

"Work People Have No Rights a Capitalist Is Bound to Respect."

U. S. SUPREME COURT.

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Appeal to Reason.

Girard, Kansas, U. S. A., December 15, 1906

"Governors of Colorado and Idaho the Real Criminals"

So Says Justice McKenna of the United States Supreme Court.

In rendering his dissenting opinion in the Moyer-Haywood-Pettibone case, Justice McKenna... uses the following strong language, charging, in a more direct and forceful way than even did the Appeal...

rest such person and take him from another state, the officers of the latter knowing of the false accusation and conniving in and aiding its purpose, thereby depriving him of an opportunity to appeal to the courts...

and he may challenge the fact by habeas corpus immediately upon his arrest. If he refute the fact he cannot be removed (V. Corkrain, 198 U. S. 691) and the right to resist removal is not a right of asylum...

accused avers in his petition that he had not been in the state of Idaho, in any way, shape or form, for a period of more than ten years prior to the acts of which he complained...

Conspiracy Between Governors

"A conspiracy is alleged between the governor of the state of Idaho and his advisers, and that the governor of the state of Colorado took part in the conspiracy, the purpose of which was 'To avoid the constitution of the United States and the act of congress made in pursuance thereof...'"

and unusual speed, and he was accompanied by, and surrounded with, armed guards, members of the state militia of Colorado, under the orders and directions of the adjutant general of the state...

Significant Facts

"It is further alleged that, in pursuance of the conspiracy, between the hours of 5 and 6 o'clock on Sunday morning, February 18th, the officers of the state, and certain armed guards, being a part of the forces of the militia of the state of Colorado, provided a special train for the purpose of forcibly removing him from the state of Colorado..."

Decision Should Be Reversed

"No individual could have accomplished what the power of the two states accomplished. No individual could have commanded the means of success; could have made two arrests of prominent citizens by invading their homes; could have commanded the resources of jails, armed guards and special trains; could have successfully timed all acts to prevent inquiry and judicial interference..."

"I am constrained," said Justice McKenna, "to dissent from the opinion and judgment of the court. The principle announced, as I understand it, is that a circuit court of the United States, when asked upon habeas corpus to discharge a person held in actual custody by a state for trial in one of its courts under an indictment charging a crime against its laws, cannot properly take into account the methods whereby a state obtained such custody."

No Precedent for Recent Decision

"In other words, and to illustrate the principle by the light of the facts in this case (facts, I mean, as alleged, and which we must assume to be true for the purpose of our discussion), that the officer of one state may falsely represent that a person was personally present in the state and committed a crime there, and had fled from its justice, may ar-

State Officers Real Offenders

"IN THE CASE AT BAR THE STATES, THROUGH THEIR OFFICERS, ARE THE OFFENDERS. They, by an illegal exertion of power, deprived the accused of a constitutional right. The distinction is important to be observed. It finds expression in Ma-

Violate Constitutional Rights

"CONSTITUTIONAL RIGHTS THE ACCUSED IN THIS CASE CERTAINLY DID HAVE, and valuable ones. The foundation of extradition between the states is, that the accused should be a fugitive

OWING to the adulterated and dangerous supply of milk in London, a cry is going up for a municipal dairy that will furnish pure milk and plenty of it. Private enterprise seems to be falling into ill-favor everywhere.

THE government of Hungary is in the hands of the nobility, gentry and clergy. Its parliament is made up of 50 nobles, 160 large land owners, 100 lawyers and 30 priests. Only one-fifth of the adult males have a vote. The average wages for a workman is \$65 a year.

THE minister of labor of France is a Socialist; he fights for laws favorable to the working class. Here our cabinet minister for "labor" is a capitalist and works for the capitalists and against labor. That is because the working class here vote the capitalist tickets—and then beg for favorable legislation.

SOCIALISTS have elected a member of parliament in Austria by a majority of 4,000, and have lost another seat by only 300. In the Slav part of the empire the liberals were wiped out, and the Socialists and Catholics elected nine of the ten members. Socialism gains everywhere.

Have We Reached the Last Ditch?

HAVE just finished reading the decision of the United States supreme court in the Moyer-Haywood-Pettibone case, and the dissenting opinion of Justice McKenna. You will find both on this page. I am trying to write calmly and to find words that will convey to your understanding the thoughts whirling through my mind. Have we reached the last ditch? Is there, then, absolutely no hope for the work people of this nation when they appeal to the highest judicial tribunal in the land?

to arrest and imprisonment on the flimsy charge of conspiracy. I am merely stating facts in advance of their general acceptance—that is all. When you read Justice McKenna's review of the Moyer-Haywood case you will be struck with the striking similarity of his language with the words of the APPEAL TO REASON dealing with this kidnaping outrage, published nearly one year ago. Many of you did not believe what you read in these columns at that time. Many of you, believing what I said was untrue, wrote me that the APPEAL had overstepped the bounds, and was making statements which would damage our cause. Yet here is a judge of the supreme court of the United States, who, after calmly reviewing all the facts in relation to this crime against Colorado and Idaho as the real criminals!

peated boast "that the Federation officials shall never leave Idaho alive." Now, listen, comrades and readers of the APPEAL: We prevented the consummation of this murderous plot last spring and we can do it again! First—Judge McKenna's dissenting opinion must be placed in the hands of every workman in the United States! Second—It must be read in every trades union hall in America. I am sending this issue of the APPEAL to 30,000 officers of trades unions in the United States and Canada, with the request that the McKenna opinion be read by the secretary at the next meeting. Every reader of this issue of the APPEAL who belongs to a trade organization should carry his copy to his local and read the opinion or see that it is read before the assembled membership. Third—Every Socialist speaker in America should read the contents of this paper at his next meeting and from the platform and soap-box let the truth be thundered in clarion tones! In this way we will reach 5,000,000 workmen before the close of the week ending December 22d.

TEN THOUSAND APPEAL Study Clubs will make the most tremendous social force in the nation.

OUT in Idaho the citizens were out of coal and suffering, while long trains of coal were passing through the towns every day. So they held up a train at Nyssa and compelled the conductor to switch two cars out, and in a few hours the coal was all hauled off. And yet, the people there voted in large numbers to have the same policy of private ownership of the railroads and the coal continue, even when it caused them to be worse off than ever. Ye gods! What brains are possessed by those who vote the old tickets!

CONGRESSMAN-ELECT JACKSON, of the First Maryland district, who, it is said, spent \$100,000 to get elected, is out in an interview defending his course. He says: "When a fellow down here has a vote he would rather get the cash for it, and I was in the market." He further said: "No man without money need run for congress in my district, for he has no chance against a rich man." Jackson is a republican, and is rated at millions. Here is where the purity of the ballot comes in. The government is put up at auction, and the highest bidder takes the pot. Voters are bought like cattle. Of course, Jackson did all this just to help the working class who sold him their votes!

SUPREME COURT REVERSES ITSELF.

As told in the extra edition of last week's APPEAL, the supreme court of the United States, in a decision rendered Monday, December 3d, sustained the Idaho supreme court in the Moyer-Haywood-Pettibone case, which means that the prisoners must remain in jail, awaiting the pleasure of the Mine Owners' association. Admitting the illegality of the kidnaping of the Federation officials; admitting that they had the right under the constitution to demand their protection from the courts of Colorado against the violence of the Idaho officials; admitting every fact set up by the attorneys for the defense, the supreme court of the United States, with but one dissenting vote, rendered a decision which says in plain words: "Work people have no rights which a capitalist is bound to respect." The court reverses itself, holding in the Hyatt case an opinion in direct opposition to the one here stated.

After reading the following extracts from the court's decision read, on this page, the dissenting opinion of Justice McKenna, which is in accord with previous decisions of the supreme court:

"Looking first at what was alleged to have occurred in Colorado touching the arrest of the petitioners and their deportation from that state, we do not perceive that anything done there, however hastily or inconsiderately done, can be adjudged to be in violation of the constitution or laws of the United States."

"Even if it be true that the arrest and deportation of Pettibone, Moyer and Haywood from Colorado was by fraud and connivance, in which the governor of Colorado was a party, this does not make out a case of violation of the right of the appellants under the constitution and laws of the United States. While it is true that they were, after the issuing of the warrant and before being deported, entitled to have the question whether they were fugitives from justice passed upon by the courts of Colorado, yet no obligation was imposed upon the agent of Idaho who was sent after the appellants, by the constitution of the United States, to afford them opportunity to have these questions determined by the courts of Colorado."

"It is true, as contended by the petitioner, that if he was not a fugitive from justice within the meaning of the constitution, no warrant for his arrest could have been legally issued by the governor of Colorado. It is equally true that after the issuing of such a warrant, before his deportation from Colorado, it was competent for a court, federal or state, sitting in that state, to inquire whether he was in fact a fugitive from justice, and if found not to be, to discharge him from the custody of the Idaho agent and prevent his deportation from Colorado."

"No obligation was imposed by the constitution or laws of the United States upon the agent of Idaho so to time the arrest of the petitioner and so conduct his deportation from Colorado as to afford him a convenient opportunity before some judicial tribunal sitting in Colorado to test the question whether he was a fugitive from justice, and as such liable under the act of congress to be conveyed to Idaho for trial there."

"It cannot be contended that the circuit court sitting in Idaho could rightfully discharge the petitioner upon allegation and proof simply that he did not commit the crime of murder charged against him. His guilt or innocence of that charge is within the exclusive jurisdiction of the Idaho state court. The question in the court below was not whether the accused was guilty or innocent, but whether the Idaho court could properly be prevented from proceeding in the trial of that issue upon proof being made in the circuit court of the United States sitting in that state, that the petitioner was not a fugitive from justice and not liable, in virtue of the constitution and laws of the United States, to arrest in Colorado under the warrant of its governor and to be carried into Idaho."

"Even were it conceded, for the purpose of this case, that the governor of Idaho wrongfully issued his requisition and that the governor of Colorado erred in honoring it and in issuing his warrant of arrest, the vital fact remains that Pettibone is held by Idaho in actual custody for trial under an indictment charging him with crime against its laws, and he seeks the aid of the circuit court to relieve from custody so that he may leave that state. In the present case it is not necessary to go behind the indictment and inquire as to how it happened that he came within reach of the process of the Idaho court, in which the indictment is pending, and any investigation as to the motives which induced action by the governors of Idaho and Colorado would be improper as well as irrelevant as to the real question to be now determined. It must be conclusively presumed that those officers proceeded throughout this affair with no evil purpose and with no other motive than to enforce the law. The decision of the lower court is, therefore, affirmed."

U. S. Supreme Court Decision in Hyatt Case.

In People vs. Hyatt, on appeal, the U. S. supreme court said:

"We have found no case decided by this court wherein it has been held THAT THE STATUTE COVERED A CASE WHERE THE PARTY WAS NOT IN THE STATE AT THE TIME WHEN THE ACT IS ALLEGED TO HAVE BEEN COMMITTED. We think the plain meaning of the act requires such presence, and that it was not intended to include, as a fugitive from the justice of a state, one who had not been in the state at the time when; if ever, the offence was committed, and who had not, therefore, in fact, fled therefrom."

"WILL THEY HANG MY PAPA?"



"Will they hang my papa?" This is the question William D. Haywood's beautiful golden-haired baby daughter asked a friend who was calling on her mother. Tears hung on her long lashes, and her voice was pitifully pleading, as she sent this anxious query to the visitor. "Will they hang my papa?" When Comrade Haywood was stolen away, denied the right even of sending word to his invalid wife, who he knew would be frantic with fear, little Henrietta was almost crazed with grief. Every sound that broke the stillness of the succeeding nights sent thrills of terror to her little heart and every mention of her papa's name increased her anxiety for his safety. To this hour she talks of little else other than her father, and her fears concerning his future. James McPartland, the Inhuman monster, who, for gold, sacrificed the lives of innocent men in Pennsylvania thirty years ago, pretends to possess a tender heart for little children, and so he said, shed many tears at contemplating the number of innocent children that might have been killed by the bomb "discovered" at Judge Goddard's gate, in Denver. This "discovered" bomb, in the opinion of virtually everybody in the West, was placed where it was "discovered" by no less a redoubtable agent of the Mine Owners' association than James McPartland himself. Imagine him weeping over the woes of anyone! It is not necessary to conjure up an imaginary picture to weep over, O! Siueh McPartland! Here is one of flesh and blood! If you must train bitter tears for innocent children, shed them for this beautiful little creature. Weep for this baby girl, whose father you are attempting to railroad to the gallows, and who, you say, shall never "leave Idaho alive." "Will they hang my papa?" What will your answer be to the question asked by this baby girl, Mr. Workingman? If you were in Comrade Haywood's place, in the shadow of the gallows, and your own baby daughter were to ask this question about you, would you not wish the working class to answer: "No, by the eternal, they shall not!"





