

The Accused Miners

(March 16, 1907)

The trial of Charles H. Moyer, William D. Haywood, and George H. Pettibone, national officers of the Western Federation of Miners, on the grave charge of complicity in murder, is pregnant with great possibilities for the labor movement.

That three men so high in official station and so widely and favorably known in labor circles should be accused of the crime of murder is in itself sufficiently extraordinary, but when to this are added the sensational kidnapping of these men by armed force and their secret abduction by the governors of two sovereign states it can be readily understood why the whole world of organized labor is aroused as never before in all its history and why the trial promises to mark distinctly an important epoch in the labor movement.

It is to present this case briefly to the labor unions of the country and to show them that there is in this conspiracy an insidious and dangerous attack upon organized labor that this article is written.

It is well understood that there has long been a state of active warfare between the organized mine owners and the organized mine workers of Colorado and other western states. This warfare has been marked by a long series of outrages and crimes, most of which the mine owners have sought to fasten upon the mine workers, but not one of which has ever been successfully proved in the courts or otherwise against the miners or their leaders.

On the other hand, a number of crimes against labor have been proved against the organized mine and smelter owners, the western allies of the Standard Oil Company, chief of which was their bold and bodily purchase of the legislature of Colorado, which has been commanded by a popular majority of almost 47,000 votes to enact a law providing an eight-hour workday for men employed in and about mines and smelters. The law had been enacted by a previous legislature, but declared unconstitutional by the supreme court at the behest of the mine owners. It was then submitted to the people of the state, in the form of a constitutional amendment, and the election returns show that it was carried by an overwhelming majority, but in spite of this the following legislature, instead of giving heed to the

voice of the people, basely betrayed its trust, and it is a matter of common notoriety that the cause of their apostasy was their cash purchase at so much per vote by the mine and smelter combine.

This corruption of the legislature and defiance of the people's expressed will was the starting point of most of the troubles, including the strikes which have occurred in Colorado during the past few years, one of the incidents of which was the kidnapping of the officials of the Western Federation of Mines, not because they were guilty of crime, but to fasten infamy upon their names, discredit their union, and thus destroy organized labor.

These men have been charged with complicity in the assassination of ex-Governor Steuenenberg of Idaho in December 1905. As a matter of fact, they could have had no possible motive in the commission of such a crime, and they were almost a thousand miles away from the scene of its execution.

Notwithstanding this fact, an affidavit charging them with being on the ground when the crime was committed was made by the prosecuting attorney as a basis for a secret requisition for the extradition of the defendants from their homes in Denver to the place where the crime was committed and where the greatest prejudice has been aroused against the Western Federation and its officers by public officials, including the governor of the state, who were well known to be in sympathetic alliance with the mine owners' association.

The requisition thus issued was honored in secret by Governor McDonald of Colorado, himself a mine owner and intensely hostile to organized labor, and, awaiting a favorable opportunity, the secret service men of the two governors pounced upon the three labor officials in the dead hours of night, and without giving them a chance to ask a question, utter a protest, consult a lawyer, or even send word to their families they were secretly locked in separate cells of the county jail, and at 5 o'clock in the morning a Union Pacific special train which had been provided by the railroad company rushed them at a high rate of speed to Boise, Idaho, where they were placed in the separate cells of the state penitentiary under a heavy guard.

This is the story in a very brief form, but every word of it is absolutely true and can be easily verified. Indeed, there has been no attempt to deny it, even by the kidnapping governors themselves or any of their numerous mercenaries.

The constitution of the United States was flagrantly violated when these men were seized and deported by armed force and denied all the privileges guaranteed to citizens under the law of the land.

The simple reason for this is that they could not be lawfully connected with the crime with which they had been charged for had they been guilty or believed guilty they could and would have been proceeded against in the usual manner provided by law.

As the basis of this whole infamous persecution conducted in the name of prosecution there is a false affidavit, and infamous lie, and this is clearly set forth in the magnificent and patriotic dissenting opinion rendered by Justice McKenna¹ of the supreme court of the United States, which should be read by every workingman and indeed by every good citizen of the nation.

The secret of this whole affair lies in the malign purpose of the western mine owners and their corporate allies, the Standard Oil Company, to crush organized labor, and this is why the case has special interest for and appeals directly to the whole body of labor unionists throughout the land.

It is not that we object to the lawful punishment of crime; not at all. The precise contrary is true. We are opposed to the commission of crime, especially in the name and under the forms of law.

Kidnapping is kidnapping whether the criminal happens to be Pat Crowe of Nebraska,² Governor Gooding of Idaho, or Governor McDonald of Colorado. Indeed, when the kidnapper is clothed with high official authority he becomes not only infamous, but monstrous and vile.

We protest against the kidnapping of our fellow workers in the name of organized labor, in the name of law, and in the name of justice and humanity. We are quite sure that if these the citizens had been prominent capitalists instead of mere workingmen and had been thus seized by force and violently deported from their homes all the powers of government, the army and navy included, would at once have been set in motion to effect their release.

There is in this very point food in plenty for meditation.

It appears quite plainly even to the most unthinking that this government is dominated by the great capitalists in their own interest and without the slightest regard to the interests of the working class or the welfare of the people.

The trial of Moyer, Haywood, and Pettibone will be watched as no trial has ever been before by the working class in the history of this

country. It is a safe prediction that no packed jury will be allowed to send innocent men to the gallows, as was done the victims of the Haymarket two decades ago.

The labor giant has slept long, but is now awakening.

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¹ Joseph McKenna (1843-1926), was attorney general under William McKinley and thereafter appointed to the supreme court in January 1898 when the seat previously held by Stephen Field became vacant. In his dissent in the case *Pettibone v. Nichols*, McKenna wrote: "Kidnapping is a crime, pure and simple.... But how is it when the law becomes the kidnapper, when the officers of the law, using its forms and exerting its power, become abductors? ... The foundation of extradition between the states is that the accused should be a fugitive from justice from the demanding state, and he may challenge the fact by habeas corpus immediately upon his arrest. If he refute the fact he cannot be removed. * * * The accused, as soon as he could have done so, submitted his rights to the consideration of the courts.... He should not have been dismissed from court, and the action of the Circuit Court in so doing should be reversed."

² Pat Crowe (1869-1938) was a notorious bank and train robber implicated in a sensational kidnapping of a packinghouse heir in Omaha, Nebraska in December 1900. After successfully collecting a ransom Crowe disappeared, ultimately surrendering in Butte, Montana in 1905. Despite overwhelming evidence of his guilt in the Nebraska kidnapping case, Crowe was acquitted by a jury in a February 1906 trial. He subsequently wrote two memoirs in which he admitted his complicity in the 1900 kidnapping.