir.

Q. The kind of patriotism that feeds you embalmed beef when you are abroad?

A. No, sir.

Q. How do you feel about it when people like that say you are not patriotic?

A. Why, I think the only way they can show it is to get a uniform on and come right along with us.

Q. Ever have an employer worry about your condition of health or your morals?

A. No, sir; never did.

Q. Ever know them to worry about how the women of your working people get along?

A. They don't seem to care.

Q. Whether your babies die or live?

A. They don't care, no.

Q. Whether you are educated or not?

A. They never care.

A. Are those the things that you refer to as the "Class War," the war for the betterment of those conditions?

A. Yes, sir; that is what we want to do.

Q. Now do you think it is loyal to this country to try to remedy those things?

A. Yes, sir; it is.

Leo Laukki, editor during part of 1917 of the

Finnish language I. W. W. paper "Industrialisti," published daily at Duluth, Minn., recounted Finland's history in its relation to the anti-military sentiment prevalent among Finnish people in this country. In 1902 the entire population of Finland had gone on strike against the attempt by Nicholas the Second to force military service upon Finland and the Finns were finally exempted. Laukki knows what war and militarism is from his experience as lieutenant of Russian cavalry. He had taken part in the Viborg Revolt when the Duma, dissolved by the Tsar, had fled to Viborg, Finland, and called upon the army to support it by armed rebellion. He had first been deeply affected by the power of economic action when the prophecy made by Grand Duke Nikolai, that "Petrograd would run knee deep to his horse in the blood of the Revolution," was defeated by the General Strike in Russia. This feeling had grown upon him since coming to America in 1907, and he was convinced that Industrial Unionism is "in its social effect, constructive; while Political Socialism may carry armed revolt and destruction in its train." He cited an article written by a well-known socialist, "Back Your Ballots with Bullets," to which he had written in opposition. "Subject classes never advocate violence," he said, "while the employing class provoke violence and then shout against its use." In speaking of war Laukki gave to the jury the slogan of the revolutionaire—"In time of peace, no bourgeois war; in time of war, no bourgeois peace." Although "Industrialisti" had carried the Universal Label of the I. W. W. it had also carried the label of the A. F. of L.

On the morning of July 30, Chas. Thompson and Corporal Reynolds were recalled by Vanderveer. They told the jury that when leaving the court room the day before they had been arrested and detained by Department of Justice men in the office of Hinton G. Clabaugh. Over Nebeker's strenuous objection they told of this attempt to intimidate defense wit-

nesses and said that other soldier witnesses might be fearful of coming to testify. It was rumored about the court that Judge Landis had told Nebeker privately that if another soldier witness would be treated that way he would dismiss the case by a directed verdict. Following this, three Finnish witnesses were called in support of Laukki's story that the registration trouble in Minnesota was a Finnish issue solely.

Fred Jaakkola, also an editor of "Industrialisti," and a defendant, contradicted a government witness by proving by a church certificate that he was not a "slacker," having been born in 1885. Nebeker in a nasty-mannered examination of the big, stolid Finn, thought to get an acknowledgement that Finlanders called a "slacker" a martyr or a hero. "Slacker" had been mentioned and Nebeker said, "You know what I mean by a 'slacker,' don't you?" "Yes," said Jaakkola. "By the way," said Nebeker, "what do you Finns call a 'slacker?'" "We call it 'Vitkastelija,'" replied Jaakkola, and everybody laughed. And that was all the answer Nebeker got.

Jaakkola had been a miner in Butte and told of some evasions used by miners to get a job in spite of the blacklist.

VANDERVEER: What trick did the socialists there in Butte resort to in order to get "rustling cards?"

A. A good many tricks. One fellow there named Pinople, he said when he asked for work he used to be one of the Sullivans.

Q. One of what?

A. One of the Sullivans. He took the rustling card under the name of Sullivan, and go get work from the mine owners.

Q. Who was Sullivan?

A. Well, in Butte there are several hundred Sullivans and the mining officials don't know who is who.

Q. Any place else they take names?

A. Well, the foreign workers went to the cemetery and looked up the accidents or some way; those names recorded that way. Then we pick up the dead man's name and we ask for a rustling card under the dead man's name.

Q. You would get a job on the dead man's record?

A. Yes.

It took John J. Walsh, defendant longshoreman from the Atlantic Coast, to keep the courtroom in an undignified state of continual laughter with his references to "Fellow Worker Nebeker" and other Irish pleasantries. Defense Attorney Otto Christensen examined Walsh.

CHRISTENSEN: Was there anything in your experience with craft organization that led you to believe industrial organization was the better way of coping with the labor situation?

A. Yes, sir. In 1907 in New York harbor 60,000 longshoremen were out on strike. It was nothing new to see union teamsters riding up and down the docks with cargo for scabs to handle, with a big union button in their hats; also, to see union sailors sometimes going so far that they were not satisfied with doing their work on deck, but came on the docks and down into the holds of the ships, doing the work of the longshoremen. The Marine Cooks and Stewards did the same; also, the members of the Firemen, Oilers and Watertenders' Union.

Walsh had worked at Hog Island shipyards in 1917 and told of conditions there. "The job was so rotten no man could stay any length of time. Then you went up to the pay window on Saturday night and you had to throw three aces on two deuces to get your money."

Q. What do you mean by that?

A. You had to go to thirty-eight assistant timekeepers and forty-six assistant superintendents. You see, a fellow, he would have a letter from some Congressman, and they would put him on the job for a

timekeeper. He couldn't keep time in a Chinese laundry.

Q. You say you drew only one week's pay from the I. W. W. during 1917?

A. It was from the Marine Transport Workers' about April, I believe.

Q. You have not drawn any since?

A. No, sir. I am living under government ownership.

Q. At Philadelphia—do all the munitions and things that are shipped over to Europe, are they handled by dock workers that are I. W. W.?

A. Yes, sir.

Q. Were there any accidents at all?

A. No. No accidents to the cargo, but plenty to the longshoremen. It is quite a dangerous job. Of course, that don't count. Men are cheap.

Q. How many men are working on the docks at Philadelphia?

A. There are about 5,000 members of the I.W.W.

Q. How many of those are I. W. W. that transport munitions and supplies of war over to the other side?

A. Well, there is not a ship on the Atlantic Coast that has not got I. W. W. men in the fireroom or on deck or even in the galley. You will always find a few; sometimes you will find the whole crew I. W. W., it is nothing unusual. One example I will give you, I was on a ship in December, fixed up their I. W. W. cards for them, shook hands with the crew, and the next day I read in the paper that the ship went down.

Q. What ship was that?

A.;The steamship Maryland. There were twenty-six members of the I. W. W. on it; they all went down. She was loaded up by I. W. W. longshoremen at Pier No. 16, Philadelphia.

Q. Do you know of any other members that have lost their lives in transporting war materials?

A. Quite a few ships. There was the steamer Healdon, the Antilles, the Joe Nancy. You could get more in detail from the different secretaries.

Following Walsh upon the stand was a young man who stood two crutches beside the witness chair. His name was Harry Golden and the crutches which served in lieu of one missing leg were mute witnesses to the Class War. Here before the eyes of the jury was one of Labor's wounded soldiers, here was one whose life blood dyed the decks of the steamer Verona at Everett, Washington, on November 5, 1916. He told the story of how it happened in soft-voiced replies to Vanderveer's questions; how an open meeting had been advertised to take place in Everett that Sunday; how the hundreds on the Verona approached the Everett docks singing and totally unaware of the volley of lead and steel that poured from the rifles of the hidden murderers gathered by the Everett Commercial Club and led by a drunken ruffian who wore the title of sheriff. Golden had lost his leg that day at the time five more I. W. W. boys lost their lives. The lumber trust shot his leg off; now, his missing leg disqualifies Golden from service in the armed forces of the nation. Golden said that the I. W. W. had been supporting him, paying him \$15.00 a week until recently, when he had asked that it be cut to \$10 to allow the union that much more to carry it through the crisis of the big trial.

Fred Nelson, defendant, told the history of the Rockford demonstration against the draft. A parade had been organized and started from the Socialist Party hall. Only about fifteen of the one hundred and thirty-eight arrested at Rockford were members of the I. W. W., others were socialists, some were members of the A. F. of L. and many were only members of the Good Templars. Nelson was arrested once before upon this Rockford matter and charged with "conspiracy," but had later been discharged by Judge Carpenter as there was "no evi-

dence." Yet here in Chicago he was practically being held again for the same supposed offense. The main fault that Nebeker found with Nelson was that Nelson had tried to save the life of Joe Hill, as was shown by some seized correspondence. ;

John Somonson, a witness from Rockford, supported Nelson in his assertion that the meeting at Rockford which gave birth to the demonstration was at the Socialist hall and that the I. W. W. had no connection with the meeting or the parade. An I. W. W. had talked at the meeting but had merely used the floor to ask workers to join the union and had then gone away and taken no part in the parade.

Norval G. Marlatt, defendant, once secretary of the Railroad Workers' Industrial Union No. 600 during his idle hours, occupied the stand July 30 and continued again on the 31st. Marlatt had been a railroad man all his life, having worked for only three roads during the period of twenty-one years. He was taken to jail last year while working as an engineer, hauling much-needed war supplies. The prosecution could find nothing to attack Marlatt upon except that he actually could not believe in the Brotherhood of Locomotive Engineers. Very often during the trial the prosecutors spoke as though disagreement with the A. F. of L. were treason itself. Vanderveer elicited the further fact that Marlatt did believe in the Declaration of Independence.

Joseph Laukis, a defendant, who was discharged at the close of the prosecution's side, took the stand. He had edited the I. W. W. paper published in the Lithuanian language. The paper was published at the General Headquarters. Laukis knew Haywood well and was on friendly terms with him and others, yet neither Haywood nor anyone else had ever asked him to publish articles opposing the war; in fact, he was sure if there was any "conspiracy" he would have known of it; but there wasn't any.

Benjamin Schraeger, defendant editor of the I.

W. W. paper published in the Polish language, took the stand in his own defense. Schraeger, a fine appearing man of 32 years, has an exceptionally good command of languages. He told graphically of the causes that had moved him to volunteer his spare hours to act as editor of an I. W. W. paper. When asked what his motive was, he replied: "The motive was to bring the Polish people to what they should be. I realized the conditions under which Polish immigrants have been living in this country; that they were a detriment to the welfare of my own people and of everyone else, because they were used as a catspaw to lower wages and the standard of life of everyone else. Living conditions in the stockyards here are abominable, absolutely indescribable. I have visited them and I have always been repelled at the sight of the way they lived. In shacks, in rooms only 10 by 14 feet, and they would be living there, families of three and four, and having boarders besides. They would sleep in shifts, because the wages they were getting were never sufficient to pay the board for even a single man. Their morality is way below any human standard.

"It was my own experience during the panic of 1907 and 1908, that the first child born to us died only a few weeks after its birth, due to malnutrition of his mother when I was not in a position to earn sufficient to keep her up in proper nutriment. The children of these Polish immigrants have suffered the same fate—death—the first few weeks or months of their lives, all due to slow starvation while still in their mothers' womb. I have seen the reasons. The Steel Trust has been sending agents all through the Slavic countries of Europe heralding what wonderful wages workers were receiving in the steel companies here; how independent they got; they were distributing posters showing pictures of beautiful residential streets, with beautiful electric lights, claiming that those were the homes of the workers for the steel companies in Gary. Showing on one

side of the street a factory and on the other side of the street a beautiful bank, and a long stream of workers coming out from those factories with bags of money in their hands and going into the bank and depositing it. They have been luring these men to sell their last little bit of property to pay their trip across in steerage, and when they got here have nothing, not enough to get around, and nothing to get back."

George P. Nichols, the employer of Schraeger, told of how Schraeger at the time of his arrest, and since going out on bond furnished by Nichols himself, had been engaged as draughtsman upon railway and other equipment necessary to war work. He said Schraeger was a good workman and friend. This bore out Schraeger's statement that the individual employer may have personal friendship for the individual employe, "but as a class it is different." It was brought out that the Polish paper had never mentioned the war; that the prosecution had been able to find nothing that spoke of war or of anything related to war and they had read nothing from the paper to the jury. Yet the paper was published at the Chicago Headquarters and Schraeger was on friendly terms with Haywood and many others that are supposed to have started some kind of a conspiracy to put the "war on the blink."

John A. McDonald, editor of the "Industrial Worker," occupied the chair for some length of time. He told of the origin of his ideas and how his experiences in the southern timber strike had made an I. W. W. of him. "The experience of all thinkers in the past," he said, "is that free speech is necessary to social change and to maintain freedom." He denied that destruction and sabotage meant the same; only the employers used destruction, and he cited the California shipyard that was burned because it had adopted the "closed shop"; he then called attention to editorials in "The Worker" which he had written to offset the million lies

about the I. W. W. "driving spikes in logs," etc. Such things may kill workers and "the primary object of the I. W. W. is not to kill anyone, even the capitalist, but to help the workers." A reprinted article from the Des Moines, Iowa, Tribune was read, which illustrated the fact testified to by many witnesses, that an I. W. W. was denied citizenship by many judges, the Des Moines judge being Judge O'Boyle, who said, on May 4, 1916, "No I. W. W. can get citizenship papers in my court."

To show that others agree with the I. W. W. in its ideas of a social readjustment, McDonald read for two hours from Woodrow Wilson's "New Freedom." The opening paragraphs of the book are here given as read: "There is one great basic fact which underlies all the questions that are discussed on the political platform at the present moment. That singular fact is that nothing is done in this country as it was done twenty years ago. We are in the presence of a new organization of society. Our life has broken away from the past. We have changed our economic conditions absolutely, from top to bottom; and, with our economic society, the organization of our life. Old political formulas do not fit present problems; they read now like documents taken out of a forgotten age. In most parts of our country, men work, not for themselves, not as partners in the old way in which they used to work, but generally as employes—in a higher or lower grade—of great corporations. If the corporation is doing things it ought not to do, you really have no voice in the matter and must obey orders, and you have often times with deep mortification to co-operate in the doing of things which you know are against public interest."

"There was no tin box," said McDonald, "in my office for that 'German People letter' to be found in," in contradiction of a government witness.

CHAPTER XI.

AT 9 A. M. on August 1 every defendant appeared, wearing upon his breast two strips of silk ribbon, red and black, attached to a small button bearing the picture of Frank H. Little, and upon which were inscribed the words, "Remember August 1, 1917." This anniversary tribute to the memory of our murdered fellow worker aroused no small comment among the deputies and court attaches.

The first witness on that day was C. O. Carlson of Minot, North Dakota, who had hired I. W. W. threshing crews season after season without having anything horrible happen to either himself or the machinery. Charles W. Westphal of Outlook, Montana, who followed him, told much the same story. Westphal farms 1,400 acres of land in co-operation with three brothers. When asked how ranchers' crops would get along without migratory workers, he said, "I don't know; that's a question I couldn't answer." Westphal said he always hired all the organized men he could get.

"How do you know they are organized in the I. W. W.?" asked Porter.

"Because I always demand their red cards," was the reply.

"Now, you have found that this country has given you an opportunity," challenged Porter. "You have a ranch, haven't you?"

"Yes," replied Westphal, "I have a ranch, but if I was to sell out, I doubt if I'd come out as well as I went in."

Defense Attorney W. B. Cleary examined the next witness, Fred Brown of Bisbee, Arizona. Brown is a pleasant-mannered young man, 30 years old, according to his statement.

Cleary: Are you an I. W. W.?

A. I am not.

Q. Have you ever been called an I. W. W.?

A. Yes, sir.

Q. Do you belong to any union?

A. American Federation of Labor.

Q. Hold any position in the A. F. of L.?

A. I am District Organizer for the Warren District.

Q. Is that where Bisbee is located?

A. Yes, sir.

Q. In Cochise County, Arizona?

A. Yes, sir.

Q. What craft union do you belong to?

A. Retail Clerks' Protective Association.

Q. What office do you hold in that union?

A. President.

Q. Had you been active in organizing the clerks in the Warren mining district?

A. Yes, sir.

Q. Did the A. F. of L. unions have any district organization?

A. The Warren District Trades Assembly.

Q. And did you hold any official position in that body?

A. Recording Secretary.

Q. So you held three positions in the A. F. of L.?

A. Yes, sir.

Q. How many unions were there in Bisbee, of miners?

A. The Western Federation and the I. W. W.

Q. Did the I. W. W. have any representation on the Warren District Trades Assembly?

A. It did not.

Q. Do you remember whether or not the Warren District Trades Assembly endorsed the strike in the mines?

A. I remember it did.

Q. So that it was not altogether a strike of the I. W. W., but of the Trades Assembly, of the A. F. of

L. unions as well, that worked in the mines?

A. That is right.

Q. Did you have anything to do with the calling of that strike?

A. Nothing whatever.

Q. Were you in Bisbee on the 12th of July 1917?

A. I was.

Q. What happened to you?

A. I was deported.

Q. Who deported you?

A. Members of the Loyalty League, composed of business men and mining company officials.

Q. When did you come back?

A. On the 31st day of August.

Q. What happened to you?

A. I was arrested and kept in a little house out of town about ten miles all night.

Q. Did you inform them that you had come back to be examined for the draft?

A. I showed them my call.

Q. Did that save you from arrest?

A. It did not.

Q. What position did you hold in the deportation camp at Columbus, New Mexico?

A. I looked after the mail.

Q. Do you know the number of men who were deported that were I. W. W.?

A. Four hundred and twenty-six.

Q. How many belonged to the A. F. of L. unions?

A. Three hundred and eighty-one.

Q. How many belonged to no unions at all?

A. Three hundred and sixty-one.

Q. Was there a charge filed against you when you returned?

A. Charged with being a vagrant on or about July 11.

Q. On July 11 what was your occupation, if any?

A. I was business agent for the Carpenters and Painters.

Q. You were on salary from the A. F. of L.?

A. I was.

Q. Did you know any of the I. W. W. members who had registered under the draft law?

A. At least fifty.

Q. Did you know any of them that came back to Bisbee to be examined under the registration law?

A. I know a few, yes.

Q. And what was done to them?

A. Some of them were kept in jail a few days; some for a few hours, and eventually chased out of town. One man I know of came in there and they kept him five days and then gave him sentence on the county road for ninety days for vagrancy.

Q. Do you recall his name?

A. Peter Kundrak.

Q. Did Peter Kundrak serve his time?

A. He did; he served one day over.

Q. What happened to your case?

A. They kept postponing the trial and then finally dismissed it.

Brown told what he knew of the murder of James Brew. Brew had been killed by gunmen who accompanied Deputy Oscar McRae when McRae was killed by Brew while breaking down the door of Brew's room where he and his wife were sleeping, the intention of the gunmen being to drag Brew from his home for deportation on the 12th of July.

Jack Gillett of Jerome, Arizona, told of the deportation of about seventy men from that town on the 10th of July, 1917, two days before the Bisbee outrage.

E. J. McCosham, defendant, whose name on the indictment was given as Herbert McCutcheon, said McCutcheon was another fellow and not an alias of his own. McCosham, once an officer of the W. F. of M., is a miner of long experience and a possessor of a technical education. As he sat in the witness chair he reeled off with amazing ease, from memory, a list of facts, figures and statistics in regard to the mining industry, causing even the prosecutors to sit

in wide-eyed astonishment at the erudition of this "hobo miner" who spoke with such ease and polish.

Speaking of the production of copper, McCosham, who testified on August 2, said: "Now then, 217½ pounds of copper per man per day, selling at 27½ cents brings in the neighborhood of fifty odd dollars. As by-products in silver and gold, they produced a million two hundred and some odd thousand ounces of silver, and somewhere in the neighborhood of 29,100 ounces of gold. That brought the total value of the product up to \$63 per man per day.

"Now the cost of production amounted to, per man, per day, in the neighborhood of \$14. Deducting the \$14 from the \$63, you have a net profit of \$49 per man per day.

"Now, these were the profits they were making, and the men, on the other hand, had been receiving, pre-war, in the neighborhood of \$3.50. All the cost of living, clothing and shelter had gone up about 80 or 85 per cent. Naturally, the men wished to receive a wage sufficient to cover the increased cost of living. So they demanded what? Six dollars. Six dollars would not quite cover it, but they would be satisfied. We said here: 'These people are making this enormous profit; they are using the war to enrich themselves, and yet they are saying we are anti-patriotic; that they are patriots.' So the men said: 'Well, if they wish to buy our labor power, we will sell this labor power on these conditions: Buy this labor power from us if you want to; if you don't want to, then don't blame us for closing down the mines. We are not closing them down. You are the fellows who are going to close them up.'"

Speaking of company control in Arizona, McCosham said: "They hold complete power practically over life and death. There is no liberty. Liberty does not exist down there. The best proof in the world is that **federal officers**, men holding office today, are men who have taken part in these de-

portations. They determined who the officers shall be, federal officers and local officers.

"They have the right to go ahead and make 300 or 400 per cent profit; we have not any right to live. We must eat what they tell us to eat; work the hours they tell us to work. The mine owners closed the mines; the men remained on strike. They did not use any violence. But the mine owners immediately got their private army together, their private, paid army. Can you beat that? In a free country, an army of men, remember, owned and controlled by a few individuals, having the right of life and death over other men! And they will shoot when told to do so. Didn't they shoot? I assure you they did: in the first strike killing one, and wounding two others. No man was arrested for that murder. Was any man arrested in these different camps when men were shot down in cold blood? No! Nobody was arrested, and nobody will ever be arrested. The only weapon the workers have is the industrial weapon; the only thing they can do is simply to strike."

Continuing, McCosham told of how he and other miners were deported from Jerome, Arizona. "On the morning of the 10th of July, Mike Mutich, a man who spent seven years in Folsom penitentiary, approachd my bed with two guns and a sap; alongside him two other individuals, in my room, and told me to get up. I was led down to the street. There was an army of some fifty or sixty on either side of the street, and I was marched up to the jail. I remained in jail until the number added reached 135 or 150. We were taken from the jail to the office of the United Verde Copper Company. Some officials of the company, the mayor of the town, picked out a few and we were marched onto this train of stock cars. Under guard of thirty-five or forty individuals armed with Winchesters, we proceeded to the railway junction. At the junction we detrained and waited the coming of the passenger train. When

the train arrived we were forced in, and then a guard of twelve to fifteen was put over us. **The one in charge of this guard was H. Carlson, who was a Deputy U. S. Marshal,** and Robertson, an undersheriff of Yavapai County. Carlson, apparently, was the one in charge, and Robertson was second in command. We were taken then to Needles, California."

Not allowed to detrain in California by authorities, who forced them back across the Arizona line, the little group of exiles, who were neither fed nor given water for two days while traveling back and forth in the blazing heat of the desert, finally broke up at Kingman, Arizona.

Charles Rothfisher, defendant editor of the Hungarian I. W. W. paper, together with some supporting witness, gave some important and interesting testimony. Rothfisher had translated many of Marx' writings into English and used them in the paper and Vanderveer sought to reveal the fact that Marx was **persona non grata** with Germany's rulers. Nebeker, of course, objected, and Landis asked of Vanderveer: "Just what is the materiality of Karl Marx' philosophy?"

"I don't know," said Vanderveer. "Your Honor could learn better from counsel. It was he who dragged Karl Marx into the case; it was he who suggested that he was a German; and it was he who called him a cesspool of political and economic thought; and it was he who said we had our roots in Karl Marx; and it was he who has time and again suggested by inuendo that we were borrowing pro-German philosophy from Karl Marx."

He continued: "Now, this case has involved what the organization, apart from the individual, stands for; and the one way of finding out is to deal directly with the source of its inspiration—Karl Marx. We do not deny that."

"Well," spoke the judge, "for whatever it is worth in this case, you may assume as a fact in this case—I am not holding that it is material or that

it amounts to anything—that Karl Marx was not acceptable to the ruling, dominating classes in Germany; would not be today, if that satisfies you.”

Vanderveer, turning to the prosecutor, demanded: “Does that satisfy you, Mr. Nebeker?”

With a sick look on his face, which belied his acceptance, Nebeker said, “Entirely so.”

“Then it satisfies me,” said Vanderveer, smiling, as he resumed examination.

At great length Rothfisher told of how the I. W. W. Hungarian paper was the first publication in America to expose the plottings of the Austrian ambassador, Dumba, to incite strikes of Austro-Hungarian workers in war industries in the United States previous to 1917. Rothfisher had been sent out on a lecture tour by the I. W. W. early in the war to oppose the sale of Austrian war bonds and the calling home of Austrian reservists by agents of Ambassador Dumba. Before 1917, Rothfisher had written in the paper, copies of which were introduced, that: “Blame rests upon the German people, too, as well as upon the Junkers, for their slavish minds.” Also: “The common enemy is the militaristic system of Prussia.”

In attacking Ambassador Dumba, Rothfisher had written one article headed: “His Excellency, the Strike Leader.” All this opposition to Austrian plots had led to clashes between those who intrigued with corrupt officialdom at Washington and the Hungarian I. W. W. paper, which was suppressed at the instance of the intriguers. One of these was the notorious William Wurms, and another **named Baracs, who, though an Austrian spy agent, was, and is an employee of the United States Department of Justice.**

Vanderveer: Did the I. W. W. one time have a controversy with some manufacturer in Toledo, was it, or Cleveland?

A. Yes, he was a man that was several times in Cleveland with the Theodore Koontz factory.

Q. Who was the secretary of this Theodore Koontz?

A. A man named Baracs.

Q. Did he have any connection with this matter (of inciting strikes)?

A. Well, Baracs is secretary of Theodore Koontz, "the father of the American Hungarians," as the Minister of Interior calls him in Hungary.

Q. So that in this propoganda which you were carrying on and lectures you delivered opposing the return of reservists to Hungary you were opposed by this man?

A. You bet!

Q. What was his connection with the Department of Justice of the United States?

A. As far as I know, he was a secret service man.

But for the silence of the kept press upon this testimony of Rothfisher, these men, who play the dual role of Austro-German spy and patriotic American officials of the U. S. Department of Justice, would suffer the expose Rothfisher predicted in 1917 for those who "stand close to the trustees of the Kaiser in the United States and persecute the I. W. W. to make themselves secure." Rothfisher's testimony was corroborated by Louis Tarcai and another Hungarian witness.

The next witness, a defendant, William Moran, a big taciturn lumberjack whose sole offense was that he held a job as secretary of branch unions at Spokane, told of his birth in Australia and his life as a worker. Moran exposed the nasty work of Nebeker, who, during the presentation of its side, had read a resolution from the records of a Spokane business meeting which in the record said it was "moved and seconded that we abolish the word 'Wobblie' in the United States," but which Nebeker had twisted into the laughable ambiguity "that we abolish the United States."

James Elliott, defendant, and previous secretary

at Fresno, California, occupied the stand on August 3, and was followed by defendant Pietro Nigra, an Italian organizer for the I. W. W., who is also a member of the U. M. W. of A. Nigra, when arrested in the previous September, had been placed in a cell against his protest with an insane man who had attacked him and broken some facial bones which later, in the absence of medical attention, rotted away toward his brain and nearly caused his death before the defense could force Nigra's liberation and give him surgical care.

While the next witness, Dan Krieh, a Bisbee miner, was on the stand, Nebeker, wishing to head off further exposes of Copper Trust brutality, said the government would admit the fact of deportation, thus heading off the proof of it by the defense.

Joseph A. Oates, defendant, told of the mine conditions in Arizona and how the W. F. of M. and the I. W. W. had struck simultaneously on the 1st of July, 1917. About the only thing Oates was guilty of was being a secretary for ten days at Miami, Arizona, before being arrested.

Ragnar Johanson, a defendant, told a story of his life and his life's work. Born in Sweden, he had joined the union of the Building Trades there when a boy of 13 years. On coming to America, he had transferred to the Painters' Union, of which he is still a member. He had joined the I. W. W. in 1916, and had been lecturing and organizing for it ever since—and that was only three days after he had landed on the shores of America. Johanson had been in Butte with Frank Little during the strike there, but had left for the lumber district just previous to Little's murder. He and Little had planned to change fields with each other and it was only by chance, a chance which Johansen regretted in a letter written to Haywood at the time, that Frank H. Little and not Johansen was the object of Copper Trust murder. Like Frank Little, Johansen had received a "3-7-77" warning, but had left Butte and

been so guarded by his friends that the murderers could not carry out their threats. Upon the subject of violence Johanson said in a newspaper article published in the strike zone in 1917: "The I. W. W. is consistent with strength, not weakness; and violence in industrial disputes is a sign of weakness. Therefore, the I. W. W. cannot countenance violence in strikes."

The first witness to take the stand on Monday, August 5, was Francis P. Miller, defendant and member of the General Executive Board. Miller was born in France in the region known as the Department of the Seine, where the great textile mills were before the war. He came to America in 1892, and has worked continuously in the textile mills of the east, and at the time of his arrest was employed by the American Woolen Company as inspector on government goods.

Testifying upon conditions in the textile mills of New England, Miller said: "The development in the textile industry has been both a development of machinery and the process of 'speeding up.' In the cotton industry the looms and other machinery have been improved so that the worker produces 300 or 400 per cent more than he did a generation ago. In the woolen mills the machinery has not been improved to any great extent, but the workers usually have to run two machines where they ran one twenty years ago. The pay has increased a little, but not in keeping with the cost of living at all. Factory owners and trade papers say that production has increased one thousandfold, that is, over hand production. It has certainly increased 300 or 400 per cent in the last twenty-five years."

Vanderveer: Of each individual operator, you mean?

A. Yes.

Q. To what extent have wages increased?

A. Since I went to work, twenty-five years ago, perhaps 60 per cent.

Upon Nebeker's objection, Landis ruled against the introduction of the Report by New York State's Factory Commission, headed by Samuel Gompers, so Miller proceeded to tell of the effect of wage slavery upon the textile workers: "The government reports show that the mortality rate in certain textile districts is three times as great as in other sections of the country. They show that in cities like Fall River the mortality rate of children under the age of 5 years is three times as great as in the city of San Francisco or Chicago; five times as great as in the city of Seattle. They show that female operatives die all the way from two to five times as fast from tuberculosis as women in the same cities not engaged in factory work."

Q. What is there about the industry that develops tuberculosis?

A. Dust and high speed work; dust from the fabrics and process of manufacture. I have seen charts from the Bureau of Labor where children going to work have been measured with children from the same neighborhood who have not gone into the textile mills. They show that when they leave school the average development is about the same. After a year's work the chest development of children outside runs two to three inches higher than the chest development of children working in the mills. The thirteenth census shows wages ranging from \$380 to \$420 a year. That includes the wages of superintendents, managers and office help.

Q. What percentage of the fathers, the heads of families, are able to support their families on their own individual wage?

A. Practically none. It is the rule for the wife of the textile worker to work, whether they have children or not.

Miller continued: "Most of the large mills in the industry have been built up out of their profits, besides the dividends declared. I recall in 1913 the Pacific Mills in Lawrence declared a stock dividend

and a cash dividend of \$1,800,000, and they have built up their plant from a \$1,000,000 corporation to a corporation that is capitalized today at least at \$15,000,000."

The next witness was Attorney E. F. Blaine of Seattle, for the last two years chairman of Washington State Public Service Commission. He testified that in 1917 Governor Lister had ordered him and sixteen investigators under him to examine into conditions surrounding migratory labor and other supposed causes of the strike in the lumber camps of Eastern Washington. All construction camps were foul and vermin-infested, he said, and many of the lumber camps no better. There was no trouble in the Yakima Valley except that caused by the furore raised by the local press and incited by Oregon troops who were brought in at the request of the Fruit Growers' Association.

"As an official, I found that the I. W. W. were not destroying property, and although the civil powers were in peace and operating these troops brought in without declaration of martial law seized jails and used them as 'bull pens' for I. W. W. men who were thrown in without charges and never tried, but held."

Blaine had interviewed hundreds of these men in jails and bull pens and said they spoke to him openly, frankly and without hesitation of their program as union men to better conditions as workers and to gain industrial freedom. He and others accompanying him could not but feel their manliness and sincerity and could not escape the conclusion that they were being unjustly treated.

On the morning of August 6, Vincent St. John took the stand. He said he was 42 years old, born in Newport, Kentucky, and had been a miner in the West and Southwest for twenty-three years, beginning in the Bisbee mines. Since 1895 he was a union man and was the first president of the Local Teluride and president of the District Council of the

W. F. of M. for the San Juan district in Colorado in 1903, at the time of the bitterly fought strikes under the Peabody regime. Also, St. John had taken active part in organizing Goldfield, Nevada, when eight hours was a day's work for every worker in Goldfield from chambermaid to miner. This was his first connection with the I. W. W. The last was in 1915, when he left the office of General Secretary-Treasurer, which he had held for five years, to work on his own mining property at Jicarilla, New Mexico, where he had been arrested on the Chicago indictment.

St. John told of the Cripple Creek strike and of how the militia was brought in after two detectives had loosened a rail on a railroad, as was proven, and charged it to strikers' violence.

Vanderveer: After the militia had been brought into the Cripple Creek District, do you know of any arrests and deportation of the miners?

A. They arrested the Executive Committee of the Cripple Creek District, held them in custody in spite of the orders of the District Court to release them, and finally rounded up some 700 union miners, loaded them in box cars and shipped them to different points.

Q. An attempt was made to secure writs of habeas corpus for the Executive Committee. Do you know the history of that?

A. The writ was made out before Judge Seeds of Cripple Creek. And they brought the bodies of the petitioners into court under military guard; the buildings surrounding the court were loaded with soldiers on the roofs, and machine guns were trained on the courtroom. Judge Seeds was unable to get any action at all. The only submission the militia made to the court was that they took off their hats when court opened. Judge Seeds heard the petition and ordered the release from custody of this Executive Committee, but the militiamen took them back to the bull pen.

Of the changes in the I. W. W., Vanderveer asked: "When the I. W. W. was organized, was there a political clause in its Preamble?"

A. There was a sentence in the Preamble referring to the political field.

Q. Tell the jury how the Preamble came to be amended in respect to that matter.

A. There were possibly two main causes. First, among the elements composing the organization were adherents of different political parties, some of them claiming to be revolutionary or to have a revolutionary end in view. They interpreted this clause to mean that nobody was eligible or had any business being a member of the I. W. W. unless he swallowed their particular brand of political belief. The second reason was that the experience of the organization and the membership was that they had no business setting up any doctrines, promulgating any ideas outside the field which the organization was formed to operate in, that is, the industrial field; that was a matter of political action; that was a matter which could be safely left to the membership to decide for themselves. If they knew their interest inside of the industry they could be trusted to follow that interest in any other line of activity in which they decided to take part.

From the beginning of the trial the prosecution harped upon that sentence in St. John's "History and Structure of the I. W. W.," which says: "The question of 'right' or 'wrong' does not concern us."

Q. Why did you put those words in quotation marks?

A. For the reason that in every struggle the wage earners have made during my experience, no matter what they have done, the exponents of the employing class, the press, platform, politicians of all degrees and stripes, have always told them that no matter what they were after, that it was not 'right'; something they did was 'wrong.' The only time a strike is 'right' with them is when you have

no chance to win it; when they want you to strike; when they want to wipe out whatever vestige of organization you have, then the strike is 'right,' that is, a good time to strike. The Lawrence strike was not entirely a question of getting better wages for those mill operatives, but it was a question that involved the very life and death not only of the men, women and children who were on strike, but also of unborn generations of these same operatives. The death rate in that section among children is 400 out of every 1,000 before they are 1 year of age. When they were striking in Lawrence they were striking not only for an immediate proposition, but they were striking to save the lives of those 400 unborn children, if you please. They were striking to maintain the human race in that part of the country—and all over—because the interest of wage workers the world over is bound together. When one section of workers goes ahead, it makes it possible for some other section to forge ahead also. So we say that in a case of that kind, regardless of what public sentiment is, regardless of what the press and other exponents of the ruling element in society may say that it is not right to strike, it is not right to picket, that it is intimidation, or anything else, we are not concerned in it. The right of these men, women and children, the right of these unborn children is superior to any rights that any other element or interest may have in the question."

Following are some high spots from St. John's testimony on cross-examination:

Nebeker: Suppose that the I. W. W. could really accomplish this great thing that you have in mind by open revolution, open warfare against the government; now just supposing that you accomplished that in that way, and that would be the most direct and immediate way of doing it, would it be your conception that that would be justified?

A. If I had any such idea as that I would have

been out organizing a military organization instead of an industrial one.

Nebeker: If the end could be hastened by the use of violence by the organization of violence, then violence would be justified; is that the idea?

A. That is the idea, but it won't do it, that is all.

Q. You entertain the same views about it, or you did at the time you were indicted, that you set forth in this book, "History-Structure"?

A. The indictment has not changed my views a particle.

Vanderveer, inquiring if St. John thought the "working class and the employing class have nothing in common," advanced beyond the question of class.

Q. Do you believe that society as a whole, having regard for the interests of all the people, have anything in common with the employers of industry as now organized?

Nebeker: I object to this.

Vanderveer: We are perfectly willing to go a whole lot further than counsel says is "wrong."

Landis: Just a moment. We will not accomplish anything at this stage of the trial to establish that society as a whole is having its battles fought by these defendants. It is too late in the contest.



CHAPTER XII.

IT was 12:30 p. m., August 9, when Vanderveer called: "Mr. Haywood." Reporters broke for the door to release the word that at last William Dudley Haywood, termed by them "Big Bill," and charged with being "chief conspirator," had taken the stand in defense of himself and of the organization of which he was the General Secretary-Treasurer. In a few minutes the press table was crowded with writers and cartoonists flocking in to "cover" the story of the big man in the chair. For the major part of four hot days the big man sat there, wiping away perspiration, answering questions with that remarkable memory of his; now smiling, now placid, now and again on cross-examination overawing the petty-souled Nebeker, as his heavy voice rose in defiance against the accusers of "The One Big Union." During those four days the spectators' benches were full, among the crowd being faces familiar to labor. There were Scott Nearing, Anton Johanssen, "Mother" Jones, and the loved old battler, 'Gene Debs.

Haywood reviewed his early life, a personal history, which, for lack of space, can be given here only in synopsis. He was born 49 years ago at Salt Lake City, Utah. At less than 9 years of age he went to work in a mine, working underground. He left home at 15 to work, first in the Ohio mine at Willow Creek, Nevada. Until he was 31 years old he lived the average life of the old-time western "hard-rock" man, working underground. He joined the Western Federation of Miners at Silver City, Idaho, and in 1900 was elected to the General Executive Board of that union, later becoming Secretary-Treasurer and holding that office until 1907. His first strike experience was in 1899 in the Coeur d'Alene strike,

which was against a reduction in wages. A day or two after the strike broke the mill of the Bunker Hill and Sullivan mine was blown up and the operators at once brought gunmen, and then soldiers of the regular army came. About a thousand strikers were thrown into one vile "bull-pen" and held by the militia. Many sickened and died. Miner's wives received notice from army officers insisting that they receive negro soldiers; some of these women, going to ask for their husbands, were violated by soldiers in the presence of their helpless men. The strike wore itself out, but the wages were not cut. It was here that the "rustling card" was born. The next strike of Haywood's experience was at Telluride, Colorado, in 1901, over wages and hours. There the miners were well organized and told the non-union men to "join or leave the camp." No troops interfered there, and the strike was won. The next strike was at Colorado City over the eight hour law. The W. F. of M. had first agitated for an eight hour law after the strike of 1894. A bill applying this to mines was presented to the legislature in 1895, but the Colorado Supreme Court advised the legislature that the mining industry alone would be discriminated against in violation of the constitution. In 1899 such a law was passed, but the State Supreme Court declared it unconstitutional. In 1901 an amendment to the state constitution making provision for an eight hour law was put to a referendum and carried by a majority of 46,714 votes. Democrats, Republicans and People's party all pledged themselves to pass the law, but legislature after legislature jockeyed with it, yet never passing an eight hour law. "We got the eight hour day, though, by striking for it," said Haywood.

On July 3, 1903, the great smelter at Denver was "pulled" in strike when the metal was hot, thus "freezing" the furnaces. The great brick chimney of that smelter still stands, the highest stack west of the Mississippi, but no smoke from it has soiled

the sky since July 3, 1903, and it stands as a monument to the power of the now decadent Western Federation of Miners.

Haywood told of the coal miners' strike also, which took place to force the observance of seven state laws, one forbidding "company money" and one providing for check-weighmen. Labor ruled Colorado industrially, but never won anything by legislation.

"Labor generally has but small representation," said Haywood, "except in the eleven 'white states', so-called. Women workers cannot vote; children workers cannot vote; and the negroes of the south are almost wholly disfranchised." Direct industrial action is favored by all labor leaders, as it is favored, also, by employers; and Haywood cited the New York Factory Commission Report wherein Gompers spoke for direct action.

"The first clause of the Preamble is true," said Haywood, "the wage workers are but little, if any, better off than the chattel slave of the Old South. In fact, it seems the chattel slave had some advantage over the negro wage slave of today. His body was owned by his master, but his soul was free, and that free soul gave birth to song. There are no songs today from the negro wage slave of the south, no melody is born in the soul of the negro, no 'Suwanee River,' no 'Old Kentucky Home.' Today the blacks are brought to live in squalor and misery in East St. Louis, into the packing house district of Chicago, and nobody looks after them, or cares how they live except the I. W. W. They are wage slaves now. We know it."

There is no solicitude for workers by employers as such. Haywood cited the Chicago Tribune's editorial in the early nineties when unemployed by thousands asked for bread. "Give them bread," said the Tribune, "and put strychnine in it."

"Do you remember the suffering of that time?" asked Vanderveer.

"Yes," replied Haywood. "I remember it distinctly; I was out of a job myself."

"The working class and the employing class have nothing in common. Look at the sons and daughters of the rich reveling in luxury at Newport, while across the river at Fall River four hundred out of every thousand babies of the textile workers die before they are one year old. At Fall River, misery; over at Newport, monkey dinners for those who are not only unemployed but unemployable."

"I cite an example," Haywood went on, "that I think Mr. Nebeker knows of, as they are friends of his. It was a dog wedding given by the Penrose and McNeil families to a pair of Pekinese pups."

"You are very much mistaken; they are not my friends," Nebeker protested, turning to the Court to seek vainly for a rebuke to the witness.

"It may be that I am mistaken," said Haywood, smiling, "but I supposed that you were friendly with the copper magnates who have employed you." He continued: "We think such people ought to work for what they get. We do not want to take away what they have, but we want to prevent them from taking anything more away from us."

Haywood told of conditions as he found them in the south. In the turpentine camps and in the mill towns among the swamps, the companies furnish negro women with the shacks workers rent, and when a black loses his job, he loses his home and woman together. Also, the companies dispense heroin and other drugs—dope which binds stronger than the chains of chattel slavery.

Asked if he did any violence in the Cripple Creek strike days, Haywood said he had not, but had received some upon his body, the marks of which remain today.

The Western Federation of Miners had issued a poster bearing a U. S. flag on every stripe of which was an inscription: "Habeas Corpus denied in Colorado"; "Free Speech denied in Colorado," etc. Un-

der the flag was a photograph of John Maki, a union miner, chained to a telegraph pole in the snow by militiamen. Over the flag was the caption: "Is Colorado in America?" Charles H. Moyer, president of the Western Federation of Miners, was arrested at Telluride by militia for "desecrating the flag," and kept in the bull-pen for one hundred and ten days. Haywood was in Denver, under arrest, but paying a deputy \$5 a day to remain out "looking for \$300 bail."

"Couldn't you get \$300 bail?" asked Vanderveer.

"Sure," was the reply, "but as long as I paid that deputy \$5 a day while looking for bail, I would not have to go to Telluride where the militia ruled."

Moyer, guarded by militia, was brought to Denver under habeas corpus and Haywood met him at the depot. As they started to shake hands, Captain Buckley Wells, a mine owner who had violated an agreement with the union and had been rewarded by a militia commission of the troops he called in, came up and pulled Haywood and Moyer apart.

Haywood said: "I turned and struck him. I did not see his uniform, but only saw his eyes. I struck him and the militiamen struck me, one at a time and several at once, rifle barrels and rifle butts. I was pretty badly battered up and forced between two cars. A rifle was aimed point blank at me, but was knocked upwards by an officer. Under arrest, I was taken to a hotel. Hehe, the 'Kingly Kid,' a gunman proper, in uniform, ordered me to sit down. I was getting pretty mad and refused to sit down. So the battle began again. I was finally backed against the wall and the 'Kingly Kid' drove the muzzle of a rifle into my lower breast bone and I went down and out. The union men of Denver sent notice to the militia that they would never let soldiers take me out of that city. I guess they thought the miners meant it, as I was not removed."

"Do you think there is a class war, Mr. Haywood?" asked Vanderveer with a significant smile.

Haywood told how, after ex-Governor Steunenberg was killed in Idaho by some sort of a bomb, Pettibone, Moyer and himself were kidnaped in Denver, taken by militia and sheriff of both Colorado and Idaho to a special train, running at the record-breaking speed of seventy miles an hour, to Idaho, where they were lodged in cells of Murderers' Row at the state penitentiary, under charges of complicity in the murder of the ex-governor. The state asked a change of venue from Canyon to Ada County, but Haywood was acquitted by the jury in spite of Harry Orchard.

"Who is this Harry Orchard?" asked Nebeker on cross-examination.

"He is the man," replied Haywood, "who said he murdered Steunenberg, and is serving a life sentence at the Idaho state penitentiary."

Questioned by Vanderveer, Haywood told of the ovations given him throughout the United States and Europe made on a tour after his acquittal. Sixty-six thousand heard him speak at Riverview Park, Chicago. He had spoken at another Chicago park and Vanderveer asked, "How many were in the audience?" "Well," grinned "Big Bill," "45,000 paid admission and then they tore the fence down." The largest crowd he spoke to was at London Tower while touring England. He received \$50 a night for lecturing from the International Socialist Review, averaging about \$1,000 a month. Ridpath's Lecture Bureau had offered him \$300 a week and other high offers were made him. As official of the Western Federation of Miners he received \$150 per month; from the I. W. W. the highest wage paid him was \$28 a week he said.

On the morning of the 10th of August it was learned that three of the Spanish seamen who had testified the Thursday previous had been arrested by agents of the Department of Justice after leaving the stand, apparently to intimidate and harass witnesses for the defense.

Resuming, Haywood told of his participation in the strikes at Lawrence, Patterson, Akron and elsewhere, and Vanderveer introduced a great many strike photographs over Nebeker's objection. Haywood told how the defense had been hampered and interfered with. He exhibited a bunch of letters that had been opened while in the mails, held for months, and then delivered bearing a stamp, "officially sealed." He stated further: "I have at this time in the safe over at the office at least a dozen or more register receipts of letters mailed as early as last February and never delivered."

Vanderveer: Do you recall a bunch of pamphlets which were gotten out by the Defense Committee and sent by the American Express Company to Butte?

A. I think there were 375 pounds, as I remember it.

Q. What happened to those?

A. They were not delivered; a receipt that I signed when the packages were returned, it said: "These packages were not delivered on account of orders issued by the government."

Haywood continued: "Early last September when raids were made all over the country on the I. W. W., it was determined to organize a Defense Committee. On the 28th of September many arrests were made, not only of the one hundred and sixty-six defendants who were charged in this indictment here, but I think it would be no exaggeration to say that a thousand other men in different towns throughout the country were thrown in jail. They were either charged with some crime or thrown in without any warrant at all. A Defense Committee was organized. Now, you understand that there is no 'German gold' received by this organization, and no means of providing the membership of the organization defense, a proper defense to which every man is entitled, except what comes in the

way of donations, voluntary assessments, and what there may be left in the treasury. This committee organized here in Chicago proceeded to get out bulletins, notices of different kinds to Socialist locals, to unions of the A. F. of L., to the radical press, and to the entire membership of the I. W. W. Now the report comes to us that there were three hundred sacks of mail held here in Chicago. Mail has also been interfered with at its points of destination, and the general result has been that the funds of the organization have been reduced to a minimum, so that at the present time there are scarcely sufficient funds to see this trial through. This has been accomplished before the law was passed that authorized the Postmaster General to inspect any mail that he saw fit.

“The defense offices and the offices of the organization have been closed up, I think it is safe to say, in every town.”



CHAPTER XIII.

FOLLOWING Haywood upon the stand was Ed. Robley, a Socialist of Scranton, Pennsylvania, who testified that Defendants Graber and Prashner had spoken at a Socialist meeting in 1917, but had made no such remarks as credited to them by witnesses for the prosecution. He was followed by Defendant Albert Prashner. Then H. F. Kane, whose activity in the Arizona strike at Miami had drawn upon him the wrath of the Copper Trust henchmen, took the stand. Asked what he thought of the testimony of these, he said: "Well, a mine guard who would commit murder for his masters would lie for them, too."

Charles H. McKinnon, defendant, and one of the original founders of the I. W. W., took the stand in the hot afternoon of August 13 and his testimony ran over into the morning of the 14th. Fifty-one years old, a workingman and a union man as well ever since he went to work in a Canadian coal mine at the age of nine, MacKinnon was one of the delegates to the First Convention of the I. W. W. Later he had been in the strike at Goldfield in 1907. He is known throughout the West as one of the best union men of the old Western Federation of Miners. He told of his trips during 1917 into the hostile mining camps of Nevada and, though he told the details and the number of times he had been deported from Nevada camps by company gunmen and lawless authorities, the writer lost count after the story of the third deportation and escape from a company-inspired mob bent upon lynching him.

Another "faked-up" letter introduced by the prosecution was branded for what it was by MacKinnon. This letter was in duplicate and was supposed to have been typewritten by Peter Kerkonen, a Finish miner living at Butte. One copy was said to have been found at Portland addressed to Harry

Lloyd, who never heard of Kerkonen or of the letter, and the other, minus a signature, in the files of Haywood at Chicago. It stated in perfectly good English that the Butte miners had had a demonstration against conscription and were on strike against war. It was dated as written on June 5, 1917, before the parade it referred to, and six days before the strike that followed the Speculator fire. And to cap the climax, MacKinnon swore that Peter Kerkonen couldn't write a letter in English that anyone could read. Kerkonen himself was a defendant, but was discharged before the trial began, as he had been driven hopelessly insane by being tortured by the authorities who first arrested him in Butte last year. Haywood also denied ever receiving such a letter and intimated that the copy "taken" from his file had been "put there" by somebody besides himself or anyone belonging to his office force.

Moritz Hein, witness on August 14, stated that in his official capacity as attorney for the Russian Consul at Chicago, he had investigated the trouble over the registration of Finlanders who were Russian subjects last year in Minnesota. All those not registering were Finlanders who did not understand the law, he said. Also, this fact was recognized by the Public Safety Commission*, John Lind having sent a wire to Attorney-General Gregory asking that they be not prosecuted. The I. W. W. had nothing to do with the matter, said the witness.

Who can picture George Speed upon the witness stand; and, further, who can picture his kindly mind entertaining any thoughts of criminality? Yet there he sat, bowed and grey, with sixty-four years of proletarian life, staunchly defiant in the face of his accusers. He was born in Maryland and at his early trade was a member of the Silk Hat Finishers' craft union. But he read a Marxian leaflet back in 1883 and ever since—well, he became a member of

* See Appendix

the old International Workingmen's Association, and since then he has fought in the front ranks of labor unionism from coast to coast. Blacklisted, beaten, deported, jailed, he still maintains amiability and courage. Speed spoke about the kind of "fair trials" given in the Spokane Free Speech Fight.

"I sat in court mornings and saw thirty or forty men brought up— 'Did you speak?' 'No.' 'You intended to speak?' 'Yes.' 'One hundred days and \$100.' 'Did you speak?' 'Well, I was reading the Declaration of Independence.' 'One hundred days and \$100.' They yanked them in that way as fast as they came up. There was an attorney came from Chicago there to defend the case and he told the judge what he thought of him, gave up the case and came back to Chicago. He said it was folly to talk before that court."

Vanderveer: You were convicted?

A. I was.

Q. Were you ever convicted before of any crime?

A. No.

Q. Or ever since?

A. No.

Q. What was the final adjustment of the difficulty?

A. They settled and we were allowed to speak on the streets again.

Asked about his ideas, Speed said: "My idea of life is this: That the whole history is one of pain and struggle; that there are two classes in society absolutely antagonistic to each other, an employing class and a working class, and that the interest of the employing class is ever to buy labor in the cheapest market. I came to that conviction young, and when I got hold of that Marxian leaflet in 1883, it inspired me with a new life. Before that time, I was a little indifferent and a little careless, and after that I tried to devote my whole time to make life better for myself and for my fellows."

Vanderveer: You associated yourself with one union after another?

A. Yes; and every strike that came up any place, if I happened to be where it was, I would go into it, if I could, and help out.

Q. What, in your opinion, is the remedy for all this?

A. The abolition of the profit system.

Q. Explain why that is essential.

A. I hold that the working class produces all wealth and that an idle, parasitical class, doing little or nothing, controls the wealth we create, and by these means: By their economic power they control both the political and economic world to keep the workers in subjection; that we are today a nation of slaves, subject to the dictates and control of men who do nothing but live off labor. Our quarrel is with the men who control the industries of the nation. I am governed in the shop, the mine, the factory, the mill, where I work. My whole life is governed from there. My right to live depends upon them; they control the means by which I live. Political power is a reflex of economic power and those who control the economic power of the state, control the state.

Q. Do you not believe the employers try to educate the workers?

A. They educate them into their views. When I went to school, what was the education I got? 'John Smith bought seven yards of calico at seven cents and sold it at eight and one-half cents. How much profit did he make?' That is the kind of education.

Speed continued: "The more wealth we create, the less we receive in proportion; the greater the amount of improved machinery goes into the factories, the more of us are thrown out of work; the competition between us becomes keener, and the less we get in proportion to our product. I read in consular reports that one of the secretaries of agri-

culture showed that a rice grower in South Carolina got \$1.50 a day, and if he got wages in the same proportion to what the Chinese rice grower gets, he would get \$40 a day."

Speed was secretary at San Francisco and had read SOLIDARITY during 1917. Nebeker revealed those facts on cross-examination, and was satisfied.

The defendants were rather surprised when the next witness turned out to be one of the "conspirators," one that most of us knew absolutely nothing about. In reply to questions he said his name was Charles Krattiger and that he had lived all his life at Paterson, New Jersey, and worked there for years as a silk weaver. In some way he could not understand the indictment named him "Kratzpriger" — a name so foreign to him that he did not know he was indicted until he was arrested at Paterson on January 2, 1918. Another thing he could not account for was that he was never brought to Chicago for trial in this case, although he was bonded to answer the charges in the sum of \$500. Another mysterious thing was that when he arrived in Chicago, subpoenaed to testify for the defense, a man named McDonough, who told him he was from the Department of Justice, came to his room at the Washington Hotel and questioned him about what he was going to do here. When Krattiger told him, McDonough had said: "I suppose you're going to tell a lot of damned lies." Also, McDonough asked Krattiger if he did not know that Pat Quinlan and Joe Ettor were charged with murdering a man at Paterson. McDonough had been accompanied by two other supposed officers and, at the time he was talking with Krattiger, had in custody one of the Spanish witnesses who testified last Thursday.

Krattiger then went ahead with a story of the silk industry and his life as a worker in the silk mills, which began when he was 12 years old. For ten years he had been a weaver and he told how for every single pound of raw silk sent to the company

dye-house, three or four pounds of dyed silk comes back for weaving. This miracle, he explained, was caused by "dynamiting," or loading the silk as it goes through the dyes with tin, lead or other metals.

"No, metals don't do the silk any good; in fact, that makes it fall apart and wear out quickly; but, you see, the manufacturers sell the silk by the weight," said Krattiger.

Also, these manufacturers have machinery for stretching the silk before weaving. This makes harder work for the weaver and makes silk cloth that will tear or wear out easily. "I have never," said Krattiger, "in the ten years that I have been a weaver, never have I woven pure silk, such as that made before the mills began this adulteration, the kind that was made many years ago and that would last a lifetime."

Charles Ashleigh, who, by order of Judge Landis, had previously acted as sworn interpreter for the Spanish witnesses, was again summoned to interpret the testimony of Elias Castellano, who was recalled to the stand. Castellano said that after he left the court the previous Thursday he was arrested along with two other Spanish witnesses. Crege and Paredes. An officer named McDonough had taken them from the I. W. W. headquarters on West Madison street, over Castellano's protest that he was still under subpoena and had, also, to catch a boat he had signed on as a sailor, soon to leave from the Atlantic coast. Castellano was taken somewhere and questioned, he said.

"What did they do to you?" asked Judge Landis through Ashleigh.

The answer came: "They tried to make us declare things not true by means of threats."

Castellano said he had shown McDonough his seaman's passport to identify himself and prove his occupation.

Judge Landis had sent for McDonough and now summoned him to the witness chair. Between the

grilling Landis gave him and the questions of Vanderveer McDonough writhed and twisted about on the witness chair, and when he left the stand everyone in the room, including McDonough himself, was surely convinced that McDonough was a liar and a sneak and several other things. His name was Lawrence McDonough, he said, and he was a city police detective attached to the "anarchist and bomb squad," and since the war declaration assigned to work under the direction of Hinton G. Clabaugh of the Department of Justice. Since he had arrested the three Spanish witnesses because they did not answer questions he asked them, although he did not recall one of them said he believed in "destruction of property." He never had the least idea, so he said, that they were witnesses. He never saw any passport of Castellano; the only thing Castellano showed him was a credential as organizer in the I. W. W., he said. But Castellano stood in front of him in the courtroom and swore he never had such credential. McDonough said he visited Krattiger's room at the Washington Hotel "looking for a soldier absent without leave," but never knew Krattiger was a witness and denied speaking to Krattiger about "telling a lot of lies," or saying anything about Quinlan or Ettore, although Krattiger stood before him and stoutly reaffirmed that he had done so. McDonough stated that he was accompanied on that occasion by D. A. Charette, an agent of the American Protective League, also by the house detective at the Washington Hotel.

Vanderveer asked McDonough: "You were once a member of the I. W. W., were you not?"

A. Yes, sir.

Q. And you joined the organization while you were a police detective to spy upon it?

A. Yes, sir. I was assigned to do so. I wanted to see that those connected with the organization did nothing criminal.

Q. You were such a good I. W. W. that you became secretary of Local 85, Branch No. 6, here?

A. Yes, sir.

Q. And you didn't want the organization to get in bad with the law, did you?

A. Certainly not.

Q. Then maybe you can explain why it was that when there was a strike on here in Chicago, over on the North Side, you came to Bill Haywood and, as secretary of the Branch, you suggested that the strike was "too tame, and a little rough stuff would help?"

A. Oh, I know what you mean; no, I never said anything of the kind; no, sir, I never said—

Q. And Haywood told you to forget it; told you that stuff didn't go with the I. W. W., didn't he?

A. No, sir, I never said anything of the kind; positively, I never did.

Q. And you were later expelled from the I. W. W., weren't you?

A. I was; I quit the organization. I was assigned to other work.

Judge Landis dismissed McDonough from the stand and issued bench warrants for the two men McDonough said had accompanied him to Krattiger's room, Charette of the American Protective League, and the house detective of the Washington Hotel, whose name McDonough said he did not know.

Proceeding with the case, Defendant J. H. Beyer took the stand. Beyer was a passenger on the Steamer Verona on the 5th of November, 1916—"Bloody Sunday"—when that boat was fired on by Sheriff Don McRae and Lumber Trust Commercial Club Vigilantes as it drew in at the docks at Everett, Washington. Beyer told his story graphically and in all its bloody detail; how five members of the I. W. W. had died, murdered; how they died singing, some of them singing as their blood ran in crimson streams over the decks and down the white sides of the Verona to mingle with the waters of the Western Sea.

Beyer also told of his experiences in the army years ago when he was sent to Chicago in the A. R. U. strike and later when, as a trooper, he went through duty in the Coeur d'Alene strike. He corroborated Haywood as to what had happened when troops were sent into that district.

Joe French, the next witness, is French both by birth and by name, but had been in this country many years working as a migratory laborer on farms and in the woods and on construction work. French told first of job conditions, then in detail of how he and others had been beaten up by Commercial Club thugs and the chief of police at Aberdeen, South Dakota, in the summer of 1917, and the strike lines drawn around Aberdeen by the I. W. W. in retaliation.

Vanderveer: Did you get that kind of treatment somewhere else, Joe?

A. Yes, sir. When I came down to Tulsa, Oklahoma, looking for work in the oil fields.

Q. Tell us what happened to you there.

A. On the 5th of November I came to Tulsa looking for work. I didn't have any place to go, so I went to the I. W. W. hall. I was there about 9 o'clock in the evening, and maybe ten or twelve of us were there; and a bunch of detectives comes in there and looked around the hall and talked to us for a while, and called the wagon. They took us to jail and put a charge of vagrancy against us, although we had money and good clothes on. The next day they started to give us a trial. They only asked me a couple of questions. On the 10th or 11th they returned a verdict and we were fined \$100 for vagrancy.

Q. Did you pay the \$100?

A. They never asked us to pay it. We never had the money in the first place. They put us all back in jail again, and two hours afterwards they came and took us out again and loaded us up in an automobile and took us about four blocks from there to

a railroad crossing; and when they got there the car stopped all at once and a bunch of men came out from the corner all dressed up in black and black masks over their faces and rifles and shot guns and revolvers and everything.

Q. What did they do?

A. They tied us up with our hands behind our backs and led us back into the cars again.

Q. Then what did they do with you?

A. They drove for about three miles into the Osage Hills. They there made us undress to the waist and made us stand up by a tree and they beat us up with a half-inch pipe from the neck down, and then tarred and feathered us. After they got through, they lined us up facing a barbed wire fence about fifteen feet ahead of us, although it was dark and we couldn't see it. Then they told us if they set eyes on us in the morning, every I. W. W. that could be found in Tulsa would be shot on sight. Well, they turned us loose and we ran across that barbed wire fence and we cut ourselves all to pieces. They burned all our clothes except our pants and shoes.

Q. Did you have any money in your clothes?

A. Yes, sir. My money, I pinned it in my coat pocket, inside—about \$25.

Q. Did they burn your money?

A. Yes, sir.

Q. What time of night was this?

A. About 2 o'clock in the morning.

Q. Was it warm or cold?

A. It was cold. You could see the frost on the railroad ties.

The above story, in the simple language of a worker, is the victim's account of the acts of the infamous "Knights of Liberty," who were touted throughout the nation by the press as champions of the "women and children of suffering Belgium."

French continued and told how they finally got

some clothes from a friend and went about forty miles from there to work on a pipe line.

Vanderveer: What did those people beat you and tar and feather you for?

A. Well, just because I carried an I. W. W. card.

Q. Had you done anything around Tulsa?

A. No, sir; I just got there that same day.

Q. Had anyone done anything around Tulsa?

A. Not that I know of.

Q. Ever hear of anybody being prosecuted for doing anything to you boys?

A. No, sir.

The first witness called on August 15th was Paul Pika, a defendant who was discharged at the end of the prosecution's testimony. He was and still is a member of the International Association of Machinists, but joined the I. W. W. because he favors its principles. During 1917 he had lived in Chicago and was around the General Headquarters a good deal. He knew Haywood and many others intimately, and he never heard any conspiracy broached about, although he thought if anything like that existed he would have known of it.

Otto Justh was another discharged defendant called and he, too, claimed to be very familiar with many defendants, having joined the I. W. W. in 1905—as soon as it was started—and had done all he could to forward its aims, taking part in the big Studebaker strike at Detroit, which won out on all demands. Although in the confidence of many defendants, he had heard no conspiracy.

A. D. Kimball, a defendant whose case was severed and continued by the court on account of his being nearly dead with tuberculosis before trial began, took the stand. Born at Cambridge, Mass., an unskilled worker, Kimball had joined the I. W. W. in 1913, and was secretary at Bisbee, Arizona, at the time of the deportation, July 12, 1917. Kimball said the government had all his correspondence and

there was nothing in it opposing or even speaking about the war. He was asked about what happened when he and 1,185 others were deported.

Vanderveer: Did you see any machine guns?

A. Yes, I saw one in Sheriff Wheeler's automobile; also one mounted on the Copper Queen dispensary, and down below at Warren Ball Park, and I saw them mounted on the Calumet & Arizona Company's offices; another on the way to Douglas on a water tank, mounted opposite the track; also one in an automobile.

Q. Did you get a good look at these?

A. Yes.

Q. Close enough inspection to tell whether they were the same kind of guns, new guns or old guns, or anything about them?

A. They appeared to be new guns.

Q. All of them.

A. Yes.

Q. As far as you know, had the sheriff ever owned a machine gun, or the county?

A. Not that I know of.

Q. Did you ever hear about where those machine guns came from, or who bought them?

A. I saw an account in the Arizona Labor Journal, a labor paper, a reproduction of a bill of sale, that the Copper Queen Company had bought them.

Q. When?

A. In April, 1917.

Q. Now, that was about two months and a half before the strike?

A. Yes, sir.

Q. Was there any disorder then?

A. No, sir.

Q. Any trouble whatever?

A. None whatever.

Q. This condition of discontent with conditions among the miners existed, did it?

A. It existed, yes.

Q. What use did the Copper Queen Mining Com-

pany of Bisbee, Arizona, have for machine guns in April, 1917?

A. I do not know.

Q. Do you believe that the people employed by the Copper Queen and the Copper Queen have anything in common?

A. No, sir.

Q. Did anybody ask you, on the date of deportation, or did you hear them ask anyone else about their willingness to go back to work?

A. Yes, sir.

Q. Who asked these questions?

A. Mostly the shift bosses and the mining company officials.

Q. If a man said, "Yes, he would go back to work," what did they do?

A. They just told him to fall out and allowed him to remain.

Q. Do you remember how many of those deported men held Liberty Bonds?

A. I can't say positively, but I know there were a great many.

Q. Do you remember whether any of them were registered for the draft?

A. Yes, 425 registered. I think more than half of the 1,185 had contributed to the Red Cross.

Q. After the deportations, and after the camp in Columbus broke up, where did you go?

A. I went to Old Mexico.

Q. You were a citizen of the United States?

A. Yes, sir.

Q. How many of you went to Mexico?

A. About ninety.

Q. Why did you go to Mexico?

A. Because we got tired of conditions on this side of the line, especially the Copper Queen brand of democracy. I thought I would like a change. There was no place we were safe anywhere along the border looking for work.

Q. No place where an American workingman could go but Mexico?

A. That was my view.

Q. How were you received; how were you treated down there?



CHAPTER XIV.

NEBEKER concluded his speech at 10:33 a. m., and the crowded courtroom listened expectantly for Vanderveer to open the floodgates of oratory. Nebeker had used less than one hour of the two allotted to the prosecution, and his assistant, Claude R. Porter, was to finish the presentation of their side with a flag-waving broadside of denunciatory eloquence that was not only to sway the jury, but was intended to elect him governor of Iowa. For, thoughtful of his campaign in that state, he had on the previous day sent advance copies of his speech to a great many of his partisan papers in Iowa for release on that day, when he intended to talk himself into immortality. Judge, oh, ye gods! how deeply he was wounded when Vanderveer forbore to orate, only rising to thank the jury for their patience during the long trial and asking their consideration for a "Christian judgment." The spectators were nonplussed at such an unusual situation, while Porter, pale and stunned, sat voiceless, trying to grasp the fact that Vanderveer, by refusing to address the jury, had cut off further argument, and that he, Porter, was up against wiring those Iowa papers to kill his oration, already going into the presses.

Judge Landis, accepting the strange conclusion of the defense, leaned over the bench and informed the jury that he would adjourn until 2 p. m., and at that time would give his instructions.

About twenty defendants who were out on bail, and nearly seventy who had been released on their own recognizance from time to time, were now taken, with the nine remaining in custody, to the "dining room," No. 603, under guard. Here all were served with a noonday meal, and afterward

mingled with their friends, wives and sweethearts, who gathered in the crucial hour. During this period there was noticed a heavy addition to the guard, a great number of police from the city mounted reserves filling the corridors.

At 2 p. m. the visitors were put out and the defendants, in pairs, marched through the corridors into the courtroom, No. 627. On the way through the corridors each defendant was stopped and searched, a somewhat ominous proceeding that resulted in nothing at all being found more dangerous than a newspaper.

It was 2:20 p. m. when Landis entered and the clerk called the roll of defendants. The "learned" judge then proceeded to read his instructions to the jury,* which occupied an hour and thirty-five minutes, being concluded at 3:55 p. m. At 4 o'clock the jury filed out and then the defendants were again taken to Room 603 and again a meal was brought in. But there was no time to dine at leisure; the writer, in fact, being cut short in the middle of a gustatory process at 4:50 p. m., when the word came to return to court.

What had happened? What did it mean? Was the jury going to ask for further instructions? Was it possible that a verdict had been so quickly agreed upon? A hubbub of interrogation arose as the defendants dropped their knives and forks and again lined up in pairs for the march through the corridors. There was some delay in separating and seating the visitors, but by 5:15 p. m. the defendants were in their seats again.

Again the guarding force had been strengthened and a line of uniformed police surrounded the big room, while the entrance of the court was a solid mass of blue, brass buttons and gleaming stars. U. S. Marshal Bradley and a squad of deputies stood guard between the groups of defendants and the

* See Appendix

yet empty jury box. Immediately in front of the bench, at the prosecution's table, sat Porter and an assistant. Nebeker was not present. A few feet further the long counsel table of the defense was vacant at the end toward the jury, usually occupied by Vanderveer, Christensen and Cleary. At the other end, Haywood, J. A. McDonald, Ray Fanning and the writer sat, awaiting the necessary presence of defense counsel and whatever further was to come. Still the atmosphere of interrogation prevailed and the defendants whispered their conjectures to each other. "A verdict?" "Impossible!" "A blanket verdict?" "It may be." "Where are our attorneys?" "Where is Vanderveer?" "He must not have expected so hasty a summons."

The head bailiff of the court in charge of the jury came in hurriedly from the jury room and asked Fanning for Vanderveer's telephone number. McDonald inquires: "Is there a verdict?" "Yes," replies the bailiff, and rushes away. At this moment Defense Attorney Christensen enters and an attendant calls the jurors, who re-enter the box at 5:25 p. m. Their faces are void of expression, but there is one bad sign—they do not, or dare not, look toward the defendants, who eye them dubiously.

Down in Adams street, in front of the British recruiting station, to catch the homebound thousands, a band struck up, and the quaintest question enters my mind—"Is It 'My Country, 'Tis of Thee,' or is it 'God Save the King'?"

Judge Landis enters and seats himself. His long and narrow face is the usual palid mask, the bleached shroud of a conscience which lies within. He asks:

"Gentlemen of the Jury, have you arrived at a verdict in this case?"

There is no spoken reply, but the foreman of the jury, F. W. Brayton, of Morris, Illinois, rises and

hands the bailiff a paper which is given over to Court Clerk Sullivan to read.

The clerk, reading in a strong, clear voice, begins: "We, the jurors in the case of the United States versus William D. Haywood et al., find the defendants, Carl Ahlteen, Olin B. Anderson, A. V. Azuara," and goes on down the alphabetical roll—

"Charles Ashleigh." One of the defendants whose guilt could be predicted solely on membership, as he was out of all touch with organization work during 1917—

"William D. Haywood." It is plain now that a blanket verdict is coming, but what is it?

"Clyde Hough." It flashes to mind that this boy, a lad against whom not a line of evidence, written or spoken, was offered, could not be found guilty of violating the Espionage Act, a law passed by Congress on June 15, 1917. It was incredible that this boy, Hough, who had been in jail every day since June 6, 1917, could be convicted of breaking the Espionage Act, shut off as he had been, by bars and locks since a week before the law was passed!

But what was the verdict? The time consumed in reading those one hundred names seems interminable.

"William Weyh." The last name on the roster, and the funereal silence of the court was broken only by the dull, forgotten roar of the city. The clerk paused before the final line of the verdict, a verdict which had a parallel significance with Pilate's submission to the mob, or the spurned petition of Brutus kneeling at the feet of Caesar, or the Dred Scott decision, a verdict to make or mar a nation as the abiding place of "Justice."

It was 5:30 by the courtroom clock as that final line fell from the lips of the clerk:

"Guilty as charged in the indictment."

Not a word of demonstration.

The defendants sat quietly while the judge addressed the jury, thanking and dismissing them.

Here and there appeared an ironical smile on the face of a defendant. The countenance of Haywood, who was sitting beside me, was flushed, but there was no other trace of emotion. Christensen, phlegmatic as a rule, wore a look of agony on his round, red face. A reporter of the City News Bureau nervously clasped my arm. He seemed to ask apologetically, "What do you think of the verdict?" He was more distraught, to all appearances, than any defendant, and the writer laughingly reminded him that he, the reporter, was not going to jail. As to the verdict:

"If America can stand it, I am sure the I. W. W. can."

Christensen stepped forward to speak to the judge as Vanderveer entered, bowed a little by the weight of the dead hope whose shadow appeared in his eye. Immediately he was surrounded by "the boys," the boys who ran up to shake his hand, to laugh at the whole world as they slapped him on the back and exclaimed, "You did your best. It was sure some scrap, anyhow!"

David Karsner, reporter for the New York Call, a real writer and a real friend, ran in. A word with Haywood, and the boy collapsed as if wounded, his face ashen as he sank into a chair. He forced himself to rise as the boys passed out to shake hands in farewell, but his fingers had no grip and his voice was gone.

The prisoners passed out, two by two, through the doorway. In the corridor stood that brave and big-hearted little woman whose unnoticed work now seemed to have been in vain—Caroline Lowe, assistant attorney for the defense. The lawyer had gone and only the woman stood there. She nodded to us as we passed and smiled bravely through the tears she could not conceal.

Queer? Everyone was crying or nervous or distraught, except the prisoners. They seemed half gleeful, half nonchalant, in a sort of grim defiance.

A few minutes more and, in groups of ten, handcuffed in pairs, the prisoners were taken down in elevators to the ground floor and loaded into automobile patrols. The news spread and the streets were packed beyond the police lines, drawn to hold back the crowd. The prisoners laughed, passing remarks with one another.

Delayed while a way was made through the crowd, an auto load of prisoners sat at the curb. The boys inside the patrol, with the spirit which cannot die—the spirit of the I. W. W., which sings in the face of defeat—struck up the song, "Hold the Fort." Then, as the automobile turned into Dearborn street, on the road to the Cook County jail, they took up that historic song of revolt, "The Marseillaise."

Doubtless the thoughtless thousands in the streets wondered as the police auto sped clanging by what it all meant—those men on their way to prison exalted by song.

"Oh, Liberty, can man resign thee,
Once having felt thy generous flame;
Can dungeon bolts and bars confine thee,
Or whips they noble spirit tame?"





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