

A Working Man Has No Chance in Federal Court: Speech at Orchestra Hall, Chicago

[excerpt]¹

(January 13, 1910)

One of the commanding figures in this great struggle is Fred D. Warren, managing editor of the *Appeal to Reason* [*applause*] — recently sentenced by Judge John C. Pollock [*hisses*], a notorious corporate hireling, to serve a sentence of six months in jail and pay a fine of \$1,500.

What is his crime? He is the champion of the working class! [*Applause.*] He can be neither bought nor bribed nor intimidated. [*A voice: "That is true."*] He is a man with all the integrity of nature. He is the incarnation of class struggle. Were he sordid and grasping as so many are in these days; were he inclined to traffic in his magnificent intellect, he could long since have been the managing editor of a great metropolitan newspaper in New York City and drawing a salary of \$25,000 a year, having social standing, being recognized as an eminently respectable citizen of the republic, and at his death a great monument would be erected to his memory, covered with lies. [*Applause.*]

He is one of those who, because of his fidelity to his convictions has incurred the ill will of the ruling class; one of those who has been pictured as a mischievous agitator and malcontent. Every possible effort has been made to destroy his influence. I have been in very close touch with him during the past few weeks. I know him very well, and let me say to you this evening that so far as his moral character is concerned, there is neither scar nor blemish upon it. [*Applause.*]

But he is a man of capacity, he is a man of great sympathy with the working class, a man of unquestioned integrity. How came he to be so hated by the minions of power? Let me repeat a little ancient history. The Warren case, as it is now known, is of vital interest to the whole American people. They ought to know the truth about it.

The Warren Case

This case is the sequel to the kidnapping of Moyer, Haywood, and Pettibone, which occurred almost four years ago. In 1899, through the influence of the working class, the legislature of the state of Colorado enacted an eight-hour law for the benefit of the workers who were employed in and around the smelters and mines and engaged in occupations exceedingly injurious to their health. Because of the poisoned fumes, hundreds of men were dying in their very prime. Because of this the eight-hour law was enacted.

Soon after it was placed upon the statute book this law was declared unconstitutional by the supreme court of the state of Colorado, which belonged bodily to the mine owners' association. The working men then proceeded to have an amendment submitted to the people of that state in the election of 1903. Every political party in that election was pledged to enact that law if the amendment was adopted by a majority of the people. Every candidate was pledged to vote for that same law. That amendment was carried by a majority of 46,500 votes.

The legislature convened. It is of record that its members were openly bought by the mine owners' association, and that that legislature adjourned in defiance of the mandate of the people without enacting an eight-hour law.

That was the beginning of all the trouble in the state of Colorado. After the mine owners had succeeded in defeating the eight-hour law in spite of the majority of almost 50,000 votes, they proceeded to destroy the Western Federation of Miners by discriminating against its members and discharging them from employment. Then came a strike. The mine owners promptly engaged the services of a number of thieves, thugs, gunmen of all descriptions, and there occurred that long line of atrocities which were charged upon the Western Federation of Miners. Among these there was the explosion at Independence, the blowing up of the railroad station, in which the lives of 13 non-union men were destroyed. It was proved beyond the question of a doubt that this crime was perpetrated by the mine owners themselves to discredit the Western Federation of Miners.

The Matter of Kidnapping

These outrages culminated finally in the assassination of ex-Governor Steunenberg in December 1905. Shortly afterwards, in February, Moyer, Haywood, and Pettibone, the tried and trusted leaders of the Western

Federation of Miners, were kidnapped by a conspiracy of the mine owners in collusion with the governors of two states, the state of Idaho and the state of Colorado.

In the dead of night these three workmen were seized and thrown in jail. A little later they were placed aboard a special train and rushed away from their homes — across the country a thousand miles without being given a chance to communicate with their families, to consult counsel, to be heard in their own defense. And when they were finally delivered in the penitentiary the statement was made in the spirit of exultation that they never should leave that state alive. President Roosevelt complacently declared that they were “undesirable citizens” [*laughter*], to make certain that they should not escape the gallows.

A little later, in the election that followed, William Howard Taft — now president of the United States, at that time a member of the president’s cabinet — went to Idaho and in a series of speeches there appealed to the people to reelect and vindicate Governor Frank Gooding, one of the two governors in collusion with the mine owners to murder the leaders of the Western Federation or make certain they should not escape the gallows. The capitalist press promptly denounced these three labor leaders as criminals. The truth was they had been absolutely true to the working class, and for this they must be murdered, and to this end a kidnapping conspiracy was concocted. It would have been carried out but for the fact that the working class were to a large extent organized. They had a press of their own, they had some means of reaching and arousing the people.

Warren Exposes WFM Conspiracy

It was at this time that Fred D. Warren, managing editor of the *Appeal*, turned the flashlight of his paper upon the hideous conspiracy [*applause*], exposed it, aroused the people to its true significance — and from that hour he was a marked man. The statement was made that he would dearly pay for it. At once an inspector was transferred into the district in which the *Appeal to Reason* is published, for the purpose of finding some pretext upon which to base an indictment of Fred D. Warren, that he might be imprisoned and the paper suppressed.

You remember that it was about this time or a little later that the state of Kentucky offered a reward of \$100,000 for the apprehension and return of the murderer of Governor-elect Goebel. The leaders of the Western

Federation had appealed to the supreme court of the country for the protection of these citizens; they sought by this end to assert their constitutional rights, but the supreme court turned a deaf ear to their plea, virtually sanctioning the crime of kidnapping. Had Moyer, Haywood, and Pettibone been three capitalists instead of three working men the Supreme Court of the United States would have promptly come to the rescue — would have sought out and summarily punished the criminal.

It occurred to Fred D. Warren to test the consistency of this high tribunal, and so he published a reward, offering a thousand dollars for the apprehension and return of ex-Governor [William S.] Taylor, who was under indictment for murder and who was a fugitive from Kentucky. Before mailing this offer he presented it to the postmaster at Girard and asked him if there was anything that made it unmailable. The postmaster promptly answered that there was not; that such postal cards were daily mailed and that he could deposit it in the mails with perfect safety. He did so. It was this that furnished the pretext upon which an indictment was based, and in due course of time he was arrested and tried, and after repeated postponements he was finally found guilty by a packed jury. Three of the jurymen, as was proved, had declared in advance of the trial that Warren ought to be run out of the country, and that the *Appeal* ought to be suppressed. It so happened that all twelve of the jurymen were good Republicans, not a single exception among them. [*Laughter.*]

Condemned Before Trial

Because of this Warren was fore-condemned to conviction. The trial was a farce. When the time came Judge Pollock, who was placed upon the bench through the influence of railroad corporations, pronounced sentence. The case was appealed. It is now up for hearing before the circuit court of appeals. What the decision will be it is not difficult to imagine. [*Laughter.*] We are quite sure that the circuit court will affirm the decision of the lower court, and that Fred D. Warren will go to jail, but if he goes there it will not be with his head bowed in shame and humiliation — he will go there with the accusation of no wrong festering in his conscience, but with his head erect, his soul unfettered. And I would a thousand times rather be Fred Warren in jail than to be the infamous and corrupt judge who sent him there. [*Continued applause.*]

Here let me say that Fred D. Warren will live in history, and his memory will be honored long after Judge Pollock has been dumped into the alley of oblivion. [*Laughter and applause.*]

Warren himself understands that his trial and his conviction is but an incident in this great struggle. He himself in the closing words of his masterly address before the judge when he was asked if there was any reason why sentence should not be pronounced upon him, said:

This case is but an incident in the mighty struggle of the working class for emancipation. Slowly, painfully, proceeds the struggle of man against the power of Mammon. The past is written in blood and tears, the future is dim and unknown, but the outcome of this worldwide struggle is not in doubt. Freedom will conquer slavery; truth will prevail over everything; the light will vanquish the darkness and humanity, disenthralled, will rise resplendent in a glory of universal brotherhood. [*Applause.*]

Refers to the Pullman Strike

In discussing this Warren trial, I am inclined, with your indulgence, to recall a similar trial that occurred here in Chicago about fifteen years ago. [*Applause.*] I had a personal interest in that trial. [*Applause.*] That trial grew out of what is known as the Pullman strike — a strike that was completely victorious. [*Cries of “hear, hear.” Applause.*] Some of the old warriors are here tonight [*Cries of “You bet!” Laughter and applause.*] And they know that the railroad corporations were defeated at every point. But the victory must be wrested from the working class, and one day, 4200 thugs and ex-convicts were sworn in by the railroad corporations, and if you would know the character of these man you have but to read the official report made at the time by Mr. Brennan, the chief of police, to the city council. He said: “They are thieves and thugs and ex-convicts, the very worst that were ever turned loose upon any community.” [*Laughter.*]

That night some cars began to burn and trouble broke out generally, and the next day a number of those thugs called at the office of the American Railway Union, took possession of the books, papers, and unanswered letters — took complete charge of it, because it had been declared that we were engaged in a conspiracy to uproot and overthrow this peaceable community. The corporations have tremendous power. All of the organized forces of society, all of the powers of government, are at their disposal. They had to have a series of injunctions as preliminary measures; to secure

these there had to be trouble. To instigate this trouble the 4200 thugs and thieves and ex-convicts had to be sworn in and the trouble began, and at once the report flashed over all the wires that Chicago was in the grasp of a bloodthirsty mob. [*Laughter and applause.*] The papers did their full share to create this impression in the minds of the American people. It was then that the injunctions were issued restraining us from doing what we had no intention of doing — promptly, sir, followed by my arrest. At once a grand jury of those who were known to hate labor unions was impaneled, and we were indicted; and then came the trial and the conviction. I have a very vivid recollection of it. [*Laughter and applause.*]

I remember that while I was serving a sentence of six months at Woodstock I was brought to the city of Chicago daily in charge of two officers of the law, because I was regarded as a very dangerous character, and returned there in the evening, and the people of Woodstock even protested against having such a disreputable character in their jail. [*Laughter and applause.*]

One of the judges who tried me was Peter S. Grosscup. [*Hisses.*] If justice were done him, instead of wearing the judicial ermine, he himself would be in stripes. [*Long continued applause.*] And yet he has all the qualifications essential to a federal judgeship. As a tried and trusted friend of the corporations he is eminently qualified to kiss the Bible and swear to serve the people. The trial began, and we would have been convicted had it not been for an incident that proved to be of great significance. We discovered that the general managers had held a secret meeting with the managers of the Pullman corporation; that they had jointly conspired to crush the employees in the Pullman service and to destroy the American Railway Union.

Now the crime we were really guilty of was sympathizing with the wage slaves at Pullman. At that time women were sewing carpets all day long for 42 cents a day. After the rents and other little expenses were deducted, not a penny remained. Hundreds of them were in a state of destitution. Their condition was such that it defies the power of language to describe. It was for sympathizing with these unfortunates that we were indicted and placed upon trial, precisely as was the crime of Fred Warren for having sympathized with the men who were kidnapped, and who were about to be executed because of their loyalty and devotion to the working class.

Pullman Conspiracy Exposed

During the course of the trial, when the discovery was made that this joint meeting had taken place, we called for the official proceedings of this meeting. It developed that each manager and member of the association had a single copy in his strong box. This demand could not be refused by the court, because a similar demand had been made upon the American Railway Union, and we had been compelled to introduce in court all of the proceedings of our meetings.

That noon court adjourned. Judge Grosscup was very sorely troubled. After the lunch hour had passed and court was reconvened, the judge gravely announced that a juryman had been suddenly taken ill; that the trial could not continue. [*Laughter.*] I have never learned the price of the illness. [*Laughter and applause.*] And so the case was postponed from day to day and from week to week until the interest in the case gradually died out, and at last, after months had passed, a very small, obscure press dispatch announced that the case had been stricken from the docket.

Had the trial proceeded to its close, a verdict of not guilty would have been rendered, and we would have been vindicated, and this would not do, since we were already serving time in jail on a charge involving practically the same offense.

A Worker Has No Chance

A workingman has no fair chance before a federal court. All of the 131 members of the federal court are appointed through the influence and power of corporate wealth. All nine members of the United States Supreme Court are all corporation attorneys — every one of them, there isn't an exception to the rule. They are not elected by the people. They are not responsible to the people. They are not in touch with the people. All of their official lives they have served the trusts and the corporations, and when there is an issue that arises between the corporations and the people they universally decide in the interests of the corporation. The Supreme Court has virtually sanctioned the kidnapping of working men. It has outlawed the boycott, and practically the strike, so that it has stripped organized labor of practically all of its power and left it helpless at the feet of corporate power.

The workingmen are just beginning to understand the issue that is involved in this great struggle. Many of them are beginning to ask why it is that they must press their rags still closer lest they jostle against the silken garments that their finders have finished.

Why is it that they must offend their hunger by the odor of banquets they have spread but may not touch? Why is it that they must walk, weary and shelterless in the shadow of palaces they have erected but may not enter? They are beginning to think; they will soon begin to act. They will not much longer beg for their rights, but they will take them. [*Applause.*]

They are developing their power upon the economic field and upon the political field, and in spite of all the forces that are in operation against them they are steadily increasing their power, and in due course of time they will achieve the victory. For the first time in history a universal movement has been organized. It is spreading over the face of the world. It is a movement primarily of the working class, and the working class has had to struggle through all the various phases of its development. From slaves they became serfs; from serfs they became wage workers — to become free men in socialism, the next inevitable phase in our advancing civilization. [*Applause.*]

Here in Chicago we have a fully developed capitalist metropolis. Upon one hand the fortunes mount skyward and upon the other there is unspeakable misery and want and woe. Is it possible for any human being with a good heart in his breast to be satisfied with conditions as they are? Go up any of these crowded thoroughfares and no matter how violently you may be opposed to socialism, you will see multiplied thousands in whose pink faces there is traced an indictment of capitalism and our much vaunted christian civilization.

The Flower Dies

Man to a very large extent is a product of his environment. Under the influence of sunshine the flower bursts into bloom, in all its beauty. It does so only because soil and climate is adapted to its growth. Transfer this flower from the sunlight to a cellar filled with noxious gasses and it withers and it dies. The same law applies to physical human beings. All life has a physical basis. The industrial soil and the social climate must be adapted to the development of men and women, and then we will cease producing the many thousands whose very appearance is a rebuke to this system.

No, it is not possible for anyone whose heart throbs with sympathy for his fellow men to be satisfied with conditions as they are. The workers are united for the purpose of overthrowing this system, and taking possession of the tools of industry and to have industry for the purpose of producing wealth that all may have who are willing to do their share of useful social work. In this system the wealth of the country is gradually gravitating into the hands of a few. A billionaire has been produced, and from my point of view he serves us as a warning, not as an example. *[Laughter.]* It is said that a man is poor who has no money, but is much poorer if he has only money. *[Laughter.]* From my point of view John D. Rockefeller, the chief product of capitalism, is an abject pauper. He has a billion dollars and not a single friend. *[Laughter and applause.]* If there is a human being who loves him for his own sake, I have not heard of him.

Vote Together

And now just a word to the working class. I appeal to you in closing to unite — unite your forces upon the economic field. Disregard the advice of those leaders who may be keeping you separated; unite upon the principles of industrial unionism. *[Applause.]* You are in control of industry now, if you just knew it, and you can build up the socialist commonwealth within capitalism itself. Join the same organization, acting together all along the line.

You have had to learn to do a great many things together in this system; to work together, to be locked out together, to look for work together, to be enjoined together. *[Laughter.]* And to go to jail together. *[Laughter and applause.]*

You still have to learn to do a very important thing together, and that is to vote together on election day. And in due course of time the change will come, for the triumph is certain.

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¹ This speech, the first of a six-week tour sponsored by the *Appeal to Reason*, was delivered before a crowd of about 4,000.