

Jury of His Peers

Twelve Hundred Union Men in the County and Only One Union Man on Jury

Special to the News—

Boise, May 26.

Court in the Haywood case is still occupied with the monotonous and trying task of getting a jury. But two peremptories are left to each side at present writing.

The long tedious contest over the men who are to pass upon the question as to whether William D. Haywood shall live has not been without its results. With an uncompleted jury as yet, the defense lawyers have been heard to say that they would be willing to go to trial with the jury as it stands.

The wisdom of the established order is always shortsighted compared with the seers of the new dawn upon the horizon and the lack of comprehension of the forces that are actually moving society puts the defenders of the old injustice at a disadvantage when they give any sort of an opportunity to those that represent the vital tendencies of the present.

Those who represent the mine owners, the Standard Oil interests, capital and established systems of government in this great legal struggle between the economic forces of society feel, as all failing systems have felt historically, that they must make a great and strenuous play for "law and order." They see no humor in the situation. "Law and order" are the universe to them. They do not see, as the working class do instinctively, that the law and order of which the upper class prate the law and order solely of, for and by this class. So they have been loud in their protestations for a "fair trial."

As a result there is no doubt that the attorneys for the prosecution have made every effort to bring the jurors under the statutory requirements. The majority of those called have evidently answered the questions honestly as to their state of mind. And these answers have shown such a prejudiced state of mind, evidently against the prisoner, that it has compelled the prosecution to see large venires exhausted practically without making any headway. This has been rather galling to those who have been asserting right along the community was prejudiced, and there would be no difficulty whatever in getting a "fair trial." This prejudice against the prisoner is also tending to have its influence in his favor. And the sentiment in the court room now seems largely to favor the defense.

The defense has in its attorneys most able, keen and resourceful lawyers. They let no man escape if there is a suspicion that he is harboring a state of mind prejudiced to the interests of their clients, and so relentless have been the batteries that they have turned upon the prospective jurors, that most of them have preferred not to try to stand the fire, but have promptly admitted that their minds were made up.

Those that have passed the ordeal are probably as fair as could be expected where the accused man is not allowed to be tried by his own class, by laboring men, and union men.

A peculiar circumstance came up on Saturday by which the prosecution unconsciously, or with a mistaken idea of the value of what they disclosed, showed its hand and the line of attack which the state will follow.

Tourtlotte, an architect, who has the contract on the new capitol, stated in his examination that he did not believe in capital punishment, or in taking human life except under two conditions; one of those was war, and the other that of an insurrection to overthrow society, as for instance, the attack of anarchists. He said any man had the right to take the life of another to protect himself, as in self-defense, and society had the same right to protect itself, and to kill others in self-defense. When asked if he felt the same toward socialists as toward anarchists he said he did not know enough about socialism to judge.

Clarence Darrow asked him if he referred to the Western Federation of Miners when he spoke of an organization banded together to overthrow existing society.

The question seemed to surprise and non-plus the juror. He sat pondering for several seconds and finally said he had never thought about the matter in that light, but could see how possibly his social idea might apply here.

To the astonishment of everyone Borah accepted the juror. The defense promptly accepted him. After lunch Mr. Tourtlotte rose and addressed the court and said he could not conscientiously take the oath of a juror because even though convicted of the death of a man he could not vote for conviction where there was a death penalty, except in the two instances he had already succeeded.

The judge asked him a few questions and then asked Senator Borah under what conditions he accepted the juror as opposed to the statute. Borah then explained that the state expected to prove that the Western Federation of Miners is an organization whose aim is to overthrow the existing form of government by violent means.

The defense signified their willingness to accept these conditions, and the juror was retained.

There is a remarkable significance in the relation this juror holds to the case. There is no hope of getting his consent to conviction on the ground of an individual tried for an ordinary murder case. The state must make good its case of a conspiracy against government on the part of a large organization in order to succeed in getting a verdict against Haywood.

The socialist almost snuffed at the task which these capitalist capitalists, holding ordinary unscientific, capitalist opinions in regard to the social process and social changes, have taken upon themselves.

To prove a union an insurrectionary organization! Yes, but this is a socialist union—that is it has endorsed socialism as a working class program.

Well, then, the task is to prove socialism insurrectionary and an unlawful political belief.

This can only be done by proving a large number of deeds of violence, with organization and authority behind them, and this is a very different issue from simply proving Haywood the murderer of Governor Steunenberg.

The defense accepted the challenge. We shall now see how much the prosecution knows about economic organizations.

They wish to prove that the Western Federation is an outlaw band of organized murderers, as the mine owners succeeded in making the public think about the Mollie Maguire.

If this can be done in this day and age, labor has yet much ahead of it to strengthen itself as an economic force labor has yet much ahead of it to strengthen itself as an economic factor. More clearly than ever will it be proved to the world that labor must become a power politically to protect its own interests.

Darrow is making his points in court by his superior understanding of human nature. Hawley has objected over and over again to his methods—to his low and easy voice, his indolent way of hanging over a chair; Hawley has even appealed to the judge to make Darrow change his ways. But the judge very wisely recognizes that this is not his province; and Darrow goes right along in the same old easy way, and the jurymen smile into his eyes when he talks to them and get down nearer to the heart of things, and away from the cold tigerish attacks of the prosecution.

Great prejudice is shown to exist against voting the death penalty on circumstantial evidence, and the care with which the prosecutor examines on this point goes to show that it is generally understood that the evidence relied upon to convict Haywood is purely circumstantial.

Boise, Idaho, May 27.

Court adjourned to-day after exhausting the second special panel; 180 men examined in all. The prosecution still has one more peremptory and the defense two. There is one accepted juror who claims he cannot take the oath and one man whose health is so uncertain as to possibly call for a

dismissal. Five jurors only were qualified out of the last panel of 60. A new panel of 62 was ordered to be returned on Friday.

Mr. Richardson addressed the court on the subject of the new venire. He said there were 5,000 men in Ada county eligible for jury duty; that 3,000 of these were working men; that 1,200 union men were in line in one parade, and yet that out of all the jurymen called only one was a union man and he was an employing printer, and only two working for days pay. There were 60 bankers in the county and out of these nine had been presented for jury duty. The defense asked for a jury called from the body of the people, not composed of bankers and merchants. The law states a man is en-

titled to be tried by a jury of his peers. The defense does not ask to be tried by any one class but by the body of the people and that the laboring class be presented as a part of that body. It asks that the sheriff should not discriminate against any class.

The judge said he had all confidence in the sheriff and would give him no instructions as to how he should draw the jury.

Boise, May 23.

Monday and Tuesday Judge Wood's court was engaged in its attempt to get a jury for the Haywood trial. The matter drags on wearisomely. The venire is composed almost entirely of republicans and farmers. These things do not just happen. The sheriff and

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An Irish Manifesto

Irish Socialist Federation Reply to Insult of Dr. Brann—Old Fenian Spirit to the Front

At a recent meeting of the Irish Socialist Federation of New York (a body composed exclusively of Socialists of Irish birth and parentage) the late uncalled for attack by Dr. Brann upon the demonstration in favor of a fair trial for the imprisoned leaders of the Western Federation of Miners was taken up for discussion. As this statement of this reverend gentleman that there were but few Irishmen in the parade was regarded by the members present as a reflection upon the public spirit of our countrymen, placing them before the American public as being indifferent or hostile to a demand for justice, the following statement was prepared for publication, in criticism of his position and in vindication of the character of those Irish who marched in the "horde", as Dr. Brann elegantly terms the flower of the organized workers of New York.

"We, members of the Irish Socialist Federation, speaking on behalf of those working class Irish who in every movement for freedom have ever taken a foremost place, who have ever been as pioneers ready to point the way in every movement for progress, or as fighters to lay down their lives for its realization, desire to remind the Rev. Dr. Brann that we as Irish have a history behind us—a history that speaks eloquently against the interposition of clergymen in temporal affairs, a history that warns us of the folly of expecting from clergymen, either wisdom, political prudence, or controversial decency, once they step into the political arena. How often in Ireland have we seen these same individuals when criticised by some opponent, denounce such criticism as an attack upon the church? Are we to hear gentlemen like the Rev. Dr. Brann hurl insult and abuse at a gathering of 60,000 working men and women, and stand ready to brand as enemies of the church any of the people so attacked who dare to say a word in their own defense? How long are we to have the spectacle of a priest of a church which proudly claims to be Catholic or Universal set himself to sneer at men or women because of their alleged foreign birth and to echo every appeal to the basest passion of the lowest element known to man? As Irish men and women we repudiate with scorn his attempt to represent our race as hostile to the labor movement, or as quiescent in face of social injustice. We affirm our solemn conviction that the language of Dr. Brann is a greater danger to his church than a thousand Moyer-Haywood demonstrations are to free institutions in America. Does the Reverend gentleman believe that theological studies equip clergymen for grappling sympathetically with great political or social problems? Will he permit us to cite for him a few instances culled from Irish history, which, in thunder tones proclaim the contrary.

In 1898 all Ireland and all Irish men and women the world over proudly and solemnly honored the memory of the United Irish rebels of 1798, but in their own day these rebels were denounced in the most solemn manner by the whole Catholic hierarchy in Ireland.

In 1848 when scores of thousands of the Irish race were perishing of famine in a food-exporting country, the Young Irish Party raised the holy standard of insurrection as the only hope of a perishing people, but they also were denounced from the altar as enemies of religion, and their leaders stoned by mobs of ignorant fanatics led on by priests. Today the memory of their movement is among the most sacred treasures of our race.

Today we honor and revere the memory of the Fenians of 1867, and every year tens of thousands of the brightest men and purest women in Ireland decorate the graves of those who have passed away, yet the Fenians were denied the rights of the church, and one member of the Irish Catholic episcopate, the Bishop of Limerick, publicly declared that "Hell was not hot enough, nor eternity long enough for a Fenian."

But why plie up more examples. Had Dr. Brann had the slightest knowledge of Irish history he would have realized that the Irish are the last to be deterred by priestly thunders from pursuing any path they believe to lead to justice. Long familiarity with such thunders has destroyed their terrors among the thoughtful men and women of our race.

But history is not the reverend gentleman's strong point, as witness his joyless contrast of the "Star-Spangled Banner" with the "Marseillaise," a hymn, he says, "identified with bloodshed, strife and carnage." Well, does he believe that the "Star-Spangled Banner" was identified in its birth with love and Christian brotherhood among the nations? Does he forget that the "Star-Spangled Banner" was born out of the attempt of England to re-impose by force its domination upon the unwilling people of this country, as the "Marseillaise" was born out of the attempt of England and the other monarchies of Europe to re-impose by force and slaughter, a merciless tyranny upon the people of France?

Let all the Dr. Branns take notice that the working class is on its march that its march is not the carefully organized bluster of a few politicians and their hirelings, but the spontaneous manifestations of a class, conscious that it holds the future of society in its hands, and resolved to tolerate no further outrages from the beneficiaries of a system they know to be hurrying headlong to its downfall. In that onward march of the working class, the sons and daughters of the Emerald Isle are taking and will take the part worthy of the traditions of a race that never faltered in the face of danger, that for over 700 years has never surrendered in its struggle against injustice.

Its fellow countrymen: In our own land we have long seen the packed juries give our best and bravest to the hangman's rope, shall we stand idly by while the same atrocious crimes of power are consummated here?

Elizabeth G. Flynn,
Thos. O'Shaughnessy,
John Mulry,
Pat. L. Quinlan,
James Connolly,
Committee Irish Socialist Federation,
John Lyng, Sec.

Capitalist Institution

Judge Shows Favor to Prosecution—All Decisions Against Haywood—Bias Shown by State

This trial looks to those who have the historic meaning and interpretation thereof as though the state were clamoring for the blood of those that defy its institutions. These institutions are established by those in power over those who are not. The working class is slowly and clumsily shouldering up from under its disadvantages.

The whole machinery of the court, judge and all must belong to the oppressors until the working class has thrown off the last swathings of its bondage.

Court now convenes at 9:30 in the morning, takes a recess from 12 to 2 P. M. and closes at four.

The lawyers feel the exhaustion of the long sittings. They are working hard. A two and a half hour shift is about all those employed about a court can stand. Yet men who work in the burning heat of smelter furnaces, in exhausting factories, if they make any strenuous effort to shorten their hours find the guns and the powers of government aimed at their defenseless heads.

Of the 88 men examined when the court took an adjournment on Tuesday till Thursday afternoon 24 were passed by both sides for cause and 64 were excused on challenges from one side or the other. All but eight of the challenges were based on the grounds of actual or implied bias; and the majority of the eight cases were on the grounds of conscientious scruples against capital punishment.

At the beginning of the proceedings Tuesday Attorney Hawley for the state presented a list of names of additional witnesses to be filed with the clerk for endorsement on the indictments against Moyer, Haywood, Pettibone and Simpkins. There were six names on the list and Attorney Richardson entered an objection to more names being added at this late day. Hawley said that the statute gave him the privilege of so doing and that besides such an agreement had been made to his knowledge.

Judge Wood said that he would allow the names to be filed in accordance with the state statute, and Attorney Richardson preserved an exception to the ruling. The names were A. D. Campbell, William Schunberger, William O'Neill, Stanley P. Fairwether, C. Sinclair and S. W. Wetmore.

At 2 o'clock Thursday afternoon the venire was returned. 22 asked to be excused for statutory causes. The judge was more severe in his refusals than before.

Hawley began his questioning in a new way. It was plain to be seen that the opinion of the prosecution was that they were safe enough anyway. So many jurymen had been thrown out because of settled opinions that the situation is beginning to have the aspect of the community being so prejudiced that a fair jury cannot be obtained. The prejudice is evidently almost unanimously against the defense, and Hawley seemed determined to push the jurors to say that they could waive their opinions in the jury box. Darrow objected to Hawley's method of asking questions. The judge over-ruled the objection as usual and Darrow took an exception.

Hawley tried to bully the juror into saying he was disinterested when it was palpable to all that the man was deeply prejudiced. Darrow said Hawley was trying to terrorize the jurors.

Hawley rose to reply but the judge would not permit him, and said he was sustained. Hawley was wrathful, however, because he could not get back at Darrow; and took an exception.

E. F. Rue when examined showed so fixed an opinion that Borah said it would take a surgical operation to remove it.

Harry Curtis confessed to being a subscriber to the "Appeal" and was asked if he knew a certain Eugene V. Debs, and if he believed in socialism.

The court was then treated to a rambling discourse on the subject

winding up with the conclusion that the juror thought it was impracticable.

The "Statesman" prints a statement of Attorney Hawley in which he says it will not take over three days for the state to present its evidence on the commission of the crime and the method by which it was committed. Most of the witnesses to be used for this will be from Canyon county, principally from Caldwell, and some of them are now in the city.

This would indicate that the program of the prosecution would be to show that crime was actually committed, and by what method; then to introduce Orchard to explain what connection defendant had with the crime; then to introduce testimony to corroborate Orchard's confession.

The capitalist press is much concerned about Debs attending the trial as the representative of the "Appeal to Reason."

A printed interview from Fred Miller, the Spokane attorney for the defense, reports him as saying that it was the hope of the attorneys for the defense that Debs would not come. He said the trial was one in which the officers of the Western Federation of Miners were accused of a murder, and the socialists had no reason for taking up the matter as an issue. Here are his words:

"This case has no connection with the socialist in any respect, and the socialists who have insisted on making it an issue have done much more harm for the defense than good. We have in a great measure headed off many of the socialist publications from circulation in this part of the country, and we have endeavored to silence their utterings but not entirely with success. If Debs should come here it is almost certain it would be impossible to hold him down. We hope he won't come. He can do the defense no good and might do a great deal of harm at this time."

And this from a man who is getting \$10,000 that the socialists have raised and caused to be raised from an aroused working class throughout the country. It is reported that Fred Miller never intends to take another case; that he will make enough out of this to go into mining with D. C. Coates.

To tell the truth the above quotation about expresses the estimation the socialists are held in connection with the case. In spite of the fact that the socialist movement of the country has made this a national and international issue in the class struggle that its press has aroused the working class from shore to shore as it never has been aroused before that it is the socialists in the unions that have pushed forward the defense fund with such unflinching zeal that it is the socialists alone that have been able to point out the mighty issues at stake and lift this trial completely out of the category of a mere brutal murder, that they are the ones that have opened to the public gaze the devilish workings of the whole diabolical machinery by which employers hound, and track and cripple labor, using governments only as committees of the ruling class, and the whole honeycombed social tissue of spies and detectives as aids; in spite of all this the facts are that the socialists are regarded as interlopers here, and an embarrassing factor in the situation.

These people are so ignorant of the real meaning of labor troubles that they haven't the slightest conception of a philosophy in history, or science as applied to social development. Because they are mentally indolent themselves they look upon us as vagabonds and dreamers. Even Murphy, the oldest attorney for the Federation, who is so sick with consumption that he can do nothing but watch the trial, had an argument with me yesterday that there can be no such thing as science as applied to politics. He was in sublime and blissful ignorance and that every univers-

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As a result there is no doubt that the attorneys for the prosecution have made every effort to bring the jurors under the statutory requirements. The majority of those called have evidently answered the questions honestly as to their state of mind. And these answers have shown such a prejudiced state of mind, evidently against the prisoner, that it has compelled the prosecution to see large venires exhausted practically without making any headway. This has been rather galling to those who have been asserting right along the community was prejudiced, and there would be no difficulty whatever in getting a "fair trial." This prejudice against the prisoner is also tending to have its influence in his favor. And the sentiment in the court room now seems largely to favor the defense.

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Capitalist Institution

Judge Shows Favor to Prosecution—All Decisions Against Haywood—Bias Shown by State

This trial looks to those who have the historic meaning and interpretation thereof as though the state were clamoring for the blood of those that defy its institutions. These institutions are established by those in power over those who are not. The working class is slowly and clumsily shouldering up from under its disadvantages.

The whole machinery of the court, judge and all must belong to the oppressors until the working class has thrown off the last swathings of its bondage.

Court now convenes at 9:30 in the morning, takes a recess from 12 to 2 P. M. and closes at four.

The lawyers feel the exhaustion of the long sittings. They are working hard. A two and a half hour shift is about all those employed about a court can stand. Yet men who work in the burning heat of smelter furnaces, in exhausting factories, if they make any strenuous effort to shorten their hours find the guns and the powers of government aimed at their defenseless heads.

Of the 88 men examined when the court took an adjournment on Tuesday till Thursday afternoon 24 were passed by both sides for cause and 64 were excused on challenges from one side or the other. All but eight of the challenges were based on the grounds of actual or implied bias; and the majority of the eight cases were on the grounds of conscientious scruples against capital punishment.

At the beginning of the proceedings Tuesday Attorney Hawley for the state presented a list of names of additional witnesses to be filed with the clerk for endorsement on the indictments against Moyer, Haywood, Pettibone and Simpkins. There were six names on the list and Attorney Richardson entered an objection to more names being added at this late day. Hawley said that the statute gave him the privilege of so doing and that besides such an agreement had been made to his knowledge.

Judge Wood said that he would allow the names to be filed in accordance with the state statute, and Attorney Richardson preserved an exception to the ruling. The names were A. D. Campbell, William Schunberger, William O'Neill, Stanley P. Fairwether, C. Sinclair and S. W. Wetmore.

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winding up with the conclusion that the juror thought it was impracticable. The "Statesman" prints a statement of Attorney Hawley in which he says it will not take over three days for the state to present its evidence on the commission of the crime and the method by which it was committed. Most of the witnesses to be used for this will be from Canyon county, principally from Caldwell, and some of them are now in the city.

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A printed interview from Fred Miller, the Spokane attorney for the defense, reports him as saying that it was the hope of the attorneys for the defense that Debs would not come. He said the trial was one in which the officers of the Western Federation of Miners were accused of a murder, and the socialists had no reason for taking up the matter as an issue. Here are his words:

"This case has no connection with the socialist in any respect, and the socialists who have insisted on making it an issue have done much more harm for the defense than good. We have in a great measure headed off many of the socialist publications from circulation in this part of the country, and we have endeavored to silence their utterings but not entirely with success. If Debs should come here it is almost certain it would be impossible to hold him down. We hope he won't come. He can do the defense no good and might do a great deal of harm at this time."

And this from a man who is getting \$10,000 that the socialists have raised and caused to be raised from an aroused working class throughout the country. It is reported that Fred Miller never intends to take another case; that he will make enough out of this to go into mining with D. C. Coates.

To tell the truth the above quotation about expresses the estimation the socialists are held in connection with the case. In spite of the fact that the socialist movement of the country has made this a national and international issue in the class struggle that its press has aroused the working class from shore to shore as it never has been aroused before that it is the socialists in the unions that have pushed forward the defense fund with such unflinching zeal that it is the socialists alone that have been able to point out the mighty issues at stake and lift this trial completely out of the category of a mere brutal murder, that they are the ones that have opened to the public gaze the devilish workings of the whole diabolical machinery by which employers hound, and track and cripple labor, using governments only as committees of the ruling class, and the whole honeycombed social tissue of spies and detectives as aids; in spite of all this the facts are that the socialists are regarded as interlopers here, and an embarrassing factor in the situation.

These people are so ignorant of the real meaning of labor troubles that they haven't the slightest conception of a philosophy in history, or science as applied to social development. Because they are mentally indolent themselves they look upon us as vagabonds and dreamers. Even Murphy, the oldest attorney for the Federation, who is so sick with consumption that he can do nothing but watch the trial, had an argument with me yesterday that there can be no such thing as science as applied to politics. He was in sublime and blissful ignorance and that every univers-

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Jury of His Peers

Twelve Hundred Union Men in the County and Only One Union Man on Jury

Special to the News—

Boise, May 26.

Court in the Haywood case is still occupied with the monotonous and trying task of getting a jury. But two peremptories are left to each side at present writing.

The long tedious contest over the men who are to pass upon the question as to whether William D. Haywood shall live has not been without its results. With an uncompleted jury as yet, the defense lawyers have been heard to say that they would be willing to go to trial with the jury as it stands.

The wisdom of the established order is always shortsighted compared with the seers of the new dawn upon the horizon and the lack of comprehension of the forces that are actually moving society puts the defenders of the old injustice at a disadvantage when they give any sort of an opportunity to those that represent the vital tendencies of the present.

Those who represent the mine owners, the Standard Oil interests, capital and established systems of government in this great legal struggle between the economic forces of society feel, as all failing systems have felt historically, that they must make a great and strenuous play for "law and order." They see no humor in the situation. "Law and order" are the universe to them. They do not see, as the working class do instinctively, that the law and order of which the upper class prate the law and order solely of, for and by this class. So they have been loud in their protestations for a "fair trial."

As a result there is no doubt that the attorneys for the prosecution have made every effort to bring the jurors under the statutory requirements. The majority of those called have evidently answered the questions honestly as to their state of mind. And these answers have shown such a prejudiced state of mind, evidently against the prisoner, that it has compelled the prosecution to see large venires exhausted practically without making any headway. This has been rather galling to those who have been asserting right along the community was prejudiced, and there would be no difficulty whatever in getting a "fair trial." This prejudice against the prisoner is also tending to have its influence in his favor. And the sentiment in the court room now seems largely to favor the defense.

The defense has in its attorneys most able, keen and resourceful lawyers. They let no man escape if there is a suspicion that he is harboring a state of mind prejudiced to the interests of their clients, and so relentless have been the batteries that they have turned upon the prospective jurors, that most of them have preferred not to try to stand the fire, but have promptly admitted that their minds were made up.

Those that have passed the ordeal are probably as fair as could be expected where the accused man is not allowed to be tried by his own class, by laboring men, and union men.

A peculiar circumstance came up on Saturday by which the prosecution unconsciously, or with a mistaken idea of the value of what they disclosed, showed its hand and the line of attack which the state will follow.

Tourtlotte, an architect, who has the contract on the new capitol, stated in his examination that he did not believe in capital punishment, or in taking human life except under two conditions; one of those was war, and the other that of an insurrection to overthrow society, as for instance, the attack of anarchists. He said any man had the right to take the life of another to protect himself, as in self-defense, and society had the same right to protect itself, and to kill others in self-defense. When asked if he felt the same toward socialists as toward anarchists he said he did not know enough about socialism to judge.

Clarence Darrow asked him if he referred to the Western Federation of Miners when he spoke of an organization banded together to overthrow existing society.

The question seemed to surprise and non-plus the juror. He sat pondering for several seconds and finally said he had never thought about the matter in that light, but could see how possibly his social idea might apply here.

To the astonishment of everyone Borah accepted the juror. The defense promptly accepted him. After lunch Mr. Tourtlotte rose and addressed the court and said he could not conscientiously take the oath of a juror because even though convicted of the death of a man he could not vote for conviction where there was a death penalty, except in the two instances he had already succeeded.

The judge asked him a few questions and then asked Senator Borah under what conditions he accepted the juror as opposed to the statute. Borah then explained that the state expected to prove that the Western Federation of Miners is an organization whose aim is to overthrow the existing form of government by violent means.

The defense signified their willingness to accept these conditions, and the juror was retained.

There is a remarkable significance in the relation this juror holds to the case. There is no hope of getting his consent to conviction on the ground of an individual tried for an ordinary murder case. The state must make good its case of a conspiracy against government on the part of a large organization in order to succeed in getting a verdict against Haywood.

The socialist almost snarl at the task which these capitalist lawyers, holding ordinary unscientific, capitalist opinions in regard to the social process and social changes, have taken upon themselves.

To prove a union an insurrectionary organization! Yes, but this is a socialist union—that is it has endorsed socialism as a working class program.

Well, then, the task is to prove socialism insurrectionary and an unlawful political belief.

This can only be done by proving a large number of deeds of violence, with organization and authority behind them, and this is a very different issue from simply proving Haywood the murderer of Governor Steunenberg.

The defense accepted the challenge. We shall now see how much the prosecution knows about economic organizations.

They wish to prove that the Western Federation is an outlaw band of organized murderers, as the mine owners succeeded in making the public think about the Mollie Maguire.

If this can be done in this day and age, labor has yet much ahead of it to strengthen itself as an economic force labor has yet much ahead of it to strengthen itself as an economic factor. More clearly than ever will it be proved to the world that labor must become a power politically to protect its own interests.

Darrow is making his points in court by his superior understanding of human nature. Hawley has objected over and over again to his methods—to his low and easy voice, his indolent way of hanging over a chair; Hawley has even appealed to the judge to make Darrow change his ways. But the judge very wisely recognizes that this is not his province; and Darrow goes right along in the same old easy way, and the jurymen smile into his eyes when he talks to them and get down nearer to the heart of things, and away from the cold tigerish attacks of the prosecution.

Great prejudice is shown to exist against voting the death penalty on circumstantial evidence, and the care with which the prosecutor examines on this point goes to show that it is generally understood that the evidence relied upon to convict Haywood is purely circumstantial.

Boise, Idaho, May 27.

Court adjourned to-day after exhausting the second special panel; 180 men examined in all. The prosecution still has one more peremptory and the defense two. There is one accepted juror who claims he cannot take the oath and one man whose health is so uncertain as to possibly call for a

dismissal. Five jurors only were qualified out of the last panel of 60. A new panel of 62 was ordered to be returned on Friday.

Mr. Richardson addressed the court on the subject of the new venire. He said there were 5,000 men in Ada county eligible for jury duty; that 3,000 of these were working men; that 1,200 union men were in line in one parade, and yet that out of all the jurymen called only one was a union man and he was an employing printer, and only two working for days pay. There were 60 bankers in the county and out of these nine had been presented for jury duty. The defense asked for a jury called from the body of the people, not composed of bankers and merchants. The law states a man is en-

titled to be tried by a jury of his peers. The defense does not ask to be tried by any one class but by the body of the people and that the laboring class be presented as a part of that body. It asks that the sheriff should not discriminate against any class.

The judge said he had all confidence in the sheriff and would give him no instructions as to how he should draw the jury.

Boise, May 23.

Monday and Tuesday Judge Wood's court was engaged in its attempt to get a jury for the Haywood trial. The matter drags on wearisomely. The venire is composed almost entirely of republicans and farmers. These things do not just happen. The sheriff and

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An Irish Manifesto

Irish Socialist Federation Reply to Insult of Dr. Brann—Old Fenian Spirit to the Front

At a recent meeting of the Irish Socialist Federation of New York (a body composed exclusively of Socialists of Irish birth and parentage) the late uncalled for attack by Dr. Brann upon the demonstration in favor of a fair trial for the imprisoned leaders of the Western Federation of Miners was taken up for discussion. As this statement of this reverend gentleman that there were but few Irishmen in the parade was regarded by the members present as a reflection upon the public spirit of our countrymen, placing them before the American public as being indifferent or hostile to a demand for justice, the following statement was prepared for publication, in criticism of his position and in vindication of the character of those Irish who marched in the "horde", as Dr. Brann elegantly terms the flower of the organized workers of New York.

"We, members of the Irish Socialist Federation, speaking on behalf of those working class Irish who in every movement for freedom have ever taken a foremost place, who have ever been as pioneers ready to point the way in every movement for progress, or as fighters to lay down their lives for its realization, desire to remind the Rev. Dr. Brann that we as Irish have a history behind us—a history that speaks eloquently against the interposition of clergymen in temporal affairs, a history that warns us of the folly of expecting from clergymen, either wisdom, political prudence, or controversial decency, once they step into the political arena. How often in Ireland have we seen these same individuals when criticised by some opponent, denounce such criticism as an attack upon the church? Are we to hear gentlemen like the Rev. Dr. Brann hurl insult and abuse at a gathering of 60,000 working men and women, and stand ready to brand as enemies of the church any of the people so attacked who dare to say a word in their own defense? How long are we to have the spectacle of a priest of a church which proudly claims to be Catholic or Universal set himself to sneer at men or women because of their alleged foreign birth and to echo every appeal to the basest passion of the lowest element known to man? As Irish men and women we repudiate with scorn his attempt to represent our race as hostile to the labor movement, or as quiescent in face of social injustice. We affirm our solemn conviction that the language of Dr. Brann is a greater danger to his church than a thousand Moyer-Haywood demonstrations are to free institutions in America. Does the Reverend gentleman believe that theological studies equip clergymen for grappling sympathetically with great political or social problems? Will he permit us to cite for him a few instances culled from Irish history, which, in thunder tones proclaim the contrary.

In 1898 all Ireland and all Irish men and women the world over proudly and solemnly honored the memory of the United Irish rebels of 1798, but in their own day these rebels were denounced in the most solemn manner by the whole Catholic hierarchy in Ireland.

In 1848 when scores of thousands of the Irish race were perishing of famine in a food-exporting country, the Young Irish Party raised the holy standard of insurrection as the only hope of a perishing people, but they also were denounced from the altar as enemies of religion, and their leaders stoned by mobs of ignorant fanatics led on by priests. Today the memory of their movement is among the most sacred treasures of our race.

Today we honor and revere the memory of the Fenians of 1867, and every year tens of thousands of the brightest men and purest women in Ireland decorate the graves of those who have passed away, yet the Fenians were denied the rights of the church, and one member of the Irish Catholic episcopate, the Bishop of Limerick, publicly declared that "Hell was not hot enough, nor eternity long enough for a Fenian."

But why plie up more examples. Had Dr. Brann had the slightest knowledge of Irish history he would have realized that the Irish are the last to be deterred by priestly thunders from pursuing any path they believe to lead to justice. Long familiarity with such thunders has destroyed their terrors among the thoughtful men and women of our race.

But history is not the reverend gentleman's strong point, as witness his joyless contrast of the "Star-Spangled Banner" with the "Marseillaise," a hymn, he says, "identified with bloodshed, strife and carnage." Well, does he believe that the "Star-Spangled Banner" was identified in its birth with love and Christian brotherhood among the nations? Does he forget that the "Star-Spangled Banner" was born out of the attempt of England to re-impose by force its domination upon the unwilling people of this country, as the "Marseillaise" was born out of the attempt of England and the other monarchies of Europe to re-impose by force and slaughter, a merciless tyranny upon the people of France?

Let all the Dr. Branns take notice that the working class is on its march that its march is not the carefully organized bluster of a few politicians and their hirelings, but the spontaneous manifestations of a class, conscious that it holds the future of society in its hands, and resolved to tolerate no further outrages from the beneficiaries of a system they know to be hurrying headlong to its downfall. In that onward march of the working class, the sons and daughters of the Emerald Isle are taking and will take the part worthy of the traditions of a race that never faltered in the face of danger, that for over 700 years has never surrendered in its struggle against injustice.

Its fellow countrymen: In our own land we have long seen the packed juries give our best and bravest to the hangman's rope, shall we stand idly by while the same atrocious crimes of power are consummated here?

Elizabeth G. Flynn,
Thos. O'Shaughnessy,
John Mulry,
Pat. L. Quinlan,
James Connolly,
Committee Irish Socialist Federation,
John Lyng, Sec.

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Court adjourned to-day after exhausting the second special panel; 180 men examined in all. The prosecution still has one more peremptory and the defense two. There is one accepted juror who claims he cannot take the oath and one man whose health is so uncertain as to possibly call for a

dismissal. Five jurors only were qualified out of the last panel of 60. A new panel of 62 was ordered to be returned on Friday.

Mr. Richardson addressed the court on the subject of the new venire. He said there were 5,000 men in Ada county eligible for jury duty; that 3,000 of these were working men; that 1,200 union men were in line in one parade, and yet that out of all the jurymen called only one was a union man and he was an employing printer, and only two working for days pay. There were 60 bankers in the county and out of these nine had been presented for jury duty. The defense asked for a jury called from the body of the people, not composed of bankers and merchants. The law states a man is en-

titled to be tried by a jury of his peers. The defense does not ask to be tried by any one class but by the body of the people and that the laboring class be presented as a part of that body. It asks that the sheriff should not discriminate against any class.

The judge said he had all confidence in the sheriff and would give him no instructions as to how he should draw the jury.

Boise, May 23.

Monday and Tuesday Judge Wood's court was engaged in its attempt to get a jury for the Haywood trial. The matter drags on wearisomely. The venire is composed almost entirely of republicans and farmers. These things do not just happen. The sheriff and

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An Irish Manifesto

Irish Socialist Federation Reply to Insult of Dr. Brann—Old Fenian Spirit to the Front

At a recent meeting of the Irish Socialist Federation of New York (a body composed exclusively of Socialists of Irish birth and parentage) the late uncalled for attack by Dr. Brann upon the demonstration in favor of a fair trial for the imprisoned leaders of the Western Federation of Miners was taken up for discussion. As this statement of this reverend gentleman that there were but few Irishmen in the parade was regarded by the members present as a reflection upon the public spirit of our countrymen, placing them before the American public as being indifferent or hostile to a demand for justice, the following statement was prepared for publication, in criticism of his position and in vindication of the character of those Irish who marched in the "horde", as Dr. Brann elegantly terms the flower of the organized workers of New York.

"We, members of the Irish Socialist Federation, speaking on behalf of those working class Irish who in every movement for freedom have ever taken a foremost place, who have ever been as pioneers ready to point the way in every movement for progress, or as fighters to lay down their lives for its realization, desire to remind the Rev. Dr. Brann that we as Irish have a history behind us—a history that speaks eloquently against the interposition of clergymen in temporal affairs, a history that warns us of the folly of expecting from clergymen, either wisdom, political prudence, or controversial decency, once they step into the political arena. How often in Ireland have we seen these same individuals when criticised by some opponent, denounce such criticism as an attack upon the church? Are we to hear gentlemen like the Rev. Dr. Brann hurl insult and abuse at a gathering of 60,000 working men and women, and stand ready to brand as enemies of the church any of the people so attacked who dare to say a word in their own defense? How long are we to have the spectacle of a priest of a church which proudly claims to be Catholic or Universal set himself to sneer at men or women because of their alleged foreign birth and to echo every appeal to the basest passion of the lowest element known to mankind? As Irish men and women we repudiate with scorn his attempt to represent our race as hostile to the labor movement, or as quiescent in face of social injustice. We affirm our solemn conviction that the language of Dr. Brann is a greater danger to his church than a thousand Moyer-Haywood demonstrations are to free institutions in America. Does the Reverend gentleman believe that theological studies equip clergymen for grappling sympathetically with great political or social problems? Will he permit us to cite for him a few instances culled from Irish history, which, in thunder tones proclaim the contrary.

In 1898 all Ireland and all Irish men and women the world over proudly and solemnly honored the memory of the United Irish rebels of 1798, but in their own day these rebels were denounced in the most solemn manner by the whole Catholic hierarchy in Ireland.

In 1848 when scores of thousands of the Irish race were perishing of famine in a food-exporting country, the Young Irish Party raised the holy standard of insurrection as the only hope of a perishing people, but they also were denounced from the altar as enemies of religion, and their leaders stoned by mobs of ignorant fanatics led on by priests. Today the memory of their movement is among the most sacred treasures of our race.

Today we honor and revere the memory of the Fenians of 1867, and every year tens of thousands of the brightest men and purest women in Ireland decorate the graves of those who have passed away, yet the Fenians were denied the rights of the church, and one member of the Irish Catholic episcopate, the Bishop of Limerick, publicly declared that "Hell was not hot enough, nor eternity long enough for a Fenian."

But why plie up more examples. Had Dr. Brann had the slightest knowledge of Irish history he would have realized that the Irish are the last to be deterred by priestly thunders from pursuing any path they believe to lead to justice. Long familiarity with such thunders has destroyed their terrors among the thoughtful men and women of our race.

But history is not the reverend gentleman's strong point, as witness his jointless contrast of the "Star-Spangled Banner" with the "Marseillaise," a hymn, he says, "identified with bloodshed, strife and carnage." Well, does he believe that the "Star-Spangled Banner" was identified in its birth with love and Christian brotherhood among the nations? Does he forget that the "Star-Spangled Banner" was born out of the attempt of England to re-impose by force its domination upon the unwilling people of this country, as the "Marseillaise" was born out of the attempt of England and the other monarchies of Europe to re-impose by force and slaughter, a merciless tyranny upon the people of France?

Let all the Dr. Branns take notice that the working class is on its march that its march is not the carefully organized bluster of a few politicians and their hirelings, but the spontaneous manifestations of a class, conscious that it holds the future of society in its hands, and resolved to tolerate no further outrages from the beneficiaries of a system they know to be hurrying headlong to its downfall. In that onward march of the working class, the sons and daughters of the Emerald Isle are taking and will take the part worthy of the traditions of a race that never faltered in the face of danger, that for over 700 years has never surrendered in its struggle against injustice.

Its fellow countrymen: In our own land we have long seen the packed juries give our best and bravest to the hangman's rope, shall we stand idly by while the same atrocious crimes of power are consummated here?

Elizabeth G. Flynn,
Thos. O'Shaughnessy,
John Mulry,
Pat. L. Quinlan,
James Connolly,
Committee Irish Socialist Federation,
John Lyng, Sec.

Capitalist Institution

Judge Shows Favor to Prosecution—All Decisions Against Haywood—Bias Shown by State

This trial looks to those who have the historic meaning and interpretation thereof as though the state were clamoring for the blood of those that defy its institutions. These institutions are established by those in power over those who are not. The working class is slowly and clumsily shouldering up from under its disadvantages.

The whole machinery of the court, judge and all must belong to the oppressors until the working class has thrown off the last swathings of its bondage.

Court now convenes at 9:30 in the morning, takes a recess from 12 to 2 P. M. and closes at four.

The lawyers feel the exhaustion of the long sittings. They are working hard. A two and a half hour shift is about all those employed about a court can stand. Yet men who work in the burning heat of smelter furnaces, in exhausting factories, if they make any strenuous effort to shorten their hours find the guns and the powers of government aimed at their defenseless heads.

Of the 88 men examined when the court took an adjournment on Tuesday till Thursday afternoon 24 were passed by both sides for cause and 64 were excused on challenges from one side or the other. All but eight of the challenges were based on the grounds of actual or implied bias; and the majority of the eight cases were on the grounds of conscientious scruples against capital punishment.

At the beginning of the proceedings Tuesday Attorney Hawley for the state presented a list of names of additional witnesses to be filed with the clerk for endorsement on the indictments against Moyer, Haywood, Pettibone and Simpkins. There were six names on the list and Attorney Richardson entered an objection to more names being added at this late day. Hawley said that the statute gave him the privilege of so doing and that besides such an agreement had been made to his knowledge.

Judge Wood said that he would allow the names to be filed in accordance with the state statute, and Attorney Richardson preserved an exception to the ruling. The names were A. D. Campbell, William Schunberger, William O'Neill, Stanley P. Fairwether, C. Sinclair and S. W. Wetmore.

At 2 o'clock Thursday afternoon the venire was returned. 22 asked to be excused for statutory causes. The judge was more severe in his refusals than before.

Hawley began his questioning in a new way. It was plain to be seen that the opinion of the prosecution was that they were safe enough anyway. So many jurymen had been thrown out because of settled opinions that the situation is beginning to have the aspect of the community being so prejudiced that a fair jury cannot be obtained. The prejudice is evidently almost unanimously against the defense, and Hawley seemed determined to push the jurors to say that they could waive their opinions in the jury box. Darrow objected to Hawley's method of asking questions. The judge over-ruled the objection as usual and Darrow took an exception.

Hawley tried to bully the juror into saying he was disinterested when it was palpable to all that the man was deeply prejudiced. Darrow said Hawley was trying to terrorize the jurors.

Hawley rose to reply but the judge would not permit him, and said he was sustained. Hawley was wrathful, however, because he could not get back at Darrow; and took an exception.

E. F. Rue when examined showed so fixed an opinion that Borah said it would take a surgical operation to remove it.

Harry Curtis confessed to being a subscriber to the "Appeal" and was asked if he knew a certain Eugene V. Debs, and if he believed in socialism.

The court was then treated to a rambling discourse on the subject

winding up with the conclusion that the juror thought it was impracticable.

The "Statesman" prints a statement of Attorney Hawley in which he says it will not take over three days for the state to present its evidence on the commission of the crime and the method by which it was committed. Most of the witnesses to be used for this will be from Canyon county, principally from Caldwell, and some of them are now in the city.

This would indicate that the program of the prosecution would be to show that crime was actually committed, and by what method; then to introduce Orchard to explain what connection defendant had with the crime; then to introduce testimony to corroborate Orchard's confession.

The capitalist press is much concerned about Debs attending the trial as the representative of the "Appeal to Reason."

A printed interview from Fred Miller, the Spokane attorney for the defense, reports him as saying that it was the hope of the attorneys for the defense that Debs would not come. He said the trial was one in which the officers of the Western Federation of Miners were accused of a murder, and the socialists had no reason for taking up the matter as an issue. Here are his words:

"This case has no connection with the socialist in any respect, and the socialists who have insisted on making it an issue have done much more harm for the defense than good. We have in a great measure headed off many of the socialist publications from circulation in this part of the country, and we have endeavored to silence their utterings but not entirely with success. If Debs should come here it is almost certain it would be impossible to hold him down. We hope he won't come. He can do the defense no good and might do a great deal of harm at this time."

And this from a man who is getting \$10,000 that the socialists have raised and caused to be raised from an aroused working class throughout the country. It is reported that Fred Miller never intends to take another case; that he will make enough out of this to go into mining with D. C. Coates.

To tell the truth the above quotation about expresses the estimation the socialists are held in connection with the case. In spite of the fact that the socialist movement of the country has made this a national and international issue in the class struggle that its press has aroused the working class from shore to shore as it never has been aroused before that it is the socialists in the unions that have pushed forward the defense fund with such unflinching zeal that it is the socialists alone that have been able to point out the mighty issues at stake and lift this trial completely out of the category of a mere brutal murder, that they are the ones that have opened to the public gaze the devilish workings of the whole diabolical machinery by which employers hound, and track and cripple labor, using governments only as committees of the ruling class, and the whole honeycombed social tissue of spies and detectives as aids; in spite of all this the facts are that the socialists are regarded as interlopers here, and an embarrassing factor in the situation.

These people are so ignorant of the real meaning of labor troubles that they haven't the slightest conception of a philosophy in history, or science as applied to social development. Because they are mentally indolent themselves they look upon us as vagabonds and dreamers. Even Murphy, the oldest attorney for the Federation, who is so sick with consumption that he can do nothing but watch the trial, had an argument with me yesterday that there can be no such thing as science as applied to politics. He was in sublime and blissful ignorance and that every univers-

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