

Orchard's Story Thoroughly Discredited by a Score of Witnesses.

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Appeal to Reason.

Girard, Kansas, U. S. A., July 6, 1907

LOOK at the yellow address label, and note the number following name. If it is No. 606 your subscription expires with the next number. You should renew at least three weeks before your subscription expires so that you will not miss any numbers.

No man is great enough or rich enough to get this paper on credit or for a longer time than paid for. It is published as an advocate of International Socialism, the movement which favors the ownership of the earth by ALL the people—not by a PART of the people.

"NOT GUILTY" EDITION

WHEN the evidence for the defense has been entirely submitted the case of William D. Haywood will be presented to the jury in an address by Clarence S. Darrow that will undoubtedly be the greatest effort of that distinguished lawyer's life. It will be a resume of the entire case, and every one interested in this historic trial should have a copy of it to preserve for future reading and reference.

The APPEAL, recognizing the importance of giving this address to the American people at the very time the case goes to the jury for deliberation, has arranged to have special stenographers take this address as it falls from the speaker's lips and wire it to the APPEAL, where it will be set as fast as the linotypes can do the work and then put on the big press in the form of a special "Not Guilty" Edition which is expected to reach several million copies.

The capitalist press will not do justice to Darrow's address. It will likely be handled in a garbled form. The APPEAL will produce it in full if it requires the entire paper.

This address will state the essential facts of the conspiracy against the Western Federation, backed up by the evidence of witnesses of unquestioned character; it will reveal the true animus of the prosecution and expose the villainy of the plot to destroy a great labor organization.

This edition should be distributed as widely as the means of our comrades and sympathizers will allow. Each worker should take a hand in this extremely important special propaganda. Let the whole people have the truth and deliberate upon this extraordinary case.

The APPEAL proposes to make the whole American people the jury and this will insure against any possible miscarriage of justice.

The rate for the "Not Guilty" edition will be 50 cents a hundred. Let the orders come as promptly as possible and let us all combine to cover the continent with this expose of conspiracy and crime and this masterly plea for justice.

A GOOD WEEK AT BOISE

It is the Mine Owners and Pinkertons That Are Now on Trial Before the Great American Jury.

BY GEORGE H. SHOAF, Staff Correspondent Appeal to Reason.

Boise, July 1.—With the close of the week's introduction of witnesses by the defense, the clever story manufactured by McPartland and confessed to by Orchard has been riddled. The plot to railroad the officers of the Federation to the gallows and disrupt the organization has been uncovered in all its ghastly and revolting details. Attorneys Richardson and Darrow have smashed the state's case until even Gooding no longer is able to recognize it.

Borah (indicted for land frauds) and Hawley still walk the quarter deck issuing their orders by command of Governor Gooding and the Mine Owners' association, but McPartland and his perjured Pinkerton evidence failed to respond. If the defense does as well the second week as it did the first, the waves of forgetfulness will soon roll placidly over the shore where the detectives of the Mine Owners' association were seen to go down. Orchard's lies have been punctured and McPartland stands exposed.

The Vindicator explosion was proved to be an accident. Uncontradicted evidence showed that Detective Scott and Sterling pulled the spikes in the attempted train wreck. Witnesses testified that bloodhounds tracking the men who blew up the Independence depot were called off by the mine owners' detectives to prevent the capture of those responsible for the outrage. It is now generally conceded that Detective Reno, who had sole charge of the detectives employed by the railroads, killed Lyte Gregory to prevent his divulging the crimes of the Mine Owners' association.

Orchard's yarn that he dynamited the Bunker Hill and Sullivan mill was disproved by the men who played poker with him at Mullan on the day of the explosion took place. Mullan is located twenty miles from the scene of the explosion.

Orchard's intimacy with Detectives Scott and Sterling was established beyond dispute, and the whole damnable conspiracy of the mine owners to disrupt the Federation by having detectives in the organization to instigate and commit violence and crime was made clear and vivid by the testimony of Morris Friedman, the former confidential clerk of Pinkerton Detective McPartland.

Right now, court spectators have forgotten Haywood and his alleged assassination and are wondering what more the defense will produce concerning the crimes and underhanded work of the mine owners in their effort to disorganize the miners' union.

The attorneys and detectives of the prosecution are worried over Friedman's damaging revelations. They tried to induce the court to order that all reports sent to McPartland by his agents in the Federation be held in the possession of Friedman should be placed in evidence at this time, but the court took the matter under advisement and will decide this morning. Darrow will withhold some of these reports and there will probably be some arrests made after the witnesses in the rebuttal for the state are through testifying.

Attorney Darrow, on Saturday, for the first time, announced his belief that Haywood would be acquitted. This from the Chicago attorney is hailed with delight by the friends of the defense for the well known reason that Darrow generally takes the pessimistic view until the clouds break.

Disgusted at the probable outcome of the case, a well-known Gooding henchman Saturday was heard to remark that the next time the "Federation anarchists" were arrested they would get funerals instead of trials.

Orchard Not at Wardner. Harry Orchard's story that he helped dynamite the Bunker Hill and Sullivan mill in Wardner, Idaho, April 29th, 1899, was completely demolished Saturday by the testimony of Downey A. Flynn and Pat McLe. Flynn kept a cigar store in Mullan, Idaho, in 1899, and on the day

WHAT HAS THE STATE PROVEN?

A Summing Up of All the State's Evidence by a Disinterested Reporter for an Independent Publication—"In Any Other State the Court Would Have Directed the Jury to Acquit Defendant."

THE Boise correspondent of the World Herald, published at Omaha, Neb., after the prosecution had introduced all its testimony and closed its case, sent his paper the following estimate of what the state had accomplished in its efforts to connect William D. Haywood with the confessed crimes of Harry Orchard:

Forty witnesses of the 150 summoned by the state to testify against W. D. Haywood, on trial for alleged murder, have told their stories under oath. Only two of those witnesses ever saw Haywood and Orchard together, and the occasions on which the assassin and the accused man were in company appear to have been wholly innocent.

The plottings and conspiring detailed by Harry Orchard have not in any way been established by the state, unless the self-admitted assassin's word be taken as reliable testimony.

Not a Convincing Case. If the jury of twelve farmers find a verdict of guilty in this case, it will be based entirely on inferential logic, that Orchard told the truth, and that his unsupported evidence is sufficient to convince the jurors of the defendant's guilt.

From conversations in every place where men gather one general expression is heard: "The state has not made a convincing case."

Lawyers who sit inside the railing in Judge Wood's court room during each session—the lawyers who are not employed in this case—are commenting freely on the evidence and lack of evidence that the state has shown.

One member of the Idaho bar, who stands as prominent as Borah and Hawley, but whose name cannot be used for obvious reasons, said this morning: "The state has not presented a strong prima facie case. This is an unusual trial and allowance must, of course, be granted."

"If this case were in Massachusetts, New York or almost any other state, it would never go to the jury; the court would direct an acquittal. But here it has gone to the jury, as Judge Wood has ruled."

Nothing But the "Confession." "In fact, the proof of conspiracy is never wholly satisfactory. In this case the state has not shown where, when and upon whom the conspiracy was born, or what its objects or methods were proved. All that it has done is to get the confession of an accomplice before the jury and he was permitted to testify to hearsay, and his presumptions and suppositions. The state has shown that certain crimes were committed, which Orchard claims as his own, and this prevents the defense from proving that he did not commit them. It has not been shown, but has been left entirely to inference, that Haywood had any part in these crimes."

Senator Borah's arguments and Hawley's theories do not connect Haywood directly with the murder of Steunenberg. The connection between the defendant and the crime for which he is on trial is extremely remote and conjectural and rests entirely upon the testimony of the self-admitted assassin. It is a case of inferences."

During the whole of the state presentation there has been much more of Pettibone than of Haywood in the mouths of witnesses, and Orchard, according to his own tale, had nearly all his dealings with Pettibone.

Now Pettibone has not been a member of the Western Federation of Miners' executive committee for more than seven years. The state, however, charges that the executive board (inner circle) was engaged in the murder conspiracy.

The "Inner Circle." Much has been said in the newspapers and in Hawley's opening statement about the inner circle, but it is a significant omission in the testimony to prove a conspiracy, that not a single witness was asked about this mysterious band of conspirators and not a word has been written into the record to show that there ever was such an "inner circle."

Dramatics were invoked when Miss Peabody, former Governor Peabody and Justice Goddard were placed on the stand, yet not one of these wide-famed witnesses gave a syllable of material testimony. They simply corroborated incidentals in Orchard's unsupported and undenied claims that he had attempted to kill Peabody and Goddard.

The state proved by Orchard alone that an explosion wrecked the Bunker Hill and Sullivan mine in 1899 and that two men were killed. Haywood, Moyer and Pettibone were not officials of the union at that time and neither was in the Coeur d'Alene.

The state proved that the Vindicator mine was blown up in 1903 by a device similar to that described by Orchard, who says he hid the job.

Nothing Material. The state proved by Orchard's sole testimony that the Independence depot was blown up and fourteen non-union men killed. But Orchard says that the three chiefs of the Western Federation of Miners were not consulted about this crime and did not direct it specifically. He said he got a direct commission to pull off something at a time when the strike was about to be settled, when the miners were returning to work and the militia had been withdrawn.

The state proved that Orchard was in San Francisco at the time the Linforth flats were wrecked and Fred W. Bradley was injured. Orchard said he did it, but now Bradley reiterates his former testimony in a civil suit that the explosion was caused by gas. The state proved that Pettibone sent money to H. Green at San Francisco, and Orchard said that money was for him, and he got it. But the state did not prove except by Orchard's assertion that he and Green were the same person.

The state proved that Orchard and Jack Simpkins, the Idaho member of the executive board of the Western Federation of Miners, were in Caldwell together and both under assumed names. The connection sought to be conveyed is that Simpkins and Haywood were members of the ruling group in the Federation and the act of one is binding on all.

Simpkins Was an Organizer. There is just one piece of evidence in this case that is dangerous to the defense, and that is the letter that Orchard received at the Caldwell jail after he was arrested. Orchard says that letter came by Sheriff Nichols. That letter refers to something which was sent to "Jack" on December 21st.

Now it is known that on December 21st Haywood sent a draft for \$100 to Jack Simpkins, and that draft was not cashed till January 4, five days after Steunenberg was killed. The defense will strive to remove any sinister inference concerning this draft and unsigned letter by showing that Simpkins was the organizer for the Western Federation, and that money was sent to him as well as to other organizers at frequent intervals.

ORCHARD'S LIES DEMOLISHED

The Straightforward Testimony of Numerous Trustworthy Witnesses Discredits the Story in Which the Monster Has Been So Carefully Coached.

BY GEORGE H. SHOAF, Staff Correspondent Appeal to Reason.

BOISE, Idaho, June 28.—With witnesses, the sincerity of whose utterances cannot be questioned, Attorney Darrow today put to rest Harry Orchard's testimony in many vital places, while in other places he literally tore it to shreds. The self-confessed murderer of Steunenberg was proved a liar again and again by men whose integrity is above suspicion. It seems a waste of work and a useless expenditure of money to call witnesses from distant states to testify that a man who would commit a cold blooded assassination would also tell a lie. But, under the circumstances of this case, it is necessary.

Darrow, in his opening statement, announced his intention of proving Harry Orchard a monumental liar, and the evidence submitted today more than sustained the attorney's statement. Thomas Wood, a miner who never joined the union, and who scabbed during the Cripple Creek strike, testified concerning the death of Beck and McCormack in the Vindicator mine, November 21, 1903. Harry Orchard said he placed the bomb which sent these men to their death. Wood's testimony decidedly contradicted Orchard's statement by showing the utter impossibility of a bomb remaining for any length of time where Orchard said he placed it.

Vindicator Explosion an Accident. The witness said he was working in a stope in the eighth level when the explosion occurred. Before entering the stope he said, he carried a box containing 25 pounds of giant powder to the

DARROW'S CLOSING ARGUMENT.

As we go to press a letter comes to us from Clarence S. Darrow advising us that his argument to the jury will be revised and corrected for the special "Not Guilty Edition" of the Appeal, of which announcement is made in another column. Our readers are, therefore, assured that the address of Mr. Darrow, looked forward to by the whole country, will be produced by the Appeal in its integrity as well as its entirety. The Appeal will do its best to make this edition a memorable one, as the address is certain to be a masterly one.

Compulsory Military Service.

Now comes the news hidden away in obscure places in the daily papers that the provisions of the Dick Militia Bill must be strictly complied with by the several states.

Very few Socialists and practically no other "common people" realize that the Dick Militia Law enacted by congress in 1902 makes of this "land of the free and home of the brave" as complete a military despotism as the heart of a Nero could wish.

It means that, at the sweet will and pleasure of the president, you and I must present ourselves for enlistment—no matter what cause, we have no choice. We must obey. Refusing to do so we may be arrested, court-martialed and shot.

It means that labor can be made to shoot itself into submission to the capitalist yoke. Plutoeracy certainly needs no more to make Cossacks out of any portion of the laboring masses and peasants of those remaining, and we have Russia.

I wish I could write the above words in big, black type across the front page of the APPEAL.

Sound the alarm, comrades. You have slept too long over this military measure which makes it possible to snatch from us the last vestige of liberty.

It may be significant that this recent order from Washington that states speedily fill out their regiments of militia in conformity with the National Militia Bill, followed closely upon the great Moyer-Haywood labor demonstrations, and who can say that we are not soon to hear the sound of marching legions and the clangor and clash of battle?

This office furnishes copies of the complete text of this bill at \$1.00 per 100; \$9.00 per thousand.

Don't fool with only a single copy. Buy them by the hundreds and thousands and distribute them, that the warning cry may be heard in the heart-places in every hamlet and town, even to the ends of the rural routes, and the sleeping American be awakened.

Clarifying the Atmosphere.

The trial of Haywood is clarifying the economic atmosphere. Thousands now see the class struggle who could not see it before. The dullest are compelled to see that the class lines are sharply drawn in the trial. All the mine owning capitalists are on the one side; all the wage-working miners upon the other. Upon the part of the mine-workers it is a struggle to save their organization; upon the part of the mine owners the sole object is to destroy the Western Federation.

Capitalist society has been divided into these two classes: Capitalists and wage-workers; mine owners and mine workers; labor buyers and labor sellers; masters and slaves. It is because of this clash of economic interests and this alone, that there has been industrial strife in the Rocky mountains during the past thirty years. The lesson is perfectly clear. Class rule must be abolished and the class struggle ended. There can be no peace in any other way. Class-divided capitalist society is at war with itself. The capitalist mine owners are bent upon perpetuating their reign; the wage-slaves are determined to be free. Fiercer and fiercer becomes the conflict, and in the meantime the exploited wage workers are more and more compelled to draw closer together, to recognize their identity of interests, to organize economically and politically upon that basis and to wage the struggle for emancipation with increasing solidarity and determination.

The Idaho trial has contributed more than any other incident in the class struggle to open the eyes of the working class to the nature of the struggle and to the need of united action, and it has correspondingly served to hasten the day of industrial emancipation.

A CORRESPONDENT says that the Dictionary definitions for capitalist and laborer are unsatisfactory, and that the word "dampfool" is not contained in his book of definitions. He, therefore, requests the APPEAL to define the words "capitalist" and "labor" in their relation to each other and tell the meaning of "dampfool." It happens that the three words are related in their application. A capitalist is one who borrows labor power on the market; a laborer is one who sells labor power on the market; and a dampfool is one who thinks that the interests of capitalists and laborers are identical.

IN RUSSIA the rulers dissolve the congress and arrest all the "undesirable citizens" who refuse to do what the rulers want done. In this country the ruling class simply buys the members of congress and its will is done without friction. The czar should come to this country and learn how to rule. His income and that of the grand dukes looks like thirty cents in comparison with that which the rulers behind the American throne receive. But perhaps the Russian members of congress are too honest to be bribed by the ruling class as they are here. Who knows?

The spellbinders tell you that Socialism will break up the home, but say not a word of the homes broken up by their breadwinners being compelled to travel in search of work. Much credit is being claimed by General Prosperity for the thousands of laborers coming west to help in the harvest fields, but how about the effect on the home left without their natural guardian who finds it necessary to chase a job across the continent?

Country Flooded. The country is being flooded with a lurid western weekly publication of wild-eyed socialist prophecies, circulated under the misleading title of "Appeal to Reason." It is stated that the wisdom of arresting its editor depends on whether he will make more news now than when at liberty.

So remarks the Mason City (Ia.) Times-Herald. You may rest assured, Brother Times-Herald; that the APPEAL will be heard whether its editor is in jail or at "liberty" in this land of slaves. The APPEAL has committed no crime, nor has it violated any of the United States laws. If any one thinks that because a federal grand jury has caused our arrest we're going to subsidize his mistaken.

LET'S see—didn't Roosevelt say something about Haywood and Moyer being "undesirable citizens"?

Motive For Killing.

The Boise correspondent of the New York World, in reporting the testimony of the defense in the Haywood trial, has the following:

Charles A. Sullivan, a miner and member of the Federation, and Orchard lived in the same boarding house in Cripple Creek for several months. Sullivan testified today that Orchard spoke to him many times of the Coeur d'Alenes and said he would be a rich man if it were not for Steunenberg. The witness quoted Orchard as saying:

"It is a wonder he is not dead. He ought to have been killed long ago, and I will get him yet if I have to swing for it."

This discloses the motive for the killing of Steunenberg, and it has been brought out clearly in the testimony of an array of unimpeachable witnesses. Orchard had a bitter personal grudge against Steunenberg, and had often threatened to kill him. At no point in the affair has there been shown the slightest ground for complicity on the part of Moyer, Haywood or Pettibone. Orchard committed the deed on his own account and then sought to fasten it on the Federation officials for the double purpose of saving his own neck and dealing the Federation what was hoped to be its death blow.

Moyer-Haywood Conferences. The Appeal is in position to appreciate fully the splendid work done all over this country, especially in the large industrial centers, by the Moyer and Haywood conferences, organized of trade unionists and Socialists, whose primary object has been to arouse the people of the nation to the monstrous conspiracy of the western mine owners to judicially murder the officials of the Western Federation of Miners, and by that means deal a death blow to organized labor in the United States.

The Moyer and Haywood conferences have been a powerful factor in awakening the people to the impending danger and in thwarting the villainous designs of the mine and smelter trust, and the Appeal heartily congratulates them all upon the success of their labors and upon their fidelity and devotion to the working class in one of the gravest crises in its history.

Under the auspices of the Moyer and Haywood conferences monster demonstrations have been held in New York, Boston, Brooklyn, Chicago, Philadelphia, and many other cities; the representatives of the western workers have been eagerly welcomed and have been able to spread the truth among the people, while millions of leaflets, tracts and pamphlets have been scattered broadcast to further the work of education which has had such a marvelous effect in turning the tide back upon the conspirators themselves and making possible the triumph of the truth which now seems inevitable.

When these conferences were first organized, Moyer, Haywood and Pettibone seemed doomed to the gallows. Their coils were tightening about them and they seemed fated for another Haymarket judicial hanging. But with the eager, enthusiastic and determined work of the conferences the situation soon changed, and the skies began at once to brighten with hope and promise. Today the current is completely reversed and the public sentiment is demanding the release of our comrades, with every indication that in a few weeks more they will be triumphantly acquitted and vindicated.

But the work of the conferences will not end with the release of our comrades. Happy as we shall be to see them free, there are still graver issues than individual life at stake.

The Moyer and Haywood conferences should everywhere keep up and strengthen their organizations for the still larger work that lies ahead of them.

They have united the workers upon a large scale and brought them into active and harmonious relation in an hour of grave trial; they must now continue to work together to achieve the full measure of the victory for their class.

The question as to who are the "undesirable citizens" has not yet been determined in the public mind, but when Moyer, Haywood and Pettibone walk forth without a stain upon them the Moyer and Haywood conferences will have a final word upon that subject that will ring like a clarion through the land.

Then again, when Moyer, Haywood and Pettibone have been rescued and vindicated, the Appeal proposes a fight all along the line against that vicious and damnable institution known as Pinkertonism. Let the slogan go forth, even now that Pinkertonism is crime in its most diabolical form and that Pinkertonism must be driven out of the country.

The modern Pinkerton is not a detective—he does not detect crime, but he incites and commits it, and his very presence is a menace to peace and an outrage upon civilization.

The Moyer and Haywood conferences must continue their labors with increasing vigor and determination until there is nothing left of Pinkertonism but a hideous nightmare of Peabody maladministration.

The fourth of July this year will be a sort of a jubilee service for the Socialists and the working class generally.

Don't overlook the "Defense Fund" Book Campaign. Prices reduced to one-half, and 10 per cent of the net profit sent to the "Defense Fund" which the Appeal may need later on. You get the book, and can be instantly put in circulation, and you thus doubly strengthen the arm of the Appeal. Come, comrades, lend a hand.

THE UPRISING IN FRANCE.

It is not too much to say that the revolt of the wine growers in France amounts to an uprising of the people. It is not strictly a proletarian strike, although thousands of the working class are involved in it. The small wine growers, most of whom are themselves workers in the vineyards, have long suffered because of the vicious adulteration and cheapening of wines by the larger growers, whose object has been to put their smaller competitors out of business. The laws of France prohibit the adulterations complained of by the smaller growers, but in France, as in every other capitalist country, the laws are controlled by the larger capitalists in their own interests, and when the little fellows appealed to the government to enforce the laws the government did precisely what Roosevelt did at Croton Dam; that is to say, it sent the troops into the agitated districts to protect the big capitalists who were violating the law and to shoot down the little fellows who were pleading for its enforcement.

Thus it has always been in capitalist society. The capitalist class rules in its own interests, law or no law.

Clemenceau in France, like Roosevelt in the United States, is the creature of the dominant element of the capitalist class, and executes its bidding with all the power of his high office. There is nothing strange about this. In capitalist society government has as its chief function the subjugation of the exploited class.

The one significant feature of the wine growers' rebellion was the mutiny of the troops, who recognized in the workers of the vineyards their own brethren and refused to turn their guns upon them. The mutiny was of short duration, thanks to Clemenceau's drastic tactics, but it clearly revealed a feeling and tendency that bodes no good to the ruling class.

All the world over the spirit of revolt is finding expression, and all the world over the hosts of toil are moving toward emancipation.

The Brooklyn Eagle has a two-column editorial on the alleged efficacy of Orchard's testimony, based chiefly upon his so-called Christian (?) conversion. The Eagle is one of the very few capitalist papers that ventures to stake its reputation on the credulity of the American people. According to the theory of the Eagle, the most hideous crime becomes a virtue provided only the monster who commits it shows a contrite spirit after he is caught and professes repentance.

The analogy between Saul of Tarsus and Harry Orchard drawn by the Brooklyn editorial writer is as notable a specimen of Henry's prostitution as the capitalist press can boast, and the Eagle ought to feel flattered upon the legitimacy that is inspired it.

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THE DENVER papers report in very loud red type that that city was very decidedly shocked when the grand jury made its returns showing four million-acre land thieves in the net. There were sixty-nine other smaller fry. The latter will go to the pen—the millionaires will serve time by proxy. Now, watch.

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