

TRIAL OF MOYER AND HAYWOOD

The trial of William D. Haywood, charged with the murder of Governor Steunenberg of Idaho is going on at Boise, Idaho.

Clarence Darrow of Chicago, attorney for Haywood and his companions, has issued this statement:

"We were not in Idaho for years before the crime was committed. Under the law, we could not be extradited from Colorado. But, in spite of this, we were arrested on a perjured affidavit charging that we were in Idaho at the time of the commission of the crime, and that we immediately fled from the state, and on this perjured affidavit, known to be false, the governors of the two states of Idaho and Colorado kidnaped us in the nighttime, refused us an interview with family, friends or counsel, or a chance of appeal to the courts and brought us on a special train a thousand miles from home and into a state and community systematically poisoned against us by newspapers and officials. We have been confined in jail for fourteen months against our protest, and denied bail while constantly demanding a trial. Every effort has been made to teach the farmers, business men and workmen of the community that we are assassins and outlaws.

"After all this time, our case is about to be reached, and the president of the United States, in no way interested, officially or otherwise, sends two letters broadcast over the country charging us with guilt and crime. These are republished in every paper in the land, especially in every paper in Idaho.

"The governor of Colorado, a day or two later, adds his words of spite to the venom of the president and says that we are not only guilty of the crime charged, but of many others, too.

"While the president of the United States and the governor of Colorado are sending out their statements to compass our death, the judge of this county has brought a citizen before him for contempt on the charge that he tried to influence the mind of a prospective juror by saying that 'the state administration was trying to railroad us.' On the appearance of this man in court the judge promptly told the state's attorney that he should have this obscure farmer indicted for felony because he tried to influence the mind of a prospective juror. The president knows how much greater weight will be given to his words than those of an obscure private citizen.

"If we are about to be tried in court, every law-abiding citizen, however great or humble, should do everything in his power to cool the passions of man, rather than add fuel to the flames. If we are to be thrown to the mob, the officers should at least open our prison doors and give us some chance to defend ourselves."

Former Senator Thomas M. Patterson, writing for the Denver News, gives a description of the case from which the following extracts are taken:

"It is not claimed that Haywood did the deed, but it is charged that it was committed through his procurement. One Orchard confesses that he arranged the infernal machine at the gate of the

victim, so that when the gate was opened the mechanism exploded the bomb and Governor Steunenberg was killed. The victim was horribly mutilated, and life was extinguished with the explosion. Orchard, admitting the dastardly crime, claims, so it is reported, that William D. Haywood, then secretary of the Western Federation of Miners, employed or persuaded him to do the deed. Charles H. Moyer, it is also generally understood, is connected with the arrangement to kill Steunenberg by Orchard's confession. An authenticated confession of Orchard has never been published. Many statements of what the confession is have found their way into the public prints, only to be denied in important details. The exact nature of the confession will only be known when Orchard takes the witness stand and tells his story.

"The country is divided into three bodies about this most extraordinary case. One, termed by Moyer and Haywood's friends and followers 'the capitalistic class,' firmly believes in their guilt. The second—the membership of the Western Federation of Miners and political socialists generally—has no question about their innocence, and proclaims that they are the victims of 'a capitalistic conspiracy;' that, because they have been true to the interests of labor and are leaders of great power and influence with their class, the capitalists have determined to have them hanged, that they may the easier complete the work of enslaving the working masses.' This body contends that Orchard is a mere tool, and that if he is in fact the slayer of Steunenberg he has been induced to implicate Moyer and Haywood to escape the gallows for his deed. The third body is the great mass of people, who have no feeling in the affair beyond horror of the crime and their intense desire to have the murder fully and fairly investigated and the guilty punished. If Haywood and Moyer did procure or advise the assassination of Steunenberg, they wish the extreme penalty of the law visited upon them; if they are not guilty they will welcome the verdict of acquittal.

"Two things, independent of the crime itself, have occurred since its perpetration that have deeply wrought upon the public mind. The first was the unusual methods resorted to by the authorities to get the accused from Colorado to Idaho; the second was the recent utterance of President Roosevelt, referring to Moyer and Haywood as 'undesirable citizens.' The first utterance was intensified by the second. Both references were in letters. The first was a letter to Hon. James S. Sherman, chairman of the national republican congressional campaign committee, and the second was a letter in reply to resolutions adopted in Chicago by the Moyer and Haywood defense league, calling the president to task for his first use of the obnoxious term.

"I have never quite understood why the authorities resorted to the methods they did to remove the accused from Colorado to Idaho. I believe the reason given by those who speak for the authorities is that they feared a rescue—the derailment of the train in which the prisoners would be conveyed, or its destruction in some

other way. Those who believe in the innocence of the prisoners deny that this was the reason. They insist that the prosecution was unable to produce testimony to show that Moyer and Haywood were fugitives from justice, or that they were responsible in any way for Steunenberg's death, and that they were kidnaped, fearing that the conspiracy to have them hung by perjured testimony might be defeated by the Colorado courts. I have been of the opinion that if it were true that Moyer and Haywood procured Orchard to assassinate Governor Steunenberg, then they were constructively in the state in which the killing was done, and that, though they had never been in Idaho, they were constructively fugitives from the justice of that state. If I am right in this, then, had the prosecutors of the accused proceeded in the usual and ordinary way under the requisition papers, there was no need for secrecy or other extraordinary proceedings to get the prisoners out of Colorado to Idaho; for, on a proper showing and under the requisition from the governor of Idaho, Governor McDonald should have honored the requisition. The only other reason, then, for the course pursued is that claimed by the authorities—fear of a rescue by whatever violence was necessary to effect it. This is not a legal reason, however, for the presumption of the law is that a state has and will exercise whatever power is necessary to protect its officers and safely deliver its prisoners.

"The supreme court of the United States, when applied to for the discharge of the prisoners on account of these proceedings, practically justified them, but did not discuss the question as to whether Moyer and Haywood were, in fact or constructively, fugitives from justice, and whether, though they had never been in Idaho, if they had procured the killing of Steunenberg, they might be taken on requisition proceedings to Idaho for trial. To use the term employed by Moyer and Haywood's friends, this 'kidnaping' of them has been used to arouse a strong sentiment in labor ranks in their favor and against the authorities. It is accepted by many as proof of the alleged conspiracy to send innocent men to the gallows.

"But from these and other unusual facts the trial to commence next week at Boise will take on all the importance and significance of a great state trial. Its influence no one can foretell now. Whether found guilty or not guilty, or should the jury disagree, it will canonize Moyer and Haywood as martyrs to the cause of labor in the minds of their followers. It will, in all probability, make Haywood the nominee of the socialists for president. It may change the politics of states and the course of national conventions. It may be epoch-making in its results.

"As for myself, I have kept my mind free from a conclusion as to their guilt or innocence. I have been content to await the testimony of the prosecution and that of the defense. I hope for a thoroughly impartial trial and an honest, fearless verdict. The crime for which they are to be tried is a most atrocious one, and the guilty one or ones should pay the extreme penalty of the law."

PLAN FOR PREVENTION OF TRUSTS AND MONOPOLY

Judge J. P. Hobson, Frankfort, Ky., of the Kentucky court of appeals, has written for The Commoner an interesting article entitled, "Prevention of Trusts and Monopolies." The article follows:

The crushing power of the abnormal combinations of capital known in recent years as trusts and monopolies has been so felt that the problem of their regulation has been much discussed. It is said that the states are powerless to afford a remedy, and there has been a widespread demand for action by the federal government, and this demand has been voiced in a number of publications advocating an amendment to the constitution of the United States, giving congress the power to prevent and suppress monopolies. It has also been advocated by others that the powers of congress under the constitution should be so enlarged by judicial construction without amendment as to provide a remedy. The constitution of the United States should not be lightly amended, for an instrument which is often amended loses hold upon the public heart. It should not be construed loosely, for an instrument that is loosely construed means nothing. If the constitution of the United States is not construed according to its terms and that force given to its provisions which the ordinary use of language

would require, it will in the end become a meaningless form. If it is defective, it should be amended; but there is no need for an amendment of the constitution of the United States to suppress trusts and monopolies. The several states have all the power that is needed for this purpose.

A trust is thus defined in the Century dictionary:

"An organization for the control of several corporations under one directory by the device of a transfer by the stockholders in each corporation of at least a majority of the stock to a central committee or board of trustees, who issue in return to such stockholders respectively certificates showing in effect that although they have parted with their stock and the consequent voting power, they are still entitled to dividends or to share in the profits—the object being to enable trustees to elect directors in all the corporations to control and suspend at pleasure the work of any and thus to economize expenses, regulate production, and defeat competition."

A monopoly is thus defined:

"In political economy such control of a special thing, as a commodity, as enables the person or persons exercising it to raise the

price of it above its real value or above the price it would bring under competition."

All the trusts and monopolies are brought about by corporate action, and it is said that although a large majority of the states have declared void all corporations created for such purposes, in two states they are upheld; and that these two states can create and send out into the other states trusts to control the business of the country. The fallacy of the argument is that it ignores the principle that no foreign corporation can do business other than interstate commerce in another state without its consent. A foreign corporation does domestic business in any state other than its home solely upon the principle of comity. The power of a state over a foreign corporation within its borders was recently upheld by the United States supreme court in the case of Security Mutual Life Insurance company vs. Prewitt, Commissioner, 202 U. S., 246. In that case the state of Kentucky had enacted a statute providing that no foreign insurance company should do business in the state until among other things it had made a deposit with the insurance commissioner of the state and obtained from him a license. The statute also provided that the insurance commissioner should have power to cancel the license for certain causes; among others,