

We Must Fight! (January 26, 1907)

The supreme court and the president of the United States have left us no other alternative. We have got to stand up like men or crawl on our bellies like cravens. There is no compromise.

The class struggle is as clearly reflected in the supreme court decision and the president's action as if traced in the skies in letters of fire. All the powers of capitalism, from Standard Oil down, are combined against Moyer, Haywood, and Pettibone, and find expression along the political line all the way from Ruzvlt¹ to McParland and along the judicial line all the way from the supreme court of the United States to a police magistrate in Idaho.

It is not a case of punishing crime that law may be vindicated, but the violation of law that crime may be committed.

The case against our comrades is notorious in court annals for the utter defiance of all law — state and national, statutory and constitutional — that has marked its proceedings from its inception. Indeed, the case, to be properly understood, must be traced back at least as far as the purchase by the mine owners and smelter trust of the legislature of Colorado, at the current Colorado rates per head, thereby defeating the eight-hour amendment which the people of that Guggenheim state² by a clear majority of nearly 50,000 votes had commanded these political perverts to enact into law. This was followed by the military despotism of the infamous Peabody and his sodden satraps, who emblazoned the escutcheon of his murderous administration with the immortal shibboleths: “To hell with the constitution,” “To hell with habeas corpus,” and “To hell with any court that decides against us.” These are some of the foundation stones of the fabric of law and order which Ruzvlt sent Taft out to Idaho to commend to the people of that state.

This law and order cry issues from the brazen throats of political hirelings, the tools of capitalism, to conceal its own crimes.

When such monsters as Peabody and Gooding and such misshapen degenerates as McParland talk about law and order in the lurid light of their own crimes, and President Ruzvlt sends his fat special emissary to the scene of these crimes to give them the backing of the national

administration, all in the name of law and order, and this in the very shadow of the dungeon in which innocent kidnapped American citizens are guarded by criminal body-snatchers — when it comes to this, then, indeed, has Justice fled to brutish beasts, all law is miserable mockery, and even Hypocrisy, used as she is to sickening saturnalia, is nauseated and deserts the scene.

That our comrades have been kidnapped and are unlawfully held by legalized brute force is admitted; there is no question about it, not even by the supreme court. That the preconceived purpose is to do them to death, regardless of their innocence, has been apparent from the start.

It is not as individuals that these workingmen are to be murdered, but as the incarnation of class-conscious organized labor that they must be annihilated.

That makes the issue my issue and their cause my cause.

These brothers of mine have served and suffered for me. Their enemy is my enemy and their fate must be my fate. To abandon them in this extremity would be to desert and dishonor myself and despise myself forever. I prefer to be a man, and, as such, to assert myself and the cause of my class.

How shall it be with you millions of workers, of whom I am but one? You and I and all of use are in the same boat and we go to port or to the bottom together.

The situation is clear — where do you stand? Are you a man or a microbe? Have you a spine to keep you straight and nerve enough to hold up your head?

The question confronts you; you cannot evade it, and if you attempt to sneak away it will follow you and denounce you even in your dreams.

For myself, I am going to Idaho, or wherever I may be needed; and I am going to do whatever duty may demand. The cause being absolutely righteous and my duty clear, I am going to act as conscience dictates regardless of consequences to myself.

Now, what can we do? A thousand things! We can think and act, and the first thing to think about is that we must act without delay. We are on the eve of battle; the lines are drawn and the forces are gathering.

Our first appeal is to the working class, the whole of it, from sea to sea, old and young, male and female.

Our next appeal is to every human being who loves justice, abominates crime, and abhors murder.

The most monstrous crimes in all history are those committed in the sacred name of justice. Legal murder is the crime of crimes and its perpetrator the fiend of fiends.

Our comrades are already the victims of a thousand legal crimes, and the sufferings they and their loved ones have endured no mortal being can ever describe. From their prison cell, dark as a cave, here issues a cry to the working class and to all humanity and *the voice of God is in that cry*.

Let the working class respond like the waves of the sea when the storm god touches the organ keys and the motionless surface is transformed into surging billows, and then that gloomy cell in Idaho will become all radiant with light.

Let me summarize a few of the things that may be done at once to arouse the working class:

First — Arrange public protest meetings in every city, town, village, hamlet, schoolhouse, and crossroads. These meetings should be held under joint auspices and for the time all differences laid aside, so that all may join in one protesting mass against the judicial sanction of kidnapping and assassination. The life of labor is involved in this issue.

Second — Tell your neighbors, friends, fellow workers, and everybody you meet about the crime, put literature in their hands bearing the proof and seek to arouse them to a realization of the impending catastrophe.

Third — Ten million copies of Justice McKenna's dissenting opinion should be un off as swiftly as possible and distributed broadcast over the land. The capitalist press, Republican and Democratic, has discreetly ignored it. We must use our million hands in placing it before the people. The decision of the supreme court is a monstrous perversion of justice and an eternity of damnation will follow the fossils who pronounced it.

Fourth — Every indignation meeting that is held should have a copy of its protest mailed to the president and vice president of the United States, each member of the United States Senate and each member of the House of Representatives. This will involve a little work, but it is necessary and should be done.

Fifth — In every congressional district a petition should be circulated and signed as largely as possible, demanding a congressional investigation of the kidnapping conspiracy, and this should be forwarded to the member of Congress in that district, with a copy of Justice McKenna's opinion attached, coupled with the request that the petition be read n Congress and

that said member of Congress introduce in that body a resolution calling for the investigation. Let the millions unite in this demand and move upon Congress with indignant protest and resolute determination. The politicians will listen to an aroused people.

Sixth — Wherever a state legislature is in session the matter should be introduced by petition or resolution and made the subject of discussion, inquiry, and investigation. It can be forced into every legislature and these bodies set in motion. Wherever the issue can be raised and discussion precipitated it should be done. Agitation will result in action and every particle of both will help us. We have to fear only the dead calm of ignorance and indifference. The enemy want the country lulled to sleep while the murder is being committed. We must wake up the people, stimulate thought, provoke controversy, and incite action. In a word, we must wake up and turn the light on the conspirators and criminals.

Seventh — We must have a jury of twelve representatives of the working class at the trial to hear and weigh the evidence and render a verdict. It is clear as the noonday sun that a packed jury to convict is on the calendar of the criminals in control of the political machinery. A straight jury would not fit a crooked court. The case is Capital vs. Labor, Standard Oil vs. The Working Class, Millions of Money vs. Millions of Men. They will have their own jury picked by themselves. We must have our jury picked by ourselves. We know the kidnapping gang and what to expect. Their asseveration about a fair trial is pure gammon.³ Kidnappers are criminals and criminals will pack juries to convict innocent men. We must have our own jury and by this means alone will justice be secured. A crooked jury facing a jury of honest men will b up against it. There can be no miscarriage, no trumped-up charges, no cooked-up testimony, no made-to-order “confession” in such a trial without instantaneous detection and prompt exposure.

Eighth — The Supreme Court of the United States, the final tribunal in the service of the capitalist class versus the working class, has placed its judicial seal upon kidnapping; and kidnapping now is no longer a crime, but a constitutional prerogative, a legal right and a personal privilege. Kidnapping being a legitimate practice, we all have a perfect right to engage in it. Let us take advantage of the opening. For every workingman kidnapped a capitalist must be seized and held for ransom. Let us put the law laid down by the supreme court into practice. It is infamous, to be sure, and should be repealed, and the certain way to repeal it is to make it work

both ways. The kidnapping of the first capitalist will convulse the nation and reverse the supreme court.

Finally — Let us use our brains and our energies; let us have self-respect and courage and face without flinching the issue that has been forced upon us by criminal conspirators masquerading as conservators of civilization.

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¹ *Roosevelt.*

² Reference is to Meyer Guggenheim (1828-1905) industrialist behind a mining and smelting empire spanning the United States and Mexico. Guggenheim was a leading investor in Colorado silver mining and smelting centered in the Leadville region, helping him to build one of the largest family fortunes of the Gilded Age. Guggenheim's son Solomon (1861-1949) was a dedicated modern art collector and is the namesake of the famed museum in New York City.

³ *Humbug.*