

State Historical Library

Court at Caldwell

Argue for Change of Venue—Richardson Gives Prosecution Sledge Hammer Blows

Caldwell, Ida., March 21.

The arguments by counsel on the question of removing the trial of Moyer, Haywood and Pettibone to some other county besides that of Canyon, where the crime was committed, closed in Judge Wood's court this afternoon about 3 P. M., and the judge took the motion under advisement until Monday morning next. This motion on a change of venue has consumed 4 days. The court room has been crowded at every session. It is a remarkable fact that the onlookers are composed almost entirely of the working class. They have an expression on their faces as though to say, "Here is where we have an interest. Our class is on trial. Here is where we become a social factor." The jury venire summoned for Monday morning, March 18, has been present at the opening of each session but dismissed by the judge. W. J. Scott of Cripple Creek, W. T. Bradley of Boise, and Easterner of Silver City, Ida., have been present as proletarian representatives at the trial. The prisoners have all three been in court. The exercise and change of scene they are getting seems to be doing them all good, and they all seem in excellent spirits. They are brought down on the "pony" every morning from Boise in charge of the sheriff and three guards. At noon they take their dinner at a boarding house just across the street from the court house. Mrs. Moyer and Mrs. Pettibone also come down on the train every morning. They are with their husbands in the intervals of the court sessions in a small side room where the men are kept. While a guard is with each prisoner wherever he goes, there is no undue display of harshness or authority. The men move around the court room, talk to their friends, counsel with their attorneys, and no better treatment could be asked for under the circumstances.

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The most painstaking evidence on every phase of the situation was exposed before the public gaze in this vast mass of the stuff that the tools of the master class have deluged the country with. It was plainly evident that the stuff circulated has been of so vicious and outrageous a character that no jury in its senses would ever convict men on so manifestly unjust and malicious attacks.

The showing was also plain that accusations of every sort have been made against the methods of the defense. No matter what step was taken some malicious motive was impugned to it. The frequent allusions to socialism and socialists throughout the progress of the case testify to the power the socialist party has already become in American politics.

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The attorneys in the case that have

been present during the week are Hawley, Stone and Van Dusen, prosecuting attorney for Canyon county, for the prosecution, and Richardson, Nugent, Fred Miller, and Walter and Henry Griffith of Caldwell, for the defense, L. O. Whittell of Gardner, Ida., who has been employed by the defense on the case, was also present. Fred Miller did the first of the reading of the clippings, but about the middle of the afternoon Tuesday Henry Griffith took his place.

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The same thing occurred in the Idaho court room. The crowd frequently laughed openly at the ridiculous statements, and it was plain the prosecution did not relish the ludicrous situation in which they were being placed. Their grand tragedy was degenerating into a farce before the very eyes of the public. It was so evident that the plan had been to heap ignominy on the grossest kind upon the socialists, and then connect the trial and the defense with them.

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Affidavit For Defense.

..... being first duly sworn deposes and says:

"That he is a citizen of the United States over the age of 21 years and is not related to either of said defendants nor acquainted with either of

COURT DECISION Butte Campaign

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Special to the Montana News.

Caldwell, Idaho, March 25, 1907.

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them; that he has been a resident of Canyon county, Idaho, for more than ... years last past and is now a resident of precinct in said county.

"Affiant further says that one Frank Steunenberg was murdered at Caldwell in said Canyon county, on or about the 30th day of December, 1905; that at the time of his death he was an ex-governor of the state of Idaho, and one of the most prominent citizens of said county, in which he has resided for many years; that the murder of the said Steunenberg created intense and widespread excitement throughout said county; that almost immediately after the assassination of said Frank Steunenberg, the newspapers, particularly the Idaho Daily Statesman and the Evening Capital News, published at Boise, Idaho, and having a general circulation in said Canyon county, published articles in which the responsibility for the murder of said Steunenberg was laid at the door of an organization known as the Western Federation of Miners; that said articles were read by the citizens of said county generally, and accepted by them as being true; that shortly after the arrest of the defendants above named, charged with the murder of said Steunenberg, certain other articles were published in said papers published in said county, in the said Statesman, Capital News, and others papers, all having a wide circulation in said county, to the effect that one Harry Orchard, then under arrest for the murder of said Steunenberg, had made a confession, in which he admitted having committed said murder and implicated and connected said defendants therewith and with numerous other murders; that shortly after the publication of said last named articles, said newspapers published other articles to the effect that one Steve Adams had made a confession in which he implicated and connected said defendants with said murder and with other murders that shortly after the arrest of said defendants on said charge, one Frank R. Gooding, governor of the state of Idaho, gave to said Idaho Daily Statesman an authorized interview, which was published in said paper and copied by other papers circulating in said Canyon county, in which said interview the said Gooding, in his official capacity as such governor, said, among other things, that the said Harry Orchard had made a full confession as to the manner and motive for the assassination of said Frank Steunenberg and had implicated said defendants in said murder and that the said Orchard had told the story of 25 murders, the results of conspiracies in which de-

fendants were implicated, and that the truthfulness of said Orchard's confession had been proven beyond all question to those familiar with his story; that during the political campaign last fall the Statesman published a telegraphic dispatch from northern Idaho to the effect that the said Frank R. Gooding, governor as aforesaid, had stated in a political speech that the said Orchard had made said confession, and that there was no doubt concerning the truthfulness of his statements; that the said Frank R. Gooding, as governor of said state, in a message transmitted by him last January, to the legislature of said state, stated, among other things, that said Orchard and said Adams had made said confessions involving said defendants and that upon said confession he had concluded the said state should take upon itself the expenses and relieve said Canyon county thereof, and that the president of the United States had sent a personal representative to Idaho to investigate said cases, and that since the submission of his agent's report, the said president has by his word and action, shown himself in hearty accord with the state in the prosecution of said defendants; that at different times since the arrest of said defendants, as aforesaid, and the present day, said above mentioned newspapers have published articles to the effect the defendants are responsible for the assassination of said Steunenberg.

"Affiant further says that all of said newspaper articles, the telegraphic dispatch, the interview of the said Gooding, and the said Gooding's message to the legislature, above mentioned, were widely and extensively circulated in said Canyon county, and were read and discussed by the citizens of said county, generally.

"Affiant further says that he is acquainted with a large number of citizens of said Canyon county; that since the arrest of said defendants he has conversed with a large number of said citizens, residing in different sections of said county, concerning the assassination of said Steunenberg and the persons responsible therefore, and that he had heard the said matters discussed by a considerable number of people who were strangers to him, and that the persons with whom he conversed and those strangers whom he heard express themselves, were, with few exceptions, of the opinion the defendants were guilty of the crime with which they were charged.

"Affiant further says, because of the matters herein alleged, that a strong prejudice exists against do-

The election of a socialist mayor of the city of Butte now appears to be a foregone conclusion. The registration is about 7,700, of this it is safe to say that not more than 6,700 will vote, indifferent and the illegal registered. In times past illegal voting was successfully carried on against the socialists for the reason that the party never took the trouble to place checkers in the different wards. This time energetic steps are being taken to weed out the fraudulent vote and the scoundrels bid fair to go to jail when they try to cast their ballots.

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Accepting three, then, as a divisor, it will be seen that less than 2,250 will elect. The socialists cast a larger vote than these figures at last fall's election and the socialist vote, unlike the democrats and republicans, was practically all inside the city limits.

In addition to the regular socialist vote the party will poll a big disgruntled republican and democratic vote. Independent republicans will not stand for the Amalgamated candidate Corby. Old line democrats will not stand for Mahoney. The labor party men do not take Gardner seriously and most of them will vote the socialist ticket. Anti-trust democrats have been trying to swallow Mahoney but he has insulted them by his bragadocio and they are freely admitting the election of the socialist ticket.

The prejudice against socialism is being down rapidly in the present campaign. Men who a few years ago damned the socialist movement in strongest terms are today saying that many of the socialist contentions are well founded and that the Roosevelt attitude of today was regarded as the height of radicalism by the republicans of a few years ago.

The working class are getting a better grasp of the situation, they understand that a socialist mayor if elected, cannot inaugurate the co-operative commonwealth in Butte. They also realize that the election of the socialists would be a more effective notice to the authorities who are trying to hang Moyer, Haywood that the limit had been reached than would a cad load of resolutions from communities than continue to vote the republican and democratic tickets. The election of the socialist ticket cannot be accepted as a proof of Butte's acceptance of socialism but it can be taken as an evidence that the working class are waking up to the fact that the socialist party is their party. It can also be taken as a further evidence that the community as a whole has gotten over the notion that socialist rule is mob rule or the triumph of greed and injustice.

"Collective ownership of things collectively used in order that we may have private ownership of things privately used" is taking the place of "dividing up" as a definition of socialism.

Formerly only working men were qualified to talk on the principles of collectivism. Now merchants, lawyers, doctors and preachers are beginning to wrestle with the subject in a hazy sort of a way it is true but they are beginning to study nevertheless and such is the power of truth that when one once starts to investigate it he is doomed to stay with it until he understands and once understanding he will sooner or later fall in line.

The future of the socialist party was never so bright as it is today.

FAVORABLE TO SOCIALISM

The political line-up in Butte has been completed. The republicans have selected Joseph Corby known to fame as the man who compelled a republican convention four years ago to nominate a democrat, Henry Mueller, when the Amalgamated was moving heaven and earth to defeat the socialist candidate P. A. Leamy and the fusionist Pat Mullins.

Corby who was doing the work of the Amalgamated refused to allow the republican delegates who did not be-

long to the Amalgamated to nominate a candidate and declared brutally in response to their protests "the business of this convention is to endorse Henry Mueller for mayor."

A Servile Tool.

George M. Bourquin, now judge, was one of those who refused to be muzzled and took the platform in spite of Corby and delivered an impassioned speech denouncing the action of the chairman.

The convention was however packed by the Amalgamated and Mueller was endorsed with the result that the republicans revolted and Mueller, who was himself a popular man and capable of putting up a good race as a straight democrat, was badly snowed under because of the dirty methods of the Amalgamated republicans.

Union Record.

Corby registered another black mark against his name in the engineers' union at a time when the Amalgamated was seeking to disrupt the Western Federation of Miners. When the time for the election of delegates from the engineers' union arrived Corby found that his crowd was not in the majority and to prevent the election of independent men he adjourned the meeting in the face of the majority.

His labor and political record is a record of subservency to the Amalgamated. If elected he will continue to serve its interests. In the legislature he trained with Scallon, the man who as president of the Anaconda blacklisted over 500 men in Anaconda because they were Socialists.

Since his nomination he has been called on to explain to republican school keepers, cigar dealers and others how it was that he voted to make a man or woman who played an innocent game of whist as much of a violator of the law as one who ran a regular gambling house. His naive explanation has been that he could not "amend the bill." The deputies at the court house, many of whom are republicans, have refused to contribute to the campaign fund, because Corby as a member of the legislature voted against the bill to raise their salaries.

Wants Three Jobs.

Corby is still a member of the legislature. He has also been offered a place in the office of the state auditor. Not content with two positions he now aspires to a third, not so much because he wants the place, but because his owners, the Amalgamated, wanted him to make the race and with Corby to hear is to obey.

Mantle's Scheme.

The name of Corby was presented to the convention by Lee Mantle. Mantle is non persona grata to the Amalgamated and his action in supporting their sworn tool is peculiar. The explanation is simple. According to rumor Mantle is anxious to make the Amalgamated as unpopular and he conceived the idea that the most effective way to make the company a stench in the public nostrils was to elect a man who would do their bidding in everything during the next two years. It is safe to say that Corby will not poll more than 40 percent of the republican vote.

Jerry Mahoney.

The democrats have nominated one Jerry Mahoney, a man who before the convention met was regarded as an impossibility. He owes his selection to spite on the part of delegates who had supported other candidates. In the democratic convention were old line democrats and former anti-trust democrats. The old line democrats chose for their candidates John Holland, a business man on North Main street, and J. H. McQueeney, also a business man. The anti-trust delegates supported Jerry Mullins, a saloon man. The anti-trust crowd was strong enough to defeat Holland and McQueeney but not strong enough to nominate Mullins when the Holland and McQueeney men flocked to Mahoney, declaring that they were going "to job the thing good and proper."

Totally Unfit.

Mahoney is probably a good engineer but the average voter takes the position that it takes more ability to run the city government than to run an engine. The democratic candidate,

Vote for the Party
of Your Class

MONTANA NEWS.

Abolish the Capitalist System

OWNED AND PUBLISHED BY THE SOCIALIST PARTY OF MONTANA

VOL. V.

HELENA MONTANA, THURSDAY, MARCH 28 1907.

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Affidavit For Defense.

..... being first duly sworn deposes and says:

"That he is a citizen of the United States over the age of 21 years and is not related to either of said defendants nor acquainted with either of

COURT DECISION Butte Campaign

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Special to the Montana News.

Caldwell, Idaho, March 25, 1907.

Moyer, Haywood and Pettibone were all in court this morning to hear Judge Wood's decision on the change of venue motion. The court room was crowded. The judge said it was not necessary to rehearse the facts connected with the case, that he had come to the decision that the trial should go to Ada county. With the consent of the defendants or to over-rule the motion. There were certain conditions existing at Caldwell that were different from those elsewhere but a large part of the showing would pertain equally to all other counties in this portion of the state, that there was a large portion of the county outside of Caldwell where a jury could be obtained. Attorney Nugent for the defense asked if providing the case changed to Ada, whether they were supposed to stay there no matter what condition might be revealed. On getting a reply in the affirmative he said they would have to have time for deliberation. The judge said they should have all the time they wished, and a half hour was named as sufficient. Prisoners and attorneys then retired.

them; that he has been a resident of Canyon county, Idaho, for more than ... years last past and is now a resident of precinct in said county.

"Affiant further says that one Frank Steunenberg was murdered at Caldwell in said Canyon county, on or about the 30th day of December, 1905; that at the time of his death he was an ex-governor of the state of Idaho, and one of the most prominent citizens of said county, in which he has resided for many years; that the murder of the said Steunenberg created intense and widespread excitement throughout said county; that almost immediately after the assassination of said Frank Steunenberg, the newspapers, particularly the Idaho Daily Statesman and the Evening Capital News, published at Boise, Idaho, and having a general circulation in said Canyon county, published articles in which the responsibility for the murder of said Steunenberg was laid at the door of an organization known as the Western Federation of Miners; that said articles were read by the citizens of said county generally, and accepted by them as being true; that shortly after the arrest of the defendants above named, charged with the murder of said Steunenberg, certain other articles were published in said papers published in said county, in the said Statesman, Capital News, and others papers, all having a wide circulation in said county, to the effect that one Harry Orchard, then under arrest for the murder of said Steunenberg, had made a confession, in which he admitted having committed said murder and implicated and connected said defendants therewith and with numerous other murders; that shortly after the publication of said last named articles, said newspapers published other articles to the effect that one Steve Adams had made a confession in which he implicated and connected said defendants with said murder and with other murders that shortly after the arrest of said defendants on said charge, one Frank R. Gooding, governor of the state of Idaho, gave to said Idaho Daily Statesman an authorized interview, which was published in said paper and copied by other papers circulating in said Canyon county, in which said interview the said Gooding, in his official capacity as such governor, said, among other things, that the said Harry Orchard had made a full confession as to the manner and motive for the assassination of said Frank Steunenberg and had implicated said defendants in said murder and that the said Orchard had told the story of 25 murders, the results of conspiracies in which de-

fendants were implicated, and that the truthfulness of said Orchard's confession had been proven beyond all question to those familiar with his story; that during the political campaign last fall the Statesman published a telegraphic dispatch from northern Idaho to the effect that the said Frank R. Gooding, governor as aforesaid, had stated in a political speech that the said Orchard had made said confession, and that there was no doubt concerning the truthfulness of his statements; that the said Frank R. Gooding, as governor of said state, in a message transmitted by him last January, to the legislature of said state, stated, among other things, that said Orchard and said Adams had made said confessions involving said defendants and that upon said confession he had concluded the said state should take upon itself the expenses and relieve said Canyon county thereof, and that the president of the United States had sent a personal representative to Idaho to investigate said cases, and that since the submission of his agent's report, the said president has by his word and action, shown himself in hearty accord with the state in the prosecution of said defendants; that at different times since the arrest of said defendants, as aforesaid, and the present day, said above mentioned newspapers have published articles to the effect the defendants are responsible for the assassination of said Steunenberg.

"Affiant further says that all of said newspaper articles, the telegraphic dispatch, the interview of the said Gooding, and the said Gooding's message to the legislature, above mentioned, were widely and extensively circulated in said Canyon county, and were read and discussed by the citizens of said county, generally.

"Affiant further says that he is acquainted with a large number of citizens of said Canyon county; that since the arrest of said defendants he has conversed with a large number of said citizens, residing in different sections of said county, concerning the assassination of said Steunenberg and the persons responsible therefore, and that he had heard the said matters discussed by a considerable number of people who were strangers to him, and that the persons with whom he conversed and those strangers whom he heard express themselves, were, with few exceptions, of the opinion the defendants were guilty of the crime with which they were charged.

"Affiant further says, because of the matters herein alleged, that a strong prejudice exists against do-

The election of a socialist mayor of the city of Butte now appears to be a foregone conclusion. The registration is about 7,700, of this it is safe to say that not more than 6,700 will vote, indifferent and the illegal registered. In times past illegal voting was successfully carried on against the socialists for the reason that the party never took the trouble to place checkers in the different wards. This time energetic steps are being taken to weed out the fraudulent vote and the scoundrels bid fair to go to jail when they try to cast their ballots.

With a vote of 6,700 which will be divided between three candidates, Gardner does not count for the reason that he is campaigning for the republicans in the hope of being appointed to a soft snap.

Accepting three, then, as a divisor, it will be seen that less than 2,250 will elect. The socialists cast a larger vote than these figures at last fall's election and the socialist vote, unlike the democrats and republicans, was practically all inside the city limits.

In addition to the regular socialist vote the party will poll a big disgruntled republican and democratic vote. Independent republicans will not stand for the Amalgamated candidate Corby. Old line democrats will not stand for Mahoney. The labor party men do not take Gardner seriously and most of them will vote the socialist ticket. Anti-trust democrats have been trying to swallow Mahoney but he has insulted them by his bragadocio and they are freely admitting the election of the socialist ticket.

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"Affiant further says that one Frank Steunenberg was murdered at Caldwell in said Canyon county, on or about the 30th day of December, 1905; that at the time of his death he was an ex-governor of the state of Idaho, and one of the most prominent citizens of said county, in which he has resided for many years; that the murder of the said Steunenberg created intense and widespread excitement throughout said county; that almost immediately after the assassination of said Frank Steunenberg, the newspapers, particularly the Idaho Daily Statesman and the Evening Capital News, published at Boise, Idaho, and having a general circulation in said Canyon county, published articles in which the responsibility for the murder of said Steunenberg was laid at the door of an organization known as the Western Federation of Miners; that said articles were read by the citizens of said county generally, and accepted by them as being true; that shortly after the arrest of the defendants above named, charged with the murder of said Steunenberg, certain other articles were published in said papers published in said county, in the said Statesman, Capital News, and others papers, all having a wide circulation in said county, to the effect that one Harry Orchard, then under arrest for the murder of said Steunenberg, had made a confession, in which he admitted having committed said murder and implicated and connected said defendants therewith and with numerous other murders; that shortly after the publication of said last named articles, said newspapers published other articles to the effect that one Steve Adams had made a confession in which he implicated and connected said defendants with said murder and with other murders that shortly after the arrest of said defendants on said charge, one Frank R. Gooding, governor of the state of Idaho, gave to said Idaho Daily Statesman an authorized interview, which was published in said paper and copied by other papers circulating in said Canyon county, in which said interview the said Gooding, in his official capacity as such governor, said, among other things, that the said Harry Orchard had made a full confession as to the manner and motive for the assassination of said Frank Steunenberg and had implicated said defendants in said murder and that the said Orchard had told the story of 25 murders, the results of conspiracies in which de-

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The working class are getting a better grasp of the situation, they understand that a socialist mayor if elected, cannot inaugurate the co-operative commonwealth in Butte. They also realize that the election of the socialists would be a more effective notice to the authorities who are trying to hang Moyer, Haywood that the limit had been reached than would a cad load of resolutions from communities than continue to vote the republican and democratic tickets. The election of the socialist ticket cannot be accepted as a proof of Butte's acceptance of socialism but it can be taken as an evidence that the working class are waking up to the fact that the socialist party is their party. It can also be taken as a further evidence that the community as a whole has gotten over the notion that socialist rule is mob rule or the triumph of greed and injustice.

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George M. Bourquin, now judge, was one of those who refused to be muzzled and took the platform in spite of Corby and delivered an impassioned speech denouncing the action of the chairman.

The convention was however packed by the Amalgamated and Mueller was endorsed with the result that the republicans revolted and Mueller, who was himself a popular man and capable of putting up a good race as a straight democrat, was badly snowed under because of the dirty methods of the Amalgamated republicans.

Union Record.

Corby registered another black mark against his name in the engineers' union at a time when the Amalgamated was seeking to disrupt the Western Federation of Miners. When the time for the election of delegates from the engineers' union arrived Corby found that his crowd was not in the majority and to prevent the election of independent men he adjourned the meeting in the face of the majority.

His labor and political record is a record of subservency to the Amalgamated. If elected he will continue to serve its interests. In the legislature he trained with Scallon, the man who as president of the Anaconda blacklisted over 500 men in Anaconda because they were Socialists.

Since his nomination he has been called on to explain to republican school keepers, cigar dealers and others how it was that he voted to make a man or woman who played an innocent game of whist as much of a violator of the law as one who ran a regular gambling house. His naive explanation has been that he could not "amend the bill." The deputies at the court house, many of whom are republicans, have refused to contribute to the campaign fund, because Corby as a member of the legislature voted against the bill to raise their salaries.

Wants Three Jobs.

Corby is still a member of the legislature. He has also been offered a place in the office of the state auditor. Not content with two positions he now aspires to a third, not so much because he wants the place, but because his owners, the Amalgamated, wanted him to make the race and with Corby to hear is to obey.

Mantle's Scheme.

The name of Corby was presented to the convention by Lee Mantle. Mantle is non persona grata to the Amalgamated and his action in supporting their sworn tool is peculiar. The explanation is simple. According to rumor Mantle is anxious to make the Amalgamated as unpopular and he conceived the idea that the most effective way to make the company a stretch in the public nostrils was to elect a man who would do their bidding in everything during the next two years. It is safe to say that Corby will not poll more than 40 percent of the republican vote.

Jerry Mahoney.

The democrats have nominated one Jerry Mahoney, a man who before the convention met was regarded as an impossibility. He owes his selection to spite on the part of delegates who had supported other candidates. In the democratic convention were old line democrats and former anti-trust democrats. The old line democrats chose for their candidates John Holland, a business man on North Main street, and J. H. McQueeney, also a business man. The anti-trust delegates supported Jerry Mullins, a saloon man. The anti-trust crowd was strong enough to defeat Holland and McQueeney but not strong enough to nominate Mullins when the Holland and McQueeney men flocked to Mahoney, declaring that they were going "to job the thing good and proper."

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Mahoney is probably a good engineer but the average voter takes the position that it takes more ability to run the city government than to run an engine. The democratic candidate,

Continued on fifth page.

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Vote for the Party
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MONTANA NEWS.

Abolish the Capitalist System

OWNED AND PUBLISHED BY THE SOCIALIST PARTY OF MONTANA

VOL. V.

HELENA MONTANA, THURSDAY, MARCH 28 1907.

NO. 20.

State Historical Library

Court at Caldwell

Argue for Change of Venue—Richardson Gives Prosecution Sledge Hammer Blows

Caldwell, Ida., March 21.

The arguments by counsel on the question of removing the trial of Moyer, Haywood and Pettibone to some other county besides that of Canyon, where the crime was committed, closed in Judge Wood's court this afternoon about 3 P. M., and the judge took the motion under advisement until Monday morning next. This motion on a change of venue has consumed 4 days. The court room has been crowded at every session. It is a remarkable fact that the onlookers are composed almost entirely of the working class. They have an expression on their faces as though to say, "Here is where we have an interest. Our class is on trial. Here is where we become a social factor." The jury venire summoned for Monday morning, March 18, has been present at the opening of each session but dismissed by the judge. W. J. Scott of Cripple Creek, W. T. Bradley of Boise, and Eastern of Silver City, Ida., have been present as proletarian representatives at the trial. The prisoners have all three been in court. The exercise and change of scene they are getting seems to be doing them all good, and they all seem in excellent spirits. They are brought down on the "pony" every morning from Boise in charge of the sheriff and three guards. At noon they take their dinner at a boarding house just across the street from the court house. Mrs. Moyer and Mrs. Pettibone also come down on the train every morning. They are with their husbands in the intervals of the court sessions in a small side room where the men are kept. While a guard is with each prisoner wherever he goes, there is no undue display of harshness or authority. The men move around the court room, talk to their friends, counsel with their attorneys, and no better treatment could be asked for under the circumstances.

Exhibit of Press Influence.

After the over-ruling of the motion for dismissal on Monday, in presenting its case for a change of venue, the rest of the day was spent in presenting the carefully compiled exhibit which the defense has prepared to show that the minds of the community were so poisoned that a fair and impartial trial was impossible. The excerpts were principally from the Idaho Statesman, and the Capital News of Boise, and the two Caldwell weekly papers. The Idaho Statesman is looked upon as Governor Gooding's official organ, and has been particularly vicious in its outrageous utterances. The Caldwell yelpers have followed its lead.

From these clippings evidence was given that the mine owners had finally despaired of obtaining any convictions against the Western Federation in Colorado and had decided to shift the scene of their nefarious attempts to Idaho where they thought more congenial soil might be found among jurists of farmers, that were unprejudiced through sympathy with the great mining organization.

Taft's "Law and Order" speeches were given and the power of executive influence brought to bear to arouse sentiment against the defendants.

The most painstaking evidence on every phase of the situation was exposed before the public gaze in this vast mass of the stuff that the tools of the master class have deluged the country with. It was plainly evident that the stuff circulated has been of so vicious and outrageous a character that no jury in its senses would ever convict men on so manifestly unjust and malicious attacks.

The showing was also plain that accusations of every sort have been made against the methods of the defense. No matter what step was taken some malicious motive was impugned to it. The frequent allusions to socialism and socialists throughout the progress of the case testify to the power the socialist party has already become in American politics.

Adjourn for Steunenberg Funeral.

The court was adjourned Tuesday morning on account of the funeral of A. K. Steunenberg, the brother of the former governor, and the man who succeeded him as the leading business man of Caldwell.

been present during the week are Hawley, Stone and Van Dusen, prosecuting attorney for Canyon county, for the prosecution, and Richardson, Nugent, Fred Miller, and Walter and Henry Griffith of Caldwell, for the defense, L. O. Whitsell of Gardner, Ida., who has been employed by the defense on the case, was also present. Fred Miller did the first of the reading of the clippings, but about the middle of the afternoon Tuesday Henry Griffith took his place.

Class Struggle Evident.

Nothing could have more plainly brought the great economic class struggle involved in this social war than the reading of these clippings. The capitalist sees only the plausible reasons for its own attitude and acts, and knows naught of a great counter formative force around it. This was brought out in the bitter denunciatory terms used concerning the activities of the working class. The Goldfield miners were called "wild savages of the desert." The same accusations seemed to be made against the socialists as against Christ—that they were stirrers-up of strife; and the most atrocious misrepresentations were continually set forth by these veiled sheets, tools of the administration. In one place they were classified as professional socialists, tool socialists, and anarchists. Even in Germany, after all these years of public prominence, the same idiotic thing was heard, where it was laughed at openly in the Reichstag the other day.

The same thing occurred in the Idaho court room. The crowd frequently laughed openly at the ridiculous statements, and it was plain the prosecution did not relish the ludicrous situation in which they were being placed. Their grand tragedy was degenerating into a farce before the very eyes of the public. It was so evident that the plan had been to heap ignominy on the grossest kind upon the socialists, and then connect the trial and the defense with them.

Statements Scored.

Wednesday morning's Statesman had such a particularly vile attack on the methods of the defense that Attorney Richardson asked to place this vomit in the exhibit. The paper shrieked that it had been contending all along for a fair trial, while the socialists had worked tirelessly ever since the inauguration of the case to prejudice the minds of the people of that county and entire state against the prosecution. Their assertions had been proclaimed from the house tops and the gutters. The attempt to prevent a fair trial had been notorious; it had been scandalous. The socialists had caused the officials of crimes. Prejudices had been worked up against the state by the apostles of anarchy. The agitation never had been excusable. The people of Canyon county were intelligent and fair-minded, and the socialist emissaries invaded that section to poison their minds, and flood the community with seditious publications. Mr. Richardson read the entire article, said it was an insult to the court during the very progress of the trial to claim that the defense was corrupting citizens for jurors, while they were making persistent efforts for a change of venue.

Affidavits Presented.

The reading was finished during the morning by Walter Griffith, and in the afternoon the defense took up the affidavits that had been gathered to show the prejudice that existed in Canyon county against the defendants. Six hundred of these affidavits were presented. They were arranged in different classes, one of each class being read, and only names of affiants of all the rest, with time of residence in county, and name of voting precinct. Only names of voters were used, and of those who had resided in the county more than a year. The following is the long form:

Affidavit For Defense.

..... being first duly sworn deposes and says:

"That he is a citizen of the United States over the age of 21 years and is not related to either of said defendants nor acquainted with either of

COURT DECISION Butte Campaign

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FAVORABLE TO SOCIALISM

The political line-up in Butte has been completed. The republicans have selected Joseph Corby known to fame as the man who compelled a republican convention four years ago to nominate a democrat, Henry Mueller, when the Amalgamated was moving heaven and earth to defeat the socialist candidate P. A. Leamy and the fusionist Pat Mullins.

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Argue for Change of Venue—Richardson Gives Prosecution Sledge Hammer Blows

Caldwell, Ida., March 21.

The arguments by counsel on the question of removing the trial of Moyer, Haywood and Pettibone to some other county besides that of Canyon, where the crime was committed, closed in Judge Wood's court this afternoon about 3 P. M., and the judge took the motion under advisement until Monday morning next. This motion on a change of venue has consumed 4 days. The court room has been crowded at every session. It is a remarkable fact that the onlookers are composed almost entirely of the working class. They have an expression on their faces as though to say, "Here is where we have an interest. Our class is on trial. Here is where we become a social factor." The jury venire summoned for Monday morning, March 18, has been present at the opening of each session but dismissed by the judge. W. J. Scott of Cripple Creek, W. T. Bradley of Boise, and Easterner of Silver City, Ida., have been present as proletarian representatives at the trial. The prisoners have all three been in court. The exercise and change of scene they are getting seems to be doing them all good, and they all seem in excellent spirits. They are brought down on the "pony" every morning from Boise in charge of the sheriff and three guards. At noon they take their dinner at a boarding house just across the street from the court house. Mrs. Moyer and Mrs. Pettibone also come down on the train every morning. They are with their husbands in the intervals of the court sessions in a small side room where the men are kept. While a guard is with each prisoner wherever he goes, there is no undue display of harshness or authority. The men move around the court room, talk to their friends, counsel with their attorneys, and no better treatment could be asked for under the circumstances.

Exhibit of Press Influence.

After the over-ruling of the motion for dismissal on Monday, in presenting its case for a change of venue, the rest of the day was spent in presenting the carefully compiled exhibit which the defense has prepared to show that the minds of the community were so poisoned that a fair and impartial trial was impossible. The excerpts were principally from the Idaho Statesman, and the Capital News of Boise, and the two Caldwell weekly papers. The Idaho Statesman is looked upon as Governor Gooding's official organ, and has been particularly vicious in its outrageous utterances. The Caldwell yelpers have followed its lead.

From these clippings evidence was given that the mine owners had finally despaired of obtaining any convictions against the Western Federation in Colorado and had decided to shift the scene of their nefarious attempts to Idaho where they thought more congenial soil might be found among jurists of farmers, that were unprejudiced through sympathy with the great mining organization.

Taft's "Law and Order" speeches were given and the power of executive influence brought to bear to arouse sentiment against the defendants.

The most painstaking evidence on every phase of the situation was exposed before the public gaze in this vast mass of the stuff that the tools of the master class have deluged the country with. It was plainly evident that the stuff circulated has been of so vicious and outrageous a character that no jury in its senses would ever convict men on so manifestly unjust and malicious attacks.

The showing was also plain that accusations of every sort have been made against the methods of the defense. No matter what step was taken some malicious motive was impugned to it. The frequent allusions to socialism and socialists throughout the progress of the case testify to the power the socialist party has already become in American politics.

Adjourn for Steunenberg Funeral.

The court was adjourned Tuesday morning on account of the funeral of A. K. Steunenberg, the brother of the former governor, and the man who succeeded him as the leading business man of Caldwell.

The attorneys in the case that have

been present during the week are Hawley, Stone and Van Dusen, prosecuting attorney for Canyon county, for the prosecution, and Richardson, Nugent, Fred Miller, and Walter and Henry Griffith of Caldwell, for the defense, L. O. Whittell of Wardner, Ida., who has been employed by the defense on the case, was also present. Fred Miller did the first of the reading of the clippings, but about the middle of the afternoon Tuesday Henry Griffith took his place.

Class Struggle Evident.

Nothing could have more plainly brought the great economic class struggle involved in this social war than the reading of these clippings. The capitalist sees only the plausible reasons for its own attitude and acts, and knows naught of a great counter formative force around it. This was brought out in the bitter denunciatory terms used concerning the activities of the working class. The Goldfield miners were called "wild savages of the desert." The same accusations seemed to be made against the socialists as against Christ—that they were stirrers-up of strife; and the most atrocious misrepresentations were continually set forth by these veiled sheets, tools of the administration. In one place they were classified as professional socialists, tool socialists, and anarchists. Even in Germany, after all these years of public prominence, the same idiotic thing was heard, where it was laughed at openly in the Reichstag the other day.

The same thing occurred in the Idaho court room. The crowd frequently laughed openly at the ridiculous statements, and it was plain the prosecution did not relish the ludicrous situation in which they were being placed. Their grand tragedy was degenerating into a farce before the very eyes of the public. It was so evident that the plan had been to heap ignominy on the grossest kind upon the socialists, and then connect the trial and the defense with them.

Statements Scored.

Wednesday morning's Statesman had such a particularly vile attack on the methods of the defense that Attorney Richardson asked to place this vomit in the exhibit. The paper shrieked that it had been contending all along for a fair trial, while the socialists had worked tirelessly ever since the inauguration of the case to prejudice the minds of the people of that county and entire state against the prosecution. Their assertions had been proclaimed from the house tops and the gutters. The attempt to prevent a fair trial had been notorious; it had been scandalous. The socialists had caused the officials of crimes. Prejudices had been worked up against the state by the apostles of anarchy. The agitation never had been excusable. The people of Canyon county were intelligent and fair-minded, and the socialist emissaries invaded that section to poison their minds, and flood the community with seditious publications. Mr. Richardson read the entire article, said it was an insult to the court during the very progress of the trial to claim that the defense was corrupting citizens for jurors, while they were making persistent efforts for a change of venue.

Affidavits Presented.

The reading was finished during the morning by Walter Griffith, and in the afternoon the defense took up the affidavits that had been gathered to show the prejudice that existed in Canyon county against the defendants. Six hundred of these affidavits were presented. They were arranged in different classes, one of each class being read, and only names of affiants of all the rest, with time of residence in county, and name of voting precinct. Only names of voters were used, and of those who had resided in the county more than a year. The following is the long form:

Affidavit For Defense.

..... being first duly sworn deposes and says:

"That he is a citizen of the United States over the age of 21 years and is not related to either of said defendants nor acquainted with either of

COURT DECISION Butte Campaign

Judge Grants Change of Venue—Trial Will Take Place in Boise—Date Will Be Set on April First

Special to the Montana News.

Caldwell, Idaho, March 25, 1907

Moyer, Haywood and Pettibone were all in court this morning to hear Judge Wood's decision on the change of venue motion. The court room was crowded. The judge said it was not necessary to rehearse the facts connected with the case, that he had come to the decision that the trial should go to Ada county. With the consent of the defendants or to over-rule the motion. There were certain conditions existing at Caldwell that were different from those elsewhere but a large part of the showing would pertain equally to all other counties in this portion of the state, that there was a large portion of the county outside of Caldwell where a jury could be obtained. Attorney Nugent for the defense asked if providing the case changed to Ada, whether they were supposed to stay there no matter what condition might be revealed. On getting a reply in the affirmative he said they would have to have time for deliberation. The judge said they should have all the time they wished, and a half hour was named as sufficient. Prisoners and attorneys then retired.

..... that he has been a resident of Canyon county, Idaho, for more than years last past and is now a resident of precinct in said county.

"Affiant further says that one Frank Steunenberg was murdered at Caldwell in said Canyon county, on or about the 30th day of December, 1905; that at the time of his death he was an ex-governor of the state of Idaho, and one of the most prominent citizens of said county, in which he has resided for many years; that the murder of the said Steunenberg created intense and widespread excitement throughout said county; that almost immediately after the assassination of said Frank Steunenberg, the newspapers, particularly the Idaho Daily Statesman and the Evening Capital News, published at Boise, Idaho, and having a general circulation in said Canyon county, published articles in which the responsibility for the murder of said Steunenberg was laid at the door of an organization known as the Western Federation of Miners; that said articles were read by the citizens of said county generally, and accepted by them as being true; that shortly after the arrest of the defendants above named, charged with the murder of said Steunenberg, certain other articles were published in said papers published in said county, in the said Statesman, Capital News, and others papers, all having a wide circulation in said county, to the effect that one Harry Orchard, then under arrest for the murder of said Steunenberg, had made a confession, in which he admitted having committed said murder and implicated and connected said defendants therewith and with numerous other murders; that shortly after the publication of said last named articles, said newspapers published other articles to the effect that one Steve Adams had made a confession in which he implicated and connected said defendants with said murder and with other murders that shortly after the arrest of said defendants on said charge, one Frank R. Gooding, governor of the state of Idaho, gave to said Idaho Daily Statesman an authorized interview, which was published in said paper and copied by other papers circulating in said Canyon county, in which said interview the said Gooding, in his official capacity as such governor, said, among other things, that the said Harry Orchard had made a full confession as to the manner and motive for the assassination of said Frank Steunenberg and had implicated said defendants in said murder, and that the said Orchard had told the story of 25 murders, the results of conspiracies in which de-

They returned in twenty-five minutes and Mr. Nugent stated that since they had been given no alternative and since it was dangerous to go to trial in Canyon county they would abide by the judge's decision, and go to Ada county. He called attention to the advantages of Washington county and to the fact that Mr. Steunenberg had resided for four years in Boise. The judge replied that Washington county was in no wise fitted for the trial. Mr. Hawley then asked the judge if it was understood that the prisoners were forced to remain at Boise no matter what the conditions were. The judge replied that he did not intend to take any rights away from the prisoners that the law allowed them. The motion was allowed and the case changed to Boise.

Next Monday in Boise court a specific time will be set, Mr. Nugent said they would like special trials for each defendant which he was told would be granted, and he would be informed which would be tried first. The trial will be about the first of May.

Mrs. Moyer was not in the court room having been taken to the hospital for an operation.

..... defendants were implicated, and that the truthfulness of said Orchard's confession had been proven beyond all question to those familiar with his story; that during the political campaign last fall the Statesman published a telegraphic dispatch from northern Idaho to the effect that the said Frank R. Gooding, governor as aforesaid, had stated in a political speech that the said Orchard had made said confession, and that there was no doubt concerning the truthfulness of his statements; that the said Frank R. Gooding, as governor of said state, in a message transmitted by him last January, to the legislature of said state, stated, among other things, that said Orchard and said Adams had made said confessions involving said defendants and that upon said confession he had concluded the said state should take upon itself the expenses and relieve said Canyon county thereof, and that the president of the United States had sent a personal representative to Idaho to investigate said cases, and that since the submission of his agent's report, the said president has by his word and action, shown himself in hearty accord with the state in the prosecution of said defendants; that at different times since the arrest of said defendants, as aforesaid, and the present day, said above mentioned newspapers have published articles to the effect the defendants are responsible for the assassination of said Steunenberg.

"Affiant further says that all of said newspaper articles, the telegraphic dispatch, the interview of the said Gooding, and the said Gooding's message to the legislature, above mentioned, were widely and extensively circulated in said Canyon county, and were read and discussed by the citizens of said county, generally.

"Affiant further says that he is acquainted with a large number of citizens of said Canyon county; that since the arrest of said defendants he has conversed with a large number of said citizens, residing in different sections of said county, concerning the assassination of said Steunenberg and the persons responsible therefore, and that he had heard the said matters discussed by a considerable number of people who were strangers to him, and that the persons with whom he conversed and those strangers whom he heard express themselves, were, with few exceptions, of the opinion the defendants were guilty of the crime with which they were charged.

"Affiant further says, because of the matters herein alleged, that a strong prejudice exists against do-

The election of a socialist mayor of the city of Butte now appears to be a foregone conclusion. The registration is about 7,700, of this it is safe to say that not more than 6,700 will vote, indifferent and the illegal registered. In times past illegal voting was successfully carried on against the socialists for the reason that the party never took the trouble to place checkers in the different wards. This time energetic steps are being taken to weed out the fraudulent vote and the scoundrels bid fair to go to jail when they try to cast their ballots.

With a vote of 6,700 which will be divided between three candidates, Gardner does not count for the reason that he is campaigning for the republicans in the hope of being appointed to a soft snap.

Accepting three, then, as a divisor, it will be seen that less than 2,250 will elect. The socialists cast a larger vote than these figures at last fall's election and the socialist vote, unlike the democrats and republicans, was practically all inside the city limits.

In addition to the regular socialist vote the party will poll a big disgruntled republican and democratic vote. Independent republicans will not stand for the Amalgamated candidate Corby. Old line democrats will not stand for Mahoney. The labor party men do not take Gardner seriously and most of them will vote the socialist ticket. Anti-trust democrats have been trying to swallow Mahoney but he has insulted them by his bragadocio and they are freely admitting the election of the socialist ticket.

The prejudice against socialism is being down rapidly in the present campaign. Men who a few years ago damned the socialist movement in strongest terms are today saying that many of the socialist contentions are well founded and that the Roosevelt attitude of today was regarded as the height of radicalism by the republicans of a few years ago.

The working class are getting a better grasp of the situation, they understand that a socialist mayor if elected, cannot inaugurate the co-operative commonwealth in Butte. They also realize that the election of the socialists would be a more effective notice to the authorities who are trying to hang Moyer, Haywood that the limit had been reached than would a cad load of resolutions from communities than continue to vote the republican and democratic tickets. The election of the socialist ticket cannot be accepted as a proof of Butte's acceptance of socialism but it can be taken as an evidence that the working class are waking up to the fact that the socialist party is their party. It can also be taken as a further evidence that the community as a whole has gotten over the notion that socialist rule is mob rule or the triumph of greed and injustice.

"Collective ownership of things collectively used in order that we may have private ownership of things privately used" is taking the place of "dividing up" as a definition of socialism.

Formerly only working men were qualified to talk on the principles of collectivism. Now merchants, lawyers, doctors and preachers are beginning to wrestle with the subject in a hazy sort of a way it is true but they are beginning to study nevertheless and such is the power of truth that when one once starts to investigate it he is doomed to stay with it until he understands and once understanding he will sooner or later fall in line.

The future of the socialist party was never so bright as it is today

FAVORABLE TO SOCIALISM

The political line-up in Butte has been completed. The republicans have selected Joseph Corby known to fame as the man who compelled a republican convention four years ago to nominate a democrat, Henry Mueller, when the Amalgamated was moving heaven and earth to defeat the socialist candidate P. A. Leamy and the fusionist Pat Mullins.

Corby who was doing the work of the Amalgamated refused to allow the republican delegates who did not be-

long to the Amalgamated to nominate a candidate and declared brutally in response to their protests "the business of this convention is to endorse Henry Mueller for mayor."

A Servile Tool.

George M. Bourquin, now judge, was one of those who refused to be muzzled and took the platform in spite of Corby and delivered an impassioned speech denouncing the action of the chairman.

The convention was however packed by the Amalgamated and Mueller was endorsed with the result that the republicans revolted and Mueller, who was himself a popular man and capable of putting up a good race as a straight democrat, was badly snowed under because of the dirty methods of the Amalgamated republicans.

Union Record.

Corby registered another black mark against his name in the engineers' union at a time when the Amalgamated was seeking to disrupt the Western Federation of Miners. When the time for the election of delegates from the engineers' union arrived Corby found that his crowd was not in the majority and to prevent the election of independent men he adjourned the meeting in the face of the majority.

His labor and political record is a record of subservency to the Amalgamated. If elected he will continue to serve its interests. In the legislature he trained with Scallon, the man who as president of the Anaconda blacklisted over 500 men in Anaconda because they were Socialists.

Since his nomination he has been called on to explain to republican school keepers, cigar dealers and others how it was that he voted to make a man or woman who played an innocent game of whist as much of a violator of the law as one who ran a regular gambling house. His naive explanation has been that he could not "amend the bill." The deputies at the court house, many of whom are republicans, have refused to contribute to the campaign fund, because Corby as a member of the legislature voted against the bill to raise their salaries.

Wants Three Jobs.

Corby is still a member of the legislature. He has also been offered a place in the office of the state auditor. Not content with two positions he now aspires to a third, not so much because he wants the place, but because his owners, the Amalgamated, wanted him to make the race and with Corby to hear is to obey.

Mantle's Scheme.

The name of Corby was presented to the convention by Lee Mantle. Mantle is non persona grata to the Amalgamated and his action in supporting their sworn tool is peculiar. The explanation is simple. According to rumor Mantle is anxious to make the Amalgamated as unpopular and he conceived the idea that the most effective way to make the company a stretch in the public nostrils was to elect a man who would do their bidding in everything during the next two years. It is safe to say that Corby will not poll more than 40 percent of the republican vote.

Jerry Mahoney.

The democrats have nominated one Jerry Mahoney, a man who before the convention met was regarded as an impossibility. He owes his selection to spite on the part of delegates who had supported other candidates. In the democratic convention were old line democrats and former anti-trust democrats. The old line democrats chose for their candidates John Holland, a business man on North Main street, and J. H. McQueeney, also a business man. The anti-trust delegates supported Jerry Mullins, a saloon man. The anti-trust crowd was strong enough to defeat Holland and McQueeney but not strong enough to nominate Mullins when the Holland and McQueeney men flocked to Mahoney, declaring that they were going "to job the thing good and proper."

Totally Unfit.

Mahoney is probably a good engineer but the average voter takes the position that it takes more ability to run the city government than to run an engine. The democratic candidate,