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The Socialist

To Organize the Slaves of Capital to Vote Their Own Emancipation

SEVENTH YEAR - No. 336

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PRICE FIVE CENTS

DARROW'S GREAT PLEA FOR HAYWOOD'S LIFE

THE CASE FOR PROSECUTION

With a New Defense Outlined

Boise, Idaho, July 21, 1907. "Big Jim Hawley," "Uncle Jim Hawley," "Old Jim Hawley" has made his final speech, seven hours long, addressed to the jury, and the case for the prosecution is completed—excepting only Darrow's last effort.

But Borah can add nothing. We have all heard the evidence. A dozen reporters could have made a better presentation than Hawley did. He is a sad old "Has Been." His address was tedious to the extreme. The jury looked bored. Yet his language was not over their heads. He sat on the edge of the table most of the time, pleading his case too ill to stand up. The court room was at no time full. Most people have never had much interest and have less now than ever. Probably Darrow and Borah will draw a couple of hundred more people—enough to pack the little court room. Perhaps Richardson, also, who is really an orator of the declamatory sort, may get the crowd.

The case for the state is quickly told. Hawley might well be sick with such a case to prosecute. All he had to do was to rehearse what Orchard said and to call every one a perjurer who disagreed with Orchard. That is no fiction. It is the sum and substance of the state's case. Orchard tells the truth. Everybody else lies.

And why are we to believe Orchard? First: Because he is a Christian. As Hawley said, "The fear of God is in his soul."

Second: Because he had no motive to commit these murders, therefore somebody else must have set him on.

This last is the main reliance of the prosecution to secure a verdict from the jury.

Here is the argument: An attempt was made to blow up Judge Goddard by a bomb at his gateway. Orchard says he did it, tells where to look for the bomb and it is found where he says.

Or the Independence depot is blown up, killing 14 non-union men. It looks as if Orchard did it as he says he did.

Now, says Hawley, what possible reason had Orchard for doing these things? He had no personal ill will against Goddard, or Peabody, or Beck, or McCormick, or those scabs or Bradley, or Gov. Steunenberg.

But the Federation leaders had cause for enmity toward them all. They all stood in their way at one time or another. The "Miners Magazine" reflected that enmity. They had a motive and Orchard only worked for them because he was paid by them.

All the argument of Hawley from first to last was just that and no more. He reeled off the hours describing in detail the different outrages and crimes given in Orchard's "narrative" and much less interestingly than Orchard, and at the close of each episode he declared, with all the energy he could summon: "NOW WHAT MOTIVE HAD ORCHARD TO DO THIS DEED?" No man goes around the world committing murder for the fun of it.

To meet this argument the defense intended to show the jury that the Pinkertons and mine owners had a bigger motive, far bigger, than the miners. But Judge Wood has ruled all that out, leaving the defense almost helpless, as I have elsewhere shown.

The weak point in this line of the defense was it did not cover all the cases in point. For instance, the defense did not claim that the attempt on Goddard was planned and executed by the Pinkertons in order to injure the Federation; nor was it alleged by the defense that Steunenberg was killed for that reason. The main line of the defense has been broken and disconnected.

For Steunenberg, it has been proved

EVERYBODY IS GUESSING

What Verdict Will Be? Titus Says Hung Jury, Borah Not In It Alongside Darrow

BOISE, July 26.—(Special Dispatch to "The Socialist")—Borah's argument petered out tonight. He began weak last night and ended weak tonight. But he was strong and clear for three hours this morning. He rests the whole case on circumstantial evidence of a conspiracy, practically all simmering down to the alleged Pattibone letter to Orchard at Caldwell.

Borah contrasted pitifully with Darrow, seeming like a school boy speaking his piece; yet it seemed as if he were not trying. Either he does not care for conviction or he is sure of it, so it seems.

Everybody is guessing at what the verdict will be. From certain straws, I guess as follows: For acquittal, Gese, McBean, and Burns; for conviction, Schriener, Geburn and Powell; possibly for acquittal, Clark, Russell and Robinson; unknown, Messerac, Gilman and Smith.

Colored reports are being sent out by the bailiffs in charge of the jury, who are red hot for the prosecution. They don't know what the jury will do any better than outsiders. The jury don't like their guardians. A prominent clergyman predicts acquittal in five minutes. But nobody knows what lies at the bottom of the well.

This week the case has followed my outline of a week ago to the day. Expect the verdict Sunday or Monday. Will send full and instant reports for red extra "The Socialist," or for next week's issue, containing the second installment of Darrow's great speech. Borah's peroration charged Darrow with justifying violence. Darrow's speech should be read carefully by every workingman. "The Socialist" is the first to print it. No paper is using any "wire" to telegraph it, as was advertised. "The Socialist" gives it exactly as delivered, word for word, with no editing by Darrow or anyone else.

Following our "Verdict Edition" of next week will appear an "Historical Edition" containing exclusive and hitherto unpublished pictures of the trial, printed on a flat bed press in elegant style. "The Socialist" is acknowledged everywhere, has given the most analytical reports of the great trial. One feature attempted by no other papers has been verbatim reports, eagerly read by all comrades. Haywood's testimony cost this paper considerable money, but I am resolved "The Socialist" shall be a first-class newspaper in labor matters. If you take "The Socialist" you will find out what happens, and what it all means.

Again I say, read Darrow's speech. It strikes high notes at every turn. It challenges capitalist opposition and discussion. Even if it loses this verdict, as some claim, it will win the verdict from the working class, that larger jury.

Haywood will not hang, even if convicted, but the battle will be waged with ten-fold strength for every hour he waits in prison.

Tonight it is reported on good authority that every witness from Cripple Creek who appeared for the defense is blacklisted. All right, Colorado capitalists, if you like that sort of thing keep it up. He laughs best who laughs last. HERMON F. TITUS.

that Orchard had personal enmity. That was sufficient for that case.

For the Vindicator explosion, it has been proved, or nearly proved, that that was an accident.

So with the Bradley explosion—it was probably a gas explosion.

Lyte Gregory's case has hardly been touched by the defense—except to show how the United Mine Workers had more cause to hate him than the Western Federation.

The Independence depot explosion has been the crux of the defense's case. There it has been clearly proved—though not to Judge Wood's satisfaction—that the mine owners had not only a powerful motive, namely to create public indignation against the Federation and to afford occasion for deporting them, but that their detectives acted so suspiciously before and after the explosion as to create a strong presumption of their complicity in the crime.

The spike pulling case was even stronger, for here it was hardly disputed that Detectives Sterling and Scott arranged a fake accident to discredit the unions. And no accident actually occurred here. It was only a scare, and the prosecution claims it did not introduce this case as part of the alleged conspiracy.

It is therefore seen how scattered the defense has made its line. It has many different ways of explaining or accounting for the different outrages. Some are accidents; some are committed by the mine owners; one is due to Orchard's personal grudge, while some are wholly unaccounted for.

The one explanation which would cover all satisfactorily has hardly been named by the defense. That is Orchard's mania for crime. He is one who needs no motive, but his own inward impulse. He is what the students call a congenital criminal. That is, he was born with an impulse to criminality.

For corroboration of the explanation recollect the many crimes he confesses to which the Federation leaders certainly did NOT put him up to.

Why did he burn up his cheese factory in Canada to collect the insurance?

Why did he run off with another

man's wife back in Canada? Why did he burglarize the depot and a saloon in the Coeur d'Alenes?

Why did he propose to kidnap Gus Paulson's child?

Why did he contemplate counterfeiting and even smuggling?

Haywood surely was not the cause of all these and other crimes proved against Orchard.

No; the true reason, as I believe, is found in Orchard's inherited tendency to do things unsocial, crooked, abnormal, criminal. He was born unlike the ordinary being. His grandfather was insane; his uncle was insane; both had delusions about great crimes committed.

Look at the picture of Orchard which he had taken of himself in Salt Lake City, somewhere back in 1902. Nothing has been made of this photograph, although it was introduced in evidence. To me it seems the key to the whole situation.

Orchard is standing beside a card table. He holds some cards in his left hand. In his right hand is a smoking revolver, while across the gaming table one of his fellow players has fallen, shot to death. The third player stands alongside a silent witness. Orchard has a cigar between his teeth and looks the cool bravo. He is posing as a criminal, a murderer.

Orchard's grandfather was insane with that same idea. His grandfather's son was insane with that idea, and Orchard is insane with pride of crime. Some of these crimes he has committed, and some doubtless he has not committed, but adds them to his string to swell that insane head of his which can only be satisfied with enormities.

That line of defense would answer completely and to the satisfaction of every juror this insistent question of the prosecution: "What possible motive had Orchard?"

But, on the other hand, the state has proved nothing, absolutely nothing.

It has a consistent theory, but no facts.

It cannot even prove a motive for the Federation leaders. As I have pointed out a score of times, the mo-

JUDGE WOOD'S BODY BLOW

Judge Wood has proved himself chief counsel for the prosecution. We can see now why Mr. Borah has been so contented and easy going. He did not need to exert himself.

I saw Judge Wood and Senator Borah in close consultation and private conversation for some twenty minutes at a critical stage of the case, and there can be no doubt of a perfect understanding between them at all stages of the case.

The critical decision rendered by Judge Wood this (Friday) noon, July 19, practically destroys the elaborate structure raised by the defense and its witnesses. For the theory by

which the lawyers for Haywood have accounted for the alleged crimes, outside of Steunenberg's assassination, especially for the Independence depot explosion June 6, 1904, has been a mine owners' or Pinkerton conspiracy.

Judge Wood's decision which is sent along with this comment for all to read, prohibits the jury from considering at all this explanation of a counter conspiracy.

These were all aimed at enemies of the Western Federation of Miners. The prosecution charges they constitute evidence of a conspiracy. Orchard professes to give the inside history of such a conspiracy.

Mr. Hawley argued today, if the Vindicator explosion was not an accident, then there is no way of accounting for it, except by a conspiracy on the part of the officials of the Western Federation of Miners, just as Orchard alleges.

The state will say the same thing of the Independence explosion and of the rest. Judge Wood has estopped the defense from claiming the Pinkertons did it, or the mine owners did it. The question is now: How will the defense explain these occurrences to the jury?

ORCHARD EXHIBITS HIMSELF



Drawn from a Photograph taken in Salt Lake City in 1903—Exhibit of the Defense

A GRILING FOR ORCHARD & CO.

Verbatim Report from Court Record

If the court please, and gentlemen of the jury: I presume I had better have the time that is ordinarily taken to apologize to a jury and proceed at once to this case. It is true you have been here a good while, but I am sure there is no one of you, gentlemen, who don't appreciate the importance of this case and how much it means to the defendant, if not to the state. And as we are nearly done anyhow, I think you will be willing to spare a few extra hours if we should think it necessary, even though it is not in keeping with the arguments of lawyers. I have no doubt that lawyers generally talk too much and in that I am like all the rest of them; we are so afraid we will leave something unsaid that we say a good many things that had better not have been touched on at all and which are entirely unnecessary in the argument of a case.

In this case, gentlemen of the jury, I am perfectly well aware that however long I talk to you there will be great many subjects I will not touch. There is no man, I believe, certainly not I, who can go over everything that has transpired in this court in the last two or three months and the history of the whole region except of Denver and omit some things. Some things he will be sorry afterwards he did not refer to and some things he will wish he had explained. I know I will be no exception to the rule, and after I am through I will think of more things I forgot than the things I remembered, but I will have to trust that to you, gentlemen of the jury. I will have to leave it to you after all is said and done to look out yourselves for the rights and the privileges and the interests of these defendants so far as the law protects them; to see for yourselves that every argument that is made against them rests upon a sure foundation and will admit of no explanation whatever except the explanation of guilt, and it is only until facts and circumstances admit of no other explanation that a jury has a right to consider them in the gravest and most responsible affairs of their lives.

Gentlemen, I need not tell you how important this case is,—how important to the man on trial and to those who still must be placed where he is,—how important to his family and his friends,—how important to society,—how important to a great movement which represents the hopes and the wishes and the aspirations of all men who labor to assist in the doing of what is right and to expunge us if in our haste and our zeal we seemed to say things we should not have spoken of to you.

"WE ARE HERE AS ALLIENS TO YOU."

Again, gentlemen, we are here as aliens to you. Our client and the men who are with him down here in this court room are a jury and you are to be tried by a practically foreign alien jury—a jury unfamiliar with our customs, our laws, our ways of life, a jury which has not viewed life from the standpoint of the man on trial and who have viewed it. I am here two thousand miles from home, unacquainted with the ways of thinking and the methods of reasoning—all of us brought here in an alien country before people who stand in a different attitude toward us, and we are here met by the ablest counsel that the state of Colorado has, and we are here met by the ablest counsel that the state of Colorado has, and we are here met by the ablest counsel that the state of Colorado has, and we are here met by the ablest counsel that the state of Colorado has.

I am not a lawyer and have had no professional training in the law. But it seems to my lay mind that all this evidence now excluded by Judge Wood, was competent for a reason not urged by the lawyers, namely: TO SHOW THE IMPOSSIBILITY OF THE ALLEGED MOTIVE FOR THESE CRIMES BY HAYWOOD AND MOYER.

The entire series of transactions at Cripple Creek and Telluride, all the conflicts, deportations, Bull Pens, military rule, Pinkerton spy system, brought one fact to the fore—and the jury cannot forget it, even if hidden to do so—and that fact is, THAT EVERY ACT OF VIOLENCE INJURED THE MINERS AND HELPED THE MINE OWNERS.

The fact renders impossible and inconceivable the motive alleged against Haywood, violence in order to injure the mine owners and to help his own organization.

They did not help, they ruined his Federation wherever they occurred. I say it seems to me Judge Wood would have had no excuse for excluding all this evidence he has today excluded from the jury, if the claim for its retention had been made ON THE GROUND THAT IT PROVED HAYWOOD'S MOTIVE, AS ALLEGED BY THE STATE, TO BE IMPOSSIBLE.

But I am no lawyer, only a free fighter for these imprisoned and endangered proletarian brothers of mine, but exasperated and saddened tonight at this latest capitalistic move to send them to the gallows.

Yet there are reasons for hope. One reason is found in the fact that the jury may judge Orchard more wisely than we think. The evidence

(Continued on Page 2.)

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No doubt that these twelve men before me intend to carefully guard and protect the rights and the lives and the hopes and the interests of this defendant.

"DO YOU KNOW HOW MUCH IT MEANS?"

Gentlemen, I don't believe that anywhere there is a common law precedent, any intelligent lawyer would ever have dreamed of convicting a defendant upon evidence like this, except they relied upon the strained, harsh circumstances of this case.

Gentlemen of the jury, one thing more: William D. Hayward is charged with murder. He is charged with having killed ex-Governor Steunenberg. He was not here. He was 1,500 or a thousand miles away, and he had not been here for years.

"DON'T COME FORWARD! DON'T BE COWARDS!"

Gentlemen, you have the right to do it if you want to. But I want to say to you twelve men that whatever else you are, I trust you are not cowards.

He has fought many a fight--many a fight with the prosecutor who has hounded him into this court. He has met them in many a battle in the open field, he will die as he has lived, with his face to the foe.

I have taken no pains to study who Governor Steunenberg was, except I assume he was like everybody else, like you, like me, like everybody else.

Gentlemen, I ask then, that each one of you will not, in your own mind, have been in jail for eighteen months. He has no right to be in jail a minute longer than he should be.

VOICE EITHER GUILTY OR NOT GUILTY.

Gentlemen, I ask then, that each one of you will not, in your own mind, have been in jail for eighteen months. He has no right to be in jail a minute longer than he should be.

You have listened to the argument of Mr. Hayward in this case. He told you how honest he was. Now, I will do you any thing that you will have to do to find out from my argument whether I am or not, and whether I am does not make any difference with this case.

We are trying Mr. Hawley. We will try him on an inquest of lunacy.

"IT HAD TO BE HAWLEY; HE IS EVIDENT"

He said to these twelve men, men of fair intelligence and fair learning, that you would be warranted in convicting Bill Hayward if you were not convinced by his evidence out of this case, and still he says he is honest. How is it possible for a man to be so honest and he can have his choice.

And the man who made that statement to you, that he was not a friend of this union, there cannot be any doubt about that. He told you in his own statement that this labor union was a criminal conspiracy from the beginning, and that Ed. Boyce, who led it, was a criminal.

But Mr. Hawley took their money; he organized them; he fought their battles; he was their attorney.

This man who comes here and testifies against him is an infamous scoundrel; a woman, however respectable appearing, might resemble your own wife or your own sister, she is a perjurer if she testifies that he is guilty.

"HAWLEY HAS ORCHARDITE--OR ORCHARD ITCH."

"TO ME DAVIS AND EASTERY ARE GREAT, BIG, MANLY MEN."

I don't know when I have ever seen a man for whom I had more regard and more respect than for Eastery and Davis. And still in measuring their evidence I expect this jury to consider the circumstances of the case and give it the weight it ought to have.

"LET US HOLD AN INQUEST OF LUNACY FOR A MINUTE, AND LET US SEE WHETHER HE IS SANE OR INSANE OR HAS NOT FOLLY."

While I am at it, I would show you just how smart this man is, or how foolish he is. I will show you that she kept a rooming house and that Mr. Sterling, the detective of the Mine Owners Association, occupied that room, and she saw Harry Orchard come there at least six or eight times.

ley to do most anything,--she is a liar. I will call your attention to the three witnesses we put upon the stand and show what you say of them.

Now, if we must get some testimony to corroborate these three honest women, let us get it. These three women were put on the stand together--that this man made some fifteen or eighteen visits in the night time, went to the house to the bedroom of this woman spider who was then wearing his web around the Western Federation of Miners.

Now, if we leave it right there, betwixt the three women, and the three women, I wonder what you twelve men would say about it? If you believe Orchard did it, you will believe that he was in the face again, or yourself either. But I am not going to leave it there.

Now, gentlemen, I could give you a few instances of what I mean. When you get talking about Bill Davis and Bill Eastery, did you ever hear of Max Malich? It is harder still. Now I am going to assume, gentlemen, that you are all honest men, and I am going to try and treat you that way.

"THE VITAL POINT IS, DID HARRY ORCHARD LIE, OR DID SOME ONE ELSE?"

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The issue of "The Socialist" of August 10 will be a "Special Historical Edition" and will contain much material of historic interest in regard to the great Haywood trial. It will be printed on a flat bed press on a better quality of paper than that now used and will be profusely illustrated with half-tone cuts of the prominent personalities and important scenes of the trial.

There will be nothing of this kind issued by any other Socialist paper, and for that reason there should be some good big bundle orders received just as soon as this notice gets out. Our reputation in the past in getting out special illustrated editions is a guarantee of something especially good.

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case him as he and his evidence at this case.

### ORCHARD RECALLED

Then, gentlemen, let us see whether he is changed. I do believe that there are many who are not so certain as if rightly appealed to, may make him better. But I do not believe in miracles. I do not believe in a change in a minute. I don't believe it is ever done or ever can be done. You have heard of a crooked look or a crooked face and you can't take it and make it anew in a minute, and if you gentlemen are going to bank on the fact that he has changed, you are assuming a serious responsibility with Bill Haywood's life. I might have a little more to say to you, but I have confessed to the Pinkertons before confessing to the Savior. You might have thought that I was a fellow hadn't sought to save his life before he tried to save his soul.

But there are certain things, gentlemen, which I have heard of in the history of a Christian spirit; I know that there are Christians on this jury; but I do not propose to make my statement on the basis of a religious or a moral duty. I am a man, and I have a mind that is not a religious instinct permeate all systems of life. One may be a religious man, but I am not. I am a man, and I have a mind that is not a religious instinct permeate all systems of life. One may be a religious man, but I am not. I am a man, and I have a mind that is not a religious instinct permeate all systems of life. One may be a religious man, but I am not.

I have tried in my way and have failed often, but I have succeeded. I have tried in my way and have failed often, but I have succeeded. I have tried in my way and have failed often, but I have succeeded. I have tried in my way and have failed often, but I have succeeded. I have tried in my way and have failed often, but I have succeeded. I have tried in my way and have failed often, but I have succeeded.

Gentlemen, Hawley doesn't know half as much about religion as I do. If he knew anything whatever about religion he would not be so sure of himself. He is as crazy on religion as he is on other things. You can't do it. He is as crazy on religion as he is on other things. You can't do it. He is as crazy on religion as he is on other things. You can't do it.

### HE LAID HIS CRIMES ON HAYWOOD BEFORE HE LAID HIS OWN SINS ON JESUS.

There is one thing that is well for the world, and that is at least a month before Dean Hines persuaded him to lay his sins on Jesus. He had persuaded him to lay his sins on Jesus. He had persuaded him to lay his sins on Jesus. He had persuaded him to lay his sins on Jesus.

But let us take a case that is plainer than that, gentlemen of the jury. Here are not emotional men. Here are not emotional men. Here are not emotional men. Here are not emotional men. Here are not emotional men. Here are not emotional men.

### WAS THERE ANY MAN WHO WILL EVILLY THINK OF ORCHARD EXCEPT WITH LOATHING?

Gentlemen, am I wrong? Is there any man who will evilly think of Orchard any more than he will evilly think of me? Is there any man who will evilly think of Orchard any more than he will evilly think of me?

And yet, gentlemen, upon the testimony of this brute, this man who would shoot a woman, this man who would shoot a woman, this man who would shoot a woman, this man who would shoot a woman, this man who would shoot a woman.

To kill him, gentlemen! I want to kill him, gentlemen! I want to kill him, gentlemen! I want to kill him, gentlemen! I want to kill him, gentlemen! I want to kill him, gentlemen!

But, gentlemen, you short-sighted men of the prosecution, you men of the prosecution, you men of the prosecution, you men of the prosecution, you men of the prosecution, you men of the prosecution.

Jack has been evading the Pinkerton detectives. He has been evading the Pinkerton detectives. He has been evading the Pinkerton detectives. He has been evading the Pinkerton detectives. He has been evading the Pinkerton detectives.

Now you are asked to believe him. For what? Now you are asked to believe him. For what? Now you are asked to believe him. For what? Now you are asked to believe him. For what? Now you are asked to believe him. For what?

### "ORCHARD NEVER DID A COVETOUS THING."

Mark the peculiarities of this fellow. He never did a covetous thing in his life, not one. Can you show me one act of his life that had any covetousness in it? He never did a covetous thing in his life, not one. Can you show me one act of his life that had any covetousness in it?

Let us take a short view of this fellow. Who is he? And is he converted? Let us take a short view of this fellow. Who is he? And is he converted? Let us take a short view of this fellow. Who is he? And is he converted?

And yet when you take an infamous wretch like him and contradict him by thirty of forty witnesses, a large number of them are men of high standing in the community. And yet when you take an infamous wretch like him and contradict him by thirty of forty witnesses, a large number of them are men of high standing in the community.

### "IS A SECOND CONVERSION ANY SOLIDER THAN A FIRST?"

Mr. Borah: I haven't had the first. Mr. Darrow: I don't like to speak on the subject of a second conversion. Mr. Borah: I haven't had the first. Mr. Darrow: I don't like to speak on the subject of a second conversion.

### ORCHARD HAS ALREADY BEEN PAID.

You can't fool Harry. He got his money in advance. Let me show you how. You can't fool Harry. He got his money in advance. Let me show you how.

He came west to grow up with the country. The limited field of Ontario was his home. He came west to grow up with the country. The limited field of Ontario was his home. He came west to grow up with the country.

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He came west to grow up with the country. The limited field of Ontario was his home. He came west to grow up with the country. The limited field of Ontario was his home. He came west to grow up with the country.

stage from Wallace to Mullan. I don't know where you have seen a man on the witness stand as bad as a franker. I don't know where you have seen a man on the witness stand as bad as a franker. I don't know where you have seen a man on the witness stand as bad as a franker.

This man swears that a few days after the explosion he met Harry Orchard riding upon a wall-eyed horse and he asked him to buy a pair of shoes. This man swears that a few days after the explosion he met Harry Orchard riding upon a wall-eyed horse.

Let us take a short view of this fellow. Who is he? And is he converted? Let us take a short view of this fellow. Who is he? And is he converted? Let us take a short view of this fellow. Who is he? And is he converted?

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