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To Organize the Slaves
of Capital to Vote Their
Own Emancipation

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PRICE FIVE CENTS

WILL BE HUNG JURY

Say Capitalist Reporters—We Say If They Convict On Present Evidence They Ought to Be Hung—Case to Last Three Weeks Longer

BOISE, Idaho, July 2.—Rank capitalist correspondents who said a week ago "Haywood will be hung," now admit "the jury will be hung." We say if the jury convicts on present evidence they ought to be hung.

Colorado witnesses have made it plain that the Federation had no possible motive in pulling off the Independence depot explosion June 6, 1904. Troops were brought back immediately and the unions destroyed from that day to this as result of that explosion. The Vindicator explosion, November 21, 1903, had produced fearful results for the Federation. The one thing the unions did not want was any such act of violence as the Independence explosion. Therefore no conspiracy of miners could possibly account for Independence.

Other evidence makes the Vindicator explosion look like an accident. Bradley evidence is coming showing it improbable Orchard did that. Hardly any crime will be left to bolster up the theory of conspiracy except the Steunenberg assassination. That has been shown to be due to Orchard's personal hatred. Today Thos. Foster of Cripple Creek, told how Detectives Sterling and Foster attempted to force a confession from him in November, 1903

The case will last three weeks longer. The jury will probably reach a verdict August 1.

Mrs. Titus will speak in Portland Sunday night, July 7th, 309 Davis Street; and Seattle, Sunday, July 14th. Subject "Scenes from the Haywood Trial." Illustrated with many pictures.

HERMON F. TITUS.

FOUR DAYS OF THE DEFENSE

Orchard Proved a Liar By a Dozen Witnesses—His Connection with Pinkertons Established—Revengeful Motives Also Shown—Independence an dVindicator Explosions Explained Otherwise — Union Leaders Always Counseled Against Violence

Friends of the Prosecution are talking to keep their courage up. Both Boise dailies are printing everything they can find favorable to the State. Sissy Hugh O'Neill's daily prinkings published in the Denver "Post" and "Oregon Journal" are about all they can find and they parade them under such headings as "Darrow State's Best Witness," referring to his opening address to the jury.

Of about equal value is that other lady's opinion, Ethel Barrymore, who was taken out by the Pinkertons to the Penitentiary to interview the Hero-Saint confined—no, residing—there. Ethel thought Harry "so sweet," just as Hugh does.

When the State closed its case a week ago, it was a bold man who would say Haywood could be connected. Since that time they have been getting bolder. They say Darrow does not know what he is doing.

Just as they criticised Richardson's cross-examination, now they are telling us how Darrow ought to conduct the direct examinations. They are sorry the Defendant is not better defended.

Darrow surprises people. He does not strut. He acts as if he hardly knew what to ask next. Those people who looked for pyrotechnics and brilliancy are disappointed. They fondly think—fondly is the word for their local hero—that Borah outclasses these importations, Darrow, Richardson, Breen, Miller. They cannot see what this plod, competent, watchful, calculating man is up to.

It appears as if the Defence was doing nothing because it is so unostentatious. But the Jury is learning to have confidence in this man who seems like one of themselves, rather than a great lawyer. They smile when Darrow smiles. They have already lost their grim and proper reserve. They look for Darrow's little touches of humor. They see that he is seeking to get at the truth rather than to beat the other side. When he comes to sum up the case, after all its complicated and endless mass of testimony is concluded, they will believe what Darrow tells them, when their memory is at fault. No juryman is allowed a transcript of the evidence such as counsel have access to. The result in a trial of this magnitude must be a dependence upon

statements of counsel in their review speeches at the end. There is where I expect Darrow to shine.

For there will be plenty to say to that Jury. The State and its dependents are professing to believe the Defence is making no progress this first week; that it is weaker than when the Prosecution closed.

That is because—like Toady Turner in the current "McClure's"—they assume that Orchard is and must be telling the truth, since he is a Christian.

Witness after witness has gone on the stand this week for the Defence and flatly impeached Orchard's truthfulness, directly contradicted his sworn evidence in the most explicit manner, yet these deluded partisans of the State stupidly reply: "You can't make out Orchard worse than he made himself; he not only admitted he was a liar, but everything else that was bad."

How are you going to convince a man who will talk like that? He is an Orchardomaniac, whose reasoning powers are inverted, subverted. For if Orchard, the liar, has not become Orchard the truth teller, their whole foundation is gone. If he is a liar still, even in a single instance, he is not to be believed in any instance whatever.

Orchard, right now, is either a saint or a monstrous sinner. If he lies when he says he never told Dr. McGee in Wallace that he was a "Spotter" in the Canyon; then he is no saint, right now—since his marvelous "Conversion."

Dr. McGee is no Union man. He has even made his living by means opposed by the Unions in the Coeur d'Alene. This man is an absolutely independent and disinterested witness. He is perfectly sure about his dates and the time—except one interval of several weeks when he says he was at Caliente Springs—Dr. McGee remembers his coming into his office while the campaign was in progress and asking if some "easy money" was in sight. And he distinctly recollects sending him to the chairman of the Campaign Committee. The State called this witness back for further cross examination, but failed to shake him in the least. Who lied, Orchard or McGee.

There are plenty of others like Dr. McGee, completely contradicting

Orchard's testimony. But if McGee were alone, all their solid foundation of Orchard's impeccability falls to the ground. If he lies about his whereabouts in the summer of 1904, if he lies when he denies he said he was "spotter," to Dr. McGee—then he lies everywhere when he wants to—and he is the same monstrous perversion of a man he always was—and no saint, except to save his neck.

Again, take the case of Chas. A. Sullivan, now a watchman at the Brown Hotel in Denver. This is not one of those witnesses involved in Orchard's confession as accomplice.

I have as many people say of those so accused, like Davis, Easterly, Coates, Barnes and others, "Of course they will deny, because he accuses and implicates them; they are interested witnesses." As if Orchard was not a thousand fold more interested. None of these men are facing death for unnumbered and indescribable crimes. The only charge or suspicion against them is Orchard's unsupported word.

Why should such a man be called on to defend his good name because of the inhuman and unhuman Orchard happens to mention him as an accomplice?

When I noted in Orchard's "narrative," that he had himself visited Seattle, my home city, I expected he might announce that Dr. Titus helped him drown a man on the tide flats. Suppose he had so charged me, would my word have been good for nothing against Orchard's word because, now that he is a "New Orchard," a Christian Criminal, he has seen fit to lay one of his crimes to my shoulders? By that same reasoning, if any insane man passes down the street, proclaiming, "I have been a murderer but now I am a Christian," and then points out Jones and Smith and Brown and Burns and a dozen others as his accomplices in his former murders, the word and oath of Jones and Smith and Brown and Burns, are worthless, because, forthwith, they are under suspicion, under charges, they are implicated?

This is a precise parallel to the Orchard case. He is unquestionably a Degenerate, an abnormal man. It is a hideous libel on humanity to say he is sane and normal. This insane, subnormal man, infinitely repulsive product of inheritance and environment, is now lifted up on a pedestal by the interests of Capital in its conflict with Labor, and is allowed from that elevation to name a dozen honorable men as his fellow fiends, BUT THEY ARE NOT ALLOWED TO ASSERT THEIR INNOCENCE AND HIS FALSITY.

It is impossible.

Take now the case referred to above, that of the witness, Chas. A. Sullivan. He is not one of those our insane defenders of insanity would exclude.

(Continued on Page 2.)

This is a reproduction of a cartoon published by this paper in the latter part of 1904 and represents Make, a union miner, chained to a telegraph pole—a position he was compelled to maintain for several hours in the bitter cold and which resulted in freezing his hands. Make is one of the witnesses for the Defense who is slated to testify this week and the cartoon has added interest for that reason. We publish it as an exhibit in the case against the Mine Owners' Association for conspiracy.



A CONSPIRACY OF CAPITAL

Argument By Clarence Darrow Which Secured Admission of Evidence Showing Counter Conspiracy by Mine Owners' Association — If Orchard's Crimes Point to Conspiracy, Question Is, WHOSE Conspiracy?—Mine Owners and Pinkertons Must be Examined

(Editorial Correspondence from Boise.)

The first clash over admission of evidence showing general opposition of Mine Owners' Association to the Western Federation of Miners occurred the very day the Defence began to present its evidence. Objections to evidence about detectives in unions, about deportations without trial, about black listing, about horrors of bull pens, about outrages by military, about "be very existence of a Mine Owners' Association; such objections are fired in by Hawley and Borah every day the Defence occupies the stage. The real fight occurred Tuesday when Darrow, who is conducting the Defence, made offhand the speech we give in full below. If Wood had ruled adversely here at the beginning, a great mass of material testimony would have been excluded all down the line.

The judge reserved his right to decide on each case as it comes up, but the general principle cannot be wholly reversed. It was a great victory for the Defence to be allowed to produce evidence showing not alone the peaceable character of the Federation, but the violence breeding character of the Mine Owners' Conspiracy.

With all the facts on both sides before them, it is the jury's business to reach a conclusion as to what side is really guilty of criminal conspiracy—if either.

Practically all the facts are now bound to come to light for all the world to see what a real hand to hand conflict between Capital and Labor means.

It is not surprising that counsel for Capital fights every item of evidence against Capital, but the lid is lifted and cannot be closed again.

No other paper in the United States publishes this crucial argument of Darrow's.

HERMON F. TITUS.

OFFICIAL REPORT OF DARROW'S SPEECH, TUESDAY, JUNE 25, 1907.

MR. DARROW: Your Honor, I suppose we might as well discuss this matter to some extent at this time as any other time. According to the opening statement in this case made by Mr. Hawley, the Western Federation of Miners and its leading spirits were charged with having entered into a general conspiracy right at the inception of its organization. It was said to this court that the murder of Governor Steunenberg was but an incident of that general conspiracy; that all the leading spirits of the Western Federation of Miners, even before this defendant had anything whatever to do with it, were members of that conspiracy. They began by proving the troubles in the Coeur d'Alene district.

THE COURT: Certain specific acts.

MR. DARROW: Yes, that is what we are trying to do, your Honor. They began by proving that a few men got onto a train and went down to the Bunker Hill & Sullivan mill, put powder under it and blew it up, up here in the Coeur d'Alene. They carried us then to Cripple Creek. They attempted to prove that somebody had blown up the Vindicator mine; that somebody had tried to wreck a train on the Florence and

ing the Mine Owners' Association has done everything in its power to drive it out of existence and to destroy its members; that every act in this affair, the blowing of the depot, the dispersion of the members, those acts of violence, everyone of them, are a part of the conspiracy between the mine owners and the detective in their employ to get rid of the union and the union men. Even if that were not the case, your Honor, would we not have the right to show, for instance, that a thousand men were in the bull pen in the Coeur d'Alene and the jury have the right, if they believe the evidence warranted it, to draw the inference that somebody connected with that might have been the one who killed ex-Governor Steunenberg? Would we not have the right to show the conditions that existed at Cripple Creek, the indignities that were heaped upon members of this union, the war and strife and bloodshed incident to it, so that the jury may draw the inference as to who was responsible for the specific acts? We insist, your Honor, that it cannot be said at any time that the State should be permitted to pick out any single act in the history of that time, tend to relieve us from responsibility or to place responsibility somewhere else, then we are stopped from showing it. Can it be said that they can only pick out incriminating acts and that we can inquire only as to those, when, perchance, right beside those incriminating acts are acts which incriminate someone else, and relieve us from the responsibility? I take it, your Honor, that where the State has shown this strife and contention, where the State has shown this organization where they have claimed there was a criminal conspiracy from the beginning, where they have been permitted through all of these years and all of this territory to pick out any act they saw fit, no jury and no court can rightly base their judgment unless they can get the whole history of that struggle and from it all say who were the responsible parties. If any act they picked out tends to locate responsibility, so any act we may pick out may tend to locate responsibility. And, after they have shown what pleases them and we have shown what pleases us, it is for the jury, your Honor, to locate this responsibility. I submit—and I am not now discussing or criticizing the rulings of the court—there has not been an incident, an act, an event, that the State has desired to prove that they haven't been permitted to prove it. There hasn't been a fragmentary conversation with a member of this union or a poor bystander that they haven't been permitted to prove for the sake of fastening a conspiracy if it could fasten a conspiracy, or fastening an act if it could fasten an act, upon these defendants. If they had desired to prove that the military authorities banded up a thousand men in the Cripple Creek district and deposited them on the plains of Kansas, is there any reason why they couldn't have proven it? Is there any more reason why they shouldn't have proven it than to have proven the explosion at the depot? Wasn't the destruction of the miners' organization, of putting men in bull pens, of boycotting, of blacklisting, wouldn't that have furnished the same motive exactly as the trouble in the Coeur d'Alene, as the arrest of men, as the imprisonment of Moyer in the bull pen, which they proved in this case? And can the court say that they may pick out acts which they think throw light upon motives, upon individuals, upon connections—they may pick anything they please, any conversation they please, and when we are called upon to defend ourselves, that we can only discuss the particular acts that they introduced in this case? They have claimed that this whole history as a conspiracy upon the part of the Western Federation of Miners. We claim that from the beginning to the end they have been the aggressors, and every single act was moved and inspired and directed for the purpose of getting rid of this organization and that these men are in no way responsible for it. And, assuming that Orchard did some of those things or all of those things, that they were not for us. Everyone of our men deny it and we have emphatically denied it, but that they were for them or for himself, and the jury cannot determine, without hearing such evidence as we may introduce as to the history of this strike and the history of the troubles, between these two organiza-

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BRAVE TESTIMONY UNMASKING "PINKS"

By Morris Friedman, Author of "The Pinkerton Labor Spy."

MORRIS FRIEDMAN, a witness on behalf of the defendant, being first duly sworn, on oath testified as follows:

DIRECT EXAMINATION.

BY MR. DARROW: Q. What is your name, please? A. Morris Friedman.

Q. Where do you live, Mr. Friedman? A. At the present time I live in New York.

Q. How long have you lived in New York? A. Well, I have just gone back to New York from Denver, in January, 1937.

Q. Did you formerly live in Denver? A. Yes, sir.

Q. When did you live in Denver? A. In Denver—I mean my residence address?

Q. Yes, A. Why, the last residence I had was on Stout Street, 2736 Stout.

Q. I say when did you live in Denver? A. I lived in Denver from 1930 until 1937.

Q. What is your business? A. Well, just at present I am a newspaper correspondent.

Q. What was your business formerly? A. Well, the year before that I wrote for books.

Q. Before you wrote a book what was your business? A. Stenographer.

Q. How long were you a stenographer? A. Well, about three and a half years I should say.

Q. Covering what time? A. Between 1931 and—well, I should say over four years, a little over four years, between 1931 and 1935.

Q. Were you a stenographer during the time of the strike? A. Yes, sir.

Q. Whereabouts? A. At the Pinkerton Detective Agency.

Q. Whose work did you do there? A. Well, principally the work of Mr. McParland.

Q. Were you familiar with the system of that office? A. Yes, sir, very thoroughly.

Q. What had you to do with the correspondence that was received and sent out? A. Well, the main thing that I had to do was to handle the correspondence of Mr. McParland, that is to say, to write whatever letters he had to send to different parties.

Q. What had you to do with reports that came from your operators? A. Whenever I wasn't busy with Mr. McParland's mail, why, I would write reports.

Q. Did you handle reports? A. Quite a number.

Q. In what way would they come in, in the regular course of business? A. Well, in the regular course of business they would come in on blank stationery, written in lead pencil or in ink, turned over to some assistant superintendent in the office and corrected by him; after being corrected they would be turned over to the chief clerk and then the stenographers would simply take these indiscriminately and typewrite them, and subsequently they would be sent to their clients.

Q. Sent to the clients of the office? A. Yes, sir.

Q. Were any of the reports or copies of them retained in the office? A. A duplicate of every report was retained in our files.

Q. Who was the general superintendent or who was the head man in the office? A. Well, the superintendent of the Denver office during the time that I was there was Mr. Frazer.

Q. Any man above him? A. Yes, sir, the manager of the division.

Q. Who? A. Mr. McParland.

Q. Mr. McParland was the head man, was he? A. He was manager of the western division, and is still so far as I know.

Q. And that included what? A. Well, that included the general supervision of all the offices between Denver and the Pacific Coast.

Q. And Frazer, you say, was superintendent? A. The local superintendent.

Q. Is he there now? A. I don't think so. I think he has been promoted, at least that is what I hear.

Q. What was the next in authority there? A. Mr. Corey.

Q. What was he? A. Assistant superintendent.

Q. And who else, who was the next? A. Well, after him came Mr. Prettyman.

Q. And what was he? A. Also an assistant superintendent.

Q. And then who? A. Then came Mr. Lonsdale.

Q. And has he a title? A. Also an assistant superintendent.

Q. Do you recall the strike down at Cripple Creek? A. Yes, sir, it started during the time that I was there.

Q. Had the office anything to do in connection with the strike? A. Well, they did have considerable to do in a way, that is to say, they were mixed up with the strike when trouble began at Colorado City.

Q. Had they operatives there? A. They had one during the beginning and another one subsequently.

Q. Who? A. To start with they had Mr. Crane.

Q. Who was Mr. Crane? A. Well, he was an operative working as a smelter man in the Standard mill at Colorado City, known as No. 5.

Q. A member of the union? A. Well, he wasn't a charter member but he came into the union a little later on.

Q. Was he prominent in the union? A. Became secretary, as I remember, and subsequently was appointed chairman of the strike committee when the strike was inaugurated and was in full swing.

Q. Did he make regular reports? A. Every day.

Q. Every day? A. That is reports to the agency, and reported besides to Mr. Hawkins by phone.

Q. Who was Mr. Hawkins? A. Mr. Hawkins was the manager of the Standard mill.

Q. Did you handle any of his reports? A. No, I quite a few.

Q. And he was No. 5, was he? A. He was No. 5, yes, sir.

Q. Did you ever see him? A. I don't believe I ever saw him but once and that was only a birdseye glance; it was after his exposure and he had just issued a statement in the press stating that he never had anything to do with the agency and I happened

to pass through and heard some remark there, heard him mention something and—

MR. BORAH: Wait a minute.

Q. Never mind then. Where was he at the time that you saw him? A. In the agency.

Q. How long did you handle his reports? A. Well, never at stated intervals, simply when I wasn't busy handling correspondence.

Q. Did you have any other men at Cripple Creek? A. In Colorado City?

Q. At Colorado City. A. Well, a little later, after No. 5's exposure, they did get another man in there.

Q. Who was that? A. That was Gadden, Joseph F. Gadden.

Q. Joseph F. Gadden? A. Yes, sir.

Q. Was he a member of the union? A. No, he couldn't get in. He tried and tried for months but couldn't get in.

Q. Was he working in the mills? A. Well, he did all kinds of work. I don't think he worked around the mill because that would have queried him with the union men. He worked for some livery man, saloon man, tending bar, did everything he could.

MR. HAWLEY: How do you know this? Are you speaking of your own knowledge?

THE WITNESS: Speaking of my own knowledge, yes, sir, that is from the reports as handed in by him.

Q. Did they have—do you know a man named Reimer? A. Yes, sir.

Q. Was he an operative? A. He was an operative at the time of the Cripple Creek strike.

Q. Where was he? A. He worked in the Cripple Creek district, travelled around from Cripple Creek, Victor, Colorado Springs.

THE COURT: What is the name of this other man?

THE WITNESS: Charles H. Reimer.

Q. Was he in the union? A. No, sir, he was not.

Q. He was not? A. No, sir, he was a general operative.

Q. Do you know a man named Riddell? A. Yes, sir.

Q. George W. Riddell? A. Yes, sir.

Q. Was he an operative? A. Yes, sir.

MR. DARROW: Is Mr. Riddell in the court room?

THE WITNESS: I have seen him here a number of times.

Q. Is that the man sitting there by the door? A. Yes, sir.

Q. Was he an operator of the Pinkerton Detective Agency? A. Yes, sir.

Q. Was he an officer of the Telluride union? A. I don't think so.

Q. Was he connected with any of the unions? A. He was a member of the union at Telluride.

Q. Do you know whether he was elected delegate to the union? A. It is my knowledge that he was elected this year, officially elected.

Q. Did you handle his reports regularly? A. Never; I never handled a one.

Q. Never handled his reports? A. No, sir.

Q. Do you know what his number was? A. I do.

Q. What was it? A. 36.

Q. He became "23" later, didn't he, with the union? A. It seems that way.

Q. Did you know Mr. Cummings? A. Not personally, no, sir.

Q. Was he an operator? A. Yes, sir.

Q. Was he connected with the union? A. I don't remember exactly.

Q. Do you know what other men there were connected with the union that were operators? A. Well, at what point?

Q. In Colorado? A. Well, at Florence there was T. J. Conibear.

Q. Was he connected with the union? A. Yes, sir.

Q. Were you handling his reports? A. I handled quite a few.

Q. How often did his reports reach the Pinkerton headquarters? They were supposed to reach there every day, but they didn't come regularly.

Q. Do you know when he went down there to Florence? A. To the best of my recollection he was an operative at the time I came to the agency, subsequently he met with an accident and was out of operation for some months, then he came back and succeeded Cummings.

Q. Do you know whether he got any prominence in the union after he became an operator? A. I believe he was elected president.

Q. President of the union? A. Yes, sir.

Q. Were you handling his reports while he was reporting? A. I believe I have written quite a few.

Q. Do you know whether he held any other office in the union? A. I don't think so.

Q. Now I just want to call your attention to the ones that were connected with the unions: Did you know Bob Bailey? A. Yes, sir.

Q. Was he a member of the union? A. A member of Victor Union No. 32.

Q. What was his full name? A. Philander P. Bailey.

Q. Did you handle his reports? A. A great many of them.

Q. How long did you handle them that you know of? A. Oh, a number of months, probably over a year or a year and a half.

Q. And what union did he belong to? A. Victor Union No. 32.

Q. Do you remember his number? A. He was No. 9.

Q. No. 9? A. Yes, sir.

Q. Do you know a man named Luplow? A. Yes, sir.

Q. Was he connected with any union? A. To the best of my recollection he was also connected with the same union as No. 9—32.

Q. And was he in the regular employ of the Pinkerton agency? A. Yes, sir.

THE COURT: What was that name?

THE WITNESS: Luplow.

Q. Do you know his first name? A. I do not. I never paid much attention to it.

Q. Do you know a man named Benzer? A. Yes, sir.

Q. Was he connected with the union? A. He was a member of the Western Federation of Miners down at Cripple Creek. I can't say the exact union he belonged to. There were several there but that is my recollection, and I am also quite certain he was a member of the United Mine Workers, or at least if he was not he

did his level best down at Trinidad.

Q. Was he connected with the strike down at Trinidad, making reports? A. Yes, sir, he was making reports, first against the Western Federation of Miners and then against the United Mine Workers.

Q. And was the Pinkerton agency operating against both of them? A. Yes, sir, very strenuously.

Q. What connection did this man Benzer have with the union? A. Nothing more than an ordinary miner, as I remember it.

Q. Do you know whether Benzer was deported? A. Yes, sir.

Q. With the rest of the Western Federation men? A. Yes, sir.

Q. Was Riddell deported, too, if you know? A. I believe he was deported from Telluride to Ouray.

Q. Do you know any other Pinkertons that were deported at that time? A. No, sir.

Q. Do you know where Benzer was deported to? A. That I don't know, but I know he came into Denver subsequently together with the others.

Q. Do you know a man named Cummings? A. Who?

(Continued on Page 2.)

FOUR DAYS OF DEFENSE

(Continued from Page 1.)

Orchard charged him with nothing. Sullivan got acquainted with Orchard the last Sunday of July 1902, at Cripple Creek. He saw Orchard every day for 5 months. He roomed with him or next him for 2 or 3 months above Neville's saloon. He ate with him at Neville's house. Sullivan testified that Orchard on the porch of the Saloon, in the fall of 1902, told him he wondered Steuenerberg had not been killed before and he "would kill him himself if no one else did."

Cross examination did not shake him a particle. He even said Orchard had repeatedly talked that way to him, at least 4 or 5 times. He reported Orchard as saying he would have been rich if it were not for Steuenerberg, who had driven him out of Idaho and made him sacrifice his interest in the Hercules Mine, now worth a million dollars.

Orchard was confronted last Tuesday with this man Sullivan, acknowledged he knew him, but denied he ever said any such things to Sullivan.

Now who was lying, Orchard or Sullivan? The Capitalists and the Christians say Sullivan, McParland says Sullivan, Gooding says Sullivan, The Mine Owners say Sullivan, "McClure's Magazine" says Sullivan, "Collier's" will say Sullivan. The whole pack will soon say Sullivan lied and Orchard tells the truth.

Why? Because Capital will profit by Orchard and lose by Sullivan.

Edward Boyce, former President of the Western Federation, is another such independent witness impeaching Orchard's narrative.

Orchard says he went to Butte in 1899 and got a sort of withdrawal card from Boyce, then President of the Federation. Boyce positively swears he never saw the man and could not possibly have given such a card.

Boyce is now a very rich man, holding with his wife, a large interest in the famous Hercules Mine near Burke, Ida. He is thus a Mine Owner himself. He owns property in Spokane and Portland and is therefore eminently respectable. But he tells the truth on the "wrong side and his word will be forgotten by the Prosecution and by Capital generally. Orchard's lie is better than truth—for Capital.

Mrs. Lottie Day, of Denver, is another impeaching witness, free from being "implicated." Mrs. Day was brought here as a witness for the State but proved unsatisfactory and was sent back after being retained here some 11 days. Like a policeman witness of the Prosecution, all she could testify to which would help that side would be that she saw Hayward go into Orchard's room once.

But what she said for the Defense was this—that Orchard told her about that "old Devil of a Steuenerberg, who had separated him from the only woman he ever loved and who ought to be killed."

Orchard, on being asked the question direct, denied he ever said any such thing to Mrs. Day. Agan, who is lying, the fiend Orchard, or the lady from Denver?

This statement of Orchard's expressing his enmity toward Steuenerberg, comes from so many different and independent witnesses, that there can be no possible doubt he said it and said it often. YET HE, THE CHRISTIAN, ON WHOM THIS WHOLE CASE HANGS, DENIES HE EVER GAVE EXPRESSION TO ANY SUCH STATEMENT, "AT ANY TIME OR PLACE," as he puts it.

Easterly says he said it. Davis says he said it. Copley says he said it. And others will say he said it.

All these make it even likely that an old soldier, who was shown on cross examination to have been in an asylum twice for some family trouble, was telling the truth when he testified that a man who said his name was Hogan, told him on a train near Caldwell in Nov. 1905, that something was going to happen to Steuenerberg, which would break up the Federation of Miners.

Considerable ridicule was thrown on this testimony, but the man was unshaken except he said Orchard or Hogan had a mustache when he saw him. But he is old and his eyesight

dim. The old man's testimony deserves far more credence than Orchard's, as it is at least disinterested and involves nothing in itself incredible, like Orchard's accounts of assassinations and conspirators on all hands.

The second accomplishment of the Defense this first week, after the central defence of breaking down Orchard's story, is the showing made that Orchard in 1904, was working with Secret Service men.

Orchard admitted he went to Scott and Stirling in Cripple Creek in the fall of 1903. But the testimony of Mrs. King and her pretty daughter, Nellie, and of Mrs. FitzHugh, all of them proprietors of the "Star" rooming house, proved that Orchard was in the habit of going to K. C. Sterling's room in that house as late as the spring and summer of 1904. K. C. Sterling was chief of Secret Service for the Mine Owners' Association, as was proved by D. C. Scott, called to the stand by Darrow for last purpose.

Orchard testified he never went to Sterling's room. This evidence, as well as that given by Station Agent Aller, who saw Orchard with D. C. Scott, Special Detective of Florence & Cripple Creek R. R., as late as "two weeks before the Independence Depot was blown up," puts Orchard far closer to the Mine Owners than to the Miners.

It has also been clearly shown by the R. R. Engineer Rush that Scott and Sterling arranged a fake removal of a rail on the track at about the same time—in order to throw odium on the Union.

Today witnesses proved that bloodhounds employed after the Independence explosion went to the house of a Deputy Sheriff first.

Two days ago another witness, Blizard, told how he, as representative of the R. R., was recalled from Orchard's track which was being followed by another dog, by telephonic order from K. C. Sterling, who said, "Call the dog off, we know who did it."

All this evidence goes to show that, if Orchard blew up the Independence Depot, as he says, he did it on behalf of the Mine Owners for the sake of breaking up the Union. It certainly did break up the Union most effectively. The evidence has shown how the troops were at once brought in after that explosion, the Union men were hunted out, and their leaders scattered to the four winds. If Moyer and Haywood, Easterly and Davis, Parker and Kennison, planned and executed that Independence Explosion, as Orchard alleges, they must all have been in league with K. C. Sterling, agent of the Mine Owners, to destroy the Western Federation of Miners in that region.

Every witness on the stand from the Cripple Creek region has told of the awful results of that Independence explosion. Easterly told vividly of the attacks on Union men by troops following Mine Owner Hamlin's speech at Victor, described how the military fired into the Miners' Union Hall, how he and others fled to the hills and were shot at while hiding in prospect holes, how they all left the district under false names and have never been able to return to that day.

If Orchard did this deed, he certainly worked well for the Mine Owners. If there was a conspiracy behind this outrage, it worked for the Mine Owners' benefit and for the Miners' overthrow. It has been proved that Moyer and Haywood, as well as Parker and Davis, at a Miners' picnic held a short while before this explosion, all counseled against all acts of violence, as sure to react against the Federation.

To what, then, do all these facts point? Certainly, not to a conspiracy on the part of the Miners.

Fresh evidence was introduced today concerning the Vindicator explosion which killed McCormick and Beck in Nov. 1903, the glory of which was claimed by Orchard, going to show that it was the result of an accident, as has always been supposed. Witness Wood, a canny Scotchman, who was not summoned to testify at the corioer's inquest, furnished evidence that probably disposes of Orchard's claim. Taken together with the weak and improbable story of State's witness Darrow, who was brought in to corroborate Orchard's story of shooting at a cougar who chased him in the drift it now looks as if Orchard had been at his old tricks of yarning by the yard.

If the Bradley investigations now being conducted by Lawyer Miller in Frisco, shall show that Orchard's bomb out there was also an impossibility, it may be that the Steuenerberg assassination will be all that will be left to our Hero's credit. Even his Christianity will then fall from him and we shall have left only the old villain Orchard, though despoiled of some of his boasted deeds of tyranny.

The witnesses for the Defense show finely in contrast with those of the Prosecution. Strong, straightforward, manly faces, like Boyce and Davis and Easterly, over against a sneaking smile like Maj. Naylor's or the coarse brute countenances of Peabody and Goddard, cannot fail to impress even a prejudiced jury.

I cannot close this report without another reference to "McClure's Magazine" for July. McClure himself has been out here and is personally responsible for the publication, in advance of the trial of Moyer and Pettibone, of this pious endorsement of Orchard's truthfulness and absolute

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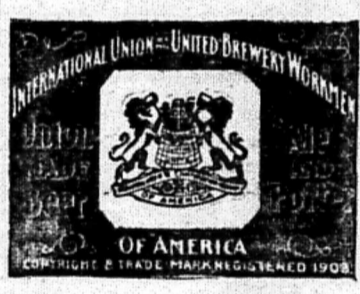
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reliability as a witness. It cannot fail to prejudice still more the minds of prospective jurors not only in this community but in every other where they might be tried. I personally know that the writer, Turner, a graduate of an inland denominational college, made up his mind before he had heard the other side, and I believe the Magazine should be boycotted by every workman and workingman's friend in the United States.

Even if Orchard's story were true, there was no possible way for anyone to be sure of it when that article was written and its publication at this juncture is of the same nature as the Capitalist condemnation of these men a year ago and in open disregard of that mandate of common justice which presumes every man innocent till proven guilty.

Capital is forever disgraced if Hayward is not condemned. And "McClure's" therefore condemns him even if innocent!

HERMON F. TITUS.



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UNMASKING THE "PINKS"

(Continued from Page 2.)

Q. Cummings, J. H. Cummings? A. Why, yes. You asked me about him before.

Q. I thought I asked you about Conbear. A. You asked me about Cummings and that drifted on to Conbear. I remember Cummings, though; he was at Florence.

Q. Which one was it that became president of the union A. Conbear.

Q. I thought that was the one I asked you about all the while. Was Cummings connected with the union? A. That I don't remember.

Q. Don't remember that, whether he was.

Q. Do you know a man named Londoner? A. Yes, sir.

Q. I don't mean now the Londoner who was assistant superintendent of the Pinkerton agency, but there was another man in the Cripple Creek district by that name. A. That is the same one.

Q. Is that the same one? A. The same one.

Q. Where was he operating first? A. Well, he was a general operative and has operated in different places. At one time he operated in Butte.

Q. Was he connected with the union at that time? A. No, at that time he was supposed to be a capitalist and trying to find out the secrets of Mr. Heinze.

Q. Was he at any time a member of the union? A. I don't believe he was.

Q. And he is now the assistant superintendent at Denver, is he? A. Denver; that is, he was at the time I left.

Q. Do you know a man by the name of Frank E. Cochran, do you know who he is? A. I know who he is.

Q. Is he connected with the union? A. He was.

Q. Whereabouts? A. Down at Keswick, California.

Q. Is that Emmett Cochran? A. That I don't know. He was known as Frank E.

Q. Was he a Pinkerton operator? A. Yes, sir, making regular reports to the San Francisco office.

Q. In reference to the members of the Federation? A. In reference to the union down at Keswick. They had a strike down there.

Q. Do you know A. W. Gratias? A. I know who he is, yes, sir.

Q. Was he connected with the union? A. Yes, sir.

Q. Whereabouts? A. Globeville.

Q. Globeville? A. That is a suburb of Denver. It is included now in the county of Denver.

Q. Do you know what part he took in that union? A. He was vice president, president, chairman of the relief committee and delegate to the convention.

Q. That is all the offices he held in the union that you know of? A. That is all he held, he got them all in about ten months, or nine months after he joined.

Q. Was he a Pinkerton when he went in? A. Yes, sir, he was an operative at the time he was detailed on this operation.

Q. Was this man distributing relief funds to the strikers down there? A. I don't know whether he distributed them personally, but he had directions of it.

Q. Under whom? A. I don't know the rules of the organization or how he was limited, but he was chairman of the committee that had charge of that.

Q. Was he also distributing that under the direction of the Pinkerton agency? A. Well, he received his instructions from Mr. Carey or whatever assistant superintendent handled him, and Mr. Carey was once or twice instructed, or that is the superintendent of the office was once or twice instructed by Mr. McParland.

Q. Was he told how to distribute the funds? A. Yes, sir.

Q. In what way? A. Well, at first the instructions were to make the relief bills as large as he possibly could in order to try and drain the Western Federation treasury, that is, if possible. Then when these tactics didn't work, just before the convention in 1904, possibly a week or two

before that, the operatives were instructed to cut the relief bills down to the very minimum, in fact as low as they possibly could, in order to make the members dissatisfied with the union and then possibly they might go back to work, if they didn't get sufficient relief.

Q. And was anything said as to who should be charged with having cut down the relief fund? A. That I don't know, but the operatives once reported that he intended to throw the blame on Mr. Haywood for it because Mr. Haywood was objecting to the large relief bills.

Q. And did he make a report as to whether he had done this? A. Yes, sir.

Q. In a general way that was the character of the reports made from time to time by these operatives in the union, covering what subject? A. Covering the work of the men, how they worked, what they said during the work, what the talk was during the meals, how they spent their evenings, also the reports of the union meetings.

Q. What took place in the union meetings? A. What took place, everything said.

Q. Have you any copies of those reports? A. Yes, sir.

Q. How many have you got? A. I haven't counted them—quite a number of them.

Q. Have you got copies of these reports from these different men whose names I have given you? A. Yes, sir.

Q. What was done by Mr. McParland and his assistants by way of sending these reports to their subscribers? A. I don't quite understand that.

Q. What was done by way of sending these reports after they were made, or copies of them, to their clients? A. Well, after they were typewritten they would simply be put into an envelope and addressed to their clients and mailed to them provided the client was out of the city; if he was in Denver it would be delivered personally.

Q. Regularly as quick as they were received, or when? A. Well, as quick as they could be written up. It all depended on how the work in the office was.

Q. To whom did Mr. McParland report? A. Mr. McParland reported only to those above him, that is to the general management in New York.

Q. What was his name? A. Mr. Bangs.

Q. Did Mr. McParland and the agency take a hand in the political campaign down there in connection with the strike? A. I don't believe they had anything to do with any political campaigns.

Q. You don't? A. That is, not to my knowledge.

Q. How long, so far as you know, did their work continue in connection with this strike? A. Well, they had operatives in Cripple Creek district and Colorado City and in Telluride throughout the entire time the strike was in progress.

Q. How about Trinidad and Globeville? A. All the time of their strikes.

Q. Any at Leadville? A. I don't know.

Q. Do you know a man named Smith? A. I know who he is.

Q. Who is he? A. He is No. 28.

Q. No. 28? A. Yes, sir.

Q. Did he obtain a position in any union? A. Well, he was one of the most prominent members of the United Mine Workers down at Trinidad or Aguilar, where he was mainly.

Q. An official? A. I don't believe he held any official position. He used to assist Mr. Stimpson, the district secretary, and after the strike, why, he was appointed as a national organizer under Mr. Mitchell.

Q. A national organizer for the United Mine Workers? A. Yes, sir.

Q. Do you know where he is now? A. I don't know. It seems that after this book was published and he was exposed that he disappeared.

Q. Do you know a man named A. C. Cole in Victor? A. No, sir.

Q. Did you know of his reports being received? A. I don't recollect the name.

Q. You don't remember that name? A. No, sir.

Q. Couldn't swear to that? A. No.

Q. Have you copies of the reports here? A. Yes, sir.

Q. Did you bring them with you this morning? A. Not with me. There are two duplicate copies. I believe you ought to have some of them.

MR. DARROW: Your Honor, I

don't know how long you intend to hold.

THE COURT: Until twelve, and from half past one to three.

MR. DARROW: Your Honor told me, I think you will bear me out, that you would probably adjourn at half past eleven, and I haven't got the copies of these reports and I am not absolutely sure as to what ones I wish to offer. But I have got other witnesses here, if the court will let me withdraw this witness, and put others on.

THE COURT: Is there any objection to withdrawing this witness?

MR. HAWLEY: No, go ahead.

THE COURT: Withdraw this witness and put on another, Mr. Darrow.

MR. DARROW: Very well, they can cross examine up to this point, but I suppose they would rather have it all in first.

(Witness Morris Friedman withdrawn.)

I hope the comrades everywhere will rally to the support of "The Socialist." Get subscribers and sell stock. I like to use my little money to pay a fourth or half the subscription price to new subscribers than to pay for a share of stock. It must be subscriptions eventually that keeps the paper going. And the more we have, the more Socialism is spread over a wider surface.—W. H. Brown, Minneapolis, Minn.

I have been told before coming here that I should respect the office of the President. So I do. But the office and the incumbent may rightly be regarded as two different things. The private may salute the shoulder-straps instead of the wearer. Had Mr. Roosevelt respected his office he would have kept silent on this matter. Yet I can easily sympathize with him in some respects. He was doubtless so exasperated that Mr. Harriman had nailed him in a falsehood, that he found some relief in taking out his spite on the weak and helpless, just as a bully who has been soundly thrashed by an equal opponent will sometimes kick a little boy who happens to be in his way, just to get even with someone. It is human nature of a sort I suppose, but I can't help thinking that after all Theodore may have made a slight mistake in his selection of a victim.—From speech by Jos. Wanhope, New York, May 4, 1907.

If ever a Socialist paper needs the full, intense, zealous assistance of the present subscribers and readers and the entire Socialists and laboring men of the country, that paper is the "Socialist," for the reason that it has never upheld fusion or compromise of any kind whatever, and at the same time has never feared to criticize the violations of the true, primal, fundamental principles which are absolutely necessary to keep the movement from deterioration and destruction.—W. H. Brown, Minneapolis, Minn.

A GREAT DAY

(Continued from Page 1.)

It is an infamous practice this, of the paid and professional informer, McParland was one himself, among the "Mollies" and now he has many hired disciples, chief among them, Harry Orchard.

I have never yet believed even the Pinkertons capable of hiring Orchard to assassinate Steunenberg, and other conspicuous antagonists of Organized Labor, for the sake of throwing the ignominy and fastening the crime on Labor and its Leaders. But the revelations of these witnesses given before and others who are here, create in my mind a readiness to believe anything possible to these thugs and professional snakes. McParland's own brother, a shoemaker from Cripple Creek, is here as a witness for the Defense and he will tell things he saw done by "Tin Soldiers" to nursing women that will make men shut their teeth and clench their fists.

Certain it is Pinkertonism is on trial here as well as the Mine Owners' Association behind it and Capital behind that.

HERMON F. TITUS.

