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The federal government and the Industrial Workers of the World, 1917-1918: An attempt to crush a labor union

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THE FEDERAL GOVERNMENT AND THE INDUSTRIAL
WORKERS OF THE WORLD, 1917-1918:
AN ATTEMPT TO CRUSH A LABOR UNION

An Abstract of a Thesis
Submitted
In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

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University of Northern Iowa

August 1990

The Industrial Workers of the World (IWW) was founded in 1905 as an industrial union: an organization of working people based on where they worked rather than the type of work they performed. From the beginning, the IWW was militant in its rhetoric. The preamble to its constitution declared: "The working class and the employing class have nothing in common." The IWW also advocated direct action (e.g., strikes and sabotage) as the means by which to accomplish their goal of a complete take-over of the means of production by the working class. Both its rhetoric and its actions created a great deal of antipathy between the IWW and the industrialists in this country.

Although there were a large number of confrontations, many of them violent, between the IWW and the industrialists and local and state governments during the first twelve years of the IWW's existence, the federal government remained on the sidelines of the fight. The declaration of war against Germany in April 1917 changed the ground rules. In September 1917, the federal government indicted the leadership of the IWW and, in the trial the following year, secured the conviction of ninety-three of the 166 indicted.

The IWW remained fairly active, primarily in the western section of the United States, for a number of years following the 1918 Chicago trial, but its effectiveness as a national labor union was destroyed. The organization

continues to this day and even experienced something of a minor resurgence during the 1960s. Although there are a few locals which claim affiliation with the IWW, the union's few hundred remaining members are mostly those who view the IWW as a romantic episode in this country's labor history.

The IWW failed primarily because it mistakenly assumed that the working people of this country did not believe in the "American Dream." Even with the great support which the IWW enjoyed during some periods of its existence, the majority of the working people of this country were not willing to give up the possibility of some day attaining greater wealth and position than their fellow workers.

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CHAPTER ONE

INTRODUCTION TO THE INDUSTRIAL WORKERS OF THE WORLD: BEGINNINGS AND FIRST YEARS

The beginning of the 20th century found two conflicting sides in the ongoing struggle to organize American labor. One side was made up of the various craft unions which attempted to organize workers according to the type of work they performed (e.g.: cigar makers, caulker, wheelwright, brick mason, etc.). This type of labor organization was represented by Samuel Gompers and his American Federation of Labor (AFL). The AFL concentrated its energy on skilled labor: those occupations which usually required some sort of training to perform and which generally received a higher wage than the masses of unskilled workers.

The other side was a movement to organize workers along industrial lines. This type of organization was represented by Eugene V. Debs and the American Railway Union. Debs believed that it did not matter what particular job a worker performed within a given industry, the workers would only be able to secure a better life for themselves and their families if they were united, industry by industry, against those who employed them. The struggle between these two positions on how best to organize and serve the American working class was to affect the labor

movement for the next five decades until the merger of the AFL and the Congress of Industrial Organizations (CIO) in 1955.

A number of labor organizers, mostly those associated with socialist or anarchist politics, had, by late 1904, apparently come to believe that Gompers' AFL was not the path American labor should follow to secure a better life for itself. This belief was based on a perception of the AFL as a labor organization which was attempting to secure better wages and working conditions for only a small segment of the American labor force. The AFL, in order to secure these ends, was perceived as working "hand in glove" with American business interests to the detriment of the working class as a whole. Further, the AFL was seen as doing nothing to change the foundation of American industry upon which such things as wages and conditions were ultimately based. This was not simply a dispute between skilled and unskilled workers, although the AFL certainly attempted to use such a view to solidify support among its membership. A split in the labor force was to the AFL's advantage since the smaller number of workers it represented in any given industry, the better chance it had of securing greater benefits for that group.

The American Railway Union, led by Debs, was virtually destroyed following the Pullman strike of 1894. This left a gap in the labor movement, a gap which many

labor organizers wanted to see filled by a new organization which would bring together those elements of the American labor movement which were dissatisfied with the direction in which the AFL was leading. Philip Foner states that these:

. . . progressive-minded elements in the American labor and Socialist movements were convinced of three basic principles: 1/. the superiority of industrial unionism over craft unionism in the struggle against the highly integrated organizations of employers; 2/. the impossibility of converting the conservative American Federation of Labor into a type of organization which would achieve real benefits for the majority of workingmen and women; and, 3/. the ineffectiveness of the existing organization of the industrial and radical type to build a movement which would organize and unite the entire working class.¹

A letter was sent on 29 November 1904 to thirty-four prominent labor leaders and agitators, calling for them to meet in Chicago during the first week of January 1905 for the purpose of forming a new labor organization which would address the perceived shortcomings of the AFL and similar labor organizations. This letter was signed by eight well-known men in the labor and socialist movements: William E. Trautmann, editor of the United Brewery Workers' newspaper, Brauer Zeitung; George Estes, President of the United Brotherhood of Railway Employees; W. L. Hall, General Secretary-Treasurer of the United Brotherhood of Railway Employees; Isaac Cowen, American Representative of the Amalgamated Society of Engineers of Great Britain; Clarence

¹ Philip S. Foner, The Industrial Workers of the World, 1905-1917, vol. 4, History of the Labor Movement in the United States (New York: International Publishers, 1965), 13.

Smith, General Secretary-Treasurer of the American Labor Union; Thomas J. Hagerty, editor of the American Labor Union's newspaper, Voice of Labor; Charles O. Sherman, General Secretary of the United Metal Workers International Union; and, Eugene V. Debs, Socialist Party presidential candidate, labor organizer, and writer--remembered today as the pre-eminent socialist of the period.²

Twenty-two of the thirty-four people invited to Chicago met there beginning on 2 January 1905. Those assembled represented nine different organizations--such as the Socialist Party, the five unions represented by the signers of the letter calling for this meeting, and the Western Federation of Miners (WFM)--as well as many prominent individuals such as Mary Harris "Mother" Jones. The twelve who did not attend for various reasons, Debs pleaded poor health for instance, nevertheless endorsed the purpose of the meeting. The primary result of this meeting was the issuance of a manifesto which called for a worker's congress to be held the following summer at Brand's Hall in Chicago for the purpose of organizing a new labor association. This manifesto was signed by twenty-seven people, the twenty-four who attended the January meeting and three of the twelve who did not. The congress was convened

² Paul Frederick Brissenden, The I.W.W.: A Study of American Syndicalism Columbia University Studies in History, Economics, and Public Law, no. 193 (New York: Columbia University Press, 1919), 57-58.

on 27 June 1905 with the Chair, William D. "Big Bill" Haywood of the WFM, announcing to the assembled delegates: "Fellow workers: this is the Continental Congress of the working class."³

The purpose of this new labor organization, the Industrial Workers of the World (IWW), can be found in the Preamble of their Constitution which, although introduced at this congress, was not adopted until the Fourth National Congress in 1909:

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things of life. . . .

It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the everyday struggle with capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old.⁴

The differences between the IWW and the AFL are readily apparent and strike to the very core of the raison d'être of each organization. The AFL preached what amounted to conciliation with business in order to gain better working conditions, shorter hours, and higher wages only for those skilled workers who were members of its affiliated unions.

³ The Founding Convention of the I.W.W.: Proceedings (New York: Merit Publishers, 1969), 1.

⁴ Joyce L. Kornbluh, ed., Rebel Voices: An I.W.W. Anthology (Ann Arbor: The University of Michigan Press, 1964), 12-13. The text of the entire Preamble is in Appendix A, 134.

The IWW, on the other hand, took the opposite position by stating that the only means by which the working class as a whole could realize these goals of higher wages, better conditions, and shorter hours, would be by controlling the means of production--worker control of the work place. This position was best stated by Debs at a meeting in New York City on 10 December 1905 when he said:

The Industrial Workers is organized not to conciliate but to fight the capitalist class. . . . the capitalists own the tools they do not use, and the workers use the tools they do not own.⁵

The AFL organized only skilled workers into craft unions which were then organized nationally in a confederation. The IWW proposed to organize all workers regardless of ". . . race, creed, color, sex, or previous condition of servitude."⁶ This difference in organizational techniques was once explained by Haywood using his hand as a visual aid for his audience:

"The A.F. of L. organizes like this!"--separating his fingers, as far apart as they would go. . . . Then he would say: "The I.W.W. organizes like this!"--tightly clenching his big fist, shaking it at the bosses.

Initially, this meant organizing only those who the AFL had ignored: the unskilled, the unemployed, and the new immigrants, as well as women and blacks. Eventually, it was

⁵ Ibid., 1.

⁶ Founding Convention, 575.

⁷ Milton Meltzer, Bread and Roses: The Struggle of American Labor, 1865-1915 (New York: Random House, 1967), 178.

believed by the leadership of the IWW, even the skilled workers would join their organization of necessity--there would be no other place for them to turn for protection against the capitalists. Once this had occurred, the IWW would, in actuality, be what they claimed: the only labor organization--the One Big Union. When the membership of the IWW equaled the working population, they would then be able to seize control of the means of production through the general strike, the "One Big Strike." Their purpose in doing this was to ultimately transform society into a more perfect world, a "workers' paradise."⁸ As Ralph Chaplin wrote in the last stanza of his song "Solidarity Forever":

In our Hands is placed a power greater
 than their hoarded gold;
 Greater than the might of armies,
 magnified a thousand fold.
 We can bring to birth the world
 from the ashes of the old,⁹
 For the Union makes us strong.

The founding congress of the IWW immediately found itself split into factions fighting each other for control of the union. These various factions all agreed, fundamentally, with the general purposes of the organization they were founding, but they vehemently disagreed as to the best means of accomplishing such a purpose. The factions present at the congress were: the parliamentary socialists,

⁸ John Graham Brooks, American Syndicalism: The I.W.W. (New York: Macmillan, 1913; reprint, New York: AMS Press, 1978), 117 (page references are to reprint edition).

⁹ Kornbluh, 27.

Marxists, anarchists, industrial unionists, and the trade unionists (Gompers had sent some of his own people to the congress to find out what the "radicals" were planning). The core of the disagreement was primarily over the point of whether the IWW was going to engage in electoral politics. Given that the vast majority of the American working class was legally, and occasionally illegally, disfranchised, it is understandable why the organization decided against electoral politics as a form of action.¹⁰ This decision is made even more understandable in light of the organization's commitment to changing the very basis of American society, of placing the control of society in the hands of those who produced the goods of that society--the workers. If the organization had chosen to engage in electoral politics, it would have been a confirmation that the basic structure of society was sound and needed no more than a bit of adjustment. By refusing to engage in action against the capitalists and trade unionists on grounds other than its own choosing, the IWW was strengthening the understanding of its members as to the true nature of the struggle which it saw lying ahead.

The basis for the infighting at the founding congress finally resulted in 1909, after the Fourth National Congress, of the formation of two IWWs: the "radical" one

¹⁰Stewart Bird, Dan Georgakas, and Deborah Shaffer, Solidarity Forever: An Oral History of the I.W.W. (Chicago: Lake View Press, 1985), 5.

headquartered in Chicago and thereafter thought of by most people as the IWW, or the "Wobblies" as they came to be known; and a second, more moderate organization, headquartered in Detroit under the auspices of the Socialist Labor Party of the United States.¹¹

The Wobblies encountered opposition from the industrialists and local government officials from its founding. One of the first such encounters occurred on 17 February 1906 when Haywood, Charles Moyer, and George Pettibone were kidnapped in Denver by Pinkerton detectives, acting in concert with Colorado and Idaho state officials, and then sent by train to Boise, Idaho to stand trial for conspiracy to assassinate former Idaho Governor Frank Steunenberg who had been killed in a bombing on 30 December 1905. This action by the Colorado and Idaho authorities was directed more against the WFM, of which Moyers was the current president and Haywood a past president, than the IWW itself. It was the result of a longstanding attempt by the mine owners and state authorities to break the WFM. However, it affected the IWW greatly in that Haywood had been elected to the General Executive Board of the IWW at the founding congress and his defense thus became the union's number one priority. Although Haywood was eventually acquitted and the other two men released, the

¹¹Samuel P. Orth, The Armies of Labor: A Chronicle of the Organized Wage-Earners (New Haven: Yale University Press, 1919), 156.

trial cost the IWW dearly, both financially, over \$104,000, and in the time lost for organizing activities.¹²

After this trial was over and until the Lawrence strike of 1912, the Wobblies centered their activities on organizing new locals and recruiting new members. The favored tactic used in this drive was street corner speakers or soapbox speakers. These "jawsmiths," as the Wobblies referred to them, instigated numerous "Free Speech" fights throughout the country. Disputes between Wobbly jawsmiths and local authorities in various places had occurred occasionally since 1906, growing steadily in number and size each year until, in 1909, they had reached proportions which alarmed local governmental authorities nationwide. The number and size such confrontations reached in 1909 was to remain relatively constant until 1916.

Before the days of radio or television, the most effective, as well as the least expensive, means of getting a message to the public was by "soapbox" speaking. The Wobblies were especially effective in using this method of publicity, all the better for them since they had very little money with which to rent halls for their meetings and speeches. The authorities in many of the cities and towns where the IWW took their message in search of new members, took exception to both the message of the IWW and the tone

¹²Melvin Dubofsky, We Shall Be All: A History of the Industrial Workers of the World (Chicago: Quadrangle Books, 1969), 96-105.

they employed in their speeches. As one means of combating such tactics, many of these cities and towns passed ordinances which prohibited street meetings, in effect anti-Wobbly ordinances, and the battle lines were drawn. On the side of the IWW was the First Amendment right of free speech, although the volumes of free publicity they received and the ability to continue their organizing activities were their primary reasons for entering into these fights.¹³

The first of these free speech fights occurred in Seattle in 1907 and Los Angeles in 1908. Both of these fights were won by the IWW in conjunction with socialist groups in those cities. The pattern for all ensuing free speech fights, however, was set in Missoula, Montana during the summer of 1909. The fight began when several IWW organizers, including Vincent St. John, the IWW General Secretary, as well as Elizabeth Gurley Flynn and Frank Little, began organizing transient workers who had been paying fees to employment agencies only to find out that they had paid for nonexistent jobs. The city passed an ordinance banning street meetings and within two days, four of the six Wobblies were in jail.¹⁴ Those that remained free sent word to the national headquarters in Chicago that more help was needed.

¹³Patrick Renshaw, The Wobblies: The Story of Syndicalism in the United States (Garden City, N.Y.: Doubleday & Co., 1967), 116.

¹⁴Foner, 176.

The 30 September 1909 issue of the Spokane Industrial Worker (a regional IWW newspaper) included an announcement calling upon the membership to travel to Missoula to aid those already involved in the free speech fight there. The Wobblies responded in great numbers. One after another of the Wobblies would stand on a soapbox to speak and then be arrested, only to be replaced by another. Soon the jails were filled and complaints from the local citizens about the expense of housing and feeding the hundreds of arrested "free speakers" began to be heard. The police took to releasing the Wobblies from jail just before meal time, but the prisoners refused to leave and demanded jury trials--a separate one for each person arrested.¹⁵

The IWW gained the support of Wisconsin Senator Robert "Fighting Bob" LaFollette as well as that of the largest miners' union in Montana, the Butte Miners Union #1. The city was forced to give up the fight. The IWW had won. Encouraged by this victory, the IWW declared that they would use the same tactics in any city which refused to allow them to hold street meetings. Spokane, Washington was the next city to try and block the IWW organizational efforts.¹⁶

The Spokane fight had its genesis in 1908 with the passage of a local ordinance banning street meetings after

¹⁵Ibid.

¹⁶Ibid., 177.

1 January 1909. It was not until the Missoula fight was over that the IWW began to challenge the Spokane ordinance. The first arrest took place there on 2 November 1909, and by 5 November the jails were filled.¹⁷ Faced with 500 to 600 Wobblies in jail, and damage suits filed by the union against the city in the amount of \$150,000, Spokane repealed its anti-IWW ordinance on 9 March 1910.¹⁸ This type of action was carried to Fresno, California in 1910-11; Aberdeen, South Dakota in 1911-12; San Diego, California in 1912; Denver, Colorado in 1913; Minot, North Dakota in 1913; Kansas City in 1914; and Everett, Washington in 1916.¹⁹ It should be kept in mind that, although these were the most significant free speech fights carried on by the IWW, there were twenty major fights and numerous smaller skirmishes lasting from a few days to six months in length during this period.²⁰

The first major industrial strike for the Wobblies took place in the textile industry at Lawrence, Massachusetts in 1912. The strike began on 12 January 1912 when the textile workers in Lawrence, the largest textile town in the world, received their pay envelopes and found

¹⁷Philip S. Foner, ed., Fellow Workers and Friends: I.W.W. Free-Speech Fights as Told by Participants (Westport, Conn.: Greenwood Press, 1981), 30-31.

¹⁸Foner, Industrial Workers, 182.

¹⁹Ibid., v-vi.

²⁰Brissenden, 263.

them short by two hours. The State Assembly had recently voted to shorten the legal work-week for women and children from fifty-six to fifty-four hours. The mill owners had responded to this law by reducing the men's hours as well and by cutting everyone's pay by two hours.²¹ The strike was spontaneous in origin, but before the first week ended Joseph Ettor of the IWW had organized the strikers, thereby bringing some semblance of order to a chaotic situation.²² The initial organizing work done in Lawrence by Ettor and Arturo Giovannitti was seized upon by the national office which responded by sending its best organizers: Haywood and Flynn (who had just turned twenty-one). What a strike it was when these two arrived in Lawrence: of thirty-thousand textile workers in Lawrence, fourteen thousand were out on strike by 20 January.²³

The Lawrence strike had begun with very little violence: a few broken windows and damage to some machinery as the strikers left the mills.²⁴ The Wobblies constantly stressed the need for the strikers to remain nonviolent. As Ettor advised them: "By all means make this strike as peaceful as possible. In the last analysis all the blood

²¹Meltzer, 173.

²²Dubofsky, 236.

²³Ibid., 242.

²⁴Foner, Industrial Workers, 316.

spilled will be your own."²⁵ On 30 January, a young woman striker was killed and a policeman stabbed during a demonstration. The authorities immediately arrested Ettor, Giovannitti, and one of the local strikers, Joseph Caruso, for the killing.²⁶ The state had meanwhile called out the militia, apparently intent upon using what Daniel De Leon, one of the original founders of the IWW referred to as "the Krag-Jorgensen policy of settling the Labor question."²⁷ De Leon was referring to the Krag-Jorgensen rifle which had been adopted by the U.S. Army in 1897 and replaced by the Springfield in 1903. Subsequently, most National Guard units had been armed with, and were still using, the Krag-Jorgensen. Thus, De Leon meant that the government usually decided labor disputes by calling out the militia and solving the problem through the barrel of a gun.

The Lawrence strike provided the IWW with one of its few clear cut victories; it was definitely the largest. By the time the strike ended on 14 March 1912, over twenty-three thousand workers were out on strike and membership in the IWW nationally, estimated to be approximately fourteen thousand in 1911, had swelled to over eighteen thousand. This success proved to be short-lived due to a number of

²⁵Dubofsky, 248.

²⁶Meltzer, 179.

²⁷Daniel De Leon, Industrial Unionism: Selected Editorials (New York: New York Labor News Co., 1963), 29.

factors, both at Lawrence and elsewhere. Membership dropped to fifteen thousand in 1913, and by 1914 it was down to eleven thousand (all membership figures are based on official IWW reports).²⁸

The Lawrence strike had helped the IWW grow in size and power, but what had it accomplished for the textile workers themselves? They had achieved their four original demands: a pay increase of 5 percent for all piece workers; a 5 to 28 percent pay increase for all hourly employees (with the greatest percentage increase going to the lowest paid); an adjustment in the bonus system; and, no discrimination against any striker.²⁹ Further, Ettor, Giovannitti, and Caruso, who had been brought to trial for the death of the woman striker, were all acquitted. The mill owners responded to the increased wages they now had to pay by increasing the production schedule. This ordered work "speed-up" was for all hourly employees and thus negated the pay raise. Also, there were increased numbers of immigrant workers at the mills who felt insecure in their jobs. Both of these situations worked against the IWW in maintaining its membership at Lawrence. By the fall of 1913, there were only about seven hundred Wobblies left in

²⁸Brissenden, 352.

²⁹Dubofsky, 253.

Lawrence.³⁰ Thus ended the most successful, and short-lived, episodes in the IWW's history.

The flush of success following the Lawrence strike blinded the IWW to its actual state in late 1912. Membership had swelled the union to a size it had not known since its first four years³¹, but given the number of workers in the United States at that time, tens of millions, the IWW numbers shrink almost to insignificance. Further, the strike fund for the Lawrence strikers and the defense fund for Ettor and the others had bankrupted the union.³² The Wobblies were in no shape for what lay ahead. The immediate future held strikes at Paterson, New Jersey and at Akron, Ohio. There had been two unsuccessful strikes at the Paterson silk mills in 1912, both under the leadership of the Detroit IWW. January 1913 saw yet another walkout at the mills. As in 1912, the issue was over the requirement for the workers to run more than one loom at a time. As in Lawrence, this initial walkout had not been led by the IWW. Once it had happened, however, the local IWW called a strike meeting and those involved in the walkout voted to turn control of the strike over to the Chicago IWW.³³

³⁰Brissenden, 290.

³¹The WFM was the largest single section of the IWW and it had withdrawn from the IWW in 1909 taking virtually all its members with it.

³²Dubofsky, 262.

³³Foner, Industrial Workers, 356.

The walkout occurred on 27 January 1913 with three hundred workers taking part: by 3 March, twenty-five thousand were out on strike. Their demands were: the abolition of the multi-loom system, an eight hour day, a twelve dollar per week minimum wage, and recognition of the IWW as the workers' bargaining agent. Not surprisingly, the mill owners refused all four demands. The strike dragged on through the spring and summer. The one high point of the strike was a pageant staged by the IWW and organized by John Reed³⁴ at Madison Square Garden in July 1913. This was the first time that strikers had been given an opportunity to show the public at large what they were about and why they were on strike.³⁵ Unfortunately, because of mismanagement, the show failed to raise any money for the strike fund which was the pageant's stated purpose. This caused hard feelings between the strikers and the IWW and was to become, ultimately, one of the primary reasons for the failure of the strike.

By the end of July, the strike committee in Paterson had broken up with most of the strikers willing to negotiate with the mill owners on a shop by shop basis. Once the unity of the strikers was broken, the strike itself was

³⁴Reed was a well-known journalist of the period who would later achieve lasting fame as the author of Ten Days That Shook The World, an eyewitness account of the Bolshevik revolution.

³⁵Kornbluh, 201-2.

over. The individual shops could not stand up to the united front of the owners, and so, in late summer, the mill workers returned to their looms under much the same conditions as they had struck over in January.³⁶ Not only had the strike been lost, but so too had the credibility of the IWW among most of the workers in Paterson as well as elsewhere. Clearly, the union needed another victory like Lawrence, for this had been the second defeat of 1913.

The first defeat had been in the Akron, Ohio rubber workers strike which began at about the same time as the one in Paterson. The strike in Akron followed the same pattern as the textile strikes. A group of workers walked off the job and the IWW stepped in to manage the strike. This strike began on 10 February 1913 when the Firestone Company announced a reduction in piecework wages of 35 percent. Within five days, there were twelve thousand workers on strike. By 19 February, there were approximately twenty thousand on strike.³⁷

The city officials in Akron appealed to the governor to call out the militia but were refused. The city officials and the managers of the rubber companies, therefore, decided to respond to the strike on their own and with their own methods. These methods included the arresting of all IWW leaders, the breaking of picket lines

³⁶Renshaw, 155.

³⁷Foner, Industrial Workers, 375-76.

by the police escorting strikebreakers to work, and by "looking the other way" when local businessmen organized vigilante committees to drive the Wobblies out of town.³⁸ The effect of such actions over the first few weeks of the strike were devastating. The strike officially ended on 31 March with an announcement from the strike committee that the walkout had ended. No mention was made of any of the demands the workers had made just six weeks earlier although not a single one had been met.

The only occurrence which bode well for the IWW during 1913 was the founding of a longshoremen's local in Philadelphia and a local of Italian bakery workers in the same city.³⁹ The longshoreman's local continued to be active into the 1920s when it finally left the IWW. The formation of these two locals, however, had very little effect upon membership levels. Only the longshoreman's local would be heard of again, in a 1920 incident relating to the shipment of war supplies to the "White" armies fighting the Bolsheviks in Russia.⁴⁰

From this review, it might be assumed that the IWW was only concerned with big events which might gain it large

³⁸Dubofsky, 286.

³⁹Philip Taft, "The I.W.W. in the Grain Belt," Labor History 1 (1960): 55.

⁴⁰Philip S. Foner, The Bolshevik Revolution: Its Impact on American Radicals, Liberals, and Labor, A Documentary Study (New York: International Publishers, 1967), 255-57.

numbers of members. Such was not the case. During the period from 1906 until the entry of the United States into World War I, the IWW was involved in seventy-two strikes in every section of the country--from California to Maine and from Louisiana to Minnesota. It is interesting to note, that given the IWW's insistence that the AFL was not worthy of representing American labor because it was concerned only with matters of wages and conditions for specific workers, it was precisely these issues which were involved in all but a handful of the IWW strikes.⁴¹ Those strikes not concerned with these issues were disputes over IWW members being discharged or over the issue of closed or open shops, not exactly the society changing mission which the Wobblies had set for themselves.

The strikes and free speech fights of this period did generate a great deal of publicity for the union, and did gain for the union some sympathetic responses from many people who would not generally support the IWW doctrines. None of these actions, however, was to have any lasting effects on the organization.⁴² The tactics employed by the IWW up to this point had not created the mass organization so hopefully envisioned by the founders in 1905. The original dispute, whether the IWW was to be an economic or political union, or merely an agitating force in the labor

⁴¹Brissenden, 366-67.

⁴²Taft, 55.

movement, had not yet been resolved. The agitators had control of the union through 1913 with little to show for their efforts or their strategy. The primary force within the union had been the soapboxers. Their vision of the IWW is best summarized by James P. Thompson in his comment on the Lawrence strike. It was, he stated:

. . . one big propaganda meeting. Every hour that the strike lasted the One Big Union idea was spreading like wildfire. The strikers of Lawrence were actually teaching the country how to fight.⁴³

This had become the prevailing view within the IWW. It was felt that the union should concentrate all its resources on such tactics and drop all pretense of being an economic union.

By the beginning of the new year in 1914, the IWW was like a rudderless ship: it had no strategy, only tactics. Tactics that, furthermore, threatened the very existence of the union. According to Philip Taft, it was at this point that the IWW undertook a change, more a formulation, of a strategy which "were it not for World War I, might have transformed the I.W.W. into a powerful economic organization of unskilled and semi-skilled workers."⁴⁴ The Ninth National Convention in the summer of 1914 witnessed the introduction of a resolution by Frank

⁴³Ibid., 53-54. Thompson was a general field organizer for the IWW and was one of those called in by the national office to help manage the Lawrence strike.

⁴⁴Ibid., 55.

Little of the General Executive Board. The resolution stated that:

. . . some means should be taken for concerted and efficient action in the harvest field next year. It was proposed that a conference be held composed of members from different locals bordering the harvest district, and that this conference [devisel] ways and means for harmonious grouping of hitherto spasmodic efforts in the harvest organizations.⁴⁵

The IWW was now committed to change its focus from propaganda to organizing workers heretofore ignored by labor organizations, the farm workers. In doing so, it also shifted its attention from the eastern United States and its crowded cities and factories, to the west with its fields, ranges, and mines--a move, in a sense, back to the union's roots, those who worked in the open air and under the ground.⁴⁶ This change in focus, however, was to have disastrous effects on the union with the entrance of the United States into World War I just three years later.

⁴⁵Ibid.

⁴⁶Len De Caux, The Living Spirit of the Wobblies (New York: International Publishers, 1978), 87.

CHAPTER TWO

THE I.W.W. IN THE WEST:

FARM WORKERS, LUMBERMEN, AND MINERS

The shift of the IWW's organizational energies to the section of its birth, as evidenced by the resolution at the Ninth National Convention, was viewed by some members of the union as a last resort to keep the organization viable. Writing in Solidarity (the official IWW weekly newspaper) two months following the convention, F. S. Hamilton stated:

Some knowledge of all sections of this country leads me to believe that our best chance for forming a nucleus for the One Big Union is in the West. . . . The nomadic worker of the West embodies the spirit of the I.W.W. His cheerful cynicism, his frank and outspoken contempt for most of the conventions of bourgeois society make him an admirable exemplar of the iconoclastic doctrines of revolutionary unionism. His anomalous position, half industrial slave, half vagabond adventurer leaves him infinitely less servile than his fellow-worker in the East. Unlike the factory slave of the Atlantic seaboard and the central states he is most emphatically not "afraid of his job."

No wife and family to cumber him. The worker of the East, oppressed by the fear of want for wife and babies, dare not venture much. . . .

If these men are to be organized, however, we must take account of their special circumstances. One thing is certain, however. Within the next year we must get, somewhere, a sound and healthy organization with the capacity of permanent growth, or the I.W.W. will take its place with other movements of the past. . . .⁴⁷

The first group of workers, therefore, which the IWW would concentrate on in the west would be the farm workers, the men who followed the harvests throughout the western states.

⁴⁷Solidarity, 28 November 1914. Emphasis mine.

Although the resolution calling for a conference in the harvest district was passed in September 1914, the meeting was not convened until 15 April 1915. On that date, thirteen delegates from the western IWW met in Kansas City, Missouri to formulate plans to organize the migrant workers in the western states.⁴⁸ Haywood, who had been elected to the office of General Secretary-Treasurer at the Ninth National Convention, travelled from Chicago to convene the meeting.

The IWW constitution had established several divisions within its organization to conform to the various industries in the country; division three was to be the Agricultural Workers' Industrial Union.⁴⁹ Some of the delegates in Kansas City argued, based on their experience, that the inclusion of the word "union" in the title of the organization would seriously hamper their organizing efforts. These few convinced the other delegates to consider another name. The conference finally decided upon the name "Agricultural Workers' Organization 400" (AWO) for their division.⁵⁰

⁴⁸Fred Thompson, The I.W.W.--Its First Seventy Years (1905-1975): The History of an Effort to Organize the Working Class (Chicago: The Industrial Workers of the World, 1976), 93.

⁴⁹Founding Convention, 299-300.

⁵⁰Brissenden, 337.

The conference, realizing that the very nature of the type of workers they were attempting to organize, created the AWO as "One Big Union" without any permanently based local business agents or offices and with uniform initiation fees and dues throughout the harvest region. The AWO established itself with simply a secretary and an agitation committee, later to become the organization committee, to handle the business of enlisting members. Rather than have business agents initiating workers in various towns, the AWO established several stationary delegates around the grain belt. It was these stationary delegates, or the organization committee itself, which gave credentials to volunteers, or "job delegates," who sought out non-members on freight trains, harvest fields, and camps in an effort to sign up as many workers as possible.⁵¹

These new organizing tactics by the AWO marked the ascendancy of the pragmatists in the IWW over the propagandists. No longer was the union to be hampered by ideologically directed tactics; the belief was now that if something worked, it was good for the union. And work these new tactics did. By the end of 1915, having begun to recruit new members actively in June of that year, "the AWO had initiated 2,208 members and accumulated \$14,113.06 in its treasury."⁵² Even against the numbers of workers who

⁵¹Taft, 59-61.

⁵²Taft, 60.

joined the IWW during the great strikes in the east, such numbers are impressive, especially considering that these new members were recruited over an entire section of the country and not simply in a single town.

The resurgence of the IWW resulted from not only the new life which the AWO and its organizing breathed into the union, but also from an upturn in the national economy which resulted from war purchases by the Allies. The AWO thus became, within a year of its founding, the most energetic segment of the IWW. From its headquarters initially in Kansas City and later in Minneapolis, the AWO sent its job delegates out into the harvest fields of the western United States from the Mississippi to California, and from Mexico to Canada. However, the AWO did not restrict itself to organizing only the harvest workers in this region. The following year it made an active drive to recruit miners, lumberjacks, and construction workers in the western states. Many of these "new" recruits would turn out to be duplicates: they had already joined as harvest workers, and thus were counted twice in the enrollment figures. This would later cause a problem for the AWO.

As a result of this vigorous recruiting drive, the AWO virtually dominated the IWW. By the time of the Tenth National Convention in November 1916, the AWO controlled the voting in the union with 252 votes split between seven delegates. Even with this power, the other delegates to the

national convention stated that "the AWO delegates were not disposed to abuse their power on roll call."⁵³ Not only did the AWO have the political authority within the union, they also had economic authority:

. . . dues collected by the Agricultural Workers ran to about half the total dues collected while initiation fees were an even more disproportionate share of the total.⁵⁴

The union was now convinced that the organizing techniques of the AWO returned high dividends to the IWW. In January 1916, the total membership of the IWW stood at about fifteen thousand with over two thousand of these coming from the AWO. The union's treasury contained only \$922.44 from an income of \$9,208. By the time of the Tenth National Convention, the treasury stood at \$18,745.33 from a total income of \$50,037.28. These figures are slightly deceptive in gauging the influence of the AWO since the union ". . . received only 15 cents out of the monthly dues of 50 cents and no share of the initiation fees."⁵⁵

This financial statement reflected the phenomenal growth of the AWO during 1916. The 1916 convention was attended by twenty-five delegates representing sixty thousand IWW members.⁵⁶ According to the International

⁵³"Tenth Annual I.W.W. Convention," International Socialist Review, June 1917, 406.

⁵⁴Thompson, 94.

⁵⁵Solidarity, 2 December 1916.

⁵⁶Brissenden, 359.

Socialist Review, the AWO had initiated twenty thousand new members during 1916 with a peak of forty-eight hundred being reached in July.⁵⁷ In one year, the AWO had gone from comprising approximately one-seventh of the total IWW membership to one-third of the union. As a result of the efforts of the AWO, the IWW contended that during the harvest seasons of 1915-16 it enforced ". . . job control on half of the [threshing] machines, [union men] making \$3.50 per day for 10 hours' work."⁵⁸

One measure of the success of the AWO was the reorganization of the IWW undertaken by the 1916 convention. The IWW had originally been organized under its constitution into thirteen industrial departments, each of which were divided into various local unions. The revised constitution divided the IWW into six

. . . industrial departments, [subdivided into] industrial unions and their branches, and recruiting unions. The latter were to be composed of wage workers in whose respective industries no industrial union existed.⁵⁹

This change entailed a shift in both economic and political power from the union's locals to the national organization. The new industrial unions were to employ the AWO's job

⁵⁷"The Militant Harvest Workers," International Socialist Review, October 1916, 229.

⁵⁸Ibid.

⁵⁹Taft, 63.

delegate organizing technique in their efforts.⁶⁰ In spite of the success of the AWO, some misgivings were voiced at the 1916 convention by Haywood ". . . over its widespread activity, which he claimed was more like that of a mass organization than an industrial union."⁶¹ The AWO was urged to refrain from organizing any workers outside of the agricultural sphere. The AWO chose to ignore such advice. It continued to organize not only agricultural workers, but also continued to send its job delegates into the mining and lumber camps of the west. These efforts persisted in spite of the fact that the national office had begun plans for the establishment of a lumbermens' industrial union and a miners' industrial union.

This move by the AWO to organize other industries may be viewed in a less cynical light. The migrant workers were initially enlisted in the IWW by the Wobblies' control of the workers' mode of transportation. Job delegates, and frequently sympathetic train crews, would physically deny anyone free passage on the freight trains unless they could produce an IWW membership card. The Wobblies also ran their own camps in the various work areas. These camps were sought out by many migrant workers for their cleanliness and safety.⁶² The union attempted to protect its own by

⁶⁰Brissenden, 335.

⁶¹Taft, 63.

⁶²Ibid., 61.

organizing committees in their camps to ensure that the camps were clean and free from people who would prey on the migrant workers, such as gamblers and dishonest job brokers.⁶³

These workers were only employed in the fields during the harvest season. Once it was over, they needed another source of income in order to live. Many of these men travelled to the lumber camps of the Pacific Northwest, while others migrated to the mines in the southwest and the upper midwest. Still others moved on to the oil fields in Kansas, Oklahoma, and Texas. Wherever these workers went, the IWW job delegates went with them to continue the organizing effort.⁶⁴

The AWO sent special organizers into the lumber camps and mine fields in the late winter of 1916 to collect dues from old members who had signed up with the union the previous summer and to enlist new members who would be moving from the mines and lumber camps into the harvest fields the following season. It was a reasonable extension of their efforts in the harvest fields, therefore, to move into these other areas of industry in search of members.

However, the AWO did not stop at simply enlisting potential harvest workers. They attempted to forbid any of its members from transferring to other industrial unions

⁶³Ibid., 59.

⁶⁴"Militant Harvest Workers," 229.

within the IWW, an attempt that failed since the IWW encouraged dual membership wherever possible. Further, its organizers more than occasionally employed strong arm tactics in their recruitment drives--such as evicting non-members from freight trains, not always waiting until the trains had stopped.⁶⁵ These actions and tactics did not meet with approval by many IWW members. Forrest Edwards, newly elected secretary of the AWO in 1916, defended his union's actions by stating:

Objections are frequently made to the methods of the "400". Some say the methods are too severe. In fact, this seems to be the general opinion of oldtime I.W.W. men. This new blood is putting over stuff and getting away with it so that the old wobbly seem amazed at it.⁶⁶

Another way of stating the AWO's, and now the IWW's, strategy would be--if it works, use it. Edwards seemed to be telling the old line IWWs that it was just sour grapes on their part: "You didn't try it because you didn't think it would work, we just did it."

An example of a last try at a use of the old style tactics can be seen in a brief look at the organizing efforts in Everett, Washington and their aftermath. The attempt in Everett was a combination of straight organizing by the union and a free speech fight. It began in the early summer of 1916 with the job delegates attempting to organize

⁶⁵Taft, 60-61.

⁶⁶Solidarity, 19 August 1916.

the lumber workers in the camps around the city. The first arrests were made toward the end of August: of the five arrested first, three were women and one not even a Wobbly.⁶⁷ In September, a federal mediator was brought in to attempt to resolve the dispute between the city and the IWW. Although a resolution was not accomplished, matters were brought under control and the mediator left. Shortly after his departure, the local authorities and vigilante groups resumed their attacks upon Wobbly meetings and individuals suspected of being members. Many of the Wobblies were deported from town, enough to cause the union organizers and the free speech steering committee to begin meeting in Seattle rather than Everett. This group decided to take the union back to Everett. On 5 November, many union members and their families travelled to Everett on the steamship Verona to hold a mass street meeting.

The authorities in Everett had been notified of the arrival of the Wobblies and were waiting, supported by a number of Pinkerton detectives, for them when the Verona docked at 2:00 P.M. As the Wobblies attempted to debark, they were greeted by gunfire from the dock. By the time the Verona managed to pull away from the dock and out of range from the rifles onshore, the IWW had suffered five dead, thirty wounded, and an unknown number washed overboard and out to sea. The casualties onshore were two dead, including

⁶⁷Brissenden, 263.

a deputy sheriff, and sixteen wounded.⁶⁸ Given the confusion and the fact that the group onshore was supported by a group of detectives and deputies on a boat behind the Verona in an attempt to catch the Wobblies in a crossfire, it is entirely possible, as indicated by testimony at the subsequent trial of IWW members, that those on the dock were killed by their own people.⁶⁹ This trial was the result of members of the IWW who were on the Verona being indicted on charges of murder of the two on the dock who were killed in the shooting. Although the first Wobbly brought to trial was found innocent and the charges against the rest were dropped, the proceedings cost the union a great deal in time and money.⁷⁰

Following this incident, which became known as the "Everett Massacre," the union reorganized its organizing drive in the lumber industry. The branches which the AWO had founded throughout the midwest and northwest formed a distinct IWW industrial union for the timber industry on 4 March 1917. A former Secretary-Treasurer of the AWO, W. T. Nef, initially assumed leadership of this new organization. The Lumber Workers' Industrial Union 500 began to plan their campaign for the unionization of the lumber industry in the

⁶⁸Walker C. Smith, The Everett Massacre: A History of the Class Struggle in the Lumber Industry (New York: Da Capo Press, 1920), 94-97.

⁶⁹Ibid., 202.

⁷⁰Ibid., 39.

northwest with its initial goal being the establishment of an eight-hour day for all loggers and lumber mill workers.⁷¹

The IWW had begun its existence with a strong western base in the form of the WFM. However, since that union pulled out of the IWW in 1909, the WFM's current president, Moyers, had moved the union more and more to the political right. Matters came to a head between the leadership and the rank and file in 1914 in Butte, Montana. The WFM local there was virtually a company union and in a referendum, dissident elements in the WFM established an independent miners' union by vote of 6,348 to 243.⁷² Moyers held the IWW responsible as did the AFL's Gompers, though there was no connection. Gompers called for the governor to send in state troops to quell the "disturbance" caused by the independent union, which Governor Stewart did in August⁷³, and the largest mining company in town, the Anaconda Copper Company, hired three hundred gunmen to aid the state troops. When the troops left Butte several months later, the independent union had been broken, but so too had the WFM and the AFL locals. It would take three years for

⁷¹Robert L. Tyler, "The United States Government as Union Organizer: The Loyal Legion of Loggers and Lumbermen," Mississippi Valley Historical Review 47 (1960): 439.

⁷²De Caux, 95.

⁷³Theodore Wiprud, "Butte: A Troubled Labor Paradise as a corporal saw it," Montana, the Magazine of Western History, October 1971, 33.

the independents to re-establish themselves, at which time the IWW also moved back in.⁷⁴

Other than the organizing done by the AWO with farm workers who also worked in the mining industry, or miners who were likely to work as field hands during the harvest season, the IWW made little headway in the mining areas of the west prior to the 1916 convention. At that convention, one delegate, Dan Buckley, moved that an appropriation of two thousand dollars be approved to organize the western miners:

The Committee on Organization and Constitution carried the proposal 4-1. When Buckley's resolution came before the general committee on November 25, where it also passed, the secretary recorded the remark that the 'time is ripe for organization in the mining districts of the West.'⁷⁵

With the coming of the new year in January 1917, the time was indeed ripe for the IWW to make a concerted effort not only in the mining districts of the west, but also, having been engaged in skirmishes with the lumber trusts for the past year, in the lumber districts as well.

The Wobblies may have thought they had reached a pivotal point in their history with the Lawrence strike, and also with the tremendous success of the AWO in 1916. The new year was to bring with it not only war for the country

⁷⁴Ibid., 94-95.

⁷⁵James W. Byrkit, Forging the Copper Collar: Arizona's Labor-Management War of 1901-1921 (Tucson: The University of Arizona Press, 1982), 131.

but, as a direct result of this country's entrance into World War I, the beginning of the end of the IWW as a viable force in the American labor movement.

CHAPTER THREE
A SEASON OF STRIKES:
JANUARY-AUGUST 1917

The time had arrived for the union to move against entire industries, not just in isolated strikes. The IWW began the year in better shape than it had been since the Lawrence strike of 1912 with over eighteen thousand dollars in the treasury and over sixty thousand members. One section of the union, the AWO 400, which had the largest membership, was located in the west. To the AWO was added, on 4 March 1917, the Lumber Workers' Industrial Union 500 and, on 9 June 1917, the Metal Mine Workers' Industrial Union 490. The IWW now had organizations in place within the three primary industries in the western United States: lumber, mining, and agriculture.

Although the Wobblies had been engaged in numerous battles with a great many local and state governments throughout its existence, the federal government had not entered into any of these prior to 1917. President Woodrow Wilson had placed all radical groups on notice the previous summer with a speech at the Washington Monument on 15 June 1916:

I believe that the vast majority of those men whose lineage is directly derived from the nations now at war are just as loyal to the flag of the United States as any native citizen of this beloved land, but there are some men of that extraction who are not; and they, not only in past months, but at the present time,

are doing their best to undermine the influence of the Government of the United States in the interest of matters which are foreign to us and which are not derived from the question of our own politics.

There is disloyalty active in the United States, and it must be absolutely crushed. It proceeds from a minority, a very small minority, but a very active and subtle minority. It works underground, but it also shows its ugly head where we can see it; and there are those at this moment who are trying to levy a species of political blackmail, saying, "Do what we wish in the interest of foreign sentiment or we will wreck our vengeance at the polls."

That is the sort of thing against which the American Nation will turn with a might and triumph of sentiment which will teach these gentlemen once and for all that loyalty to this flag is the first test of tolerance in the United States.⁷⁶

Such a test the Wobblies would surely fail. Because of their orientation toward society, they were continually under suspicion by the public as being unpatriotic. The Wobbly view of society and government in particular was summarized by an editor of the Detroit News speaking to the National Conference of Social Work in 1918:

The I.W.W. adherent is not patriotic: he is not anti-patriotic. Engrossed in providing a part of the physical necessities of life for himself, and encountering opposition in the process, he is naturally rather unenthusiastic about the state. We are prone to forget that patriotism rises normally according to the status of the citizen. And when the mine owners put flags on the staffs and chase union men out of town at the point of guns, the I.W.W. may be permitted to reflect a bit on the nature of patriotism.⁷⁷

⁷⁶James H. Fowler, II, "Creating an Atmosphere of Suppression, 1914-1917," Chronicles of Oklahoma 59 (1981): 216-17.

⁷⁷Harold Callender, "The War and the I.W.W.," in National Conference of Social Work, Proceedings, 1918, by the National Conference of Social Work (n.p., 1919), 424.

What activities did the IWW engage in prior to September 1917 which caused the federal government to bring the full weight of its powers down on the union in an attempt to stamp it out? A brief survey of the activities of three sections of the IWW in the western United States during the late spring and summer of 1917 should place the government's actions in September of that year into context.

Agricultural Workers' Organization 400

The farm sector of the economy had experienced a rapid increase in profits as a result of the war in Europe. There was a demand for farm hands to ensure both the harvest and the resultant farm income. Even before the United States declared war in April 1917, farmers in the northwest were concerned that any labor shortage, whether the result of a lack of field hands or a strike, would seriously cripple the coming harvest season.⁷⁸ Precautions were taken in Washington state to guard against any interference by the IWW. Troops were sent into the Yakima Valley to put an end to all IWW agitation and to prevent sabotage which the members of the Yakima Valley Producers' Protective Association expected from the Wobblies.⁷⁹

Matters in Washington proceeding fairly smoothly throughout the summer, although many members of the IWW were

⁷⁸Carl F. Reuss, "The Farm Labor Problem in Washington, 1917-18," Pacific Northwest Quarterly 34 (1943): 339.

⁷⁹Ibid., 344.

arrested and held for trial on a variety of charges. The IWW leadership in Washington called for a strike of the harvest workers on 20 August in sympathy for those imprisoned. The strike was a failure as few workers stayed away from their jobs. Twenty-seven Wobblies were arrested as a result of the strike call with half being released within a short time after being determined not to be dangerous. This episode ended any IWW "problem" in the state for the duration of the war.⁸⁰

California had been the site of many IWW actions against agricultural producers in the early 1910s, but during this first summer of the war none were officially reported. As the state agriculture department stated in its report on the 1917 season:

Upon arrival at their destination, they got off on the depot platform and under the influence of some I.W.W. or some other untoward action, they said: "We want a bigger wage; we don't want to work for \$2.25 a day"--which I believe was the wage at the time--"we want \$3 a day," and they got on the train and went back home.⁸¹

The AWO may have had a great many members, but they were not in evidence on the west coast. The problem, for the AWO, was that a great many of its members were also employed in the mining and lumber industries and would move from one industry to another depending on the season. Also, given

⁸⁰Ibid., 345.

⁸¹D. O. Lively, "Agricultural Labor Problems During the Past Season," Bulletin--California Department of Agriculture, January-February 1918, 71.

the tactics used by the AWO in its recruitment of members, the numbers may have been impressive but the commitment was not.

The one great success of the Wobbly farm workers occurred in the midwest, in North Dakota. This success was the result of an offer made in May by a group of farmers known as the Nonpartisan League (NPL). The NPL was organized in reaction to the view of many farmers that they were not receiving their fair share of the increased profits being realized from the sale of farm products. They believed that these profits were going into the pockets of "Big Business and Middlemen."⁸² A. C. Townley, president of the North Dakota NPL, proposed that the AWO and the NPL's farmers agree on hours, pay, and working conditions for harvest workers for the 1917 season.⁸³ The AWO accepted the offer, and in July announced that a tentative agreement had been reached which would be recommended by the NPL to its members for acceptance.⁸⁴ The League's membership refused to accept the wage scale proposed and no agreement was ever formally made; nevertheless, North Dakota was to be a haven for the IWW during that harvest season with the highest wages in the country for harvest workers and where

⁸²"The Farmer and the War," The New Republic, 3 November 1917, 8.

⁸³Solidarity, 9 June 1917.

⁸⁴De Caux, 120.

Wobblies were welcomed, a virtual "closed shop" for the IWW.⁸⁵

Metal Mine Workers' Industrial Union 490

An opportunity for the IWW to re-establish itself in the Montana mining region occurred on the night of 8 June 1917 when a fire broke out in the Speculator Mine in Butte. The night shift in the mine was made up of 410 miners, 162 of which died in this disaster.⁸⁶ One aspect of the disaster particularly aroused the miners. Montana state law directed all mines to place iron doors in the concrete bulkheads which were poured at points within the shafts as a safety measure, so that a fire, should one break out, might be contained. The bulkheads in the Speculator Mine did not have these doors, thus resulting in a greater loss of life than might have occurred.⁸⁷

The miners had been in a state of unrest for some time prior to this incident due to concerns over conscription, wages, and the "rustling card." With the declaration of war, many miners were opposed to the new draft registration required of them and, in light of the

⁸⁵Solidarity, 11 August 1917.

⁸⁶Arnon Gutfeld, "The Speculator Disaster in 1917: Labor Resurgence at Butte, Montana," Arizona and the West 11 (1969): 29.

⁸⁷Vernon H. Jensen, Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry Up to 1930, Industrial and Labor Relations Series (New York: Greenwood Press, 1968), 432.

rising price of copper due to the war, wanted an increase in wages in order to keep pace with the subsequent rise in the cost of living. The "rustling card" (a blacklist system) was a particular cause of dissatisfaction. It was a card issued by the Anaconda Mining Company, which controlled most of the mines in the Butte district, and had to be presented in order to obtain employment. It was, therefore, the company which decided who would and who would not work in the mines.⁸⁸

The North Butte Mining Company, which owned the Speculator Mine, refused to acknowledge any responsibility for the disaster.⁸⁹ The miners, not satisfied with any of the existing miner's unions, organized the Metal Mine Workers' Union (MMWU) on 13 June and presented a list of demands to the mine owners, threatening to strike if their demands were not met. Although the union was independent of any national union, a great many of those who founded it were also IWW members. The mine owners refused the union's demands, and on the following day, refused to meet with the new union, so the MMWU called a strike for the next day.⁹⁰ On 15 June, three thousand miners went out on strike. Three days later the MMWU received support from the Butte

⁸⁸Gutfeld, 30.

⁸⁹Guy Halverson and William E. Ames, "The Butte Bulletin: Beginnings of a Labor Daily," Journalism Quarterly 46 (1969): 262.

⁹⁰Gutfeld, 34.

Electricians' local which was affiliated with the AFL. By 29 June, fifteen thousand workers in the Butte area were on strike, a number which included many of the AFL-affiliated unions.⁹¹

By the middle of July, the mining companies had managed to induce the AFL locals back to work with better contracts. There were a few of the miners who also went back to work at this time, and it appeared as though the mining companies would win the strike.⁹² The situation was to change greatly with the arrival of Frank Little. The IWW national office had sent Little to Butte to organize the Wobblies there and to take over, if possible, the direction of the MMWU strike.

Little lost no time in beginning his work, making speeches to various gatherings and the public. His speeches were labelled as treasonous by the mining companies and the local newspapers (most of which were owned by various mining companies).⁹³ In a public speech on 27 July, Little

. . . referred to the Constitution of the United States as "a mere scrap of paper which can be torn up." He described President Woodrow Wilson as a lying tyrant and declared that the I.W.W. was willing to "fight the Capitalists but not the German."⁹⁴

⁹¹Halverson, 263.

⁹²Arnon Gutfeld, "The Murder of Frank Little: Radical Labor Agitation in Butte, Montana, 1917," Labor History 10 (1969): 183.

⁹³Ibid., 184.

⁹⁴Ibid., 185.

The MMWU attempted to distance itself from Little because of this kind of rhetoric, urging him to either discontinue his activities or leave town as he was not helping but hurting the strike.⁹⁵ As upset with Little as some of the miners were, many others, both company officials and private citizens, regarded him in a much harsher light. During the night of 1 August, Little was dragged from his bed by six men, taken to a railroad trestle outside of town, and hanged. When found the next morning, he had a card hanging around his neck which had only the numbers "3-7-77" on it (referring to the dimensions of a grave--3 feet by 7 feet by 77 inches). Other strike leaders received similar cards by Special Delivery mail over the next few days.⁹⁶

The MMWU attempted to use Little's murder to arouse the miners in their strike effort, but such passion did not last long. By October, enough miners had returned to work to reopen the smelters, which had closed due to lack of ore, and on 18 December 1917 the MMWU called off the strike. The attempt to close the open shop at Butte had failed, but not without some gains. Although the primary demands regarding recognition of the MMWU and some of the safety related issues were not achieved, many of the other demands were met at least in part.

⁹⁵Ibid., 186.

⁹⁶De Caux, 128.

The miners in Arizona in the spring of 1917 had, for the most part, been associated with the WFM which changed its name in 1916 to the International Union of Mine, Mill and Smelter Workers (IUMMSW), but the Wobblies were beginning to make inroads into the WFM's base though their organizing efforts. Such efforts were greeted favorably by the mine owners of Arizona because the IWW, as yet having few members and largely ineffective leadership, could function as an effective counterforce to the IUMMSW.⁹⁷ They would regret their initial feelings toward the Wobblies within a very few months.

There were no strikes in the copper districts of Arizona during 1917 until the end of May. The IUMMSW issued a strike call on 25 May in Jerome for 31 May. The IWW attempted to take control of the strike and as a result of this inter-union fight, most of the miners returned to work within a day. One month later, on 30 June, the IUMMSW called a strike in the Globe-Miami district for the next morning at 7:00. On July 1, the IWW called a strike for that afternoon. Seven thousand miners answered the joint call. By 6 July, twenty-five thousand miners were out on strike all over the state.⁹⁸ The IWW had called a strike at Bisbee, but it had not been a complete walkout until

⁹⁷Byrkit, 143.

⁹⁸De Caux, 123.

after the Globe-Miami strike was called.⁹⁹ The strike continued for two weeks without incident.¹⁰⁰

The IUMMSW, directed by its headquarters in Denver, Colorado, called off their strike on 3 July. On 7 July, apparently believing that the Wobblies might actually succeed because of their very aggressiveness, the local IUMMSW repudiated the Denver order and went out once again. The strike was now totally in the hands of IWW organizers who had been brought in from the national headquarters. It was accepted by the newspapers of the state as well as many private individuals, and certainly by the mining companies, that the only solution possible to the situation was the expulsion of the IWW agitators from the state.¹⁰¹ Although outwardly peaceful, the situation was rapidly coming to a head. The three mining companies in Bisbee announced on 11 July that any miner not back on the job by 13 July would no longer be considered employed.¹⁰²

The day before in Jerome, a citizens' committee had, in the early morning hours, rounded up over a hundred "undesirables" and, after releasing some of them, deported

⁹⁹ Philip Taft, "The Bisbee Deportation," Labor History 13 (1972): 7.

¹⁰⁰ Robert W. Bruere, "Copper Camp Patriotism," Nation, 21 February 1918, 203.

¹⁰¹ Andrew Wallace, "Colonel McClintock and the 1917 Copper Strike," Arizoniana 3.1 (1961): 25.

¹⁰² Byrkit, 167.

those remaining. Over sixty miners were loaded into a cattle car and transported twenty miles out of town to Jerome Junction where they were to be released with orders not to return to Jerome. When the train reached Jerome Junction, an armed posse met the train, took nine of the miners into custody, and sent the rest on another train for Needles, California where the train was ordered back to Arizona. When they reached Kingman, the men were released after they promised to refrain from any further agitation.¹⁰³ The example was set for the Bisbee strike.

During a labor dispute in 1916, a Citizens' Protective League had been established and was composed of non-miner residents of Bisbee. When a strike appeared imminent in late June, a group of working miners who were not in favor of the action, organized themselves into a Workers Loyalty League. A meeting was held on the night of 11 July by the leaders of both groups as well as members of the business community in Bisbee and a manager from two of the mining companies. The suggestion was made at this meeting "that they 'get a train and run the strikers to Columbus, where' . . . 'Uncle Sam would take care of them.'"¹⁰⁴

¹⁰³ John H. Lindquist, "The Jerome Deportation of 1917," Arizona and the West 11 (1969): 243-44.

¹⁰⁴ Taft, "Bisbee Deportations," 13.

When the meeting adjourned, those present were issued guns from the mining company, Phelps Dodge, and deputized by the local sheriff, Harry Wheeler. Sheriff Wheeler's deputies began calling the members of the Loyalty League and the Citizens' Protective League with instructions to be at their assigned posts the next morning by four o'clock.¹⁰⁵

With everyone in place, Sheriff Wheeler posted a proclamation for the people of Bisbee at 6:30 on the morning of 12 July. The proclamation announced:

. . . that a Sheriff's Posse of 1,200 men "had been formed in Bisbee and one thousand in Douglas . . . for the purpose of arresting on charges of vagrancy, treason and being disturbers of the peace of Cochise County all those strange men who have congregated here from other parts and sections for the purpose of harassing and intimidating all men who desire to pursue their daily toil." The proclamation recited that threats had been made daily. "We cannot longer stand or tolerate such conditions. There is no labor trouble--we are sure of that--but a direct attempt to embarrass and injure the government of the United States."

The proclamation urged that "no shot be fired throughout the day unless in necessary self defense." It warned that strike leaders would be held responsible for injuries "inflicted upon any of my deputies while in performance of their duties as deputies of my posse," and promised humane treatment to the arrested, including examination of their cases "with justice and care."¹⁰⁶

The two thousand deputies of Sheriff Wheeler immediately began a sweep of the town, asking every man encountered

¹⁰⁵ James Byrkit, "The Bisbee Deportation," in American Labor in the Southwest: The First One Hundred Years, ed. James C. Foster (Tucson: The University of Arizona Press, 1982), 90.

¹⁰⁶ Ibid., 14.

whether he was working. If the answer was "no," then that person would be taken to the local ball park and interred while the arrests continued. During the round-up, one deputy was killed by a miner who was immediately shot and killed by another deputy. Once the round-up was completed, the 1386 men who had been seized were marched single file through a double line of deputies to the railhead and loaded into cattle cars which had been provided by the El Paso & Southwestern Railroad.¹⁰⁷

The plan was to transport the miners to Columbus, New Mexico and turn them over to federal troops who had been stationed there ever since a raid on the town by Pancho Villa in 1916.¹⁰⁸ When the train reached Columbus, the representative of the El Paso & Southwestern Railroad in charge of the train was arrested on orders of New Mexico Governor W. E. Lindsey. The railroad official was released after a short time and the train turned back toward Arizona. The train went twenty miles back toward Arizona and stopped at Hermanas, New Mexico where the deportees were ordered off the train and into the desert.¹⁰⁹ It was now 13 July and the deportees had been without food or water since before they left Bisbee.

¹⁰⁷ De Caux, 124-5.

¹⁰⁸ Pamela Mayhall, "Bisbee's Response to Civil Disorder --A Matter of Circumstance," American West, May 1972, 29.

¹⁰⁹ Byrkit, "Bisbee Deportation," 96.

The U.S. Army took over the next day and returned the men to Columbus where every effort was made to feed and shelter them. The Army also undertook a survey of the deportees to determine if the claims made against them by the mining companies and Sheriff Wheeler were accurate. Contrary to the claims made of the deportees being outsiders, vagrants, agitators, and disloyal, the Army determined:

. . . that out of the 1,386 deported men, 520 owned property in Bisbee; 472 had registered for the draft; 433 were married with families; 205 had purchased Liberty Bonds; and sixty-two had served in the armed forces of the United States: Only 426 had been members of the I.W.W.¹¹⁰

These men remained under the protection of the U.S. Army, officially, until the camp was disbanded on 19 October 1917. By that time, however, most of the men had left the camp. The strike, though, had been broken. A Presidential Mediation Commission was convened by President Wilson to settle the issues in the Arizona copper fields. When the findings of the mediation commission were returned on 23 October 1917, they represented a complete victory for the mining companies.¹¹¹ After striking for three months, the miners had gained nothing. The commission directed that work in the mining district resume under strict conditions: although many of the strikers were ordered rehired, those

¹¹⁰ Taft, "Bisbee Deportations," 22.

¹¹¹ "Copper Settlement in Arizona," Survey, 3 November 1917, 128.

who were "guilty of seditious utterances against the United States, or those who have membership in an organization that does not recognize the obligation of contracts" were not,¹¹² meaning members of both the IWW and the IUMMSW. Most important though, the government moved to prohibit strikes: "'The machinery thus provided,' says the statement, 'is in substitution for strikes and lock-outs during the period of the war.'"¹¹³

As in Butte, it would be a long time before any union would be able to organize as a true representative of the miners in the copper mining districts of Arizona.

Lumber Workers' Industrial Union 500

One positive outcome of the activities in Montana and Arizona for the IWW was an increase in the union's membership by 200 to 300 percent in the northwest lumber camps.¹¹⁴ The situation in the lumber industry was similar to that in the mining districts in that the lumber companies also refused to bargain with the IWW and even the more conservative AFL. Labor unrest was due to longstanding dissatisfaction with working conditions and wages. Throughout the spring, sporadic strikes were called by the river drivers, those who guided the cut logs down river to

¹¹² Ibid., 130.

¹¹³ Ibid.

¹¹⁴ "President's Commission at Bisbee," The New Republic, 8 December 1917, 141.

the saw mills, in Montana, Idaho, and eastern Washington.¹¹⁵ Many of the loggers in the camps were encouraged by the success of these strikes and began, in late May and early June, a number of spontaneous and unorganized local strikes throughout what was referred to as the "Inland Empire."¹¹⁶

With the government's declaration of war on 6 April 1917, the lumber industry became a critical industry: the army needed a great amount of spruce, the largest amount of the best grade being found in the Pacific Northwest, for the manufacture of airplanes. The government could not allow a disruption in the supply of this valuable war material. The demands set by the unions, initially the AFL and echoed by the IWW, were for the eight-hour workday, sixty dollars per month pay, improved conditions in the lumber camps, and the right to organize and bargain collectively.¹¹⁷ Although these demands were formulated in April, the deadline for either settlement or walkout was set for 16 July.¹¹⁸

¹¹⁵ A. H. Price, "How the I.W.W. Men Brought About the 8-Hour-Day in the Lumber Industry," The One Big Union Monthly, March 1919, 16.

¹¹⁶ Tyler, 436.

¹¹⁷ Charles Merz, "Tying Up Western Lumber," The New Republic, 12 September 1917, 242-43.

¹¹⁸ Robert E. Ficken, "The Wobbly Horrors: Pacific Northwest Lumbermen and the Industrial Workers of the World," Labor History 24 (1983): 328.

The various spontaneous strikes had tied up most of the interior camps and mills by the end of June, and with the strike call for mid-July, the strike had reached all areas of the region by the end of the month. In early August, the shipbuilders in the coast ports refused to work with any "ten-hour" lumber, thus strengthening the union's position.¹¹⁹ The strike remained peaceful throughout this period of July and August even though soldiers were requested and sent to guard saw mills in various areas, particularly in the Puget Sound region of Washington. As Ficken states in his article: "When lumbermen requested the stationing of troops at their mills, the absence of violence proved an embarrassing inconvenience."¹²⁰

Although the Lumbermen's Protective Association (LPA) officially absolutely opposed any consideration of an eight-hour day for the lumber workers, some members individually were willing to concede the issue. The majority viewed the strike, their charges that the strikers were unpatriotic and that the strike was going to destroy the industry notwithstanding, as a beneficial turn of events. As J. P. Weyerhaeuser, president of the Weyerhaeuser Timber Company, stated: "If it were not for the strike, lumber on this coast would decline in value."¹²¹

¹¹⁹ Merz, 243.

¹²⁰ Ficken, 329.

¹²¹ Ibid., 323.

Also, the mill owners were able to use the work stoppage to make repairs to their machinery, and they were able to continue supplying the government orders from existing stockpiles of lumber, at least in the short run.¹²²

A favorite charge which the lumber companies levelled at the IWW was that they were engaging in their strike activities to hinder the American war effort and were financed in this effort by Germany.¹²³ What the lumber companies apparently decided to ignore was the fact that all of the demands made by the strikers were with regard to longstanding conditions and had, at any rate been formulated in one form or another, prior to the entrance of the United States into the war.¹²⁴

By August, it seemed apparent that both sides in this labor struggle were going to stand firm on their positions. The strikers were not going to compromise with lumber company owners who would not even talk with them, except where the strikers were arrested and then the only talking was questioning by the authorities. Therefore, in early September, the strikers, both AFL members and Wobblies, returned to their jobs but with a new strike tactic. This was called "strike on the job" and was

¹²² Ibid.

¹²³ Philip Taft, "The Federal Trials of the I.W.W.," Labor History 3 (1962): 59.

¹²⁴ Robert W. Bruere, "The Industrial Workers of the World--An Interpretation," Harper's, July 1918, 255.

essentially a work slowdown. Regardless of the output quota, the Wobblies strictly observed safety requirements and would stop work after eight hours.¹²⁵

The workers in the lumber and mining industries had, by August 1917, gone out on strike in numbers approaching 100,000 and most of the strikes were under the control, to one degree or another, of the IWW. Even with the variety of methods used to control the situation and keep the workers in the woods and mines, the company owners could not prevent the strikes or get their employees back to work once they had struck. They once again appealed to the federal government for help. This time they were met with a positive response. Attorney General Thomas W. Gregory convened a grand jury in Chicago for the purpose of investigating the IWW.¹²⁶ What had changed the government's mind toward the IWW? Prior to this, various companies had repeatedly requested federal help in dealing with the union, always to be met with inaction, most recently in Arizona where the government appeared to be taking the side of the IWW. The one thing that had changed was World War I, but even more than simply the war was the

¹²⁵ Ficken, 333.

¹²⁶ A.S. Embree, "Introduction," in The I.W.W. Trial: Story of the Greatest Trial in Labor's History by one of the Defendants, Harrison George, Mass Violence in America Series (New York: Arno Press & The New York Times, 1969), 10.

public's perception of the Wobblies in 1917 in light of the war.

Public Reaction and Government Response

The Wobblies were women and men who had been hated and feared for many years by many people in this country. Much of the animosity toward the IWW was of their own making, given the temper and content of their speeches and publications since their founding. The constant calls for workers to commit acts of sabotage in the workplace, the threats to burn grain fields, the distrust of government to do anything to protect the workers of this country, the labelling of the Constitution as "a scrap of paper"--all contributed to a growing perception of the IWW by the majority in this country as a threat to society.¹²⁷ Such beliefs were re-enforced by the popular press as well as testimony before Congress. For instance, James Eads How, of the International Brotherhood Welfare Association (Hobos' Union), testified that: "I think as I have heard, that the IWW in case of war will declare a general strike in certain lines to prevent, for example, the mining of coal."¹²⁸

Newspapers were not hesitant in condemning the Wobblies. Following the deportations from Bisbee, Arizona, the Rockford, Illinois Bulletin stated:

¹²⁷ "Organization or Anarchy," The New Republic, 21 July 1917, 320.

¹²⁸ Taft, "Federal Trials," 59.

Any endeavor by the I.W.W. to prejudice the cause of the United States by fomenting strikes in the ore fields should be met by hanging a few ring leaders to the nearest tree.¹²⁹

This sentiment was echoed by the Chicago Tribune: "We are not counseling lynch law, but we think deportation is too mild a punishment."¹³⁰ The New York Globe stated at the end of July: "The Bisbee plan does not work. Only the Government of the United States can destroy the troublesome I.W.W."¹³¹ The situation was closing in on the IWW. The New York Times reported in early August that:

. . . the Federal government probably will take action soon dealing with treason and sedition. A mass of information in the possession of the Government leads to the conclusion that the I.W.W. leaders are being furnished with German money to carry on a campaign against industry intended to cripple the United States Government and its allies.¹³²

On 17 August, Arizona Senator H. F. Ashhurst informed the U.S. Senate about the IWW, an organization which he claimed many Senators did not know about:

Mr. President, although the Senate of the United States is an unusually well-informed body of men, I find nevertheless a number of Senators are not familiar with just what the I.W.W. menace throughout the Western States means.

¹²⁹ Byrkit, Forging the Copper Collar, 224, citing Alexander M. Bing, War-Time Strikes and Their Adjustment, New York: E. P. Dutton and Co., 1921, 247-48, citing the Rockford, Ill. Bulletin, n.d.

¹³⁰ Ibid., citing the Bisbee Daily Review, 22 July 1917.

¹³¹ Philip S. Foner, "United States of America vs. Wm. D. Haywood, Et Al.: The I.W.W. Indictment," Labor History 11 (1970): 501, citing the Literary Digest, 28 July 1917, 20.

¹³² New York Times, 2 August 1917, 20.

With the I.W.W.'s perjury is a fine art. With this organization murder is reduced to a science, and after the I.W.W. slays its unoffending victim the accused and guilty person frequently escapes conviction by reason of a prearranged alibi, because, as I said, the I.W.W. has reduced perjury to a fine art.

. . . I have frequently been asked what 'I.W.W.' means. It means simply, solely, and only 'Imperial Wilhelm's Warriors.'¹³³

The following day, an editorial published in The Bellman carried what might have been considered as a veiled threat to the federal government if it did not take action against the IWW:

The execution of Little, the I.W.W. leader, shows that, if the government will not act in the suppression of treason, the people must and will take law into their own hands. Vigilantes and mob violence are regrettable, but, unless something is done, and that speedily, to stop the dissemination of sedition and resistance to law now going on, there will be more of such occurrences.

Thus far these elements which have combined to thwart the will of the nation have been treated with the greatest leniency by the authorities. There have been isolated cases of punishment, none too severe, but nothing like an organized, systematic and determined campaign against treason at home has been attempted. It is high time it was under way and vigorously conducted.¹³⁴

The attitude expressed by these few examples was summed up by a former mayor of Seattle, Ole Hanson. Hanson had done battle with the Wobblies in Seattle during his tenure as mayor and was among their most outspoken critics. Writing his assessment of the period in 1920, Hanson stated

¹³³ Congress, Senate, Senator Ashhurst of Arizona speaking on the I.W.W. 65th Cong., 1st sess., Congressional Record (17 August 1917), vol. 55, pt. 2, 6104.

¹³⁴ "Clean Them Up Quickly," The Bellman, 18 August 1917, 173-74.

what many local and state officials believed in the summer of 1917:

The I.W.W. is a sneak and a coward . . . morally debauching every member by the teachings of cowardice and hate. . . . The American bolshevists [IWW] fired wheat fields when our army needed wheat, put dead rats and mice in canned food, spiked logs in order to destroy machinery . . . and did every damned and cowardly thing. . . .¹³⁵

Fueled by such views, even if concrete evidence was lacking, the federal government's grand jury moved to indict the leadership of the IWW for its activities.

The federal Department of Justice raided the headquarter offices and publishing bureau of the IWW on 5 September 1917. Armed with search warrants, they removed virtually everything from those offices: mailing lists, financial records, samples of literature, typewriters, even love letters which one of the Solidarity editors, Ralph Chaplin, had kept in his desk; in all, five tons of material was removed.¹³⁶ Concurrent with this raid, similar actions were undertaken in every city where the IWW had an office as well as against individual Wobblies in their homes. From coast to coast, government agents moved against the union. The sole purpose of these raids, according to the United

¹³⁵ Byrkit, James W., "The IWW In Wartime Arizona," The Journal of Arizona History 18 (1977): 156.

¹³⁶ "Statement from the I.W.W.," International Socialist Review, October, 1917, 206-7.

States Attorney for Philadelphia was "very largely to put the IWW out of business."¹³⁷

On 18 September, arrest warrants were issued in various cities against 166 IWW members of which 113 were brought to Chicago for trial.¹³⁸ Included in this number was not one woman (Elizabeth Gurley Flynn had been indicted but was separated from the rest before the trial began), not one striker from Butte, nor a single deportee from Arizona.¹³⁹ The national press was almost uniformly in agreement with these actions. The Literary Digest carried a summary these comments which ranged from, "no national achievement could have awakened the pride and interest which the Justice Department raids have kindled" (Louisville Times), to "We can not do our part with our allies and yet suffer a malignant growth to spread through our body politic" (Baltimore News). It also takes note of some of the cautionary statements by some newspapers, such as:

There is need for prudence on the part of the representatives of the Department of Justice--all the more need, perhaps, because any tendency to go beyond their actual authority is likely to be condoned by public opinion.¹⁴⁰

¹³⁷ Foner, "United States of America," 501.

¹³⁸ Embree, 12-13. Full text of the indictment is in Appendix A.

¹³⁹ Art Young and John Reed, "The Social Revolution in Court," Liberator, September 1918, 25.

¹⁴⁰ "Raiding the I.W.W.," Literary Digest, 22 September 1917, 17.

Even with the IWW leadership safely behind bars and the trial scheduled to begin 1 April 1918, the commentary in the press did not stop: Current Opinion labelled the IWW as a national menace;¹⁴¹ The Outlook took more of a "wait and see" attitude by claiming that while the federal officials must have been positive in their belief as to the threat the IWW posed, it needed to proceed very carefully and "leave no stone unturned to discover whether a conspiracy exists;"¹⁴² an article in Sunset, the Pacific Monthly took the view that the IWW had rendered valuable service to working people in the past, but that such should not stand in the way of the current investigation.¹⁴³ Even so prestigious a publication as The North American Review published a commentary on the case stating that:

In peace, our liberal laws permit the utmost latitude of speech and action, and the man who is "agin' the government" may be as true a patriot as the head of the government himself. But when the nation, back to the wall, is fighting for life and for the life of democracy throughout the world, "he who is not with us is against us;" and he who is against us is our enemy. . . .¹⁴⁴

Another publication, Living Age, declared that "our very

¹⁴¹ "The I.W.W. Develops Into A National Menace," Current Opinion, September 1917, 153.

¹⁴² "The Government and the Industrial Workers of the World," The Outlook, 26 September 1917, 114.

¹⁴³ Walter V. Woehlke, "The Red Rebels Declare War," Sunset, the Pacific Monthly, September 1917, 76.

¹⁴⁴ "Treason Must Be Made Odious," The North American Review October 1917, 517.

society" was threatened by the IWW and that they had best be eliminated while it was possible to do so.¹⁴⁵

As one might expect, most of the publications of the "left" were in support of the IWW. Some questioned the government seeking injunctions against the union while many of the companies it was accused of sabotaging were engaged in profiteering from the war.¹⁴⁶ Helen Keller wrote in the Liberator in support of the IWW by asking:

Who is truly indicted, they or the social system that has produced them? A society that permits the conditions out of which the "I.W.W.'s" have sprung, stands self-condemned.¹⁴⁷

Those opposed to the Wobblies did not stop their campaign as the trial drew closer. Even smaller, regional publications such as the Oregon Voter had their say.

Why not intern the traitors and make them work during the war?

If this is unconstitutional, let's change the constitution, if that be possible.

At any rate, for heaven's sake, cannot we handle this gang in [sic.] some adequate manner and put an end to their action at least for the period of the war?¹⁴⁸

It was into an atmosphere such as this that the government and the defense prepared to go to trial on 1 April 1918.

¹⁴⁵ "Ill Weeds Grow Apace," Living Age, 24 November 1917, 493.

¹⁴⁶ Jack Phillips, "Speaking of the Department of Justice," International Socialist Review, February 1918, 407.

¹⁴⁷ Helen Keller, "In Behalf of the I.W.W.," Liberator, March 1918, 13.

¹⁴⁸ W. H. Warren, "Treason By The Wholesale," Oregon Voter, 9 March 1918, 21 (317).

CHAPTER FOUR

WOBBLIES IN THE DOCK:

"THE GREATEST TRIAL IN LABOR'S HISTORY"

The Wobblies' chief counsel in this trial was George F. Vanderveer, assisted by Otto Christensen, Caroline Lowe, and William B. Cleary. Vanderveer had been associated with the legal staff of the IWW for only one year, having first served as assistant counsel to Fred H. Moore in the Everett case the previous year.¹⁴⁹ He first acted as chief counsel for the Wobblies when some members were charged with criminal syndicalism in Idaho during the summer of 1917. The trial was a victory for the IWW, and in winning, Vanderveer stated that:

Finally, the I.W.W. proved conclusively not only that it did not advocate violence, etc., but that it opposed and deplored it not only because it was wrong morally and "no principle could be settled that way," but also because it always resulted in the introduction of troops and the loss of the strike. In other words, the strike ceased to be a struggle with the employer whom they could hope to defeat and became a clash with the authorities, with whom they had no quarrel and sought none.¹⁵⁰

This view would prove to be at the base of the defense he was to present in the Chicago trial. The initial United States Attorney was Charles F. Clyne.

¹⁴⁹ Foner, Industrial Workers, 539.

¹⁵⁰ G. [George] F. Vanderveer, "Winning Out in Idaho," International Socialist Review, January 1918, 344.

The first move made by the defense was an attempt to have the items seized by the government in the 5 September 1917 raid, and a subsequent raid on the Chicago offices on 28 September, returned to the IWW, an action which would render the indictments void. In a "Petition for Return of Papers" filed on 18 March 1918, Vanderveer stated that the original warrants were "wholly void" since they were in violation of the Fourth and Fifth Amendments to the Constitution. The particulars were that the warrants were too broadly spelled out so that they, in effect, authorized the federal marshals to seize everything on the premises, clearly, according to the petition, an unreasonable search and seizure. Further, that the use of such documents by the grand jury in its determination to return the indictments was a violation of the Constitutional protection against self-incrimination.¹⁵¹ The petition was rejected by Judge Kenesaw Mountain Landis, the presiding judge for the case, and the trial was set to open on 1 April.

On the first day of the trial, all 113 defendants were in court. However, twelve of this number were released prior to the actual start of the proceedings for various reasons: for instance, A. C. Christ was currently in the U.S. Army and was temporarily excused,¹⁵² and Arturo

¹⁵¹ Taft, "Federal Trials," 62.

¹⁵² Ibid., 63.

Giovannitti had the charges against him dismissed.¹⁵³ Jury selection began immediately following the reading of the five-count indictment against the remaining 101 defendants.

Briefly, the indictment against these members of the IWW contained five specific counts. The first charged that they had conspired: ". . . to prevent, hinder and delay the execution of certain laws of the United States; . . ." specifically, all the resolutions and acts passed by Congress following the declaration of war against Germany. Within this count, twelve specific charges were brought against the defendants and twenty overt acts are mentioned in support. Basically, this count was the government's contention that the strikes led by the IWW, or those in which they had participated, had seriously jeopardized the government's ability to wage war.

The second count charged that they had conspired: ". . . to prevent, hinder and delay . . . the right and privilege of furnishing, to said United States . . . said articles, materials, and transportation. . . ." The basis for this count was virtually the same as the first, only here the government was accusing the IWW of preventing some companies from selling their products to the government.

The third count charged that the defendants conspired:

¹⁵³ Arturo Giovannitti, "Selecting A Perfect Jury," Liberator, July 1918, 10.

" . . . in unlawfully, aiding, abetting, counseling, commanding, inducing and procuring one of the ten thousand male persons . . . unlawfully and willfully to fail and refuse so to present himself for registration. . . ."

in accordance with the selective service law. This charged the defendants, individually and as an organization, of encouraging individuals to not register for the draft and of not reporting for military service when called.

Count four charged that they had conspired to:

" . . . unlawfully, feloniously and willfully causing and attempting to cause insubordination, disloyalty and refusal of duty in the military and naval forces of the United States, when the United States was at war; . . ."

Here, the government was charging that, although many members of the IWW did in fact join the military, their only reason for doing so was to disrupt the various branches of the military.

Finally, the fifth count charged that they had conspired:

" . . . to defraud the employers of labor . . . secretly and covertly to injure, breakup and destroy the property of said employers; and that they would teach, incite, induce, did and abet said other members to do so."

The government contended that the IWW had used the United States mails in an attempt to incite working people into a class war in this country by mailing its publications, containing information on how to destroy industrial equipment, to its membership for the purpose of distribution. Primarily objectionable was the Preamble to

the IWW constitution which appeared in every copy of the union's newspaper, Solidarity.

Jury selection proceeded from a panel of two hundred prospective jurors. After two weeks, five jurors had been selected with the prosecution using five of its six pre-emptory challenges and the defense using four of its ten.¹⁵⁴ The prosecution then charged that members of the IWW had attempted to tamper with the prospective jurors. This tampering consisted of a Wobbly, not one of the defendants, having a conversation with a relative of one of the prospective jurors.¹⁵⁵ No charges were ever filed in connection with the accusation. Judge Landis not only disqualified the five jurors already selected, but the entire panel.¹⁵⁶ After a week's delay, the trial resumed with a new panel of prospective jurors and a new chief prosecutor, Mr. Frank K. Nebeker of Utah, assisted by Claude R. Porter of Iowa, and with Clyne remaining on the prosecution team as an assistant. There was no explanation given in any of the sources for the change in status of Clyne and Nebeker.

The questioning of prospective jurors centered on social and political questions, such as: whether each was in

¹⁵⁴ Embree, 13.

¹⁵⁵ William D. Haywood, Bill Haywood's Book: The Autobiography of William D. Haywood, (New York: International Publishers, 1929), 314-15.

¹⁵⁶ Embree, 13.

favor of the declaration of war against Germany, whether each felt that any individual had the right to attempt the overthrow of the existing social order by force, whether each believed they could render a fair and impartial verdict (these questions from the prosecution); whether the fact that an individual had registered for the draft as a conscientious objector would prejudice them, whether each felt that this country's system of distributing profits from production was fair, and whether each believed in slavery of any kind (these from the defense).¹⁵⁷ By the end of the week, a jury of twelve, drawn from four panels with a total of 410 men, had been accepted by both the prosecution and the defense and were scheduled to be sworn in the following Wednesday, 1 May, when the trial reconvened. The jury selected consisted of: two farmers, one retired; two office workers; one city inspector; four businessmen, either owners or management; and, three trades people.¹⁵⁸

The Case for the Prosecution

The trial proper opened at 11:00 A.M. 2 May with Nebeker making his opening statement. In this speech, lasting almost five hours, he summarized the history of the organization from its founding (stated erroneously to have been in 1902), labelling it as a "criminal conspiracy." With the exception of a few remarks directed at Haywood and

¹⁵⁷ Defense News Bulletin #25, 4 May 1918.

¹⁵⁸ Defense News Bulletin #26, 11 May 1918.

the editors of several of the IWW papers, his speech was directed against the organization as a whole, rather than the defendants standing trial.¹⁵⁹

One of the first witnesses presented by the prosecution was an accountant, known only as Mr. Bailly, who stated under cross-examination that his audit of the financial records of the IWW disclosed no money which could have originated from German sources.¹⁶⁰ The purpose of calling this witness was to corroborate one of the favorite charges against the Wobblies by the industrialists and the popular press, that of their being funded by Germany. The issue was not raised again.

The majority of the prosecution's case rested upon the mass of documents entered as exhibits to the court. Most of these documents were a part of those seized during the September 1917 raids on the IWW offices and in a subsequent raid during which federal marshals occupied the Chicago office from 17 December until 31 December 1917.¹⁶¹ The evidence, along with seven weeks of testimony from individuals, was used to infer that a conspiracy to commit

¹⁵⁹ Ibid.

¹⁶⁰ Defense News Bulletin # 27, 18 May 1918.

¹⁶¹ Embree, 12.

those acts which the defendants had been accused of was present.¹⁶²

The physical evidence consisted of the pamphlets, books, stickers, and newspapers wherein it was repeatedly stated that the IWW was opposed to war, conscription, and big business; calls to burn grain warehouse, wreck munitions plants, and attack those workers who refused to join strikes. Further, the government contended that these various publications urged that action be taken against conscription; that workers refuse to produce war materials; and that they "incited strife, disorder and rebellion as a means of crippling the government."¹⁶³ Numerous letters written by Haywood to members and organizers throughout the country were also entered into evidence. Many different things were discussed in these letters: strikes, the war, and views on conscription. That these were private letters and not official notices from the General Secretary to his union, was not pointed out by the prosecution.¹⁶⁴

The witnesses brought to the stand by the prosecution recited a long list of acts of violence and illegal acts which the defendants were alleged to have committed. This testimony began with a Justice Department

¹⁶² Victor S. Yarros, "The Story of the I.W.W. Trial: II.--The Case for the Prosecution," Survey, 7 September 1918, 630.

¹⁶³ Ibid., 631.

¹⁶⁴ Taft, "Federal Trials," 65.

Special Agent from Pennsylvania, Roy C. McHenry, who recounted how he had investigated one of the defendants, Albert Prashner, on a charge of harboring German agents. Under cross-examination, McHenry admitted that Prashner had told him that he was glad to have the information about the accused agent, one Zumpano, by stating that "We have no use for German spies." Vanderveer further questioned McHenry about his arrest of Prashner on a charge of not registering for the draft. It turned out that the agent had gone to an IWW meeting and arrested all the speakers, of which Prashner was one, and that this action was taken solely for the purpose of disrupting the meeting.¹⁶⁵

The testimony by government witnesses occasionally surpassed the realm of believability. One witness testified that he had seen two Wobblies push a farm horse down a well (apparently in an effort to sabotage the harvest). The witness stated that he could not explain the act, nor could he identify the men who had committed it, but that all the farm workers in his area were Wobblies so they must have done it. Richard Brazier, a defendant who related this story, concluded by stating that the witness was obviously in the wrong court: he was confusing this trial with one

¹⁶⁵ Harrison George, The I.W.W. Trial Story of the Greatest Trial in Labor's History by One of the Defendants, Mass Violence in America Series (New York: Arno Press & The New York Times, 1969), 14-17.

dealing with cruelty to animals.¹⁶⁶ Brazier's assessment of the evidence produced against the Wobblies was that it "ranged from the absurd to the ridiculous."¹⁶⁷

Yet another witness testified that while he was a member of the union, he had participated in the capturing of a freight train and other assorted violence in the area of Eureka and San Pedro, California. Under cross-examination, this witness, Frank Wermke (aka Frank Wood), although conceded to have once been a member of the IWW, was shown to have been engaged in acts of violence and theft since childhood, and that he apparently had some trouble in separating truth from fiction, or at least did not always tell the truth even to his friends.¹⁶⁸

In order to prove that the charges regarding sabotage were true, the prosecution introduced a witness from the state of Washington. The witness, Deputy Sheriff Cole, told about the great number of threshing machines which had been burned in his district. Defense counsel Vanderveer informed the witness that both the U.S. Department of Agriculture as well as the Washington State

¹⁶⁶ Richard Brazier, "The Mass I.W.W. Trial of 1918: A Retrospect," Labor History 7 (1966): 183. At the time of the interview with Philip Taft for this article, Brazier was the last surviving member of the General Executive Board to have served with Haywood.

¹⁶⁷ Ibid.

¹⁶⁸ George, 26-31.

Department of Agriculture had determined that threshing machine fires were generally caused by electrical sparks from the gearings which exploded the wheat smut, which was always present. Vanderveer received an affirmative response from the witness when he was asked if it was not true that only one conviction had ever been obtained on a charge of burning a threshing machine, and that the individual convicted was not an IWW member.¹⁶⁹

Following this witness' testimony, the prosecution introduced a letter from the former General Secretary of the IWW, Vincent St. John, who was one of the defendants even though he had ceased activity on behalf of the union when he left office in 1916, in which he responded to a Socialist newspaper editor who had advocated armed insurrection. St. John replied that such a suggestion was foolish at the very best. The correspondence was dated 1916. At this time also, a letter from Haywood to St. John was introduced, dated January 1916, informing him about a current investigation of the IWW by the Department of Justice: this a year before the United States declared war on Germany.¹⁷⁰

One ongoing activity for the IWW was fund raising. Ever since its founding, members had been involved in trials, all of which required large amounts of money to finance. The current trial was merely the largest and thus

¹⁶⁹ George, 33.

¹⁷⁰ Ibid.

required an even greater effort on the part of the membership to raise the necessary funds. One method used for this purpose was to stage a rally or a dance. The prosecution had called E. T. Uasher, chief of police from Miami, Arizona, to the stand to relate several incidents from the previous summer's copper strike in his area. When the prosecution ended its examination, Assistant Defense Counsel Cleary began the cross-examination by asking the witness if he recalled breaking up a dance in his town any time during the preceding month. After Judge Landis overruled a prosecution objection, the witness declared that the breaking up of the dance was merely incidental. What he and his officers had done was to stop the collection of defense fund money.¹⁷¹

The matter of noncompliance with the draft law occupied the prosecution for a few days during the middle of June. The mayor of Crosby, Minnesota, Louis Bauer, was put on the witness stand to tell the court about the problems in the Mesaba Range Mining District in that state. He told how he had arrested two hundred miners for not registering for the draft. These men were subsequently released.¹⁷² A second witness concerned with this incident, John Kenney, who was a U.S. investigator, told the court that in his interview with the jailed men, he discovered that seventy-

¹⁷¹ Defense News Bulletin #30, 8 June 1918.

¹⁷² Defense News Bulletin #31, 15 June 1918.

five of them carried IWW membership cards and another twenty-five claimed membership. Vanderveer pursued this matter in his cross-examination.

The witness admitted that about 90 percent of the two hundred were Finnish. Vanderveer pointed out that approximately 50 percent of the IWW in the region were Finnish and that of those not registering for the draft, over 90 percent were Finnish. In the course of this testimony, it was revealed that the Finnish population of the region had been instructed by the Russian Consul that they were not liable for the draft since they were Russian. Further, that when some of their own leaders had informed them of the law, the miners complied by registering. Vanderveer then received an affirmative answer to his question, that since the Finnish miners were resident aliens, they were not liable to the draft law anyway.¹⁷³ Although Vanderveer's last question was objected to and the objection sustained, his point had been made: there was no conspiracy by the IWW, or any one else for that matter, to urge these men to evade the draft. It was only a misunderstanding by a group of individuals, most of whom spoke very little or no English.

A witness from Portland, Oregon, F. A. Thrasher, a Justice Department agent, related an incident where one of the defendants, Harry Lloyd, had stated that he would

¹⁷³ Ibid.

"resist conscription with his life's blood."¹⁷⁴ The witness testified that the incident had occurred on 17 May 1917, at which time the witness and other officers were "on a slacker case." Vanderveer questioned this.

Q. 'A slacker case on May 17th, 1917?'

A. 'A slacker case.'

Q. 'Yes?'

A. 'Yes, I say a slacker case, a man that had not registered, we call them slackers out there.'

Thrasher was reminded that no one registered previous to registration day on June 5th, 1917.¹⁷⁵

The series of strikes which had apparently finally moved the federal government into action against the IWW were those in the Pacific Northwest against the lumber companies, and these strikes became the focus of the prosecution for the remainder of its portion of the trial.

One of the first witnesses called concerned with the lumber strikes was Ernest Engel, a foreman for the St. Paul and Tacoma Lumber Company of Washington. He stated that he was present when the loggers struck the company in July 1917, but he did not know why they had done so. He admitted, under cross-examination, that he had seen stickers in the camp, some of which were "8-hour" stickers, and had heard about the demand for an eight-hour workday. He denied, however that he knew that the governor of Washington, Ernest Lister, had requested that the lumber companies grant the eight-hour day in order to keep spruce

¹⁷⁴ George, 48.

¹⁷⁵ Ibid.

production up for the War Department. He had heard something, he admitted, about President Wilson and Secretary of War Newton D. Baker having requested that the lumber companies grant the eight-hour day, and that the companies had all refused.¹⁷⁶

The prosecution next attempted to prove that the Wobblies were guilty of "spiking" logs. "Spiking" is the driving of a large iron or steel peg into a log so that when the log is run through a saw mill, the saw blade will break, thus causing a work stoppage and, occasionally, personal injury. Frank Milward, a mill superintendent from Aloha, Washington, was brought in by the prosecution to testify on the matter of spiking. Under direct examination Milward testified that ". . . it must have been the I.W.W." who did the spiking. Under cross-examination Vanderveer asked the witness if he had ever seen a "spike knot" (a natural growth). The witness replied that he had and had seen such break a saw blade many times.¹⁷⁷ Following some other witnesses regarding the lumber industry, the prosecution rested its case.

As can be seen from these few examples of the testimony presented by the government witnesses, every point which the prosecution attempted to make to the court was either refuted or shown to be nonsense by the defense

¹⁷⁶ Defense News Bulletin #31.

¹⁷⁷ George, 53-54.

counselors. It was proven that members of the IWW made statements which encouraged men not to comply with the selective service law, but that they did so as individuals and not as representatives of the IWW. The various acts of sabotage of which the IWW was accused were not proven; not in this trial, nor in any previous state trials. As Richard Brazier stated: "So, why in the name of all that's logical would we destroy our means of livelihood?"¹⁷⁸ Why indeed?

Defense attorney Vanderveer made a series of motions following the resting of the prosecution's case--to dismiss all charges against all the defendants, to dismiss all charges against specific defendants, to dismiss some of the charges against specific defendants--all of which were denied by Judge Landis. So, after a four-day delay due to illness, defendants Pietro Nigra and Albert Prashner were sick, the trial was scheduled to resume on Monday, 25 June, with Vanderveer to make his opening remarks to the jury to open the case for the defense.

The Case for the Defense

In brief, the case for the defense was that the IWW was the type of organization it was in response to the social and economic condition present in this country at the time; and that any action which it did take was directed toward the owners of the factories, plants, and stores--the employers. Further, that because of their attitude toward

¹⁷⁸ Brazier, 184.

business, the IWW believed that all working people were allied in opposition to business. It was the IWW's efforts to educate the American people as to the reality of American society, it believed, which finally led the federal government to move against the union.

The government itself was not under attack by the Wobblies. The businessmen and industrialists were their enemy: when they were defeated and the workers took control, under IWW leadership, of the workplace, the government would cease to exist as it was then constituted. It was not the individuals who had been indicted who were on trial in Chicago, it was the organization itself. As Vanderveer stated in his opening remarks:

In name, it is the case of the United States against William Haywood, James P. Thompson, John Foss and some other men . . . charged with a conspiracy, or five conspiracies. In fact, however, it is not a case against any one of these, but it is a case against an organization, which, for the moment, is representative in our American thought of a certain social ideal.

Without presuming now to question the quality of motives underlying this prosecution, I want to make it plain to you in the beginning, that the real purpose of this prosecution is to utterly shatter and destroy the ideal for which this organization stands. . . .

The case covers, territorially, the whole United States, and in a bigger sense it covers the whole industrial and social life. . . .¹⁷⁹

Vanderveer then proceeded to move through the indictment, point by point, to lay out the defense's position that the IWW was not a treasonous conspiracy against the government of the United States, but an organization committed to

¹⁷⁹ Defense News Bulletin #33, 29 June 1918.

improving the economic and social status of the previously unorganized, unskilled, forgotten workers of this country. He began to give a brief summary of the 1916 Report of the Commission on Industrial Relations when the chief prosecutor objected to the introduction of the report into the proceedings as being not relevant or material to the case. After a lengthy discussion between the defense and the prosecution with the judge, Judge Landis sustained the objection.¹⁸⁰

This ruling did not appear to seriously hamper the defense in the presentation of its case for the remainder of the opening statement. Vanderveer simply proceeded to argue that the IWW was a product of industrial conditions present in this country by giving numerous examples. He went back over much of the prosecution's case as presented to re-emphasize the points made during the cross-examination of the witnesses presented so far. For instance, Vanderveer pointed out that of the great many lumber mills in the United States, the prosecution had introduced only two examples of broken saw blades which were presented as evidence of sabotage, and, that while there might have been sabotage in the case of the few threshing machine fires offered as examples by the prosecution, such a number certainly did not represent a conspiracy of any kind.¹⁸¹

¹⁸⁰ Ibid.

¹⁸¹ Taft, "Federal Trials," 69-70.

As a final argument against the conspiracy charge, Vanderveer pointed out to the jury that, although there were strikes during the summer of 1917 in the lumber districts of the Pacific Northwest and the mining districts around Butte, Montana and Bisbee, Arizona, the IWW had a large membership in the lumber and mining districts of Minnesota and there had been no strikes during the same period; that it still had a portion of the textile industry organized and there had been no strike in that industry either. Most importantly, the AWO was still the largest section of the IWW and virtually controlled the harvest fields throughout the midwest, and yet there had not been a single strike by these workers following the declaration of war against Germany.¹⁸² Vanderveer's remarks took two days to complete, after which the defense called as its first witness one of the defendants, James P. Thompson.

Thompson, in addition to having been one of the founding members of the IWW and its leading propagandist since, had been one of the primary witnesses appearing before the Industrial Relations Commission and, therefore, his testimony with reference to the report could not be objected to as hearsay evidence. As a result of Thompson's testimony regarding industrial conditions in this country, Judge Landis allowed references to be made, for the record,

¹⁸² Defense Bulletin #33.

to the Commission's report.¹⁸³ Thompson was not a member of any intelligentsia class, but a working person who, through experience, had come to believe in the doctrines of the IWW and had the ability to present these views to other working people in terms they could understand. Although there were a great many Wobbly soapboxers, Thompson was among the best. Brazier recounts how, during Nebeker's cross-examination, Thompson appeared as:

. . . a lecturer giving a lecture, who was frequently interrupted by a petulant boy trying to embarrass his teacher by asking a lot of foolish questions, one who should be treated with contempt.¹⁸⁴

The next witness called was another of the best speakers of the IWW, John T. "Red" Doran.

When Doran took the witness stand, he used a blackboard to illustrate his testimony to the jury. Like Thompson before him, Doran used his own experiences as a worker to establish the conditions under which the IWW had originated and flourished. His direct examination, which was really a speech rarely interrupted by questions from defense counsel Christensen, lasted for five hours at the end of which he stated: "It is customary with I.W.W. speakers to take up a collection: but under these circumstances, I think we will dispense with it."¹⁸⁵ Much

¹⁸³ Brazier, 186.

¹⁸⁴ Ibid., 187.

¹⁸⁵ Young, 26.

of the material covered by Doran's speech concerned working conditions in the United States, and given his position as an IWW organizer, Nebeker on cross-examination asked him how long it had been since he had done any manual labor.

Christensen countered on re-direct by asking Doran if he knew how long it had been since Samuel Gompers had done any manual labor.¹⁸⁶

The entire month of July was spent in hearing testimony from defense witnesses attempting to establish that the IWW's brand of unionism was a natural reaction by those workers, who had been ignored by the craft unions, to their economic and social environment, and that the government's accusations of disloyalty, sabotage, and conspiracy were unfounded. The witnesses were, for the most part, the defendants themselves, but there were many who were not.

A. S. Embree, Metal Mine Workers' Industrial Union 490 Secretary, reported on how he and others had been deported from Bisbee the previous July, and of a letter he had sent to President Wilson from the camp at Columbus, New Mexico asking for some legal redress of the situation. He testified that he had received a letter from an Assistant U.S. Attorney General stated that the Justice Department had investigated the matter and could find no laws that had been

¹⁸⁶ George, 77.

broken.¹⁸⁷ Frank Rogers, a Butte miner, reported on the conditions of the miners. He also testified about Frank Little's murder and named one man who he referred to as "one of the men who killed Little."¹⁸⁸ Also called was A. L. Sugarman who testified that he had approached Haywood the previous summer to persuade the IWW to print and distribute circulars in opposition to the draft law, but that Haywood had refused to do so.¹⁸⁹

A migrant worker, John F. Dooley, testified that he had been an IWW member since early 1917 and had joined because of his experiences working in the harvest fields since childhood. He also reported on the forest fires in the western part of the country during the summer of 1917 which the Wobblies working the harvest in the upper midwest had left to go help fight. Dooley had left field work after that summer and had been working as a merchant seaman. He reported that there were many other Wobblies working on cargo ships and that some had been lost in sinkings caused by German submarines.¹⁹⁰ Dooley's testimony was followed by that of some more of the defendants in the trial, most officers in various industrial unions of the IWW, each of which substantiated the defense contention that the many

¹⁸⁷ Ibid., 83-84.

¹⁸⁸ Ibid., 85.

¹⁸⁹ Ibid., 86.

¹⁹⁰ Ibid., 88-92.

strikes during the summer of 1917 were over working conditions and wages and had nothing whatsoever to with the war effort.¹⁹¹

Further testimony was heard during the last two-weeks of July refuting the government charges of disloyalty and opposition to the war effort. Fred Williams, a member of a U.S. Army stevedore regiment just returned from France, reported that there were seventy-four members of his regiment and all seventy-four of them were members of the IWW.¹⁹² Joseph Davis, a U.S. Forestry Service labor agent and an IWW member, testified that he had employed approximately six hundred Wobblies to fight forest fires in Montana and that the service they rendered was "The best I have ever seen. If it had not been for the I.W.W. last year, the forests of Montana and northern Idaho wouldn't be there now."¹⁹³ Richard Brazier, a defendant and member of the IWW General Executive Board (GEB), testified that there was much discussion by the board concerning the draft act and that the IWW should come out officially opposed to it, most notably the arguments made by board member Frank Little. The fact remained, however, that the GEB had never taken an official stand and that all discussion on the

¹⁹¹ Ibid., 97.

¹⁹² Ibid., 121.

¹⁹³ Ibid., 124.

matter had ceased in July of 1917 when it was obvious that the board was deadlocked on the issue.¹⁹⁴

The defense waited until almost the end of the presentation of their case to call Haywood, who finally took the stand on 9 August. Just prior to this, though, Nebeker agreed to six points, "in an effort to shorten the trial and reduce the amount of testimony:"

1. The prosecution admits the evil social and economic conditions that obtained in the lumber industry prior to the IWW strike last summer.
2. The prosecution admits that there are several hundred lumber mills in the Northwest, and they showed only two evidences of sabotage in two mills, one in Washington and one in Idaho.
3. The prosecution admits that IWW members fought fires on government forest preserves.
4. The prosecution admits evil mining conditions in Butte which caused the speculator fire costing the lives of 178 miners.
5. The prosecution admits the deportation of striking copper miners from their homes in Arizona.
6. The prosecution admits that farmers of the Dakotas organized in the Non-Partisan League were pleased with the labor of IWW harvesters.¹⁹⁵

It appears that the government could have saved the court, and especially the defense, a great deal of time and money if they had agreed to these points at the beginning of July. However, this statement only gives the appearance of a concession. Only in the first point does Nebeker even come close to admitting to conditions on an industry wide scale. Points two and three simply affirm the transcript of the trial up to that time. Point four simply agrees to the fact

¹⁹⁴ Ibid., 133.

¹⁹⁵ Taft, "Federal Trials," 71-72.

of conditions at one particular mine but does not admit that such conditions obtained throughout the industry as the defense contended. Point five simply admits to a fact affirmed both in the press accounts at the time and in testimony given at the trial. The final point, again, does not extend the concession to the entire industry, simply affirms a situation in a limited locale.

Haywood was to be the star defense witness, and, since he was the General Secretary of the IWW, a primary target of the prosecution. Richard Brazier stated that: "It was obvious from the outset that the prosecution was gunning for Haywood above all others. No matter what might happen to the rest of us, they were out to get him."¹⁹⁶ Although Haywood's testimony had been awaited by many throughout the long months of the trial, when he finally began to testify, most were disappointed. He spoke in a very low voice and had to be prompted many times to speak louder. It seemed to one of his co-defendants that the "old fire" had gone out of him.¹⁹⁷

Under direct examination, Haywood recounted his own personal history as a miner, beginning at the age of fifteen, and then later as a WFM official. He told of the strikes in which he participated while a working miner in Colorado including those at Bunker Hill, Telluride, and

¹⁹⁶ Brazier, 187.

¹⁹⁷ Ibid., 188.

Cripple Creek, as well as his part in the trial resulting from the assassination of former Idaho governor Frank Steunenberg.¹⁹⁸ By the testimony of yet another witness, the defense kept up its attempt to establish the general conditions under which American workers labored to establish an alternative motive for the strikes during the previous summer: to demonstrate that they were not conducted to hamper the war effort, but to redress longstanding grievances against various industries and specific companies.

The second day of Haywood's testimony was devoted to his cross-examination by Nebeker. Nebeker's questioning centered on the issues of sabotage and the war. In regards to the sabotage charge, Haywood replied that the IWW did distribute pamphlets on sabotage by Elizabeth Gurley Flynn and Walker G. Smith, but he would not agree with Nebeker's assertion that sabotage meant the destruction of machinery or other property. To Haywood, sabotage was only the "withdrawal of work and exposure of adulteration in products."¹⁹⁹ On the issue of opposition to the war, Haywood insisted, as had many other witnesses before him, that the IWW had taken no official stand. Although many local IWW branches had passed resolutions, the national office had not done so. Frank Little, a member of the GEB

¹⁹⁸ George, 181-86.

¹⁹⁹ Taft, "Federal Trials," 72.

had made many statements in opposition to the war, but Haywood stated that Little did not represent the IWW in this matter, they were the personal opinions of one individual.²⁰⁰

With this, the testimony of the man labelled by the prosecution as "King" came to an end.²⁰¹ Although the defense called several more witnesses, the trial was essentially over. Testimony was completed within a few days and the attorneys in the case were set to make their final summations.

The prosecution was allotted two hours for its summation, but Nebeker spoke for less than one hour. The remainder of the prosecution's time was used by Assistant Prosecutor Porter whose presentation was intended not simply to obtain a favorable verdict from the jury, "but was intended to elect him governor of Iowa."²⁰² Porter had taken the precaution of mailing copies of his speech to newspapers in Iowa to ensure coverage of the event. Next scheduled to speak was the defense attorney, Vanderveer. He rose and simply thanked the jury for its patience during the four months of the trial and requested a "Christian judgment."²⁰³

²⁰⁰ Ibid., 73.

²⁰¹ Brazier, 187.

²⁰² George, 203.

²⁰³ Ibid.

Judge Landis dismissed the fifth count of the indictment, use of the mails to encourage sabotage, and then took an hour and one-half to read his instructions to the jury. It was reported that the judge's charge to the jury was favorable to the prosecution, but Haywood stated that he "could find no fault . . . with Judge Landis . . . His instructions were fair."²⁰⁴ The case was now in the hands of the jury.

Verdict and Sentencing

It was now up to the jury to weigh the evidence and testimony produced by the four-month long trial. During these four months, the jury had listened to the testimony of over one hundred witness, examined hundreds of exhibits, and as a result of all this, were confronted with forty thousand pages of typed records.²⁰⁵ Of the 113 original defendants in court, there were one hundred left, each with four counts of the indictment remaining against them. This means that the jury had four hundred separate charges to vote on to reach a verdict. In spite of the sheer mass of material to examine, the jury returned with its verdict in less than one hour: all one hundred were found guilty on all counts. Vanderveer immediately asked for a new trial and was denied by Judge Landis. Sentencing was set for 31 August 1918.²⁰⁶

²⁰⁴ Taft, "Federal Trials," 74.

²⁰⁵ Haywood, 324.

²⁰⁶ Taft, "Federal Trials," 74.

The sentences handed down ranged from one year to twenty years. Seven of the defendants were either released, had their sentences postponed, or received a sentence of ten days in the county jail.²⁰⁷ After the sentencing, Judge Landis asked Vanderveer if he was going to file a motion for a new trial. Vanderveer stated that he intended to do so. Judge Landis then had the defendants returned to the court room at which point he levied a fine on each of them ranging from twenty to thirty thousand dollars.²⁰⁸

Even with the sentences and fines handed down against them, at least one of the defendants, Benjamin Fletcher, managed to keep his sense of humor. His comment on the day's proceedings was: "Judge Landis is using poor English today. His sentences are too long."²⁰⁹ It may not have been the "greatest trial in labor's history" as Harrison George called it, but it was certainly the longest and most expensive, and now it was over. Vanderveer appealed the case to the Circuit Court of Appeals which reversed the decision on the first and second counts of the indictment, but it allowed to stand the convictions on counts three and four.²¹⁰

²⁰⁷ Ibid., 75.

²⁰⁸ Haywood, 324. A complete list of those convicted and their sentences is in Appendix B.

²⁰⁹ Taft, "Federal Trials," 75.

²¹⁰ Ibid.

CHAPTER FIVE

AFTERMATH

The Chicago trial of the Wobbly leadership did not end the federal government's interest in the union. Those indicted and tried in Chicago were not the only members of the IWW arrested during this period. The Justice Department also went after the second line leadership by convening grand juries in other cities: Omaha, Wichita, Sacramento, Fresno, Kansas City, Spokane, Seattle, Duluth, Butte, and St. Louis. Indictments were brought against over two hundred Wobblies in these cities accusing them of various violations of the espionage and sedition laws.²¹¹ The only Wobblies actually brought to trial were in Sacramento and Wichita. In the other cities, charges were eventually dropped, but not before some IWWs had spent almost two-years in jail.²¹²

The Sacramento case was begun by local authorities who arrested some IWW members in connection with a bombing of the governor's mansion in December 1917. The Justice Department entered the case but decided that there was insufficient evidence. Local authorities did not accept

²¹¹ Melvin Dubofsky, Industrialism and the American Worker, 1865-1920 (Arlington Heights, Ill.: Harlan Davidson, Inc., 1985), 131.

²¹² William Preston, Aliens and Dissenters: Federal Suppression of Radicals, 1903-1933 (Cambridge: Harvard University Press, 1963), 248-68.

this decision and held the Wobblies for a grand jury to be convened. In February 1918, a federal grand jury indicted fifty-four men and one woman for violations of the Espionage Act. Due to harsh treatment of these prisoners while in jail, five died before the trial could begin. The charges against four more were dismissed. The remaining forty-six were charged on four counts.

Both the charges and the basic evidence used in this trial, which began in December 1918, were the same as those in the Chicago trial. The unique feature of this trial was that only three of the defendants requested and received counsel. The other forty-three defendants entered no plea, offered no defense, and in general took no part in the proceedings. All were convicted, but the two of the three represented by counsel received two month jail terms and the third, the only woman, received only a fine of one hundred dollars. The others received jail terms ranging from one to ten years.²¹³

In March 1918, thirty-four members of the IWWs Oil Field Workers' Industrial Union 450 were indicted on conspiracy charges in Wichita. On 24 September 1918, the thirty-four were re-indicted on much broader charges; five counts, of which the primary one, as in the other cases, was conspiracy. Specifically, conspiracy between the dates of 6 April 1917 and 24 September 1918, even though all thirty-

²¹³ Taft, "Federal Trials," 77-79.

four had been in jail for half the specified time. The evidenced used for this trial was much the same as it had been in Chicago and would be in Sacramento.²¹⁴ The first four counts were similar to those brought in Sacramento and Chicago, but the fifth count charged a violation of the Lever Act which dealt with control of food products and fuel. The trial finally began on 1 December 1918 and by 18 December, twenty-seven defendants were found guilty on all counts and all but one was sentenced to prison terms of from one to nine years.²¹⁵

These trials and their results, convictions in all cases, did not help to change the public's attitude toward the IWW in the time following the end of World War I, neither did the popular press.²¹⁶ Not all the press, nor all the public, were of the same opinion, however. As early as November 1918, The Dial ran an editorial in which, although not mentioning the IWW by name, asked its readers, "Will radicals and dissenters now be permitted to have their say, or must we expect more orgies of repression."²¹⁷ The editorial also addressed the question of what it labelled as political prisoners, declaring that

²¹⁴ Defense News Bulletin # 49, 20 October 1918.

²¹⁵ Taft, "Federal Trials," 80.

²¹⁶ Arthur Weinberg, ed., Attorney for the Damned (New York: Simon and Schuster, 1957), 167.

²¹⁷ "Technically We are Still at War," The Dial, 30 November 1918, 497.

it would be a "black mark" against this country if they were not released once the armistice was signed.²¹⁸ Some were willing to, after a fashion, forgive and forget. With the leadership of the IWW in jail, it was felt that the time had come to deal with the conditions which had allowed the union to prosper and grow. In particular, the lumber industry was encouraged to clean up their camps and subsequently provided better wages and conditions for the loggers.²¹⁹

There were publications which supported the IWW and continued to try and raise money for its defense. In an article describing a plan by the federal government to begin deporting foreign born workers, which The New Justice claimed was aimed specifically at the IWW, comment is made on the continuing attacks on the union by the press and the reason for such.

The systematic newspaper campaign now under way charging the I.W.W. with complicity in wild plots of assassination, bomb explosions and incendiarism is cited as part of a plan to prepare the public mind to justify any arbitrary acts deemed necessary in the effort to wipe out this militant labor organization.²²⁰

Some publications agreed with the IWW, but only to an extent. W. E. B. DuBois, writing in Crisis, in response to

²¹⁸ Ibid., 498.

²¹⁹ "The Future and the I.W.W.," The Public, 8 February 1919, 134.

²²⁰ "The I.W.W. Defense," The New Justice, April 1919, 16.

a reader's criticism of an earlier article, said of the IWW:

. . . we respect it as one of the social and political movements in modern times that draws no color line. We sought to say that we do not believe that the methods of the I.W.W. are today feasible or advisable.²²¹

It should be noted that, although these publications were sympathetic to the IWW, neither of them could be labelled as mainstream publications.

One exception to this was The New Republic.

Although perhaps not having as large a circulation as The Saturday Evening Post or Colliers, it was a mainstream magazine: decidedly to the left side of the stream, but definitely within it. Throughout the period preceding and during the Chicago trial, The New Republic had consistently urged restraint in dealing with the IWW. It recognized the validity of the union's claims, even if it chose, like Du Bois, to disagree with its methods. In April 1919, it published an open letter "To the President" from Alexander Sidney Lanier, a lawyer and an honorably discharged army veteran who had served as a captain in Military Intelligence. Lanier gave an evaluation of the trial and asked the president to grant all the defendants executive clemency based on that evaluation.

Lanier concluded that there was insufficient evidence to warrant a conviction. He urged clemency regardless of the guilt or innocence of the accused, with three exceptions.

²²¹ W. E. B. DuBois, "I.W.W.," Crisis, June 1919, 60.

In the case of Charles Ashleigh, Leo Laukie, and Vincent St. John, Lanier stated that he was convinced of their complete innocence:

I feel that the inclusion in the verdict and sentence of the three defendants above named was a gross miscarriage of justice and an outrage that every consideration of right and the peace and good order of society demand should be corrected.²²²

This letter would prove to be only the first in a series of letters and articles to appear over the next few years seeking amnesty for those convicted in the IWW trials.

In spite of requests for a general amnesty of all wartime political prisoners, including an appeal from the AFL in 1920, President Wilson refused to consider such a move. He had released some of those convicted under wartime measures in 1919, but would not consider a general amnesty.²²³ President Warren G. Harding continued to follow the policy set by Wilson, even after the introduction of a joint resolution in Congress calling upon him to grant a general amnesty for wartime offenders.²²⁴

The New Republic itself called for amnesty for the approximately two hundred prisoners still in prison in 1921 who were convicted under the espionage and draft laws of 1917. The magazine took the view that this country should

²²² Alexander Sidney Lanier, "To The President: An Open Letter in Regard to the Case of 'United States versus Wm. D. Haywood et. al.'" The New Republic, 19 April 1919, 384.

²²³ Taft, "Federal Trials," 81-82.

²²⁴ Ibid., 83.

follow the lead of its allies, now that the war was over. It further pointed out that after every previous war this country had fought, there had been grants of amnesty. If for no other reason, states the editorial, amnesty should be offered in an effort at reconciliation. During the war, not all the constitutional safeguards were observed toward members of the IWW and granting amnesty to those still in jail would help to heal those wounds.²²⁵ The president remained unreceptive to such a suggestion.

The following year, the Nation renewed the effort to obtain the release of the IWW members still in prison (some had been released). The arguments used were basically the same as had been tried before, but now, given that the war had been over for four years, they seemed to take on a new urgency. It was pointed out that the IWW prisoners were not convicted for any overt acts against the United States in wartime, but only of expressing their opinions. The Nation closed by stating the its demand was based on an appeal "for the honor of America and for the vindication of freedom of speech and conscience fundamental in a democracy."²²⁶ Harding continued to be unreceptive to such a proposal. However, he did state that ". . . he would sympathetically

²²⁵ "Case for Amnesty," The New Republic, 20 July 1921, 204.

²²⁶ "The Demand for Amnesty," Nation, 19 July 1922, 59-60.

consider individual requests for clemency."²²⁷ His offer was refused by the Wobblies.

Finally, in 1923, President Calvin Coolidge offered to commute the sentences of the IWW prisoners conditioned, for the alien residents, on their immediate deportation, and for the others, on their "good behavior." This offer was extended to all IWW prisoners except those from the Sacramento trial, whose conviction was for the overt destruction of property.²²⁸ Of the sixty-eight political prisoners remaining in jail at that time, sixty-five were Wobblies and of these the offer was extended to forty-five. Eleven of the prisoners offered commutations on 19 June refused to accept, leaving thirty-one IWW political prisoners still in jail five years after the end of the war.²²⁹ The Sacramento prisoners, not included in this offer, had been convicted on testimony which even the trial judge stated must be accepted with reserve, coming as it did from unreliable witnesses. As The New Republic stated in October 1923:

The only difference between the Sacramento case and those of the other I.W.W.'s was that the former refused to plead--and considering the ignominious depth to which judicial procedure had sunk during the war, they certainly had some excuse. To hold these men longer in prison is behavior unworthy of a humane or

²²⁷ Taft, "Federal Trials," 87.

²²⁸ "Freedom with a String," The Survey, 15 July 1923, 425.

²²⁹ Taft, "Federal Trials," 89.

civilized government. By quibbling about "reasonable clemency" President Coolidge accepts responsibility with his predecessors for a failure to exercise either equal justice or reasonable mercy--and adds to it.²³⁰

The remaining prisoners, eight of whom were from the Chicago trial, would have to wait another two months. President Coolidge finally commuted their sentences on 15 December 1923.

The trial was now finally over. Sixty-eight months after it began, the last of the prisoners left prison. Not all of those who were convicted and sentenced served time in prison. Haywood was out on bail pending the appeal of the case, and when the Circuit Court of Appeals let stand the convictions on counts three and four of the indictment, he fled the country to the Soviet Union. He lived there until 18 May 1928 when he died in Moscow. His body was cremated and half the ashes were buried in the Kremlin wall; the other half were returned to the United States and were buried in Chicago.²³¹

²³⁰ "Among the Persons Convicted," The New Republic, 17 October 1923, 191.

²³¹ Haywood, 365.

CHAPTER SIX

EPILOGUE

The Chicago trial of the IWW may not have been the "greatest trial in labor's history," although a very good case can be made for such an assertion, but it was the largest criminal trial in American history.²³² Members of the federal government, at the urging of various industrial interests in this country, set out to destroy a labor union.²³³ They did so without any regard for the very Constitutional safeguards they had sworn to uphold. The IWW was subjected to illegal search and seizure raids and were tried in what today could only be called a kangaroo court.

It must be remembered that when these events took place, 1917-18, the world was a very different place. This country was at war and, for most people, anything which even hinted at dissent was considered unpatriotic at best and treasonous at worst. The IWW, in this milieu, was not unlike the proverbial bull in a china store. It was not that it was unpatriotic, and certainly not patriotic, but, rather, that it was apatriotic--it simply had no use for government of any kind, be it ostensibly democratic or totalitarian. It was its own worst enemy. Its rhetoric rarely matched its actions, but it was the rhetoric that

²³² Taft, "Federal Trials," 75.

²³³ See chapter three of this paper.

was, for most people, the only contact they had with the union.

The calls for strikes; for sabotage, and not in Haywood's rather limited definition of it; resistance to conscription; the disregard for American institutions--all these contributed to the atmosphere in which the Wobblies, as an organization, had to live. It is probably true that all the statements made which were ultimately used in the attempt to destroy them were made either by individuals, not the organization itself, or were simply bluff, but what could they have expected when the preamble to their own constitution is a virtual clarion call to action?

The IWW scared people who did not work in the mines and mills of this country, who did not know first hand what a toll the industrial revolution had exacted from the lowest class, the unskilled workers. But for those unskilled workers, the IWW was seen as their only hope. The industrialists wanted nothing to do with a labor pool which was organized and fought it every step of the way, but in the face of such opposition unionism was beginning to get a foothold. Gompers was able to organize various crafts and make his unions effective because he only was after a slice of the whole, he was not trying to take everything away from one group in order to give it to another. But even in his efforts, the largest group of workers was ignored, the unskilled. Only the IWW was open to every working person

regardless of their sex, race, language, religion, or nationality. The IWW did not preach class war, it accepted it as a given. When it began attracting large numbers of members, many felt that it was an organization to be feared because of the destruction it would cause in such a war.

The IWW advocated the overthrow of the capitalist economic system, but that was merely the language it used in its publications and speeches. The reality of the situation was that the only demands ever presented during a strike which the IWW organized or led were for better wages and working conditions. This, though, was one of the primary reasons it were able to organize as many workers as it did. The individuals who joined the IWW wanted more money in their pockets and better places to sleep. Talk of wages, hours, and conditions meant a great deal to these workers, certainly more than the grand theories about overthrowing capitalism and the workers paradise which would result.

It was the resistance to such demands by the industrialists which caused the rapid growth of the Wobblies in the year preceding the war. Had concessions been made to the workers, there is every reason to believe that the IWW would not have grown to the extent it did. The figures are difficult to pinpoint with any accuracy: the union simply did not keep accurate enough records. The government's claim of 200,000 members is entirely too high, but then Haywood's own assessment of ninety thousand to 104,000

probably is also. But how could one determine the extent of the union's organizing efforts, by the number of red cards distributed? Many were simply handed out to supporters and did not represent a "member." But in dealing with an organization such as the IWW, should not the greatest latitude be extended to it? The strength of the Wobblies, after all, did not depend solely on their actual membership totals, but on the mass of supporters--those non-members who went out on strike with them, attended their rallies, and who contributed to their defense fund. Perhaps it was this very indeterminacy which helped create the atmosphere of fear in which the Wobblies existed.

Though the Wobblies were feared and characterized as bomb-throwing anarchists, they made a significant impact on this country because of the very people they organized. The IWW gave a chance to the unskilled, transient worker: a chance to have a decent place to live and to earn some money. These benefits did not remain at that level. The "trickle-down" economic theory may not work but there is something to a "trickle-up" theory. As conditions improve for those on the lowest rung of the economic ladder, pressure is exerted upwards to improve the lot of those above; not that these improving conditions come in the natural course of events, they do not. They must be won at every level through the efforts of the workers. But the incentive is there. The IWW provided others with the means

by which they could win their strikes. For instance, one of the most successful strike tactics used during the 1930s was the sit down strike which originated in an IWW strike against General Electric in 1906 in Schenectady, New York, even though its use by the United Auto Workers was probably not a conscious imitation.²³⁴

Through the trial in Chicago, and the subsequent trials in Sacramento and Wichita, the government thought it could decapitate the Wobblies and leave it to fade away leaderless. The situation did not develop quite the way it was planned. The IWW did not simply cease to exist. Throughout 1919 the union remained active in the Pacific Northwest, although it was under repeated attacks by various American Legion Posts. One event in particular is worth noting.

During a parade for the first Armistice Day in Centralia, Washington, a number of American Legion members broke away from the parade and attacked the IWW hall. One of the Wobblies inside was armed. He was Wesley Everest, a veteran who was in uniform for the parade that day. When the Legionaries broke in, he opened fire and killed three of the attackers. He was then chased out of town and finally captured and jailed. Later that night he was taken from the jail, hung, and shot repeatedly.²³⁵

²³⁴ Thompson, 23.

²³⁵ Renshaw, 209-10.

The IWW continued despite such treatment. The New York Times reported in 1923 that a general strike call from the IWW resulted in fifteen thousand loggers in southern California walking off their jobs, more than one-third the number employed.²³⁶ This was atypical. The union no longer had the strength to call out large numbers of workers on strike, nor even its own members to a convention. Delegates arrived for the 1924 National Convention in Chicago to find that two totally separate sessions had been scheduled. The disagreement within the union once again, as in 1909, centered on tactics and leadership. Even if the delegates could have settled their differences, there were only twenty-six delegates present representing nine industrial unions and a few hundred members.²³⁷ The 1909 schism had left the union in a position to grow. The 1924 schism, on the other hand, marked the end for the Wobblies.

The death knell was sounded, but the Wobblies apparently were not listening, for the union continues to this day. It still maintains its national offices in Chicago and continues its educational work through bulletins and pamphlets. But its membership, for the most part, consists of idealists wanting to hold onto a part of this country's history which, to them, seems romantic. None of

²³⁶ John S. Gamba, The Decline of the I.W.W. (New York: Columbia University Press, 1932), 70-71, citing the New York Times, 14 May, 1923, 8.

²³⁷ Dubofsky, We Shall Be All, 466.

the original Wobblies are left, the last was Elizabeth Gurley Flynn who died in 1965. Dubofsky, writing in the late 1960s, stated that the Wobblies had left a legacy to:

Those young Americans who practiced direct action, passive resistance, and civil disobedience, and who seek an authentic "radical tradition," . . . They who distrust establishment politics, deride bureaucracies, favor community action, and preach "participatory democracy."²³⁸

Although written over twenty years ago, this remains true today. But it is important to remember that this legacy is not simply from the Wobblies, they were merely the caretakers of it for a brief time. The Wobblies were but one manifestation of this spirit which has found a voice in every generation of this country's history, from the Whiskey Rebellion to the Viet Nam war protests.

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is an significant part of this country's history for a number of reasons. First, it demonstrates the power of the press and demagoguery: the power of words. The IWW was more than just its actions, it was its words for most people. But even more important, its actions provoked the words in opposition to it: the words which turned the country against it and brought it down rather than raising it up. Second, it is an episode from labor's history from which we can all learn to recognize the necessity of change, those adjustments in society which are necessary for the improving

²³⁸ Ibid., 483-84.

of living conditions for all. Desirable ends do not come easily nor swiftly, they are won only through the long efforts of a great many people whose names never make it into the history texts.

Third, and most important, the Chicago trial points out the fundamental problem in a democracy such as exists in this country. How is it possible to bring to life the promise held out by the Constitution, especially in the Bill of Rights? How can this society hold to a practice of free speech, freedom from unreasonable searches, freedom from self-incrimination, and all the rest when by allowing such it might provide the ground upon which to sow the seeds of our own destruction? The federal government in 1918 decided that such could not be done, so it chose to stamp out both the threat and the promise. The security of minorities within a society has always been the basis for freedom in this country, as exemplified by the Bill of Rights, but they cannot be secure when the government fails to remember that which each member of that government has sworn to uphold. By failing to learn from its experience, it will continue to fall into what de Tocqueville called the tyranny of the majority.

CHAPTER SEVEN

BIBLIOGRAPHIC ESSAY

The first problem anyone encounters when researching a topic, whether it be in history or any other field, is locating materials. In recent years, this problem has been alleviated for many people with the publication of specific bibliographies. The Walter Reuther Library at Wayne State University recently published just such a volume for the IWW. Something In Common: An IWW Bibliography, Wayne State University Press, 1986 by Dione Miles contains over five thousand entries covering books, articles, government documents, pamphlets, IWW literature, as well as works of fiction and films. This work is invaluable to anyone seeking material relating to the Wobblies. All the material included in this essay and the reference list which follows may be found there.

General Works

The first published study of the IWW was John G. Brook's American Syndicalism: The I.W.W. (New York: Macmillan, 1913) which was based on a series of lectures he delivered at the University of California in 1911. This study is sympathetic to the union and attempts to draw a connection between the IWW and the European form of syndicalism. It has been reprinted several times since it was first published (New York: Arno Press, 1969, American

Labor, from Conspiracy to Collective Bargaining Series; New York: Da Capo Press, 1970, Civil Liberties in American History Series; and, New York: AMS Press, 1978). Six years later, two books were published which represent the opposite ways in which material may be presented. Paul F.

Brissenden's The I.W.W.: A Study of American Syndicalism (New York: Columbia University Press, 1919; second edition, New York: Russell and Russell, 1957) is a scholarly work detailing the first twelve years of the IWW. Brissenden used both union and government sources to document this work. At the opposite end of the spectrum is Samuel P. Orth's The Armies of Labor which contains one chapter dealing specifically with the IWW (New Haven: Yale University Press, 1919). This book has never been reprinted. It is strongly anti-IWW and, although it does contain some useful information, should be read with the same caution as anything produced by the IWW itself.

The IWW did publish its own history, under the authorship of Fred Thompson, General Secretary of the union, The I.W.W., Its First Fifty Years, 1905-1955: The History of an Effort To Organize the Working Class (Chicago: Industrial Workers of the World, 1955). This, as might be expected, is a very sympathetic presentation of the union's history. It does contain some material which had been generally ignored by other writers prior to its publication; for instance, the Schenectady sit-down strike in 1906 and mention of one local

in Cleveland which fielded a baseball team in a city league in 1943. The book was reissued by the IWW with the addition of Patrick Murfin as author in 1977. Murfin added material about the twenty years since its first release including mention of some of the strikes IWWs participated during that time (The I.W.W., Its First Seventy Years, 1905-1975: The History of an Effort To Organize the Working Class Chicago: Industrial Workers of the World, 1976). In 1964, Joyce L. Kornbluh compiled a great number of Wobbly songs, cartoons, and pamphlets in Rebel Voices, an I.W.W. Anthology (Ann Arbor: University of Michigan Press, 1964; reprinted, Chicago: Charles H. Kerr, 1985). This book presents much of the lighter, social side of the Wobblies, including reproductions of many of the original "Mr. Blockhead" cartoons.

The second half of the 1960s saw the publication of the two major histories of the IWW. The first, Philip S. Foner's History of the Labor Movement in the United States: Volume IV: The Industrial Workers of the World, 1905-1917 (New York: International Publishers, 1965), was the fourth of his six volume study of the American Labor movement. It is a scholarly, but very sympathetic view of the IWW up to the time of the entrance of the United States into World War I. It contains no information on the federal raids on the IWW or anything else after March 1917. Melvin Dubofsky's We Shall Be All: A History of the Industrial Workers of the

World (Chicago: Quadrangle Books, 1969) is the most complete history of the union to have been published to date. The very size of the undertaking, as well as Dubofsky's sympathies for the Wobblies, must be recognized as short comings of the work. It is a very readable account of the union, and as such is a very good place for anyone interested in a study of the IWW to begin.

Patrick Renshaw has a slightly different approach with his history of the IWW, The Wobblies: The Story of Syndicalism in the United States (Garden City, N.Y.: Doubleday, 1967; also, London: Eyre and Spottiswoode, 1967) in that it is written from the perspective of the English. Some mention is made of the IWW in other countries, and the reaction of other national governments to the union. The final general history of the IWW which was used for this paper, is Len De Caux's, The Living Spirit of the Wobblies (New York: International Publishers, 1978). De Caux was a member of the IWW beginning in the 1920s and this book is his personal account of the union.

There are very few general histories of the IWW available, and from reading the annotations in Miles bibliography, very few objective ones. It appears that there does not seem to be any kind of dividing line by year between the sympathetic views toward the IWW and those hostile to it. Regardless of when a book was published, it could be on either side: there does not seem to have been

any type of major reassessment of the IWW. One possible explanation for the lack of any definable "revisionist" history of the IWW is due to the strong feelings which the union has aroused in people since its founding. Much more interest has been apparent in the past twenty years, but the sides remain. Brissenden and Foner are the only two used for this paper which appeared objective, but even Foner's biases are apparent.

Specialized Studies

The first book on a specific aspect of the IWW's activities was Carleton H. Parker's The Casual Laborer and Other Essays (New York: Harcourt, Brace, and Howe, 1920) in which he relates the life of the migrant worker for the general reader. Parker was a professor at the University of Washington who was called in by the state government in 1917 to help mediate the loggers strike in that state. The book has gone through several reprints (New York: Russell & Russell, 1967; and, Seattle: University of Washington Press, 1972, American Library Series). Thirty years later, Vernon H. Jensen's Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry up to 1930 (Ithaca, N.Y.: Cornell University Press, 1950) was published. This is a very objective, scholarly work detailing the labor disputes in the mining industry. There is, unfortunately, very little about the IWW in it: it deals mostly with the WFM. It is

also available in reprint (New York: Greenwood Press, 1968, Industrial and Labor Relations Series).

Robert L. Tyler's Rebels of the Woods: The I.W.W. in the Pacific Northwest (Eugene, Ore.: University of Oregon Press, 1967) gives an account of the IWW involvement in the lumber industry in Washington, Oregon, and Idaho. It is an objective study of the union which grew out of his doctoral dissertation. Philip Foner published an oral history of the free speech fights in 1981, Fellow Workers and Friends: The I.W.W. Free Speech Fights as Told by Participants (Westport, Conn.: Greenwood Press, 1981, Contributions in American History Series, No. 92). This book contains the texts of many of the speeches given as well as commentary by those who gave them with some background material provided by Foner. Also in 1981, Joseph R. Conlin's (ed.) At the Point of Production: The Local History of the I.W.W. (Westport, Conn.: Greenwood Press, 1981, Contributions in American History Series, No. 10) was published. It contains a series of articles on local histories of the IWW as well as an extensive bibliography of the topic.

Although there are a number of other book length studies of local and regional IWW activities, most of this material is covered in articles, such as: James Byrkit, "The I.W.W. in Wartime Arizona," Journal of Arizona History; Guy Halverson and William Ames, "The Butte Bulletin: Beginnings of a Labor Daily," Journalism Quarterly; John Lindquist,

"Jerome Deportation of 1917," Arizona and the West; Philip Taft, "Mayor Short and the I.W.W. Agricultural Workers," Labor History; and even foreign interest in the I.W.W. has been apparent as with Tatsuro Nomara, "The American Labor Radicals and Violence: The Case of the I.W.W.," Monthly Journal of the Japanese Institute of Labor, and many others. As with the general works, there have always been works both favorable to the IWW and unfavorable. There is no clear delineation of revisionist history.

Trial(s)

This specialty area has received very little attention in either book form or articles. The first to appear was Zechariah Chafee's Freedom of Speech in 1920 (New York: Harcourt, Brace, and Howe, 1920, revised edition, Cambridge: Harvard University Press, 1941 [retitled, Free Speech in the United States], reprinted, New York: Atheneum, 1969). Chafee deals with the legal cases against the IWW as well as the many illegal acts committed against them. After the Chicago trial, the IWW released a pamphlet by Harrison George, one of the defendants, which was published fifty years later in book form. It is his account of the trial: The I.W.W. Trial: The Story of the Greatest Trial in Labor's History by one of the Defendants (New York: Arno Press & The New York Times, 1969, Mass Violence in America Series). This book is very interesting, with the many asides and George's summaries of testimony, but is extremely biased, as

might be expected from one of the defendants. Foner's History of the Labor Movement in the United States, Volume 7, Labor and World War I, 1914-1918, contains a chapter on the Chicago trial but it consists mostly of material found in his article on the indictment. The following volume in his series, Volume 8, Postwar Struggles, 1918-1920, contains a chapter dealing with the Sacramento and Wichita trials as well as information on the events at Centralia, Washington.

Only three articles deal with the trial itself:

Foner's "United States of America vs. Wm. D. Haywood, et al.: The I.W.W. Indictment," Labor History, which he claims is the first publication of the complete indictment, but there are several omissions; Taft's "The Federal Trials of the I.W.W.," Labor History, which covers not only the Chicago trial, but also those in Sacramento and Wichita, as well as a brief history of the campaign for amnesty which followed; and an article by another of the defendants, Richard Brazier with Taft, "The Mass I.W.W. Trial of 1918: A Retrospect," Labor History, which is his recollections of the trial containing some interesting anecdotes. According to Miles' bibliography, there has been one M.A. thesis submitted concerning the Chicago trial: Michael R. Johnson's "The Federal Judiciary and Radical Unionism: A Study of U.S. v. W.D. Haywood et. al." (Northern Illinois University, 1963). This account, which was supervised by Dubofsky, is poorly written, but does contain a good bibliography

containing many primary sources and a copy of the indictment, again, however, with omissions. Johnson had access to the trial records, possibly as a result of Dubofsky's research at the time.

One book from the period, Emerson Hough's The Web: The Authorized History of the American Protective League (Chicago: Reilly & Lee, 1919) deserves note if only because of its extreme anti-IWW stance. The American Protective League (APL) was a group of private citizens who volunteered their services to the Justice Department to spy on their neighbors in order to root out any disloyalty. Hough, one of the officers of the APL, speaks with pride of the breakins and other illegal activities the group engaged in going after unpatriotic Americans like the Wobblies. One final book dealing with the circumstances surrounding the trial is William Preston's Aliens and Dissenters: Federal Suppression of Radicals, 1903-1930 (Cambridge: Harvard University Press, 1963) which deals, in part, with the period in question. In researching this book, Preston made extensive use of governments records: it is scholarly and well written.

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APPENDIX A ²³⁹

INDICTMENT

First Count
(Section 6 of the Criminal Code)

The grand jurors for the United States of America, empaneled and sworn in the District Court of the United States for the Eastern Division of the Northern District of Illinois at the September Term thereof in the year nineteen hundred and seventeen, and inquiring for the division and district, upon their oath present, that throughout the period of time from the sixth day of April, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government; and that during said period of time Olin B. Anderson, Aurelio Vincente Azuara, Charles Ashleigh, John Avila, Carl Ahlteen, George Andreytchine, Joe Barick, Charles Bennett, Arthur Boose, John Baldazzi, George Bailey, Jimmy Burch, Roy A. Brown, R.J. Bobba, Richard Brazier, Dan Buckley, Julio Blanco, Nick Berbora (otherwise called Verbanoc), J.R. Baskett, G.J. Bourg, J.H. Beyer, Stanley J. Clark, McGregor Cole, Ed Cunningham, Pedro Cori, Ernest D. Condit, Ray Cordes, Ralph H. Chaplin, Roger S. Culver, Alexander Cournois, Arthur C. Christ, J.T. Doran, E.F. Doree, Pete Dailey, C.W. Davis, Stanley Dembicki, James Elliot, Joseph J. Ettor, Forrest Edwards, Phineas Eastman, B.E. Fabio, Meyer Friedkin, John M. Foss, Joe Foley, Ben Fletcher, Elizabeth Gurley Flynn, Ray S. Fanning, Ted Fraser, Sam Fisher, J. Fishbein, Peter Green, H.A. Giltner, Joe Graber, C.R. Griffin, Fred Goulder, Charles Garcia, Joseph J. Gordon, W.A. Gurland (otherwise called N.G. Marlatt), Harrison George, Jack Gaveel, Arturo Giovannitti, James Gilday, Ed Hamilton, Clyde Hough, F. Humphrey, William D. Haywood, George Hardy, Harrison Haight, Dave Ingar, C.A. Jones, Ragnar Johanson, Fred Jaakkola, Otto Justh, Charles Jacobson, Charles R. Jacobs, Peter Kerkonen, Charles Kratapiger, Ph. Kusinsky (otherwise called Kerinsky),

²³⁹ The text of the indictment has been compiled from: Foner, "United States," 506-30; Embree, 10-12; and, Michael R. Johnson, "The Federal Judiciary and Radical Unionism: A Study of U.S. v. W.D. Haywood et. al." (M.A. thesis, Northern Illinois University, 1963), 94-112. Even using these three different sources, "Overt Acts" numbers 13 and 15 seem to be missing: there is no indication that they had been dropped between the time the indictment was brought down and the opening of the trial.

William Kornuk, Ben Klein, H.F. Kane, James Keenan, A.D. Kimball, Jack Law, Leo Laukki, Vladimir Lossieff, _____ Lanikos, W.H. Lewis, Bert Lorton, Harry Lloyd, Morris Levine, Charles L. Lambert, H.H. Munson, _____ Mowess, William Moran, James H. Manning, Herbert Mahler, A. Martinez (otherwise called Angel Martinez), John Martin, Edward Mattson, W.E. Mattingly, Francis Miller, Joe McCarty, Charles McWhirt, H.E. McGuckin, Peter McEvoy, Herbert McCutcheson (otherwise called E.J. McCosham), Charles H. McKinnon, J.A. McDonald, Walter T. Nef, Pietro Nigra, George Numcoff, Fred Nelson, V.V. O'Hair, Joseph A. Oates, Paul Pika, Louis Parenti, Grover H. Perry, Albert B. Prashner, John Pancner, James Phillips, Charles Plahn, Walter Reeder, Abraham Rodriguez, Glen Roberts, Fred C. Ritter, Frank Reilly, Frank Russell, Manuel Rey, J.E. Rogers, James Rowan, Charles Rothfisher, Herman Reed, C.H. Rice, Ed Rowan, Siegfried Stenberg, George Stone (otherwise called Lowenstein), Alton E. Soper, Walter Smith, Ben Schraeger, George Speed, Joseph Schmidt, Archie Sinclair, Sam Scarlett, Vincent St. John, William Shorey, Abe Schram, Don Sheridan, F.P. Sullivan, James Slovik (otherwise called James M. Slovic), William Tanner, John I. Turner, Louis Tori, Harry Trotter, James P. Thompson, Carlo Tresca, Joe Usapiet, Albert Wills, John Walsh, Ben H. Williams, Frank Westerlund, Pierce C. Wetter, R.J. Wright, William Weyh, William Wiertola, and Salvatore Zumpano (Christian names being unknown where not given), hereinafter called defendants, at the City of Chicago, in said Eastern Division of said Northern District of Illinois, unlawfully and feloniously have conspired, combined, confederated and agreed together, and with one Frank H. Little, now deceased, and with divers other persons to said grand jurors unknown, by force to prevent, hinder and delay the execution of certain laws of the United States, to wit:

1. The joint resolution of the Senate and House of Representatives, dated April 6, 1917, "That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared;"

2. The Proclamation and Regulations of the President of the United States, dated April 6, 1917, governing the conduct, treatment and disposition of alien enemies within the United States, made pursuant to Section 4067, 4069 and 4070 of the Revised Statutes of the United States.

3. The Act of Congress approved June 3, 1916, and entitled "An Act For making further and more effectual provision for the national defense, and for other purposes;" special reference being had to the provision of said act

concerning enlistments and service in the several branches of the military forces of the United States, and the purchase, procurement and manufacture of military supplies and equipment in the time of actual or imminent war;

4. The Act of Congress approved July 6, 1916, entitled "An Act Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;" special reference being had to the provisions of said act concerning the purchase and procurement of supplies, materials and articles for the purposes mentioned in said Act;

5. The Act of Congress approved August 29, 1916, entitled "An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes;" special reference being had to the provisions of said act for the hiring of labor, the procuring of coal and other fuel, the procuring, producing and constructing of aircraft, ordnance, armor, ammunition, torpedoes and torpedo nets, the construction and repair of vessels, construction plants, navy yards, docks, naval magazines, storehouses, training stations, gun factories, projectile plants, radio stations, armor plants, machinery plants and machinery, and concerning enlistment and service in the several branches of the naval service of the United States;

6. The Act of Congress approved August 29, 1916, entitled "An Act Making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes;" special reference being had to the provisions of said act concerning the purchase of subsistence supplies, clothing and camp and garrison equipage, horses, medical and hospital supplies, equipment and ammunition of the Army and its supplies, the construction and repair of hospitals and of buildings for the shelter of troops, animals and stores;

7. The Act of Congress approved April 17, 1917, entitled "An Act Making appropriations to supply deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and prior fiscal years, and for other purposes;" special reference being had to the provisions of said act concerning the purchase of subsistence supplies, ordnance stores, quartermaster stores, clothing and camp and garrison equipage, and concerning the transportation of the Army of the United States, and of the supplies thereof;

8. The Act of Congress approved May 18, 1917, and entitled "An Act To authorize the President to increase temporarily the Military Establishment of the United States;" the Proclamation of the President of the United States, dated May 18, 1917, setting the time for registration under said act; the Registration Regulations prescribed by the President of the United States, under authority of said act, on May 18, 1917, and the Rules and Regulations for the Local and District Boards, prescribed by the President of the United States on June 30, 1917, under the authority of said act; special reference being had to the provisions of said act, proclamation and regulations for the registration, selection and draft of persons available for military service;

9. The Act of Congress approved June 15, 1917, entitled "An Act Making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishment on account of war expenses for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes;" special reference being had to the provisions of said act concerning the purchase, equipment and repair of field electric telegraph, radio installations, signal equipments and stores, the purchase, manufacture and repair of airships and other aerial machines, the construction of buildings for the Aviation Section of the Army of barracks, quarters, stables, storehouses, magazines, office buildings, sheds and shops for the use and shelter of the Army, of fortifications and other works of defense and their armament, concerning the purchase of subsistence supplies for the Army and regular supplies of the Quartermaster Corps of the Army, the transportation of the Army and its supplies, the purchase of materials for and the manufacture of clothing and camp and garrison equipage, the purchase of horses, medical and hospital supplies, pontoon material, ordnance, ordnance stores, ammunition, rifles, motor cars, antiaircraft guns, and submarine mines and nets, for the Army of the United States, and concerning the procuring of ordnance material and supplies, armament of ships, ammunition, fuel and medical supplies for the Navy of the United States, the purchase of machinery, boats, vessels, clothing provisions and stores for the Navy, and concerning the employment of labor for carrying out the purposes of said act;

10. The Act of Congress approved July 24, 1917, entitled "An Act To authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair and operate airships, and to make appropriations therefor, and for other purposes;" special reference being had to the provisions of said act concerning the purchase, manufacture and repair of airships,

the construction and repair of barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangers, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories and observation stations, and the purchase of heating and cooking apparatus, gasoline, oil, fuel, supplies, clothing and wearing apparel, for aviation stations under the War Department;

11. The Act of Congress approved June 16, 1917, and entitled "An Act To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes;" special reference being had to the provisions of said act concerning the prosecution and punishment of persons willfully causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructing the recruiting or enlistment service of the United States, to the injury of the service or of the United States, or harboring or concealing persons who they know, or have reasonable grounds to believe or suspect, have committed or are about to commit, offenses under Title I, of said act; and to the provisions of said act concerning the prosecution and punishment of persons using or attempting to use the mails or Postal Service of the United States for the transmission of matter declared by Title XII, of said act to be unmailable, and especially of letters, writings, circulars, postal cards, pictures, prints, engravings, photographs, newspapers, pamphlets, books, and other publications advocating or urging forcible resistance to the laws of the United States pertaining to the carrying on of said war against the Imperial German Government;

12. The following sections of the Act of Congress approved March 4, 1909, and entitled "An Act To codify, revise, and amend the penal laws of the United States," to wit: 4, 19, 21, 37, 42, 135, 136, 140 and 141.

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that before said period of time there existed, and throughout said period there has existed, a certain organization of persons under the name of Industrial Workers of the World, commonly called "I.W.W.'s," the "One Big Union," and "O.B.U.;" that said organization, during said period, has been composed of a large number of persons, to wit, two hundred thousand persons, distributed in all parts of the United States, being almost exclusively laborers in the many branches of industry necessary to the existence and welfare of the people of the United States and

of their government, among other the transportation, mining, meat-packing, fruit, vegetable and cotton raising industries; that said organization and among those known in said organization as "militant members of the working class" and "rebels," holding various offices, employments and agencies therein; and that, in their said membership, offices, employments and agencies, said defendants, during said period of time, with the special purpose of preventing, hindering and delaying the execution of said laws, severally have been actively engaged in managing and conducting the affairs of said association, propagating its principles by written, printed, and verbal exhortations, and accomplishing its objects, which are now here explained, and thereby in so doing, during said period, throughout the United States and in said division and district, have engaged in, and have attempted to accomplish, and in part have accomplished, the objects of unlawful, and felonious conspiracy aforesaid.

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said organization, before and during said period of time, has been one for supposedly advancing the interests of laborers as a class (by members of said organization called "the workers" and "the proletariat"), and giving them complete control and ownership of all property, and of the means of producing and distributing property, through the abolition of all other classes of society (by the members of said organization designed as "capitalists," "the capitalist class," "the master class," "the ruling class," "exploiters of the workers," "bourgeois," and "parasites"); such abolition to be accomplished not by political action or with any regard for right or wrong but by the continual and persistent use and employment of unlawful, tortious and forcible means and methods, involving threats, assaults, injuries, intimidations and murders upon the persons, and the injury and destruction (known in said organization as "sabotage," "direct action," "working on the job," "wearing the wooden shoes," "working the sab-cat," and "slowing-down tactics"), of the property of such other classes, the forcible resistance to the execution of all laws, and finally the forcible revolutionary overthrow of all existing governmental authority, in the United States; use of which said first-mentioned means and methods was principally to accompany local strikes, industrial strikes, and general strikes of such laborers, and use of all of which said means and methods was to be made in reckless and utter disregard of the rights of all persons not members of said organization, and especially of the right of the United States to execute its above-enumerated laws, and with especial and particular design on the part of said defendants of seizing the opportunity presented by the desire and necessity of the United States expeditiously and successfully to carry on its said war, and by the consequent

necessity for all laborers throughout the United States in said branches of industry to continue at and faithfully to perform their work, for putting said unlawful tortious and forcible methods for accomplishing said object of said organization into practice; said defendants well knowing, as they have, during said period, well known and intended, that the necessary effect of their so doing would be, as it in fact has been, to hinder and delay and in part to prevent the execution of said laws enumerated, through interference with the production and manufacture of divers articles, to wit, munitions, ships, fuel, subsistence supplies, clothing, shelter and equipment, required and necessary for the military and naval forces of the United States in carrying on said war, and of the materials necessary for such manufacture, and through interference with the procurement of such articles and materials, by the United States, through purchases, and through orders and contracts for immediate and future delivery thereof, between the United States and persons, firms and corporations too numerous to be here named (if their names were known to said grand jurors), and through interference with and the prevention of the transportation of such articles and of such military and naval forces; and that said organization, as said defendants during said period of time have well known and intended, has also been one for discouraging, obstructing and preventing the prosecution by the United States of said war between the United States and the Imperial German Government, and preventing, hindering and delaying the execution of said laws above enumerated, by requiring the members of said organization available for duty in said military and naval forces to fail to register, and to refuse to submit to registration and draft, for service in said military and naval forces, and to fail and refuse to enlist for service therein, and by inciting others so to do, notwithstanding the requirements of said laws in that belief and notwithstanding the patriotic duty of such members and others so to register and submit to registration and draft, and so to enlist, for service in said military and naval forces, and notwithstanding the cowardice involved in such failure and refusal; which last-mentioned object of said organization was also to be accomplished by the use of all the means and methods of aforesaid as a protest against, and as forcible means of preventing, hindering and delaying, the execution of said laws of the United States, as well as by the forcible rescue and concealment of such said members as should be proceeded against under those laws for such failure and refusal on their part, or sought for service or for enlistment and service in said military and naval forces.

Overt Acts

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that in and for executing said unlawful and felonious conspiracy, combination, confederation and agreement, certain of said defendants, at the several times and places in that behalf hereinafter

mentioned in connection with their names, have done certain acts; that is to say:

1. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on April 7, 1917, at Chicago aforesaid, in said division and district, caused to be printed, in the issue of the newspaper Solidarity of that date the following:

PREAMBLE

Industrial Workers of the World

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among the millions of working people and the few, who make up the employing class, have all the good things of life.

Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system.

We find that the centering of management of industries into fewer and fewer hands makes the trade unions unable to cope with the ever growing power of the employing class. The trade unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping defeat one another in wage wars. Moreover, the trade unions aid the employing class to mislead the workers into the belief that the workers have interests in common with their employers.

These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries, if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

Instead of the conservative motto, "A fair day's wage for a fair day's work," we must inscribe on our banner the revolutionary watchword, "Abolition of the wage system."

It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the every day struggle with capitalists, but to carry on production when capitalism

shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old.

2. Said William D. Haywood, on August 13, 1917, at Chicago, in said division and district, sent the following letter to The Workers Socialist Publishing Bureau at Duluth, Minnesota; that is to say (omitting the printed letter head, the complimentary close, and the signature thereof):

August 13th.-17

The Workers Socialist Pub. Bureau, Duluth, Minn.

Fellow-workers:--

Yours of the 12th inst relative to the translating into Finnish of the I.W.W. literature, and asking for my opinions as to which would be best to translate, received and the same noted with care.

In reply will say I am sending you under separate cover an assortment of our literature which may be of use to you in this work.

As to which I recommend, will say that I think "Sabotage" by Pouget and the "Advancing Proletariat" by Woodruff, are two exceptionally fine books that should be translated, on the others, I believe you can use your own judgment.

I trust that the work of translation will be carried out, as it is a necessary and valuable work, that must be done sooner or later.

I note what you say in regard to the General Strike of the Iron Miners, and I am hoping for a speedy victory for them.

3. Said William D. Haywood, on August 13, 1917, at Chicago aforesaid, in said division and district, sent, by some means of transportation to said grand jurors unknown, to the Workers Socialistic Publishing Bureau, at Duluth, Minnesota, a copy of a book by Emile Pouget, entitled "Sabotage," containing, among other things, the following matters in print; that is to say:

Pages 11 and 12. "Of all the words of a more or less esoteric taste which have been purposely denaturalized and twisted by the capitalist press in order to terrify and mystify a gullible public, 'Direct Action' and 'Sabotage' rank easily next to anarchy, Nihilism, Free Love, Neo-Malthusianism, etc., in the hierarchy of infernal inventions.

To be sure, the capitalist class knows full well the exact meaning of these words and the doctrines and purposes behind them, but it is, of course, its most vital interest to throw suspicion on and raise popular contempt and hatred against them as soon as they begin to appear and before they are understood, for the purpose of creating an antagonistic

environment to them and thus check the growth of their propaganda.

American Capitalism having succeeded in making the word Anarchism synonymous with disorder, chaos, violence and murder in the popular mind--with the complicity of the cowardly silence of so-called revolutionists--it is now the turn of Syndicalism, Direct Action and Sabotage to be equally misrepresented, lied about and defamed."

Pages 13 and 14. "A. Any conscious and wilful act on the part of one or more workers intended to slacken and reduce the output of production in the industrial field, in order to secure from their employers better conditions or to enforce those promised or maintain those already prevailing, when no other way of redress is open.

B. Any skillful operation on the machinery of production intended not to destroy it or permanently render it defective, but only to temporarily disable it and to put it out of running condition in order to make impossible the work of scabs and thus to secure the complete and real stoppage of work during a strike.

Whether you agree or not, Sabotage is this and nothing but this. It is destructive. It has nothing to do with violence, neither to life nor to property. It is nothing more or less than the chloroforming of the organism of production, the 'knock-out drops' to put to sleep and out of harm's way the ogres of steel and fire that watch and multiply the treasures of King Capital."

Pages 20 and 21. "This booklet is not written for capitalists nor for the upholders of the capitalist system, therefore it does not propose to justify or excuse Sabotage before the capitalist mind and morals.

Its avowed aim is to explain and expound Sabotage to the working class, especially to that part of it which is revolutionary in aim if not in method, and as this ever-growing fraction of the proletariat has a special mentality and hence a special morality of its own, this introduction purports to prove that Sabotage is fully in accordance with the same."

Pages 22 and 23. "Let us therefore consider Sabotage under its two aspects, first as a personal relaxation of work when wages and conditions are not satisfactory, and next as a mischievous tampering with machinery to secure its complete immobilization during a strike. It must be said with especial emphasis that Sabotage is not and must not be made a systematic hampering of production, that it is not a means of perpetual clogging of the workings of industry, but it is a simple expedient of war, to be used only in time of actual warfare with sobriety and moderation, and to be laid by when the truce intervenes. Its own limitations will be self-

evident after this book has been read, and need not be explained here.

The first form of Sabotage, which was formerly known as Go Cannie, as Mr. Pouget tells us, consists purely and simply in 'going slow' and 'taking it easy' when the bosses do the same in regard to wages." Pages 26 and 27. "This is not the case with the other kind of Sabotage. Here we are confronting a real and deliberate trespassing into the bourgeois sanctum--a direct interference with the boss's own property. It is only under this latter form that Sabotage becomes essentially revolutionary; therefore, to justify itself, it must either create its own ethics (which will be the case when it is generally practiced), or borrow it from the Socialist philosophy. Mr. Pouget extensively dwells on this subject, therefore I leave it to him to explain the importance of Sabotage during a strike. I only want to ethically justify it before the tribunal of respectable Socialists. Now, it is the avowed intentions of both Socialists and Industrial Unionists alike to expropriate the bourgeoisie of all its property, to make it social property. Now we may ask if this is right? Is this moral and just? Of course, if it be true that labor produces everything, it is both moral and just that it should own everything. But this is only an affirmation--it must be proven. We Industrial Unionists care nothing about proving it. We are going to take over the industries some day, for three very good reasons: Because we need them, because we want them, and because we have the power to get them. Whether we are 'ethically justified' or not is not our concern. We will lose no time proving title to them beforehand; but we may, if it is necessary, after the thing is done, hire a couple of lawyers and judges to fix up the deed and make the transfer perfectly legal and respectable. Also, if necessary, we will have a couple of learned bishops to sprinkle holy water on it and make it sacred. Such things can always be fixed--anything that is powerful becomes in due course of time righteous, therefore we Industrial Unionists claim that the Social revolution is not a matter of necessity plus justice but simply necessity plus strength."

Page 92. "Up to this point we have examined the various methods of Sabotage adopted by the working class without a stoppage of work and without abandoning the shop and factory. But Sabotage is not confined to this--it may become and is gradually becoming a powerful aid in case of strike."

Pages 94 and 95. "'Is a strike contemplated by the most indispensable workers--those of the alimentary trades? A quart of kerosene or other greasy and malodorous matter poured or smeared on the level of an oven. . .and welcome

the scabs and scabby soldiers who come to bake the bread! The bread will be uneatable because the stones will give the bread for at least a month the foul odor of the substance they have absorbed. Results: A useless oven.

"Is a strike coming in the iron, steel, copper or any other mineral industry?

"A little sand or emery powder in the gear of those machines which like fabulous monsters mark the exploitation of the workers, and they will become palsied and useless.

"The iron ogre will become as helpless as a nursing and with it the scab. . . ."

Pages 96 and 97. "As Bousquet and Renault have remarked, the strikers have not only to reckon with the scabs, they must also mistrust the army. In fact, the habit of replacing the strikers with the soldiers is becoming more and more systematic. Thus, in a strike of bakers, electricians, railroad workers, etc., the government immediately steps in to cut its sinews and break it by having the military take the place of the rebellious workers.

It is consequently evident that if the strikers who are aware of the government intentions, should fail, before stopping work, to parry and foil the thrust of military intervention by making it impossible and ineffective--they will lose their fight at its very inception."

4. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wierola, on August 11, 1917, at Chicago aforesaid, in said division and district, caused to be printed, in the issue of the newspaper Solidarity of that date, among other things, the following matters, to wit:

Page 5, column 1. "But the I.W.W. is more than a labor organization. It is a revolutionary union and the very word revolutionary presupposes something radically different from former concepts of what constitutes labor unions.

We Are Dissatisfied

A revolutionary body testifies to complete dissatisfaction with the existing order of things. And this is the first reason and main reason for the existence of the I.W.W. We are absolutely and irrevocably dissatisfied with the present system of society. We consider it a useless system and we mean to destroy it."

5. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on July 7, 1917, at Chicago aforesaid, in

said division and district, cause to be printed, in the issue of the newspaper Solidarity of that date, among other things, the following matter, to wit:

Page 2, column 2: "Capitalism is a hydra with many heads. War is but one of them; governmental repression is but one of them; religion is one of them, and the prostituted press one of them. If the working class had the power to cut off any one of these heads it would have the power to kill the monster outright. It is the historic mission of the working class to do away with the Beast, for there is no longer room on the earth for both Capitalism and the producing class. Irresistible Progress now demands that the workers take possession of the world and all that is in it. The Beast stands in the way of further advancement. That is the reason the beast must go, just as the atlantosaur went--to make way for a form of life more fitted to survive. And, in this "struggle for final survival, the odds are all on the side of the workers of the world, for they are the producers of all that the world needs for its comfort and health. Capitalism, on the contrary, has become purely parasitical, and Progress will penalize social parasitism with social extinction."

"And the workers, and the workers ALONE, will give to this Nightmare of the Ages its final coup de grace. They will do this either by tearing open these arteries with the talons of sabotage or by piercing its rotten heart with the Sigurd blade of Industrial Solidarity.

But the Beast must perish. Kismet!

6. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on August 18, 1917, at Chicago aforesaid, in said division and district, caused to be printed, in the issue of the newspaper Solidarity of that date, among other things, the following matter, to wit:

page 2, column 2). "One thing, however, our enemies are likely to overlook, and that is the power of the aroused membership in action. It is a mistake to think that the I.W.W. is a loosely knit and easily intimidated organization. The banner of the One Big Union is planted in every industry in every State of the Nation. Red card men are shrewd, determined, valorous and loyal to the causes they love. If they are hounded to desperation they will be a hard proposition to handle. There would not be soldiers enough in the country to round them up for arrest nor jails enough to hold them, once arrested. The I.W.W. is so deeply rooted in America and the world that it can afford to take the chances of an open war a whole lot better than the powers that oppose it.

Stopping the press and closing the doors of our union halls, or even of the General Office, will not stop the work of the One Big Union. It isn't organized that way. The tenets of the creed of One Big Union and the industrial solidarity of Labor are written indelibly upon the hearts of each of our members. Our songs are known to thousands and thousands of workers the world over. Our system of job agitation is such that no power on earth can keep the union and its principles from spreading its influence and increasing its power. It was the I.W.W. that first showed the world how to fight effectively against great odds. We have shown the world how to go to jail in huge numbers, exasperate the taxpayers and block the machinery of 'justice.' It was the I.W.W. that developed a system of telling tactics to be used in prison yards and rock piles. The 'slow down' plan and mass opposition to unjust regulations would work as well in detention camps in jail--or on-the-job. The wide-spread knowledge of the effects of punitive sabotage upon modern industry gives the militant portion of the working class the power to stop or disrupt production at will. The membership of the I.W.W. is conscious of its power and knows how to achieve its ends, and is dead game to take whatever measures are necessary in order to do so. The preservation of the One Big Union is essential to the survival of the working class. In fighting for his union the I.W.W. [member] is fighting for himself, and his class. And, self-preservation, like the Copper Trust, knows no law."

7. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on August 25, 1917, at Chicago aforesaid, in said division and district, caused to be printed, in the issue of the newspaper Solidarity of that date, the following:

Page 2, column 2. "Anyone with good sense now objects to being told that Czar Wilson is working for the interests of the working class in trying to force them against their wills into the bloody European slaughterfest. The treachery, duplicity and hypocrisy [sic] of the present administration has done more to remove the time hallowed veneration for political government from the minds of the slaves than anything that has happened in decades. And the indifference of the chief executive of the land to the horror and misery of the lawless Bisbee deportation and the Butte lynching hasn't [sic] glory, and the President of these states has stamped the whole sickening mess with the seal of his approval. Political government is now being seen in its true light, as the strike-breaking, stool-pigeoning and labor-crushing bureau of the bourgeoisie. The truth is further demonstrated by the fact that soldiers are being used to

break strikes for the Oligarchs of Invisible government in America before they go to France to collect Wall Street's war debts and to save the seas for the tyrannical British empire. The refusal of American workers to volunteer and their determined opposition to being drafted into the army demonstrates clearly that war is being recognized by the slave class as a cause of class hatred as they are now doing."

8. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on May 26, 1917, at Chicago aforesaid, in such division and district, caused to be printed, in the issue of the newspaper Solidarity of that date, the matter following:

Page 2, column 2. "Every war is for gain. How much of this gain do the workers get? Nothing. Who does the dying? The workers. Then, if war is declared, let us, by all means, pull off the general strike to prevent it. What is more simple?"

9. Said William D. Haywood, Ralph H. Chaplin, Francis Miller, Charles L. Lambert, Richard Brazier and William Wiertola, on May 12, 1917, at Chicago aforesaid, in said division and district, caused to be printed, in the issue of the newspaper Solidarity of that date, the following:

Page 2, column 1. "A great deal had been said and written about conscription by persons who think they are doing their duty by merely condemning it, just as war was condemned in Europe before the outbreak of the murderfest. But if we are to profit by the lesson learned by our fellow-workers on the Continent at the expense of millions of lives and untold-misery, we must recognize the fact that something besides our jaws must be used to thwart the dastardly scheming of the Thieves of Industry to reduce us to a condition of abject and unrelenting slavery, and to keep us in that condition. Therefore it is not so much a question of what Labor is going to SAY about conscription but what it is going to DO about it. And in this regard the I.W.W. has a reputation of saying little and doing a lot. It is needless to say that the I.W.W. is unalterably opposed to war and conscription. We are convinced that the shedding of blood in the interests of the master class is a stupid and needless act that benefits Labor not at all, that merely makes the rich richer and the poor poorer. We do not see why we should be called upon to play the bloody price of the commercial supremacy of the Industrial Parasites of any land. We consider the bombastic and far-fetched talk about Freedom and Democracy simply so much bunk. The only place

we have anything to gain or to defend is on the job. Had we the power we would stop every ship, train, mine and mill, every food and supply plant--every wheel of industry, and thus paralyze the machinery of murder and make it impossible for the ignorant man-killers of the bosses to gather their toll of the life blood of foreign slaves. We would extend the hand of brotherhood to the so-called 'enemy' and strangle the gurgler for war in the fat white throats of the blood bloated money-lenders of Wall Street before it became articulate."

10. Said Phineas Eastman, on May 21, 1917, sent from Augusta, Kansas, to Chicago aforesaid, the following letter (omitting the printed letterhead thereof), to . . . Wm. D. Haywood:

Enclose you a motion made and carried unanimously here at Business Meeting, May-20-1917.

"All members of the I.W.W. Resist Conscription, by refusing to join Any Band of Potential Murders, or by any other effective method deemed advisable. . . .

11. Said Charles Jacobson, on June 22, 1917, caused to be printed and distributed and posted in public, at Virginia, Crosby and Duluth, in the State of Minnesota, a large number, to wit, two hundred in each of said places, of copies of the following circular, to wit:

"Workers in the Iron Industry
Workers.

Your attention is called to the fact, that in this Land of Liberty, the home of the free, Hundreds of our fellow workers have been arrested, and thrownen [sic] into jails that the workers have built, for the reason that they did not register because they know that the constitution of the United States, do not allow any force to be practised [sic] on any man under the jurisdiction of the United States and because they do not believe in wars, and practising for killing their fellow men, for the benefit of few over fed parasites while they themselves are in urgent need of the necessities of life.

You Fellow Workers think this over for a minute in your head, and you will soon see that if we workers do not help ourselves, the master class will not help us. We are here producing [sic] the iron of which the war machineries is built from. Thousands of tons of our sweat and blood is sunk into the bottom of the oceans, and millions of our fellow men are being killed, and others are wounded for cannons food.

You workers must stop of furnishing the master the material [sic] of which the war structures are made of, and same time defend our innocent fellow workers, who believe that they

will not murder your brothers or you father, nor destroy your home.

We appeal to your workers of the Iron Industry to prepare for a walk out from your jobs, and demand that the imprisoned fellow workers are immediately released. Thousands . . . of men in the copper industries in the State of Montana, are on strike already to defend our fellow workers, thousands more will in a few days be out in the lumber industry, of the West. Prepare yourselves miners and all other workers, to go out

on strike on the moments notice. DO NOT BE SLASKERS [sic] TO DEFEND YOUR OUWN [sic] CLASS."

12. Said James Rowan, on August 2, 1917, sent the following letter from Seattle, Washington, to . . . William D. Haywood:

There has been considerable agitation in Seattle among the lumber mills, ship yards and other industries and the old bugaboo of "patriotism" is being preached on all sides. The Government has been asked to interfere and it is reported that Government agents here are active.

We have the good will of the German people here and we feel sure that they are in sympathy with our cause. We do not call them Germans however but refer to them the same as others, as Fellow Workers.

We are going to carry our points if we have to stop every industry on the Pacific Coast. We did not declare war and we have not consented to the workingman giving up his liberties and being drafted.

Yours for industrial freedom,
THE STRIKE COMMITTEE

14. Said James Rowan, on August 10, 1917, in the Sate of Washington, caused to be printed and distributed among members of "Local 400" of said organization a printed circular containing, among other things, the following:

"ON August 14th the case of our fellow workers in jail at North Yakima will come to trial. Habeas corpus proceedings will be taken in the Federal courts. These men have committed no crime. There are no charges against them. They are simply held in defiance of all constitutional guarantees because they are members of a union and are considered dangerous to the profits of the masters. Fellow workers, if these men and all other members of our organization in the northwestern states are not turned loose by the 20th, let our answer be a General Strike of all men employed in the harvest fields and the fruit orchards in these states. Let the harvest go waste and the fruit rot on the ground. If the laws of the country are set aside and

the constitution overruled in the interests of a gang of profit hungry pirates then we will have recourse to the court of the working class. By the use of our organized economic power we will force the ruling class to give justice to our members or else the crops of the northwest territory shall be left unharvested."

16. Said William D. Haywood, on September 5, 1917, prepared and sent from Chicago aforesaid to Duluth, Minnesota, the following letter . . . to Pietro Nigri:

I think for a while we ought to carry on an education campaign thru our literature on the Range, and spread all kinds of leaflets and pamphlets amongst the miners in all languages, and get them to studying our principles, then they will be easier to organize when we have a chance to send our organizers amongst them again. Hoping you are working on the translations into Italian of our literature.

17. Said William D. Haywood, on the several dates here shown in connection therewith, sent the following telegrams from Chicago aforesaid, in said division and district, to the several persons named therein, to wit:

July 13th, 1917

President Wilson,
Washington, D.C.

More than two thousand men who were dragged from their homes and forcibly deported from Bisbee, Arizona, are adrift on the desert at Hermanas, New Mexico. These men are miners, useful citizens, residents of Bisbee, Arizona. The United States can ill afford to permit these Russianized methods to go unchecked. We demand that these men be cared for and restored to their homes and families.

Wm. D. Haywood
General Secretary-Treasurer Industrial
Workers of the World.

July 30th, 1917

President Wilson,
Whitehouse,
Washington, D.C.

General Strike of metal workers of Michigan has been declared. Minnesota next. Harvest workers of North and South Dakota will follow unless miners at Columbus New Mexico are returned to their homes and families at Bisbee, Arizona.

Wm. D. Haywood

"August 3, 1917

Charles Plahn,
Fond Du Lac, Wis.

Go to Bessemer, Michigan. Report at Finn Hall.

Wm. D. Haywood

"August 10, 1917

A.S. Embree,
Columbus, New Mexico.

All money for miners will go to Perry. Strike on Cayuna and Mesaba Range, Minnesota.

Wm. D. Haywood

18. Said Grover H. Perry and Charles H. MacKinnon, on July 10, 1917, sent the following telegram from Salt Lake, Utah, to said William D. Haywood at Chicago aforesaid, to wit:

Wm. D. Haywood,

1001 W. Madison St., Chicago

Biabee wires for funds before twelve o'clock today. Feeding thousand Mexicans daily. Jerome wires for five hundred.

Situation acute. Wire me three thousand dollars today.

Waive identification.

Perry-Mack-innon

506 Boyd Park Bldg."

19. Said Charles Jacobson, on August 4, 1917, sent the following telegram from Duluth, Minnesota, to said William D. Haywood, at Chicago aforesaid, to wit:

"Duluth Minn Aug 4 1917

Wm D Haywood

1001 West Madison St Chicago Ills

Thirty or forty men arrested in Michigan charges conspiracy against the mining companies if there is attorney there that you can send do it here is copy of telegram from Slonim about a attorney in Ironwood only one attorney to handle matter he made following proposition cash retainer five hundred dollars fifty dollars per day in court twenty five per day for work out of court fifty dollars additional retainer if any new case if you decide to retain him send five hundred dollars at once some dope

Chas Jacobson"

20. Said Harry Lloyd, on August 7, 1917, sent the following telegram from Portland, Oregon, to said William D. Haywood, at Chicago aforesaid, to wit:

"Portland Ore, 342P Aug 7 1917

William D Haywood,
Chgo Ills.

All branches of Orgon [sic] have gone on record for a national genl strike against the despotism of the deportation of the Arizona miners and the cold blooded murder of Little such despotism in a socalled free nation must stop. A nation wide strike is the only weapon left in labors hands. The workers of America must fight for industrial democracy. On with the national general strike. Wire acknowledgement.

Harry Lloyd,
Secy,"

Conclusion.

And so the grand jurors aforesaid, upon their oath aforesaid, do say, that said defendants, during the period of time, at the place, and in manner and form, aforesaid, unlawfully and feloniously have conspired by force to prevent, hinder and delay the execution of laws of the United States; against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

Second Count (Section 19 of the Criminal Code)

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that said defendants named in the first count of this indictment, throughout the period of time from April 6, 1917, to the day of the finding and presentation of this indictment, at said City of Chicago, in said Eastern Division of said Northern District of Illinois, unlawfully and feloniously have conspired together, and with one Frank H. Little, now deceased, and with divers other persons to said grand jurors unknown, to injure, oppress, threaten, and intimidate a greater number of citizens of the United States in the free exercise and enjoyment by them respectively of a certain right and privilege secured to them by the Constitution and laws of the United States, the names and the number of which said citizens are to said grand jurors unknown, but which said citizens can only be and are by said grand jurors generally described as being the class of persons, mentioned in the first count of this indictment, who during said period of time have been furnishing and endeavoring to furnish, to the United States, in pursuance of sales, orders and contracts between them and the United States, munitions, ships, fuel, subsistence supplies, clothing, shelter and equipment, necessary for the military and naval forces of the United States in carrying

on its war with the Imperial German Government in said first count referred to, materials necessary for the manufacture of those articles, and transportation of said articles and materials and of said military and naval forces, all required and authorized to be procured by the United States from such persons and citizens under the several laws of the United States specifically mentioned in said first count as being the laws of which said defendants are charged in said count with conspiring to prevent, hinder and delay the execution; that is to say, the right and privilege of furnishing, to said United States, without interference, hinderance or obstruction by others, said articles, materials and transportation; which said conspiracy in this count mentioned has been one for injuring, oppressing, threatening and intimidating said citizens by interfering with, hindering and obstructing them in the free exercise and enjoyment of said right and privilege by and through the continued and persistent use and employment, by said defendants, under the circumstances and conditions in said first count described, of the unlawful and tortious means and methods in that count set forth as the means and methods of accomplishing the objects of unlawful and felonious conspiracy in that count charged against said defendants; the allegations of which said count in that behalf and concerning the existence, character and objects of the organization, called "Industrial Workers of the World" and "I.W.W.'s," in said count mentioned, concerning the membership, offices, employment and agencies of said defendants in that organization, and concerning said unlawful and tortious means and method, are incorporated in this count of this indictment by reference to said first count as fully as if they were here repeated.

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that in and for executing said unlawful and felonious conspiracy in this count charged, certain of said defendants have done the several acts described in said first count under the heading of "Overt Acts", at the several times and places there stated.

Against the peace and dignity of the United States, and contrary to the form of the statute of the same in such case made and provided.

Third Count

(Section 37 of the Criminal Code in connection with Section 332 of the Criminal Code, Section 3 of the Act of May 18, 1917, and Article 58 of the Articles of War in the Act of August 29, 1916.)

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that throughout the period of time from May 18, 1917, to the day of the finding and presentation of this indictment, the United States has been

at war with the Imperial German Government; and that continuously throughout said period of time said defendants named in the first count of this indictment, at said City of Chicago, in said Eastern Division of said Northern District of Illinois, then being members of the organization described in said first count, and called "Industrial Workers of the World," "I.W.W.'s," the "One Big Union" and "O.B.U.'s," unlawfully and feloniously have conspired, combined, confederated and agreed together, and with one Frank H. Little, now deceased, and with divers other persons to said grand jurors unknown, to commit divers, to wit, ten thousand offenses against the United States; that is to say, ten thousand offenses each to consist of unlawfully aiding, abetting, counseling, commanding, inducing and procuring one of the ten thousand male persons, other members of said organization, who on June 5, 1917, respectively attained their twenty-first birthday and who did not on that day attain their thirty-first birthday, and who have been required by the Proclamation of the President of the United States dated May 18, 1917, to present themselves for and submit to registration, under the Act of Congress approved May 18, 1917, and entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," at the divers registration places in the divers precincts in said Eastern Division of the Northern District of Illinois, and in the divers other precincts in other states of the United States, wherein said persons have by law respectively been required to present themselves for and submit to such registration, whose names, and the designation of which said precincts, are to said grand jurors unknown, unlawfully and willfully to fail and refuse so to present himself for registration and so to submit thereto; none of such persons being an officer or an enlisted man of the Regular Army, of the Navy, of the Marine Corps, or of the National Guard or Naval Militia in the service of the United States, or an officer in the Reserve Corps or an enlisted man in the Enlisted Reserve Corps in active service; and divers, to wit, five thousand, other offenses against the United States, that is to say, five thousand offenses each to consist in unlawfully and feloniously aiding, abetting, counseling, commanding, including and procuring one of the five thousand person, still other members of said organization, who should become subject to the military law of the United States under and through the enforcement of the provisions of the Act of Congress in this count of this indictment above mentioned and of The Proclamations, Rules and Regulations of the President of the United States made in pursuance of said Act of Congress, and whose names are also unknown to said grand jurors, unlawfully and feloniously to desert the service of the United States in time of war; said defendants not then

being themselves subject to military law of the United States.

Fourth Count

(Section of the "Espionage Act" of June 15, 1917,
in connection with Section 3 of that Act.)

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that throughout the period of time from June 15, 1917, to the day of the finding and presentation of this indictment, the United States has been at war with the Imperial German Government; and that continuously throughout said period of time said defendants named in the first count of this indictment, at said City of Chicago, in said Eastern Division of said Northern District of Illinois, then being members of the organization described in said first count and called "Industrial Workers of the World," "I.W.W.'s," the "One Big Union," and "O.B.U.'s," unlawfully and feloniously have conspired, combined, confederated and agreed together, and with one Frank H. Little, now deceased, and with divers other persons to said grand jurors unknown, to commit a certain offense against the United States, to wit, the offense of unlawfully, feloniously and willfully causing and attempting to cause insubordination, disloyalty, and refusal of duty in the military and naval forces of the United States, when the United States was at war; and this through and by means of personal solicitation, of public speeches, of articles printed in certain newspapers called "Solidarity," "Industrial Worker," "A Bermunkas," "Darbininku Balsas," "Il Proletario," "Industrial Unionists," "Rabochy," "El Rebelde," "A Luz," "Alarm," "Solidarnosc," and "Australian Administration," circulating throughout the United States, and of the public distribution of certain pamphlets entitled "War and the Workers," "Patriotism and the Workers" and "Preamble and Constitution of the Industrial Workers of the World", the same being solicitations, speeches, articles and pamphlets persistently urging insubordination, disloyalty and refusal of duty in said military and naval forces and failure and refusal on the part of available persons to enlist therein; and another offense against the United States, to wit, the offense of unlawfully, feloniously and willfully, by and through the means last aforesaid, obstructing the recruiting and enlistment service of the United States, when the United States was at war, to the injury of that service and of the United States.

Fifth Count

(Section 37 of the Criminal Code in connection
with Section 215 of the Criminal Code.)

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that the defendants in the first count of this indictment named, throughout the period of time from April 6, 1917, to the day of the finding and presentation of this indictment, at said City of Chicago, in said Eastern Division of said Northern District of Illinois, unlawfully and feloniously have conspired, combined, confederated and agreed together, and with one Frank H. Little, now deceased, and with divers other persons to said grand jurors unknown, to commit divers, to wit, twenty, offenses against the United States, that is to say twenty offenses each to consist in placing, and causing to be placed on Saturday of each week, in the post office of the United States at Chicago aforesaid, to be sent and delivered by the post office establishment of the United States, a large number, to wit, fifteen thousand, copies of a certain newspaper called "Solidarity", and one thousand other offenses each to consist in placing, and causing to be placed, in said post office to be sent and delivered by said post office establishment, a large number, to wit, one hundred and fifty, "stickerettes" and one thousand other offenses each to consist in placing, and causing to be placed, in said post office, to be sent and delivered by said post office establishment, a copy of some one of the following books, to wit "Sabotage" by Emile Pouget, and "Sabotage" by Elizabeth Gurley Flynn, all of which publications contained information and advice advocating the commission of the fraudulent practices hereinafter set forth and all of which were for the purpose of executing a certain scheme and artifice to defraud the employers of labor hereinafter mentioned but whose names are to the grand jurors unknown; which was theretofore devised by said defendants:

That said defendants would cheat and defraud out of money, employers of labor throughout the United States, and particularly those employers of labor engaged in the manufacture of munitions and supplies for the United States Army and Navy, and those engaged in furnishing the raw materials out of which said munitions and supplies are made, and those engaged in the transportation of said munitions and supplies and raw materials, by entering or staying in the employ of said employers and receiving and accepting money from said employers for working for them and by procuring other members of the Industrial Workers of the World so to do, when, in fact, said defendants while accepting and receiving said money would secretly and covertly work against said employers and to their injury and detriment and would induce and persuade said other members

so to do; that said defendants would demand stated wages under agreements binding them respectively to give their services to their employers in good faith, and would pretend to said employers that they would render efficient services, assist said employers in producing good products and render their services free from intentional injury to their employers, and would induce and persuade said other members so to do; that they would hold said employments and accept said employments with the secret purpose and intention not to render efficient service to said employers and not to produce good product but secretly and covertly to render inefficient service, and to purposely assist in producing bad and unmarketable products and intentionally to retard, slacken and reduce production wherever employed, and intentionally to restrict and decrease the profits of said employers and interfere with and injure their trade and business, and secretly and covertly injure, break up and destroy the property of said employers; and that they would teach, incite, induce, did and abet said other members so to do. That as a part of said scheme and artifice, said defendants were to send and deliver by the post office establishment of the United States the newspapers, stickerettes and books aforesaid.

And the grand jurors aforesaid, upon their oath aforesaid, do further present, that in and for executing said unlawful and felonious conspiracy, combination, confederation and agreement, said defendants at the several times and places hereinafter mentioned in that behalf, have done certain acts, that is to say:

(1) Said defendants, on Saturday of each week during said period of time, caused to be printed, at Chicago aforesaid, in said division and district, fifteen thousand copies of said newspaper called "Solidarity."

(2) Said William D. Haywood, on May 25, 1917, at Chicago aforesaid, in said division and district, gave an order to Cahill-Carberry & Company, of Chicago, to print and deliver to said William D. Haywood one million of said stickerettes.

(3) Said defendants, on July 25, 1917, caused to be printed, at Chicago aforesaid, in said division and district, one thousand copies of said book called "Sabotage", by said Elizabeth Gurley Flynn.

Against the peace and dignity of the United States,
and contrary to the form of the statute of the same in such
case made and provided.

Charles F. Flynn
United States Attorney

William G. Fitts
Assistant Attorney General

Frank K. Nebeker
Special Assistant to the Attorney General

Frank C. Dailey
Special Assistant to the Attorney General

Oliver E. Pagan
Attorney, Department of Justice

APPENDIX B²⁴⁰

THOSE CONVICTED AND SENTENCES

Name	Sentence (in years)	Fine
Carl Ahlteen	38	\$30,000
Olin B. Anderson	17	30,000
George Andreychine	38	20,000
Charles Ashleigh	28	30,000
John Avila	17	20,000
Aurelion Vincente Azuara	38	20,000
John Baldazzi	28	30,000
J.R. Baskett	4	30,000
Charles Bennett	28	30,000
J.H. Beyer	27	30,000
R.J. Bobba	4	30,000
Arthur Boose	17	30,000
G.J. Bourg	28	30,000
Richard Brazier	38	20,000
Roy A. Brown	4	30,000
Dan Buckley	28	30,000
Ralph H. Chaplin	38	30,000
Stanley J. Clark	28	30,000
Ray Corder	4	30,000
Alexander Cournois	28	30,000
C.W. Davis	28	30,000
J.T. Doran	17	30,000
E.F. Doree	28	30,000
Forrest Edwards	38	20,000
James Elliot	17	30,000
Ray S. Fanning	17	30,000
Ben Fletcher	28	30,000
Ted Fraser	17	30,000
Harrison George	17	30,000
Joseph J. Gordon	28	30,000
Joe Graber	17	30,000
Peter Green	28	30,000
C.R. Griffin	17	30,000
Ed Hamilton	28	30,000
George Hardy	4	30,000
William D. Haywood	38	30,000
Clyde Hough	17	30,000
Dave Ingar	17	20,000
Fred Jaakkola	28	30,000

²⁴⁰ Haywood, 367-8.

Name	Sentence (in years)	Fine
Charles R. Jacobs	4	\$30,000
Charles Jacobson	4	30,000
Ragnar Johannsen	28	30,000
H.F. Kane	17	20,000
Charles L. Lambert	38	20,000
Leo Laukki	38	20,000
Jack Law	28	30,000
Morris Levine	17	30,000
W.H. Lewis	17	30,000
Harry Lloyd	17	30,000
Burt Lorton	28	30,000
Vladimir Lossieff	38	20,000
Herbert Mahler	17	30,000
James H. Manning	17	30,000
John Martin	28	30,000
Francis Miller	28	30,000
William Moran	17	20,000
J.A. MacDonald	28	30,000
Charles H. MacKinnon	17	30,000
Jo McCarthy	17	30,000
Herbert McCutcheon	17	30,000
Pete McEvoy	17	30,000
Charles McWhirt	4	30,000
Fred Nelson	4	30,000
Walter T. Nef	38	20,000
Pietro Nigri	6	
Joseph A. Oates	17	20,000
V.V. O'Hair	17	30,000
John Pancner	28	30,000
Louis Parenti	17	30,000
Grover H. Perry	28	30,000
James Philips	17	30,000
Charles Plahn	17	30,000
Albert Prashner	28	30,000
Manuel Rey	38	20,000
C.H. Rice	28	30,000
Charles Rothfisher	38	20,000
James Rowan	38	20,000
Sam Scarlett	38	20,000
Archie Sinclair	28	30,000
Don Sheridan	28	30,000
James M. Slovick	28	30,000
Walter Smith	4	30,000
Alton E. Soper	4	30,000
George Speed	4	30,000
Vincent St. John	28	30,000
Siegfried Stenberg	28	30,000
William Tanner	17	30,000
James P. Thompson	28	30,000

Name	Sentence (in years)	Fine
John I. Turner	28	\$30,000
John Walsh	28	30,000
Frank Westerlund	17	30,000
Pierce C. Wetter	17	20,000
William Weyh	17	20,000