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EVIDENCE

and

Cross Examination

of

William D. Haywood

In the Case of the

U. S. A.

vs.

Wm. D. Haywood, *et al.*

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W^m D Haywood.

WILLIAM D. HAYWOOD,

one of the defendants, being called as a witness in his own behalf, and being first duly sworn, testified as follows:

DIRECT EXAMINATION BY

MR. VANDERVEER:

Q.—Your name is William D. Haywood?

A.—Yes, sir.

Q.—How old are you?

A.—Forty-nine.

Q.—Where were you born, Mr. Haywood?

A.—Salt Lake City, Utah.

Q.—You are now General Secretary of the Industrial Workers of the World?

A.—Yes, sir.

Q.—How long have you occupied that position?

A.—Three years, the first of January.

Q.—How were you chosen to that position?

A.—Nominated in convention and elected by referendum.

Q.—Of the members of the organization?

A.—Of the membership.

Q.—Whom did you succeed in that position?

A.—Vincent St. John.

Q.—What line of work have you followed, Mr. Haywood?

A.—Mining, principally.

Q.—At what age did you start out in the world to make your own living?

A.—You mean when I first began working?

Q.—Yes.

A.—Well, I was still living at home then. I was a little less than nine years old.

Q.—What kind of work did you do then?

A.—I was helping my step-father in a mine.

Q.—Helping him in a mine? In what way?

A.—Twisting drill, carrying steel and water; blowing the bellows.

TESTIMONY OF

Q.—Working underground?

A.—Yes, sir.

Q.—How long did you continue to work in the mine and live at home?

A.—That was a very short time. We were doing some assessment work in Ofer Canyon, Utah, at that time.

Q.—When did you leave home, Mr. Haywood?

A.—When I was fifteen.

Q.—What line of work did you take up then?

A.—Mining.

Q.—Underground?

A.—Yes.

Q.—What work were you employed at at that age underground?

A.—Well, I first ran car and twisted the windlass.

Q.—Whereabouts was this?

A.—At the Ohio mine in Willow Creek, Nevada.

Q.—How long did you follow mining continuously from that time?

A.—Oh, almost continuously until 1901.

Q.—That would be how many years?

A.—That would be from 1885 until—about 16 years.

Q.—In what part of the country did you work as a miner?

A.—Nevada, Utah, Idaho—do you mean the different towns?

Q.—Pardon me—Colorado?

A.—No; I have never worked in the mines of Colorado.

Q.—Did you work at Silverton?

A.—No.

Q.—You were a member, or became a member of the Western Federation of Miners?

A.—I became a member of the Western Federation of Miners at Silver City.

Q.—Had you previously been a member of any other labor organization?

A.—No.

Q.—When was it you joined the Western Federation?

A.—August 10, 1896.

Q.—When did you first become an official of the Western Federation of Miners?

A.—I was elected on the Executive Board in 1900.

Q.—How long did you serve as a member of the Executive Board?

A.—One year.

Q.—Did you then—were you elected then to some other office?

A.—Secretary-treasurer.

Q.—How long did you serve as secretary-treasurer?

A.—Until 1907, that is the latter part of 1907.

Q.—Where were your offices—where was your office maintained during the time when you were on the executive board and were secretary-treasurer?

A.—When on the executive board the headquarters was in Butte and when elected secretary the office was moved to Denver, Colorado.

Q.—While you were a member of the Western Federation of Miners, did,—did you, as a member of the organization go through any strikes in the mining industry?

A.—Well, there was a number of strikes while I was on the executive board and secretary-treasurer.

Q.—Which was the first strike with which you had any experience?

A.—The strike in the Coeur d'Alenes, Idaho.

Q.—That was in 1899?

A.—1899.

Q.—That is what is known as the Second Coeur d'Alene strike?

A.—Yes. The first Coeur d'Alene strike took place in 1892.

Q.—Had you been working in the Coeur d'Alenes?

A.—No.

Q.—You went in there during the strike?

A.—I went in there by instructions from the Executive Board of the W. F. of M.

Q.—To work for the Western Federation of Miners?

A.—Yes. See what could be done to reorganize it.

Q.—I wish you would describe briefly the 1899 strike in the Couer d'Alenes, just the manner it was conducted on the part of the mine owners and men and what happened?

MR. NEBEKER: This is objected to, if the Court please. It seems to be exactly the same as the ruling of your Honor in the case of Chaplin. I cannot see here what materiality this would have other than it had in that case.

THE COURT: Overruled. Answer the question.

A.—The Coeur d'Alene strike of 1899 began over a demand of the mining companies to reduce the wages. The wages of that district at that time was \$3.50 a day, with the exception of a mine called "The Last Chance." The Mine Operators Association notified the men that the wages were going to be reduced to the same level as "The Last Chance," or "The Last Chance" must come up to their terms. There was a general strike declared on April 29, 1899, a demand on the part of the men that the wages should remain where they were. The strike had been on but a day or two when the Bunker Hill and Sullivan mill was blown up—entirely destroyed. The mining companies brought in gunmen and thugs and later the regular soldiers.

Q.—The militia or soldiers?

A.—These were the regular soldiers, a colored regiment. Somewhere between 900 and 1000 miners were rounded up and placed under military authority in what was called a bullpen. This bullpen was a low rambling one-story structure without a

floor, the bunks built up two high, where the miners were held for a period of nearly seven months.

Q.—How many miners, by the way, were employed in the Coeur d'Alene mines?

A.—I should judge that the total number was close to 3,000.

Q.—So that approximately one-third of them were arrested?

A.—At least that many.

Q.—At least that many? Go ahead.

A.—During the incarceration of these men under the crowded conditions their health was very much impaired and the condition of their women and children was almost beyond belief.

The white officers of these negro soldiers sent a notice to the white women, asking them to receive the company of the negro soldiers, and there were some instances recorded of where white women who went to the bullpen with food and clothes for their husbands were violated in the presence of their husbands. A crowd of soldiers held them while others were abusing their wives. The newspapers—one of them owned by the Western Federation of Miners at that time—were suppressed, and the editors thrown in prison, which was pretty generally the treatment accorded all of those who were supposed to be friendly to the organization. Hundreds of miners were driven from the district.

Q.—Driven from the district? Deported, you mean?

A.—Well, not as they later did in Colorado, but they were just frightened away. The entire district was under martial law.

Q.—Any men killed in that strike?

A.—There was one man killed at the time the mill exploded, or was blown up, but later, I think only one by the soldiers.

Q.—What was the outcome of the strike?

A.—Well, it just seemed to wear itself out. The result was that the wages were not reduced, however,

but that was the first place where the employment office, or rustling card system was established.

Q.—Were they established there before the strike or afterwards?

A.—After the strike.

Q.—After the strike? And employed for what purpose? The usual one, to keep out agitators?

A.—Well, that was the purpose, of course, to keep out members of the Western Federation of Miners.

Q.—Now, Mr. Haywood, what percentage of the miners of that camp were at that time members of the Western Federation?

A.—Well, it was nearly a union camp. That is, all of the camps were pretty well unionized.

Q.—What was the attitude of the men there towards the soldiers employed there?

A.—Why, naturally the attitude was that they were very bitter towards these soldiers.

Q.—Very bitter towards the soldiers? Now, what was the next important strike with which you had anything to do, or which came under your observation?

A.—I think the next important strike was in Telluride in 1901.

Q.—What was the strike about?

A.—Wages and hours.

Q.—Demands for increased wages or an attempt to lower the wages?

A.—The demand was for an increased wage.

Q.—What was the wage previous?

A.—Three and a half. Three and three and a half.

Q.—Tell us briefly about as you did in the Coeur d'Alene matter, about the history of that strike and how it progressed.

A.—Well, that was a strike of short duration and the demands were soon gained.

Q.—Was there any violence on the part of the strikers?

A.—The non-union men were told to either join the union or leave the camp, as they were a bone of contention. Aside from that there was no violence on the part of the miners.

Q.—Were there troops brought in at that strike?

A.—Not at that time.

Q.—The miners won that strike, did they?

A.—Yes.

Q.—Any other instance of unusual significance in connection with it?

A.—Well, there were. The Governor appointed a committee composed of—I remember two of the men—Senator Buckley and Lieutenant-Governor David Coates who went to Telluride and upon their arrival there they notified the Governor that the mines were in peaceable possession of the miners; that there was no occasion for the soldiers or the militia.

Q.—What was the next strike, Mr. Haywood, with which you had any connection? Important strike?

A.—The next strike was—beginning, I think in Colorado City—a strike of a number of the mill men of that mill town.

Q.—A strike in the smelter there?

A.—Not the smelter.

Q.—That became later merged in and part of the general Colorado strike?

A.—A strike throughout the state.

Q.—Commonly known as the Cripple Creek Strike?

A.—I might explain in connection with the Colorado City strike that there had been an 8-hour law passed in the state in 1899, a duplicate of the 8-hour law of Utah, which was carried to the United States Supreme Court by attorney John H. Murphy by the Western Federation of Miners, and the organization—

Q.—The Utah law was sustained, was it not?

A.—Yes. The Utah law was taken to the United States Supreme Court.

Q.—And sustained?

A.—And a part of the expenses being paid by the W. F. of M., the Utah State Federation, and the law was declared constitutional. Now, a similar law was passed in Colorado in 1899, and declared unconstitutional by the Supreme Court of that state. The result was a strike in the Denver smelters—the Globe, Grant and other smelters—which lasted for some time. Later on came this strike in Colorado City for the 8 hour day, being one of the issues. Another was against the blanket insurance, the charge being made by the company for insurance when the men were on duty of some 3 per cent of their earnings. They worked in the plants there, the Chlorination plants, for 11 hours and 13 hours a night. They demanded that these conditions must be improved.

Q.—At this time you were general secretary of the Western Federation of Miners, were you not?

A.—Yes, sir.

Q.—By the way, I feel that you ought to continue with the history of that struggle for the 8-hour day, perhaps, inasmuch as you started it. After the Colorado law had been declared unconstitutional by the Supreme Court of that state, what next was done?

A.—It was then taken up by both of the larger political parties, the Democratic and Republican party in convention.

Q.—Wait a moment. Was there not a constitutional amendment first?

A.—I was going to say that each one of these parties recommended a constitutional amendment which was submitted to the people of Colorado, it seems to me in 1901, and was carried by a majority vote of 46,714. But this constitutional amendment was not put into force, although it was the mandate of the people; the assembly which convenes after election failed to put this into the constitution of the state.

Q.—Was that constitutional amendment modelled after the constitution of any other state?

A.—Well, it is practically the same. Not the constitution of any other state, but it was practically the same law as had been declared constitutional in Utah.

Q.—Well, was not an amendment made so as to conform with the provisions of the Utah constitution, do you remember?

A.—Well, the law in Utah was not a part of the constitution.

Q.—No. I understand that.

A.—It was simply a statute.

Q.—Well, all right.

A.—I don't get you maybe.

Q.—But that law had been followed in the Utah Constitution?

A.—Yes, indeed.

Q.—And the other law had been held invalid under the Colorado constitution?

A.—Yes, that is true.

Q.—Now, I asked you if an amendment to the Colorado constitution was—

A.—Identical with the Utah Constitution.

Q.—And the result of that vote in favor of the constitutional amendment was, as you have said, that no action was taken?

A.—No action was taken by the assembly, and the result was a strike in the mills and smelters. There was a strike in Denver at the same time involving all of the smelters of that town.

Q.—How general did that strike ultimately become in the mining industry of Colorado?

A.—Well, it entered the larger mines of at least three of the big mining counties.

Q.—Did you receive reports from your various officials throughout the district, and keep in touch with the incidents as they developed? The incidents of the strike?

A.—Almost daily reports.

Q.—And later on, after the conclusion of that difficulty, I will ask you if you were in conference

with a representative of the United States Government who investigated the strike and prepared a report on it, known as the Carroll D. Wright report?

A.—Walter B. Palmer appointed by Carroll D. Wright came to Colorado for the purpose of investigating the strike.

Q.—Were you in conference with him?

A.—Yes; many times.

Q.—Were the mine owners in conference with him?

A.—They were.

Q.—You have seen the report prepared by him and filed,—at least prepared under his supervision and filed by Carroll D. Wright, Commissioner of Labor?

A.—Yes, I have read it.

Q.—I will ask you whether this report, in so far as it deals with the incidents of the strike of 1901 to 1904, was submitted for correction and approval to both contesting parties?

A.—Mr. Palmer brought the proof to me, and told me that he had also submitted them to the mine operators, and I went over it pretty carefully.

Q.—You went over it?

A.—Yes, sir.

Q.—And O. K.'d and endorsed it along with the other side?

A.—Yes; I told him that there were very few changes that I would care to make at all.

Q.—Is this report a correct recital of the incidents connected with that strike in Colorado, the issues involved in the strike and the conduct of the parties throughout the strike?

A.—I think as far as the report goes, it is a very careful report.

MR. VANDERVEER: I offer it in evidence.

MR. NEBEKER: Objected to as immaterial and irrelevant.

MR. VANDERVEER: I have, or would have if Mr. Cleary were here just now, a copy of the law

under which such reports are prepared and made, showing clearly that it is within the provisions of the Department of Labor to make such investigations, and to publish their findings and conclusions. So that I think, standing apart from any testimony of the witness as to the part he had in it, and to his personal knowledge of the verity of the findings here, it would be entitled under the general statute; but when corroborated, your Honor, by testimony of the witness, to whom it was submitted, together with the parties representing the other side of the controversy, on the evidence that it was verified and O. K.'d by them before it was published, then I think that it becomes admissible precisely as the statements of any person on either side of a strike controversy made to them regarding the incidents of the strike, are admissible. Those have been uniformly admitted by your Honor in evidence.

THE COURT: Passing the question of competency that you have referred to, what is the purpose of the offer, what does this prove?

MR. VANDERVEER: It proves for instance, the experience of this witness, then a member and high executive official of the Western Federation of Miners with the 8 hour legislation. Eight-hour direct action methods. It proves his experience with and contact with the question of violence pro and con. It is a development by testimony corroborative of his own, of his industrial history, and in particular relation to matters which are directly at issue in this case the question of violence, strikes, and the question of military authorities; actions of military authorities, and the way these things were treated and received by the miners. One chapter here devoted to the 8 hour—it is—well, it is pretty near a story, in so far as it deals with that strike of this man's life, your Honor.

THE COURT: Well, the point about it is this. We have had this question presented in a number of ways. Now, here is a man that is on trial. He is in-

dicted. He has got a right to tell the jury what his motive has been; what his activity has been either on the direct or on the cross-examination from the beginning. That does not go to the point, and it is not for the purpose of opening up as independent facts to be established on the trial of the case, everything that he might testify to in the way of experience during his activity. But it is to enable the jury to form a judgment of the character of the person on trial, character being inherently—the character of an accused person being inherent in this class of a case. Now, we have had from—I don't know how many witnesses we have had here, word of mouth testimony from this, that and the other man, day after day, each day for many days, about all of these things which you have indicated this report deals with, as being things they dealt with; they might have to deal with, and functioning about over many years.

MR. VANDERVEER: Your Honor has admitted that kind of evidence on the theory, I presume, that it is material for the jury in determining and considering the particular activities of a defendant placed in issue by this indictment to know also something of his attitude towards certain questions. The question, for instance of violence, which is an issue here; the question of direct action, what it means, how it is employed, and any question of fact in a case of this character having a relation to tactics pursued by the witness himself in strikes, in all respects similar to the strikes placed in issue by this indictment. Now, if it is material to inquire as to fact with which we are directly concerned, what he did, and what he saw, and how he conducted himself, and how he directed the organization of which he was then one of the executive heads, then it is material to prove his conduct of those matters by the findings of the United States Government, provided those findings were made by an officer of the government authorized to make the investigation; providing the report was

published by him in accordance with law, and provided there is any law which says that things so prepared shall be admitted in evidence. Now, I have stated to your Honor that I would show that this report was prepared by a man having authority, pursuant to authority which, by the way, is set out in detail in the report itself—that it was then published pursuant to their authority; published by the government press; that it was in the meantime, as not only the witness testifies, but as the report itself shows, submitted to the parties. Mr. Haywood is expressly named in here as one of those who went over it and approved it—approved on both sides, thus giving additional evidence of the verity of the findings, and I offer it as a document bearing that composite character; also receiving private endorsement as evidence of the manner in which Mr. Haywood conducted this strike, and the manner in which the other parties who also checked it on their part, because without that I feel your Honor cannot know, and the jury cannot know this man. A big part of his life's story is written in the history of this strike.

THE COURT: Now, suppose you did not have this book. Suppose there never had been an investigation by a Federal officer, but suppose—

MR. VANDERVEER: Will your Honor hear me just one word further. I do not like to interrupt, but I did not quite get over this fact.

Now, if Mr. Haywood had written this thing, which he virtually did, when he approved it, to all intents and purposes known to the law—the two acts are identical. If he had written this thing and in here written a statement of his attitude on the question of violence for instance, which he has done, and written it in autobiographic form, then, I say it must be admitted without any question, as a declaration made *ante litem motem* on an issue directly in controversy in this case. Now, on that ground alone it seems to me that while he did not write it, yet he did, we say, approved. Not only does he say so but the book

itself says so. On that ground alone I think it is material and admissible as a declaration of his attitude towards violence, which is going to be one of the big things regarding which he is going to be questioned; sending out inquiries for "tips from railroad workers," preparing certain pamphlets, about all of which he is subject, very properly, to severe cross-examination by counsel. But his views at this time on this subject, in this strike, where his views were moulded—where his philosophy was developed, are material also.

THE COURT: In other words, in the absence of this report, in the absence of such investigation, it would be open to the jury in this case to listen to testimony from the defendants individual witnesses called from Colorado, and then to witnesses called by the prosecution as to Haywood's activities out there in that strike at that time.

MR. VANDERVEER: No, I have not hinted at that even, your Honor.

THE COURT: No, I don't say you have. But that is not a question of materiality?

MR. VANDERVEER: I would not care to go that far, because I do not care to go that far. That is an academic question which I dislike to take sides. I do not feel sure enough about that question, because I do not want to go that far, I have refrained from going that far. I offer this now primarily as a statement of the witness made years ago on issues which are presented by this indictment,—the issue of violence, the issue of destruction and other matters too, but it is immaterial how many more there were admissible, in all respects, as any other statement made by any defendant on any issue in this case made prior to the inception of this controversy.

THE COURT: Now, suppose that instead of being this kind of a document, it was a book written by somebody?

MR. VANDEVEER: Written by him, sure, it would be all right.

THE COURT: No, suppose it was a book written by somebody else, some independent person; independent of this thing, on the subject relating to the general subject under inquiry here, or one of the elements under inquiry here. Suppose it antedated the activities involved in this indictment, and the witness had read that book, and would now take the stand, and would say, "I read this book twenty years ago. It then had my approval."

MR. VANDERVEER: Yes, but it did not then have his endorsement within the four corners of the book, as this has.

THE COURT: Suppose he had written in the book, as he probably has in books in his private library, as you have and as any man has books in his library, his beliefs on that book, and writing at the end of the book saying: "I absolutely, unqualifiedly, unequivocally endorse"—a blank endorsement—of everything in there.

MR. VANDERVEER: If he had written that in the book, in all of the books, so that it became a part of the book as circulated, then I would say that the book to that extent would be his book, and would be admissible just exactly as if he had written the whole thing; that what my secretary does for me, or what somebody else does for me and submits to me for my approval becomes mine as—just as absolutely as if I had done it all myself. I do not mean to put this gentleman in the position of Mr. Haywood's secretary, but it shows that this was submitted to and approved by Mr. Haywood, and is a statement of his position then in this strike. In such manner that it amounts to nothing more nor less than a declaration by him of his position of that strike, as clear and unequivocally as if he had written it himself and signed it himself and arranged for the printing.

THE COURT: You say it was submitted to him as his statement?

MR. VANDERVEER: Submitted to him for approval,

THE COURT: Does it purport to be his statement?

MR. VANDERVEER: Well, I don't know—

THE COURT: I did not get that impression. I think the evidence was that the investigator named Palmer, under the direction of Wright, went to Colorado to investigate this controversy and made an investigation, drew up a report, and before submitting it and promulgating it as his report, submitted it to Haywood as the representative of one factor in that controversy; also submitted it to the other side, the adversary interest, and to Haywood, to get the views of both sides as to what he had written in the way of a report before he put it out. Do I get you right?

MR. VANDERVEER: Yes.

THE WITNESS: Permit me to say, Judge, that this book is the result of a demand by Governor Peabody for the regular soldiers. President Roosevelt ordered Carroll D. Wright to make this investigation as it shows there on the first pages.

MR. VANDERVEER: I would like to find a passage in the book which I have in mind so that I could submit it for itself.

THE COURT: Two o'clock, gentlemen.

(Whereupon, at 1:00 o'clock P. M. the Court took a recess until 2:00 o'clock P. M. of the same day.)

2 o'clock P. M., August 9, 1918.

Court met pursuant to recess.

(Roll call of defendants out on bail: All answered "Present.")

DIRECT EXAMINATION (Continued)

By Mr. Vanderveer:

Q.—Another question or two: Mr. Haywood, what part did you play in the various strikes which have been referred to as the labor disturbances in Colorado during the years 1901 to 1904 inclusive?

A.—I was secretary-treasurer of the Western Federation of Miners during that period.

Q.—And as secretary-treasurer what were your duties in connection with the work of the organization in the strike?

A.—As secretary-treasurer I was also member of the Executive Board and had charge of all the finances, the papers and documents, paid all the bills of the organization, received all the money.

Q.—And had you any supervision of the conduct of the strike?

A.—Only as a member of the Board.

Q.—Now, what other of these defendants are involved in that strike?

A.—Vincent St. John.

Q.—Any others?

A JUROR: Will you have him talk a little louder, please?

MR. VANDERVEER: Yes, a little louder, please, Bill.

A.—I don't recall any other.

Q.—Any one else? And Mr. St. John later became general secretary-treasurer of this organization?

A.—He was my predecessor.

Q.—Followed by yourself?

A.—Yes.

Q.—Were both of you present at the convention in 1905, at which this organization was formed?

A.—No, St. John was not present.

Q.—Was not present. Did he, as an official of the Western Federation of Miners, become ex officio an official of this organization?

A.—No, not an official. He became a member of this organization by the installation of the Western Federation of Miners.

Q.—Well, didn't he carry the same credentials in this organization that he did at that time in that organization? In other words, was he not a member of the Executive Board?

A.—He was not a member of the Executive Board.

Q.—How important a part did the Western Federation of Miners delegation play in the formation of this organization in 1905, and of its policies with reference to political action and the adoption of the industrial form of organization?

A.—I should say that the Western Federation of Miners played the most important part; they had 27,000 votes in that convention.

Q.—Out of a total of what?

A.—Out of a total of something over fifty thousand, I think, as I recall it.

MR. VANDERVEER: Now, your Honor, in addition to the reasons which I have suggested for the admission of this report in evidence, I want to suggest this:

Your Honor has already admitted, and was clearly, in my opinion, right in so doing, in fact I cannot remember that counsel seriously questioned our position in that matter—has admitted the report of the Federal Government on the Lawrence strike, because that strike was conducted by the organization and some the men who are defendants in this case, among others, Mr. Haywood, and Mr. Ettor, and on the theory that in determining whether or not this organization advocated violence and destruction, in determining what interpretation it gave to sabotage and direct action, it was material not only to receive in evidence the declaration of the men, whether for or against them, and counsel has asked many of them questions that of course dated back as far as 1909, but that it was material also to receive their interpretations of these things in action, and the Lawrence strike affair offered an opportunity to determine what was meant by sabotage, what was the belief of these men as to violence by the way they had interpreted these things in action, and actions speak louder than words.

Now whether the entire organization is involved, as perhaps was the case in the Lawrence strike, because that strike had official endorsement, or wheth-

er some of the defendants alone are involved because the defendants are more directly on trial than the organization here, I think the same principle should be applied.

THE COURT: What do you say to that, Mr. Nebeker?

MR. NEBEKER: Why, it occurs to me that there is no comparison at all between the ground upon which those documents were introduced and this, for this reason, your Honor, and there was an objection, it is true, we made an objection even to the admissibility of any document that had to do with the Lawrence strike, but it was finally ruled upon by your Honor after asking counsel the question whether or not they claimed that was an I. W. W. strike. Now that would be the remotest point in which the court could possibly go, I submit—just because that was an I. W. W. strike it was permitted to go in. Now they ask to have the boundary lines extended until they can include all of the activities and all of the reports about any of the activities of any of the defendants, or any report about any incident with which the defendant was connected.

Now that is an entirely different proposition, and I think it would be extending the rule much too far. If such were the case, in this particular case, at a time when Mr. Haywood was not a member of the organization at all, the conspiracy here is based upon the proposition that these men as I. W. W.'s, these men after the formation of the organization, the I. W. W. organization, were guilty of these several conspiracies.

Now it does not throw any light upon that one way or the other as to what they did in some other capacity. It is not an attack upon any of these men primarily on account of his character; anything that he did in some other capacity. It is an attack upon these men as defendants in this case for things that they did in 1917, as members of the I. W. W. and as

conspirators for the accomplishment of those particular purposes.

Now suppose, for example, that there were to be a man in 1917, who had at some other time been a college professor or been a preacher, would it be within the realm of possibility to think that all of the activities of that man as a college professor or as a preacher, would be admissible in evidence here? Of course not.

Now your Honor has extended the extent, and the rule of course is as your Honor has stated it, that a brief introduction may be made by the witness as to his past, so that the jury may have that; that is within the discretion of the court to limit that.

Now this is an extension; it seems to me, of anything that the books justify. I never have seen anything in my reading of the law where it could be said that a man not only could go on the stand to introduce himself and to tell of his past history, but in addition to that he could read into the record, when the thing is not going to be controverted, and especially as is the fact in this case,—he could read into the record from the beginning of his activity down to the present time, everything that was in print concerning anything that he had to do with.

Now there is no basis for it and there is a clear distinction. I urge this simply because of the fact that it harks back to the first proposition that I supposed had been disposed of for a long time, and that is an effort here—it seems to me a conscious effort—to cloud the issues in the case and to detract the jury's attention from the vital issues in the case, by bringing something of an extraneous character of this kind into it. I think it would be not in the interest of justice, but would be, rather, to the contrary.

THE COURT: Does this report deal with what you have referred to as the question of violence?

MR. VANDERVEER: Yes. It deals with the whole history of the eight-hour agitation, both in

the political and in the industrial field. Of course a ready reply to the suggestion of counsel is found in another part of the history of this trial, where, without objection I am sure, from him, we were permitted to put in evidence here papers that were not I. W. W. papers, which contained declarations of defendants here along the same line on questions in issue. Now I refer to the old issues of "Socialisti," to the various issues of the "New Northwest;" I do not know how many more—

THE COURT: I do not want to appear to place the court into the attitude of having been generous. I have tried to extend that limit, your right in that regard to the utmost legal limit, because it was my belief that it was at least remotely calculated to enlighten the jury. Now if this was an emanation from Haywood's brain, it would clearly fall within what I have already ruled.

MR. VANDERVEER: The report upon that point says:

"Copies of sections of this report which relate to the origin of the metaliferous strikes have been submitted for review to the leaders on both sides, and the few comparatively unimportant suggestions which they made have been given full consideration and in several instances have been incorporated in the text."

Among the exhibits here, your Honor, are many letters and statements signed by Mr. Haywood so that—

MR. NEBEKER: Did I understand you to say that the few unimportant suggestions had been made?

MR. VANDERVEER: Yes, few unimportant corrections, that means, of course. Now, as I say, there are many exhibits here, some letters, some statements regarding the practices and the philosophies and beliefs of the organization, which really is nothing in the world but the forerunner of the I. W. W.—the Western Federation of Miners, and whose policies were dictated by, at least, or stood in the same rela-

tion to the policy of that organization as he does to this, and who stood in the same relation to those strikes that he does to these strikes, so I submit, your Honor, that it is just as material to know what his idea and attitude and declaration and actions were then as it would be material to know them five years or ten years later. Time is after all not the determining question. It has not been so treated by either of us. We have none of us hesitated to go back to any period where we could find evidence bearing upon this issue.

THE COURT: Does this offer contemplate the reading of that entire report?

MR. VANDERVEER: No. From that standpoint I may say—

THE COURT: To some extent this comes within, I think it is fair to say, it comes within the domain of discretion.

MR. VANDERVEER: I realize it does.

THE COURT: The court has some power over such questions.

MR. VANDERVEER: I think, your Honor, the introduction of the book,—I assume you are addressing yourself to a question of expediency.

THE COURT: Yes.

MR. VANDERVEER: The introduction of the book will probably save rather than lose us time. In other words, I will cut out the whole thing with the witness.

THE COURT: We are here to enable the jury to say yes or no on a certain question—

MR. VANDERVEER: Surely.

THE COURT (Continuing):—that was put to them early in the month of May.

MR. VANDERVEER: Yes, without staying here indefinitely for them to find out.

THE COURT: Yes. Now whatever is calculated to enable them to give an answer to that question, if it is the Court's duty to allow either litigant to give to the jury.

MR. VANDERVEER: Well, I feel that the admission of the book will not delay the progress of the trial at all. I will not read copiously from it.

THE COURT: My own judgment about that legal proposition is this: The frame of mind of the defendant in a conspiracy case at the time the thing was done, which is the subject of the inquiry, is material—whether his personal sanity or non compos, as stated in its broadest form. Now, what his mental condition as to intent and so forth at the time under inquiry was, may have light thrown upon it by evidence as to what it was last week, and in this case evidence has been offered, going to that part of this inquiry as to what it was nine years ago. That is true, isn't it?

MR. NEBEKER: Yes.

THE COURT: Go ahead.

MR. VANDERVEER: Q.—Now, Mr. Haywood—

THE COURT: I am impelled to this conclusion by two reasons, first, because of my belief that there is at least a question whether you are entitled to it or not, and being a case of question, it should be received in favor of the defendant. Secondly, I have your assurance that this will economize time, as a matter of fact.

MR. VANDERVEER: I really believe it will, your Honor, for this reason, that otherwise I must go over these incidents, and in addition to the answers, there will be the questions, which will take a good deal more time in presenting the matter than this.

MR. NEBEKER: And I suppose it is also not to be construed as a reversal of the Court's general position on the proof of industrial conditions generally?

THE COURT: Well, if I have reversed myself, the record will show the fact, and it will not be a startling innovation of the records of the court here, if I have done that.

MR. NEBEKER: Well, I wondered if the court and counsel quite understood. I thought some ques-

tions had been settled here as to the proof of general industrial conditions, and it is not the intention of the court now to make this—

THE COURT: This is not opened up for the purpose of putting in proof of general industrial conditions.

MR. NEBEKER: I wanted to understand that.

THE COURT: It is solely for the purpose of enabling this defendant to put before the jury evidence of his activity with respect to those conditions.

MR. NEBEKER: I understand.

MR. VANDERVEER: Mr. Haywood, I do not wish to review the history of these troubles in Colorado. You have read this book many times, I suppose?

A.—No. not many times; I have read it more than once.

Q.—And you know the story that it tells of the strikes from 1901 to 1904 in Colorado, with which your organization was connected?

A.—Yes, it reviews the strikes of the miners in Colorado from 1880.

Q.—And you know also the activities of your organization?

A.—Very well.

Q.—Is it a reasonably accurate and detailed narrative of those matters, of the incidents of the strikes?

A.—I think it is accurate in so far as it goes, covering many of the details.

Q.—And an accurate narrative of the history of the eight-hour controversy in Colorado?

A.—Yes, sir.

Q.—Well, then, passing this—I think I will bring in a few little purely personal matters—no, I won't either.

When was the organization of the I. W. W. first considered?

A.—In the fall of 1904.

Q.—By whom at that time?

A.—By the officials of the Western Federation of Miners and the officials of the American Labor Union.

Q.—And was any conference held in the fall of 1904 looking to the calling of an organization convention?

A.—The conference that you probably have reference to was held on the second of January, 1905.

Q.—The second of January. Who were present at that conference?

A.—There were thirty-six, if I remember rightly; the names of all I could not give.

Q.—How many people were present at that conference?

A.—Thirty-six, it seem to me.

Q.—Were you one of them?

A.—Yes, sir.

Q.—Who called the conference?

A.—The Committee that was then located here in Chicago.

Q.—Who were the members of the Committee?

A.—Clarence Smith, William Trautman, Estes, Hall and one other.

Q.—Do you remember,—you do, of course remember the connection of Father J. J. Haggerty with the organization and the movement?

A.—T. J. Haggerty, yes.

Q.—“T. J.”?

A.—Yes.

Q.—Who was T. J. Haggerty?

A.—He was at one time a Catholic Priest.

Q.—And what part had he in the early councils of the organization and the formation of the organization?

A.—He was editor of the “Voice of Labor,” published by the American Labor Union.

Q.—Was he a member of the original conference, January, 1905?

A.—Yes, sir.

Q.—And of the original convention in June, 1905?

A.—Here in Chicago.

Q.—June, was it?

A.—Yes, June; he was also a delegate.

Q.—And was a member of the organization from the beginning?

A.—Yes, I think so.

Q.—Of the I. W. W.; at that first convention the original preamble was adopted, framed and adopted?

A.—Yes, sir.

Q.—And it has been said here that in that form it differed somewhat from the present preamble?

A.—Well, it differed inasmuch as the new amended preamble stands, as to political action—

Q.—Yes. In what respect does the present preamble differ from the original one?

A.—It has had the reference to political action stricken out and also one—perhaps two, paragraphs added.

Q.—Otherwise the original preamble was the same in its statement of industrial philosophy?

A.—Just the same as it stands now. I want to say that paragraph that has been added is the abolition of the wage system.

Q.—Is the original preamble correctly reproduced in Vincent St. John's book, "History, Structure and Methods," pages 4 and 5?

A.—Yes, I think that is the original.

Q.—You think that is correct, do you? Now, I will ask you whether or not the I. W. W. as it now exists is anti-political?

A.—Not anti-political,—non-political.

Q.—Non-political; what do you mean by that?

A.—I mean by that we are an economic organization.

Q.—Are you opposed to political action or to those who believe in political action?

A.—Oh, no. There are many of our members who believe and take part in political action.

Q.—What are your own opinions, or rather, what were they last year, to avoid objection, your opinions regarding the efficacy of political action as a means of accomplishing industrial reform?

A.—Well, I do not think that many industrial reforms, if any, can be accomplished by political action.

Q.—Will you please explain your views on that question?

A.—Well, we will go back—

Q.—Giving the various reasons, if you please?

A.—Well, we will go back, for instance, to the eight-hour strike, or the eight-hour law in Colorado.

Q.—Now, to avoid repetition, I will read that chapter.

A.—There are number of references in there.

MR. VANDERVEER: Well, we will read just the chapter, Chapter 3. (Reading from Defendant's Exhibit, Number 23.)

Q.—Now you were going to say that the history of this legislation had some bearing upon your attitude towards the question of political expediency, the expediency of the political method of accomplishing industrial reform?

A.—I refer to, first, the eight hour movement, but that was not the only law in Colorado that was treated in identically the same way. The anti-script law was passed in Colorado, but the script continued as money, which was a direct violation of the counterfeit laws, but it was used for legal tender in all of the coal fields of the state.

Q.—What do you mean by script?

A.—Well, it is a money issued by the coal companies.

Q.—Something like the mill money I have introduced here?

A.—Something like the mill money down in Louisiana.

Q.—The same thing?

A.—The same thing.

Q.—Put out by the coal companies and mining companies?

A.—Yes; some metal and some paper of different denominations.

Q.—When was that law originally passed?

A.—About the same time as the eight-hour law.

Q.—Supposed to be still in effect?

A.—Supposed to be in effect.

Q.—Do you remember what the Industrial Relations Commission found as to the existence of that script in 1915?

A.—No, I do not.

Q.—Go ahead.

A.—There was still another law against company stores. The coal companies of the southern part of Colorado owned large stores at which the employees of the company were compelled to trade, and this law was to prohibit the enforcement of trading at the company stores. There was still another law—in fact the strike of the coal miners was to compel the mining companies to live up to seven different laws that were being violated; the eight-hour law, the anti-script law, the company store law, and one of prime importance to the miners, was the check-weighman law.

Q.—That is a law which gave them the right to employ a check weighman?

A.—A check weighman of their own.

Q.—To prevent the weighing of the coal—check weighing of the coal?

A.—Yes. It had been proven that the miners were mining 3800 pounds of coal for a ton. Now all of these laws were being violated at the expense of no one except the miners.

Q.—Who had passed these laws?

A.—The legislature—

Q.—Well, what element in the state?

A.—Well, the legislature—

Q.—I understand, but what element in the state?

A.—I was going to say, it was composed of different elements. For instance, this eight-hour law—

Q.—You are getting too far into the thing, but was it labor legislation passed at labor's behest?

A.—Yes, exactly.

Q.—Was there any state in the United States at that time, or has there been since, any state in which organized labor was as strong politically as it was in Colorado at that time?

A.—I don't think so.

Q.—Was the vote on the constitutional amendment, in your opinion, representative of its comparative political strength?

A.—Yes.

Q.—Yet, after all these years it had failed—

A.—It had failed to bring any results, and the same is true in Idaho and Montana.

Q.—Now, did you finally get the eight hour day in Colorado?

A.—Finally, when we struck.

Q.—How, by strike?

A.—Why, the smelter men went on strike in Denver. They closed down all the smelters and the Globe smelter has been closed ever since—or the Grant smelter, I mean. It has never blown in from the Fourth of July, 1903, until the present date.

Q.—How long did it take labor—how long was labor trying to get the eight-hour law by political method?

A.—Many years, eight or nine.

Q.—How long did it take it to get it by the industrial method when it went after it?

A.—Well, but a very short time when the mining companies realized that they meant business.

Q.—What other considerations, Mr. Haywood, have influenced you in the formation of your opinion about the efficiency of political measures—political methods of accomplishing these industrial improve-

ments or the inefficiency of it, whichever you please to call it.

A.—Well there is the eight-hour day of Utah—I was working in the Blaine mine at that time—

Q.—Well, I don't care for any more of that. I had thought to direct your attention to an entirely different line. Let me ask you what kind of political representation labor has? To what extent it enjoys suffrage in various parts of the country?

A.—Well, labor has but a small political representation. For instance, the migratory worker has no vote. He is working in one state this month and the next month in another state, and he must be in a state from one to two years before he is entitled to a vote. The women employed in industry, excepting in what they call ten free states, or ten white states, have no vote. The children under twenty-one years of age have no vote, and the black man of the south has no vote at all. So that the wage earners in industry are limited considerably in the matter of suffrage.

Q.—Do you believe it is right that these people who work in industry should have a voice in these matters which concern the safety and operations concerning their health?

A.—Why, I most certainly do. I think that there is no one who is more entitled to a voice in the way industry should be run than those who are working in the mills, factories, mines, railroads and so on.

Q.—Has anything else influenced you in your opinion of that matter?

A.—Well, there are many other laws that have been passed.

Q.—Well, I don't refer to that. I don't want to lead you. Any other study you have made?

A.—As to limiting franchise?

Q.—No. As to the propriety or efficiency of political methods; the desirability of that?

A.—No; I don't particularly recall.

Q.—Do you know what the attitude of economists and labor leaders is?

A.—Well, the attitude of most social workers is that you can get reform through legislation, but most labor leaders do not think so, and most industrial employers.

Q.—What is the argument by employers and economists and labor leaders?

A.—Well, they feel that it should be done by direct action. That is to say, they think that the matter of hours or minimum wages should be adjusted by the unions.

Q.—Well, is your view of that matter then in any sense peculiar to itself?

A.—No, I agree with it. I think that the labor unions should adjust the affairs of industry.

Q.—Do you recall any place where you have found collected the views of eminent economists and eminent labor leaders and eminent employers of labor on this question?

A.—Well, there is a large symposium set forth in the New York Report.

Q.—Called the New York Factory Commission?

A.—Yes, giving the ideas of a large number of people.

Q.—Is that the sentiment recorded there?

A.—Yes, sir.

Q.—Do you remember whether president Samuel Gompers of the American Federation of Labor spoke his views on the matter?

MR. NEBEKER: This is objected to, as I recall it this is something that is not in evidence.

THE COURT: Sustained.

MR. VANDERVEER: All right. I will withdraw the question.

Q.—Mr. Haywood, now in the preamble of the I. W. W. as originally adopted and as subsequently amended, I find the statement that the working class and the employing class, as such, have nothing in common; no interests in common; nothing in common with each other. What was the origin of that

philosophy?

A.—Well, the reason that that appears there is that the men who took part in that convention realized that the employing class and the wage-earning class, considering the conditions of wage slavery—

Q.—No, I want—was there such a provision, in substance, in the preamble of the Western Federation of Miners?

A.—Yes, there was.

Q.—And in the Communist Manifesto drawn up by Marx and Engels way back in 1848?

A.—Well, you will find it there also.

Q.—So that even that was not original with the I. W. W.?

A.—No, it cannot be said to be original.

Q.—Do you believe that statement in the preamble is true?

A.—I do, indeed.

Q.—What are the reasons for your belief on that subject?

A.—Well, I know the working class in this country in different industries very well. I know something of the employing class. I know that the employing class are only interested in making dividends and profits; that the wage earning class are in almost identically the same condition or position at this time as the chattel slave. There is very little difference between wage slavery and chattel slavery. Now, it seems to me there are many instances of where the chattel slave was better off than the wage slave is today.

Q.—Will you explain what you mean?

A.—Well, take the black man of the South before the Civil War. He certainly enjoyed better conditions, notwithstanding what is said in Uncle Tom's Cabin—enjoyed better conditions than he does at this time. He was the slave of a master, not all of them with a Simon Legree, but some masters who took an interest in their slaves, which were owned bodily—but their souls if they had any, were free, and they were housed, clothed and fed and kept in

good condition, with medical assistance and so on. You can recall—everybody can—

Q.—What about their homes?

A.—About their cabins, and the songs they sang, and the songs that emanated from the Colored people of the South. There are no songs such as that today. There are no Swanee Rivers or no Old Kentucky Homes or anything of that kind. They have been beaten down into a condition where the colored men of the South have been brought in great hordes up to East St. Louis, up to the packing plants of Chicago; where they are allowed to shift for themselves, with no one to look after them except you might say the Industrial Workers of the World, who tried to organize them, and their lives are not secure. Their happiness is not secure to the same extent as they were when they were chattel slaves. They are wage slaves now, and the workingmen who are conscious recognize that fact; they recognize that the slave is one who is compelled to give a part of that which they produce to another, and that is the thing we are trying to abolish.

Q.—Do you recall the days of 1893 and 1894, the days of the great unemployment in this country?

A.—Yes, sir, to some extent.

Q.—Something of the condition that the working people of those times—

A.—I do.

Q.—Well, in those days did you observe any evidence of solicitude on the part of the employers of labor for the welfare of the men?

A.—There has never, to my knowledge, been any solicitude on the part of the employing class for the workers.

Q.—As employers?

A.—As employers. During the period that you speak about was the time that they were advocating a dose of arsenic for the unemployed workers that they were pleased to call a tramp; when they were suggesting a rifle diet as a good thing for the unemployed man that they called the hobo. No effort made

to provide work for them; no effort made to sustain them in any way. That is the way they felt, not about the foreign immigrant, but about the American born citizen who happened to be out of work. Yes, I remember that very well. I was out of a job myself at that time.

Q.—How is the attitude of the employer towards his employees reflected in times of strikes, such as occurred at Ludlow and in Cripple Creek and in Holly Grove and various others that you doubtless have in mind?

A.—Well, the employer in some of those instances was not on the ground. He did not see what was going on. The employer is now a large corporation and the handling of the properties to a considerable extent, is left to superintendents and managers, and it is their only purpose in life to make the property pay, because upon the paying condition of the property depend their jobs, just the same as the unskilled labor. The result is that you see conditions such as prevailed at Holly Grove, such as at Ludlow and many other places where outrages have occurred against the workers.

Q.—And at Bisbee?

A.—Yes, Bisbee. To recount them would be necessary to tell a long story.

Q.—Do those conditions furnish the background or foundation for your belief in the philosophy of the preamble?

Q.—It is my experience, my personal experience and the experience of the men with whom I am best acquainted and the knowledge that I have gained by visiting different industries that has led me to believe that the preamble, in so far as that part of it which says there is nothing in common between the employer and the employed, is absolutely true. Now take, for instance, the employing class, the sons and daughters of the employing class; those who frequent Palm Beach and Newport. You can see a splendid illustration of what I mean at Newport. Just across the river there is Fall River, Massachusetts. In Fall River

a large textile center, many, many women are employed among the workers in the industry there, and the mortality, the infant mortality of that town is 400 per cent. 400 per cent. Four hundred children die out of every thousand born. They enjoy the same atmosphere; they enjoy the same splendid conditions of climate, but it is the work they do at the looms in the factories and in the homes that they live in. While over in Newport they are giving monkey dinners and all this kind of stuff, just for the diversification of the unemployed, if you will—not unemployed, but unemployable. Another instance, there is a family which Mr. Nebeker is well acquainted with, the Penrose and MacNeils, who own the Utah Consolidated Copper Company, or a large interest in it. I saw only a short time ago where they attended a dog wedding—

MR. NEBEKER: Well, let us see if this is relevant.

THE WITNESS: —given in Colorado Springs—

MR. NEBEKER: This does not seem to be material. It is something that he had seen recently about some supposed friend of mine. I never heard of them before.

THE WITNESS: Well; I understood you was employed by the Copper Company. Maybe I am mistaken.

MR. NEBEKER: Well, you are very much mistaken. But the point is, I do not think that we ought to be regaled with something that he has seen in the newspapers since this trial, or anything that did not actuate him during the period, or at least prior to the time of the indictment.

THE WITNESS: What I wanted to tell about was this dog wedding. Pekinese Poodles, which was the daughters of Frank Harvey and Mrs. Penrose and Mrs. McNeill attended with all the formal function of nice society when these poodles were married. Now that is the kind of stuff that the employing class do. That is the kind of stuff we do not want to see them do. We think that those people ought to be

busy doing their work, just the same as the working class. We don't want to take anything away from them, but we want to prevent them from taking anything more away from us. That is the idea.

Q.—You have been through the South, Mr. Haywood?

A.—Yes, sir.

Q.—In connection with your activities in this organization?

A.—Yes, sir.

Q.—Were you down there during the days of the organization of the timber workers of the South?

A.—I attended—I spoke all over the lumber camps of the South and attended the convention of the Brotherhood of Timber Workers at the time they decided to join the Industrial Workers of the World.

Q.—That was originally an independent organization, was it not?

A.—Yes, sir.

Q.—In which a man named J. Smith had a good deal to do?

A.—A. L. Emerson and J. Smith.

Q.—I read a pamphlet here some time ago.

A.—Yes.

Q.—Declarative of their position?

A.—Yes, sir.

Q.—Now when you were down there did you have occasion to study the industrial conditions in the turpentine camps and the mill towns and so forth?

A.—I learned much of the conditions because it was a close hand study with me, and I found that in the turpentine camps there was this peculiar condition: There were women,—black women, it is true, —but they had a permanent home, and those places were usually in the swamps, and the men employed about the mills lived in those homes, but when they lost their jobs they lost their homes. There was no marriage ceremony among them at all. I learned also that one of the means that the lumber companies adopted of keeping the workers on the job was not

by good pay but by distribution of cocaine and one or other kind—

Q.—Morphine?

A.—No. Heroin.

Q.—Heroin?

A.—Yes, to the workers. They knew that when they became addicted to these drugs, that they were sure to return to their jobs. It was the strongest method of holding them,—stronger even than the chains of chattel slavery or the whips of the turpentine bosses, who were, by the way, usually white men. There were camps down there that were fenced in, with eight foot fences, and if you went to one of those towns known as a mill town, you got your mail out the United States Post Office through a hole in the fence. Those are the kind of conditions that prevail down there. I attended this convention in Alexandria, and I was invited to speak. I learned in the few minutes that I was there preceding this invitation that the black men were out in the other room. "Well," I said, "If you expect me to speak you want all of the workers here, don't you"? They said, "Yes, but it is against the law of the state for black and white men to meet together." I said, "Why, you work in the mills together, don't you? You are working out here in the forest together, you are on the job all the time together. You have met here in this convention to determine the conditions that are going to prevail in these mills." I said, "Go out and get those black men and bring them in here and never mind the law. This is one law that we have got to break now while we have an understanding about what we are going to do with this convention." They went out and brought the black men in and we had a joint meeting, perhaps the first time in Louisiana.

Q.—What had been the nature of your personal activities throughout the Colorado strike, just in a general way. I don't want you to go into it in detail. Were you a delegate or simply writing pay checks, or what were you doing?

A.—Both. I spoke some. I spoke at this meeting of the miners in the assembly in the Senate.

Q.—Did you advocate any violence or disorder?

A.—No.

Q.—Is there any suggestion in this report that you ever did?

A.—No. You will find many suggestions there that I did not.

Q.—Did you, yourself, commit any violence or disorder?

A.—I did not.

Q.—Were you subjected to it?

A.—Yes, sir.

Q.—Got plenty of nicks in your head to show for it?

A.—Yes, sir.

Q.—Now, you went through that strike a leader, —one of the leaders for the Western Federation, did you?

A.—Well, that is what they called me, yes.

Q.—What was your reward at the conclusion of the strike?

A.—Well, we never concluded.

Q.—Had you ever been in Idaho?

A.—Yes, but the strike was not concluded when I went to Idaho; was not really concluded until I got back. In fact, I wrote the resolutions.

Q.—I understand, but up to the time you were kidnapped had you been to Idaho?

A.—No. Well, I had worked in Idaho previously.

Q.—Ten years before?

A.—Yes, sir—not ten years.

Q.—Six years before?

A.—About four years before.

Q.—Had you been at any time then—well, how long prior to the death of Governor Steunenberg had you been in Idaho?

A.—I left Idaho, it seems to me, in 1901.

Q.—And when did he die?

A.—In 1905.

Q.—Four years?

A.—Yes.

Q.—You had occasion to return to Idaho after his death a while?

A.—Yes, we were taken back to Idaho.

Q.—How were you taken?

A.—On a special train.

Q.—Well, how else? Describe the proceeding a little bit.

A.—Well, after Governor Steunenberg was killed three of us, George Pettibone, Charles Moyer and myself were arrested in Denver. We were arrested on a Governor's warrant issued by the Governor of Idaho. I have just forgotten his name—Goodwin, or something like that—at that time—and we were put in the county jail; no chance to see counsel. The next morning early, about five o'clock, we were taken out of the County jail and put in carriages and driven to the depot where we were loaded on a special train, and with the guards and militiamen, sheriffs and politicians from both states, we were hurried off to Boise, Idaho, making world-beating time. I think they made that trip, some of it, at seventy miles an hour. When we arrived in Boise we were taken to the state penitentiary and there were placed in murderers' robes; no charge and no arraignment. On either side of me were men who were condemned to die. Out in front, the death watch—he did not seem to be watching those other two men, but kept his eye on me continually, and in the cell adjoining, the fellow on my left was Pettibone, and then another man and then Moyer. In the right hand upstairs cell was for a short time Vincent St. John. We were held in the penitentiary there for some weeks. Every other prisoner in the penitentiary except we three were permitted some exercise. But our food was shoved under the door as you would to a wild animal, and examined very carefully before it was given to us. The electric lights were taken out of the cells, and not until considerable publicity had been aroused, were we allowed to go out even into the corridors that were in front of the cells. We were taken from

the penitentiary to Caldwell, where they had a little county jail that set out behind the court house; just a little place. We were held there for some couple of weeks, and it was finally agreed that they would divide us up and take us to the different county jails, but later determined that they would keep us over in Boise in the Ada County jail, and there we were held for fifteen months, until my trial began, which lasted—

Q.—Now, by the way, where was Governor Steunenberg killed?

A.—At Caldwell.

Q.—What county?

A.—At Caldwell.

Q.—What county?

A.—Nampa County.

Q.—In what county were you tried?

A.—Ada County.

Q.—How did the case happen to be removed from Nampa County to Ada County? Who asked for the removal?

A.—I think the state.

Q.—By virtue of what law?

A.—A change of venue.

Q.—When was the law passed by which that change of venue was granted?

A.—That was an ex post facto law. It was passed after we were arrested.

Q.—Do you know of any other state that has a law which permits the prosecution to take a change of venue?

A.—I do not. There was another ex post facto law passed that gave the state as many challenges as the defense had.

Q.—You were represented in that case by Clarence Darrow and a man named Richardson?

A.—Yes, sir.

Q.—And other counsel?

A.—Yes, sir.

Q.—Your case was tried first?

A.—Yes, sir.

Q.—Resulting in what?

A.—An acquittal.

Q.—When you were—how long after the acquittal were you released?

A.—Right away.

Q.—And what did you then do, Mr. Haywood?

A.—Well, the first thing I did was to go to the hospital to see my mother, and then from there home to see an invalid wife. After I had visited the two I went to another hospital to see John H. Murphy, who was the attorney of the Western Federation of Miners, and after a few days, loaded them all aboard a train and returned to Denver; arrived on time, the first time the D. & R. G. had made time for many years—if ever—where I received a remarkable reception by the workers of the town—well, the citizens of the city, you might say. Many thousands of them at the depot, some of them to greet me and others through curiosity.

Q.—Let me ask you just in passing, you were once a candidate of Colorado?

A.—I ran for Governor of Colorado while I was in jail in Idaho.

Q.—Who proposed your candidacy?

A.—I was then a member of the Socialist Party. Nominated—

Q.—Did you solicit the nomination?

A.—No, but I accepted it.

Q.—Were you able to do anything in your own behalf?

A.—Not much.

Q.—Who were the candidates against you?

A.—There was—

Q.—Judge Benjamin Lindsay, for one?

A.—Well, the Kid Judge. By the way, I beat him by some thousand votes or more. There was, it seems to me it was Peabody and Adams.

Q.—Alva Adams and Governor Charles Peabody?

A.—Yes, but Alva Adams was unseated. And Peabody elected for twenty-four hours when he re-

signed—no, no, that is previous. Buthtell, I guess it was that was elected that time; Chancellor Buthtell. I was thinking of another election.

Q.—Buthtell?

A.—Yes.

Q.—Dean of the University of Nebraska?

A.—Yes, sir—of Colorado.

Q.—Of Colorado, I mean.

A.—Yes.

Q.—Now, I interrupted your story of your activities shortly following your release from the penitentiary or jail, at least, in Idaho.

A.—Well, after getting back home, in the very early days of August I came on here to Chicago on a speaking tour.

Q.—For whom?

A.—For Pettibone, that is, Pettibone and Moyer. Moyer had been released then on bail.

Q.—Now what arrangements were made for your compensation on that trip?

A.—Well, I got my usual stipend.

Q.—Your usual salary?

A.—Yes.

Q.—What part of the country did you cover?

A.—I spoke only in Chicago and Milwaukee at that time.

Q.—Where did you speak in Chicago?

A.—At Luna Park and Riverview Park.

Q.—How many people did you address in Riverview Park?

A.—There were 66,000 paid admissions.

Q.—And in Luna Park?

A.—45,000 paid admissions, and then they tore the fence down.

Q.—And in Milwaukee?

A.—37,000.

Q.—Mr. Haywood, did you at one time lecture as a matter of private occupation, for a short time?

A.—Well, I have not done much else.

Q.—In what portions of this country have you lectured?

A.—I have crossed the continent from coast to coast several times; crossed the Dominion of Canada from Friday Harbor to Sydney, Cape Breton Isle. I made two trips across the water. I have spoken in Norway, Denmark, Sweden, Scotland, Ireland, England, Wales, France, Italy.

Q.—What is the largest audience you ever addressed?

A.—Why, I think perhaps this one at Riverview Park. No, I had a bigger audience than that that time. It was at the Tower in London. There was no possibility of eliminating it. It was just a crowd—the street from one end to the other.

Q.—Do you recall a meeting you addressed on the Boston Common in behalf of the Lawrence strikers?

A.—Yes.

Q.—How many people did you address there?

A.—Why, I should say fifty or sixty thousand.

Q.—Have you any idea how many people you have addressed in your life?

A.—No. It would be hard to estimate.

Q.—What were you doing immediately prior to the Lawrence strike?

A.—I was on a lecture tour with the International Socialist Review.

Q.—How much did you make when you were lecturing as a private enterprise? How much could you make a week or a month?

A.—Well, with them I made \$50 a night and fifty per cent over a certain number of tickets sold.

Q.—What was your average monthly earnings at that line of work, each week or if it is easier to put it any other way?

A.—I should say for the short period that I was with them that it would average well over a thousand dollars a month.

Q.—You were engaged in doing that when the Lawrence strike occurred?

A.—Yes.

Q.—What did you do?

A.—Well, I was in New York City on the night that Joe Ettor got a telegram from Lawrence. By the way, I had debated that night with Morris Hilquitt. Ettor was not much inclined to go to Lawrence, but I coaxed him and insisted that he should go up there and help those strikers. But he went only with the assurance that I would come later if he thought I could be of help. I also insisted on Giovannitti going, and he was not much inclined to leave his sweetheart at that time, but she put in an oar with me and Giovannitti went to Lawrence also. I think it was about a week when I went up there myself on their solicitation, on the request from the strike committee.

Q.—You were at that time lecturing under the same arrangement?

A.—Yes, sir.

Q.—And you abandoned that?

A.—Yes, sir.

Q.—Did you get any compensation from any one about Lawrence?

A.—Well, not much; I had something like three or four hundred dollars in my pocket when I went up there, and I came away broke. The chairman of the strike committee, Billy Yates, he wrote me afterwards saying that they had entirely forgotten that I could possibly need something while there, so that while in Lawrence I really did not get much pay.

Q.—Now why did you go over there—give up lucrative employment, Mr. Haywood, and mix up in that strike?

A.—You might ask me why have I been mixed up in any of these strikes?

Q.—Well, all right. I will ask you that. Why have you?

A.—Because I have been very anxious to secure the condition, first of my own children and of other people's children, and I have had a dream about seeing the conditions of all working men improved, and a good position or a lucrative job did not seem to cut much figure with that, or as opposed to that idea.

Q.—Now what did you receive as salary when you were working for the Western Federation of Miners?

A.—I got \$170 a month.

Q.—What do you receive from the I. W. W.?

A.—\$28 a week now.

Q.—What is the most you have ever received from the I. W. W.?

A.—What is the most I have ever received from the I. W. W.?

Q.—You have ever received, weekly salary?

A.—\$28 a week.

Q.—\$28 a week. Do you think you could earn that much out lecturing?

A.—Oh, yes. I could earn many times that much.

Q.—What has been—

A.—I might say, Mr. Vanderveer, that when I first came out of jail I received some very flattering offers on the lecture field. I was offered \$7,000 for one week in Denver. I was offered \$15,000 for forty lectures in California. I was offered \$4,000 a week on the Star Circuit, Milwaukee and these theaters around here. I was offered quite a while later, \$300 a night from Redpath's. I could have made money. It was not a question of money.

Q.—Did you ever accept any of those?

A.—None of them at all.

Q.—In lieu of that you went lecturing for the defense of Moyer and Pettibone?

A.—Yes, sir.

Q.—At \$150 a month?

A.—And expenses.

Q.—Have you during the time that you have been general secretary-treasurer of the I. W. W. had any private source of income.

Have you done any work or accepted any compensation from anybody else than the organization?

A.—None of any kind.

Q.—When you went into Lawrence were you at any time during that trouble arrested?

A.—Yes, I was arrested.

Q.—How long were you in jail?

A.—I was not in jail.

Q.—At Paterson—you were connected with the Paterson strike?

A.—Yes. Maybe I had better tell you about this Lawrence strike.

Q.—Go ahead.

A.—I had gone somewhere on a little short speaking trip when I found that there was a warrant at Lawrence for me, and made arrangements with a committee by which I could attend this meeting on the Boston Common. And we managed, perhaps by a little audacity, to reach that meeting. We went direct to the state capitol, a place where they naturally would not look for me, perhaps, and from there down on to the Common, and as soon as I got into the crowd there was no possibility of any arrest by any force of policemen that they might have had. So I spoke, and after the meeting the crowd just broke away and I marched down to where I had left—or, rather where we had intended the automobile should be, and I stepped into the automobile of the officer and was taken to one of the stations in Boston. Arrangements were already made for bond in the event of my arrest. Fred Moore went along with me. I was released. I later appeared in a court in Lawrence where before one of the justices, when I was called up to plead whether I was guilty or not guilty, I told them that I was guilty of nothing except trying to get more bread and better conditions for the workers in Lawrence. Nothing further came of that trial.

Q.—That ended it?

A.—Yes.

Q.—You were connected with the Paterson strike, the silk weavers?

A.—I was at Paterson altogether close to six months.

Q.—Were you arrested there?

A.—Yes.

Q.—How long a time altogether did you spend in the jail there?

A.—I think it must have been about three weeks, but part of that was of my own volition.

Q.—Why?

A.—Well, bond had been prepared for me—that is, secured for me, but there were a number of other workers in jail, about between eighteen or nineteen hundred arrested during the Paterson strike. An appeal had been made for a writ of habeas corpus—

Q.—In your behalf?

A.—Yes, and I did not want to get out on bail until that habeas corpus had been acted upon, because it would mean my release and continued imprisonment of a number of others.

Q.—It would defeat the application as a test case?

A.—Yes. I was arrested on a charge of disorderly conduct.

Q.—And tried on that?

A.—Yes, I was tried on that and convicted.

Q.—Convicted?

A.—Yes, and sentenced to six months hard labor.

Q.—And appealed?

A.—Yes.

Q.—What did the appeal court say about your conviction?

A.—Well, the Appellate Court reversed the decision and in the course of its remarks said that I could not be held responsible because people had come to the Oval to hear me speak; or I could not be held responsible because I was an individual of some prominence that people wanted to look at. The officer testified that there was some noise on this Sunday afternoon. He said, "Well, the Salvation Army makes noise Sunday afternoon, and you don't arrest them." They said, "You would not arrest me if I was marching out of the city of Paterson, would you, and the case is dismissed."

Now, the fact of the matter was that I went there to speak at a baseball park on Sunday. In Paterson

there are no parks except this one open space where they play baseball; no parks for the children to play; in fact the children of Paterson don't play much. They are working in the factories and serving apprenticeships from the time they are 13 or 14. I was to speak in this ball park and when I arrived there was a tremendous crowd of people; there were about twenty thousand strikers in Paterson. The Lieutenant of Police who came down there told me that I would not be allowed to speak, so I said, "If you say so, I suppose that goes." The strikers got around and they said, "Well, what are we going to do?" Well, I said, "If we can't speak here we will go to Haledon." Haledon was a little town adjoining. Without further ado or without any other words to the police official, I started with the strikers for guides towards this little town of Haledon. And we were within a half a block of the city limits when I was arrested, with three others; arrested for trying to get out of town, I suppose. At least I was brought back and put in jail.

Q.—Now, how many times were you arrested during the Cripple Creek strike?

A.—I think only once during that time.

Q.—Only once?

A.—Yes.

Q.—How many times were you subjected to personal violence during the Cripple Creek strike?

A.—Well, no serious personal violence except once.

Q.—That was at the Denver depot?

A.—Yes.

Q.—What occurred then?

A.—Perhaps I had better precede that by telling you what I had done previously. I got out what we called the "Flag Poster." This was a large sized poster with a picture of the American flag and across the top, the question: "Is Colorado in America", and on each stripe inscribed an indictment of the Colorado government, you might say—of the state officials. I don't remember all of those indictments

but the first was: "Habeas Corpus denied in Colorado." "Free Speech Throttled in Colorado." Martial Law Declared in Colorado." Thirteen of those indictments. Under the flag at about where the staff would be I had a picture of Henry Maki, a Finn, who had been arrested in Telluride because he refused to clean out a cesspool, he was chained to a telegraph pole, handcuffed and left in the snow in a blizzard. Under that picture I had, "Under the folds of the American flag in Colorado." Along about the stripes of the flag—well, you have got a picture of the flag here.

Q.—Somewhere, yes—I was just wondering—

A.—It was with that Cripple Creek book that was there, taken out of the safe. The flag was taken out.

Q.—It is in the "Pinkerton Labor Spy"?

A.—Yes. You have got one there.

Well under the stripes, I had these words written: "If Old Glory has been desecrated it is by the Republican Governor of Colorado who has violated every principle for which it stands." Then an appeal to the workers of the country, urging that if they wanted to help break the chains of this man who is chained to the telegraph pole, and the chains of the other workers in Colorado, that they should send donations to the secretary-treasurer. Well, Moyer was arrested because his signature was on this flag. By the way, he was not in any way responsible for it. I drafted that flag and wrote every word that was on it myself. I got up one night at 2 o'clock.

Q.—What was the purpose of getting it up in this form? What was your idea?

A.—Well, the idea was this: As I said in these indictments, thirteen of them—every principle for which the American flag stood,—the entire Bill of Rights had been violated by the people who were supposed to uphold the American flag. I thought a good deal of the American flag at that time, and probably do much more than some others at this time, but what I wanted to do was to put this indictment on the emblem of freedom to show just how far

they had gone. It seemed to me that there was no more striking ornament than the American flag. Well, Moyer was arrested and taken to Telluride and held for some 110 days in the bull pen there.

Q.—For—

A.—For desecrating the flag.

Q.—For desecrating the flag?

A.—Yes. During that time an appeal had been made for a writ of habeas corpus and he was brought from Telluride to Denver.

Q.—By the way, do you remember the history of this habeas corpus proceedings in the Moyer case?

A.—Yes, I remember them. I know that the writ of habeas corpus was denied, and that he was taken back to Telluride, but when he was to arrive in Denver, I and the office force,—the stenographers and everybody around the office went down to the depot to meet him. By the way, I was under arrest then myself on the same charge, but I was out looking for bail, and I had a \$5 deputy with me and kept him with me all of the time.

Q.—You had yourself arrested, didn't you?

A.—Well, a friend swore out the warrant.

Q.—What was the purpose of that, Mr. Haywood?

A.—Well, that is so that I would not have to go to Telluride. This deputy was with me all of the time, eating with me and sleeping with me.

Q.—How much was your bail?

A.—\$300.

Q.—You could have gotten that any time?

A.—Oh, yes.

Q.—Well, why didn't you get it?

A.—Well, if I had been released on bail I could have been taken to Telluride.

Q.—So you had the deputy with you out looking for bail?

A.—Exactly.

Q.—For how long?

A.—Oh, I suppose a matter of thirty or forty days. So while this deputy was with me then I went

to the depot to meet Moyer. Well, there was a company of Denver soldiers—not soldiers, militiamen, at the depot, and there was another detachment with him, 12 of whom got off the train with Moyer and then, 12 more, and then Captain Wells.

Q.—Buckley Wells?

A.—Buckley Wells.

Q.—Who, by the way, is manager of one of the mines?

A.—“The Smuggler Union.”

Q.—Referred to in this report?

A.—Yes. When Moyer got off the train and walked along with these soldiers in front and behind, I walked up and shook hands with him. This Buckley Wells came running up and put his hands on either of our shoulders and pushed us apart. I turned around to see who it was and when I recognized this Buckley Wells, without thought, I struck him, and knocked him back into the soldiers that were behind. Then, each one of them in turn, some of them together, struck me. I might say that before that we had had a conference in the office of John H. Murphy, whom we called “Eight-Hour Murphy,” whereby it was agreed between Buckley Wells and other mine managers from Telluride that there would be no strike; that there would be no occasion for a strike in San Magill County; that they would return after this conference and adjust the wages. We made some concessions about how the wages should be adjusted—taking a little off this fellow and putting it onto the lower paid one, but it was thoroughly understood that the miners would not go on strike, and that the trouble would be settled in Telluride as soon as they got back. Well, instead of it being settled, they immediately called for the soldiers and the governor sent the troops there, and Buckley Wells was made a Captain. The first time I saw him afterwards was this instance at the depot, and when I looked in his eyes, I did not see the uniform or anything else, and just saw that he had violated that tacit agreement that we had entered into in Mur-

phy's office, and I just struck him. As I say, they then hammered me. The only trouble was there were too many of them or I would not have been here to tell the story. They knocked me in between the passenger coaches, and one of them pulled his gun down on me and was going to fire. It was then General Bell, or some one, knocked up his gun, and said, "Take him along with Moyer." We were marched up to the Oxford Hotel where one of the militiamen—he was known in the mining district there as Conroy Kid. He was a gunman proper. He had only been enlisted temporarily for that Colorado war. He said to me, "Sit down." I said, "I don't care to sit down." He reached for his gun, and as he did, I hit him. The rest of them all came rushing up until finally they got me back against the wall, and this Conroy Kid came running on the outside of the crowd and reached over and caught me a lick on the head. A shorter fellow with a gun caught me right in here (indicating) just where the breast plate fits on this bone. Quite a lump in evidence there that never will go down. That just faded me, practically knocked me out. Then, I was taken from there up to a room upstairs and when the union men of Denver began to mobilize and they said that the militia was never going to leave that city with me as a prisoner, and I guess it dawned upon Governor Peabody that they meant what they said. He sent word down to Ham Armstrong, Chief of Police, to come over to get me. So I was taken out of the hands of the militia through the instructions of E. F. Richardson, who was our attorney, then was placed in the County Jail at Denver to be held there until Richardson notified Armstrong that I could be released.

Q.—Now, in what strike of prominence with which you have been connected since the Cripple Creek strike have you not been either arrested or subjected to personal violence in consequence of your strike activities?

A.—Well, in Akron I was not arrested. I narrowly escaped it. When I arrived at Akron, when the

rubber workers were on strike, the chief of police—I venture to say about 150 or 200 deputies were at the depot to meet me. When I got off the train, a plainclothes man said, “Mr Haywood?” I said, “Yes.” He said, “The chief wants to see you.” I said, “Where is he?” “Right there.” I stepped over to the chief. “Now,” he said, “Mr. Haywood, I want to notify you that you are treading on very thin ice. There must be no inflammatory speeches while you are in our city.” He went on to say that there was a good deal of disturbance in connection with the strike, and I listened to him, and I said, “Have you a warrant for my arrest?” He said, “No.” “Well,” I said, “Step aside, I am going up to see the boys up on the hill just above. I am going up this way.” So I was not arrested in Akron.

Q.—Did you make any inflammatory speech?

A.—Oh, I never made any inflammatory speeches. I went to another place, I think—Little Falls where the textile workers were on strike, another place I was not arrested.

Q.—How many times have you been arrested for strike activities, or been subjected to personal violence for strike activities, Mr. Haywood?

A.—Well, I have not been arrested any times.

Q.—Have you ever been convicted on any charge?

A.—No, never convicted.

Q.—Now, do you like being arrested and thrown in jail?

A.—Do I like it?

Q.—Yes.

A.—No.

THE COURT: Nine o'clock tomorrow morning.

(Whereupon at 4:00 o'clock P. M., Court adjourned until 9:00 o'clock the following day, Saturday, August 10, 1918.)

Saturday, August 10, 1918, 9 o'clock A. M.

(Roll call of defendants: All answered “Present.”)

DIRECT EXAMINATION (Continued)

By Mr. Vanderveer:

Q.—Mr. Haywood, reference has been made dur-

ing the trial of this case to a provision of the constitution of the I. W. W.—to a clause in the constitution providing that soldiers, I believe, are not eligible to membership; I do not recall the exact language.

A.—Providing what?

Q.—That soldiers or members of militia or something.

A.—There is no such clause in the constitution.

Q.—I see. What has been the attitude of the organization on that matter, and why?

A.—I don't think the organization itself has ever taken any attitude in regard to soldiers; the unions and branches have.

Q.—And do you know of other labor organizations which do not or have not in the past, admitted militiamen or soldiers to their membership?

A.—Why, there are very many of them that refuse to admit a militiaman,—the United Mine Workers—

Q.—What is the reason?

A.—The reason lies in the fact that the militiamen have always been used to break strikes, have always been used against the working class.

Q.—And are militiamen regarded as wage workers within the meaning of your constitution?

A.—Militiamen as a rule are wage workers and mustered in a community from among the wage workers, and recognized, I think, among themselves, simply as a club, a dancing academy, or something of that kind.

Q.—I will ask you whether during—did you keep a file in your office of men expelled from the organization for various causes?

A.—Yes, we had such a file.

Q.—Was it an accurate, honest file?

A.—Well, it was a file of the action taken by the unions.

Q.—The various locals or branches?

A.—Yes.

Q.—And you got the information through correspondence with them, I presume?

A.—That is the only way.

Q.—And did you record that, that is what I am getting at, in a file in your office?

A.—Recorded it and reported it in the bulletins.

Q.—Now was the record of that matter—of those matters, an honest record? Did you keep an honest record of the people who were expelled and the reasons, or try to?

A.—Always on a card I think that was printed on the top: "Expelled member" and gave the reasons, the date, the union—I have a record here somewhere.

Q.—I understand. Was there any reason for doctoring that record?

A.—Not at all.

Q.—Making it untruthful?

A.—No, sir.

Q.—Was it seized by the United States Government in the raid?

A.—Yes, sir.

Q.—And as seized, was it the complete record of that matter?

A.—Oh, absolutely, no changes.

Q.—I show you a drawer from the filing case marked Defendants' Exhibit 427. Please look at it and tell the jury if that is the record you refer to?

A.—This is the record taken from headquarters and here are—

Q.—Where has it been since the 5th of last September?

A.—Here in the Federal Building, on the 8th floor, I suppose.

Q.—You saw 'it there last night and had it brought down here?

A.—Yes, sir.

Q.—Been in custody of the Department of Justice?

A.—Yes, sir.

Q.—Now I will ask you whether at any time after the outbreak, at least after the declaration of war by the United States, any member of the I. W. W.

was ever expelled for entering military service?

A.—I don't think there has ever been an instance since war was declared.

MR. VANDERVEER: I offer this record in evidence, your Honor, in proof of that fact.

(Record referred to was received in evidence and marked Defendants' Exhibit 427, and handed to the jury.)

A.—You will find in there records of members that have been expelled for joining the army or navy in other countries.

Q.—During that period?

A.—No, not since the United States went into the war.

Q.—Not since the United States went to war. Who brought that down to court this morning? One of the employees of the Department of Justice?

A.—Yes.

Q.—Have you at any time since the seizure by the Government, had it under your custody or control?

A.—Never. I want to say in connection with this question of expulsion, that no member who has been expelled for joining the army or navy of any country, has ever appealed to the executive board or the convention, so that they have never been tried except by the branches or unions,—never have been expelled by the organization. Mr. Vanderveer, last night when the court adjourned you will remember you left me in jail. You asked me if I had ever been convicted, and to that I replied no. Well, I have.

Q.—When and where was that?

A.—That was in the state of Washington.

Q.—And on what charge?

A.—Smoking a cigarette.

Q.—That was in North Yakima?

A.—That was in North Yakima, and also in Ellensburg.

Q.—Have you ever been convicted of any other offense?

A.—No, sir.

Q.—Ever been convicted of conspiring to incite

violence, or anything of that character?

A.—Never.

Q.—Or for any activity in connection with a strike?

A.—Never been convicted on any other offense.

Q.—Yesterday you testified about a flag upon which you had had printed thirteen indictments against the Colorado mine owners or against Colorado. Is this Defendants' Exhibit 428 a copy of that poster?

A.—Yes, sir.

MR. VANDERVEER: I offer this in evidence.

(Defendants' Exhibit 428 was received in evidence.)

MR. VANDERVEER: Q.—“Is Colorado in America,” Reading from the inscriptions on the stripes of the flag. “Martial Law declared in Colorado.” “Habeas Corpus suspended in Colorado.” What had that reference to?

A.—Well, that is the case of Charles H. Moyer and other appeals that we made for the writ of habeas corpus. It will be remembered that General Bell, Adjutant General Bell said: “To hell with habeas corpus. We will give them post mortems.”

Q.—“Free press throttled in Colorado.” What did that mean?

A.—It means that there were several papers that were put out of commission, for instance, the “Victor Record” was entered at night by a mob who destroyed the linotype machines and the stones on which they made up their forms, and scattered the type around, arrested the office force.

Q.—What, by the way, was done by the militia to the stores maintained in the strike district by the Western Federation?

A.—Well, there were a number of stores that were owned by the Western Federation, and they were totally demolished, put out of commission by the militia and the Citizens Alliance.

Q.—What were those stores used for?

A.—They were a medium of distributing relief to the strikers.

Q.—During the strike?

A.—During the strike.

Q.—And just in a word, what other properties did the Western Federation acquire, and what other efforts did it make to take care of the interests of its members and the strike?

A.—Well, in nearly every camp in the Cripple Creek district, we had a splendid hall usually with a room below and the hall above, which was their meeting place, and each hall was equipped with a fine library; for instance, in the Cripple Creek library there were 8,000 volumes.

Q.—What about hospitals?

A.—In Telluride they had a hospital that was erected by the Union at a cost of something over \$30,000, equipped in first-class shape as a hospital, with all modern convenient arrangements, and the Union provided for the doctor. This also in Silverton, where there was a \$30,000 hospital and the reason for having the hospitals was that previously the men who were injured in the mine or who were sick were taken care of, or it was said they were taken care of, by company doctors. The result was that they were butchered up and allowed to die or turned out crippled, so they went to work and arranged for their own hospitals.

Q.—And incurred this tremendous expense to get away from the Company Hospital?

A.—Well, that is true, not only of Colorado but throughout the jurisdiction.

Q.—On this subject of the suppression or throttling of the press, do you recall any action taken by—I don't know what they call it—the Association in Denver, what was that? The Citizens' Alliance of Colorado, do you know what that organization was?

A.—Yes.

Q.—Do you know any action taken by that organization to influence the attitude of the press in describing incidents of the strike?

A.—Well, while the strike was on, the Citizens' Alliance, which was composed of business men, poli-

ticians, lawyers, membership almost entirely other than the working class, they put a boycott on the Denver Times, the Denver News and badly crippled those newspapers on account of the fact that they were giving some space to the strikes that were then on in Colorado.

I might say in connection with that, that Senator Patterson was then the owner of the Rocky Mountain News and the Denver Times, and he was in Washington; the Mine Owners Association had introduced a resolution through Senator Scott of West Virginia. I appealed to Senator Patterson to know if he would introduce a reply for us,—the Senator from Colorado. He said yes, and we prepared a reply of some 28 or 30 thousand words, and sent it on. The Senator introduced that document in the Senate and had it published in the Congressional Record, and issued and distributed under his frank. There was but the change of one word of the manuscript as we sent it to him. We had referred to John Champion of Leadville as a liar. Champion was a friend of the Senator, and he wanted that word changed. He did change it, and as I say, had it printed and then telegraphed to me to have this document printed in the Sunday edition of the Rocky Mountain News.

I went up to see the managing editor, and he said, "It is impossible, it cannot be done, it cannot be set up." Well, I said, "We can probably arrange that." We had already set it up to run it in the Miners Magazine, and I said, if you can use the type we can furnish you with the type already set up. "Well," he said, "I will go down and see the foreman." He went down below and made arrangements with the foreman that the type would be set up later.

So they ran that entire article in the Sunday edition of the Rocky Mountain News, some eighty thousand circulation, and that is one of the reasons that the Citizens Alliance put a boycott on the press, on that particular paper in Colorado.

Q.—Just to refer back to the matter of this file

of discharged members, expelled members, I will ask you whether or not you have now in headquarters any cards which have been sent in by men joining the military or naval forces of the United States, over in the headquarters, in the various unions?

A.—I think there are two or three over there where the members have sent in their cards.

Q.—Two or three?

A.—Not more than that, I believe.

Q.—To be kept by them?

A.—Yes. These are to be kept by them until they come back from the war. A number of them are taking their cards with them and paying their dues in advance, and we have received some remittances from France to be applied on dues.

Q.—Have you applied them?

A.—Yes, sir.

MR. VANDERVEER: I want to read extracts from the second chapter of this Carroll D. Wright report, entitled "The Citizens Alliance of Colorado." I omit the introduction; the Constitution, Article 9, Section 1, the form of the application for membership shall be as follows:

(Reading.)

Are any of the proceedings of the Western Federation of Labor secrets?

A.—The Western Federation of Miners?

Q.—The Western Federation of Miners.

A.—We had executive sessions, yes.

Q.—Were their records secret?

A.—No.

Q.—Did they have any pledge of secrecy?

A.—We had a ritual.

Q.—Did they have a pledge, pledging the members to secrecy?

A.—No, not to secrecy.

Q.—Anything you had to keep secret?

A.—Nothing at all; we pledged the members to loyalty, and its ritual is in the hands of practically every Mine Owners' Association. I might say that one clause of it said: "This organization exacts noth-

ing that conflicts with the duty you owe to your God, your country or your fellowmen."

Q.—And anything secret in the I. W. W.?

A.—Everything is open, we have no ritual, no closed doors, no closed records.

MR. VANDERVEER: From a statement signed James C. Craig, president of the State Alliance, I read this: (Reading same to the jury.)

"Where interests are conflicting, it is self apparent that if one side be organized and the other be unorganized, the advantage will accrue to that side which is organized." Do you endorse that idea?

A.—I do.

Q.—Is that the reason you organized on industrial lines?

A.—Yes, sir.

MR. VANDERVEER (Reading continued):

"The Alliance and the Association alleged that the Federation was 'a socialistic and criminal organization' and therefore that their attitude towards it was justifiable."

Does that have a familiar sound, Mr. Haywood?

A.—Yes, I have heard that many, many times.

MR. VANDERVEER (Reading continued):

The Fourth stripe contains this indictment: "Bull pens for Union men in Colorado? What had that reference to?"

A.—Well, in Cripple Creek they used the armory for what I refer to there as a bullpen. They had over 1600 men imprisoned in that armory. There had also been bull pens at Leadville, on a previous occasion, in Cripple Creek and one at Telluride.

Q.—"Free speech denied in Colorado." What does that refer to?

A.—That means that in none of the strike districts were meetings of any kind allowed to be held. The halls were closed and picnics and entertainments were not permitted to be conducted. There was pretty generally throughout the state a campaign against free speech, and free assembly, and the reason for this action on the part of the Citizens'

Alliance was that they were afraid to allow the truth to be told.

Q.—“Soldiers defy the courts in Colorado.”

A.—That has particular reference to the occurrence in Cripple Creek when three men—

Q.—Victor Poole and some others?

A.—Sherman Parker and Kennison were held in the bullpen and were by the writs of habeas corpus brought into the court and the court room was surrounded by soldiers.

Q.—I will read that from here.

A.—All right.

MR. VANDERVEER: Reading from page 215 of the Government Report: “Suspension of the writ of habeas corpus.” (Reading)

Q.—Had the Governor of Colorado or governor of any state authority, as you understand it, to suspend the writ of habeas corpus?

A.—No, but Colorado was not working under the constitution then. You remember Major Thomas McClellan said, “To hell with the constitution.”

Q.—I see. Do you know where that authority is lodged, as you understand, where that authority to suspend the writ of habeas corpus was lodged by the constitution?

A.—I do not think there is any place where there is a right to suspend the writ of habeas corpus.

MR. VANDERVEER (Reading continued):

Q.—Now on the subject of deportations referred to in the “Citizens Alliance” chapter: (Reading continued.)

Mind you, this is in January.

Q.—What is the weather around Cripple Creek in January?

A.—Very bad, heavy snow, cold.

MR. VANDERVEER (Reading continued):

Q.—What honest and lawful pursuit was there around there?

A.—The miners were on strike.

Q.—Mining?

A.—The mining industry, yes.

Q.—They were given until that date to go to work in the mines?

A.—Yes, sir.

MR. VANDERVEER (Reading continued):

Q.—By the way, what came of that trial?

A.—Well, the men that were charged were acquitted and Tom Foster is now a member of the legislature in Arizona, one of the defendants.

Q.—And do you remember any disclosure about the employment of two Pinkerton detectives in connection with that incident?

MR. NEBEKER: What is that question? I didn't hear it.

MR. VANDERVEER: Q.—Do you remember any disclosures growing out of the trial, regarding the activities or connections of two Pinkerton detective agents with the wrecking of that?

MR. NEBEKER: This is objected to, if the Court please as immaterial.

MR. VANDERVEER: Well, the one just referred to here is the trial of some Western Federation officials on a charge of wrecking a train, attempting to wreck a train. Well, I withdraw it, it doesn't matter. I think that is all of that.

Q.—“Wholesale arrests without warrant in Colorado.” Some of the incidents I have been reading about?

A.—Yes, sir.

Q.—“Constitutional right to bear arms questioned in Colorado.”

A.—Well, that is explained by the fact that in the Cripple Creek District an order was issued that all of the miners should turn their arms over to the military authorities, and they visited the homes of all the workers gathered up whatever firearms they had.

Q.—Shot guns or anything else?

A.—Shot guns, six shooters, rifles, whatever they may have had in their possession. These were taken into charge by the military and almost immediately after began the deportations.

Q.—Was there any instance in which the miners, or any miner, used such arms during the strike?

A.—Yes, there was a crowd of the Citizens Alliance went to the house of George Seitz and he opened and returned fire on them; they shot through the door at his home and he probably killed two or three of them.

Q.—That was in his own home?

A.—In his own home.

Q.—Is that the only incident you recall?

A.—That is the only one.

Q.—Corporations corrupt and control administration in Colorado." That is the incident I referred to in connection with the Citizens Alliance?

A.—That is Governor Peabody and the Citizens Alliance.

Q.—"Right of fair, speedy and impartial trial abolished in Colorado."

A.—Well, the fact that there were hundreds of men arrested and hundreds deported, and you may say thousands held in this bullpen for months, is the reference there.

Q.—The foundation?

A.—The reference made in the statement there that a speedy, fair and impartial trial was abolished.

Q.—"Citizens Alliance resorts to mob law and violence in Colorado."

A.—I think that is evidenced by the white capers' outrages in every camp in Colorado.

Q.—"Militia hired to corporations to break the strike in Colorado." Who paid the militia?

A.—Well, the coal mining companies guaranteed the state certain stipulated sums, I think it is set forth there in that document; the cost of the militia in these several mimic wars amounted to considerably over a million dollars, which is found close to the back page there.

Q.—I have the cost. I will ask you whether or not during the strike there was one mine or more,—the Portland was it?

A.—Yes, the Portland.

Q.—Which employed Union men?

A.—Yes, the Portland mine.

Q.—What did the militia do to that mine?

A.—Closed it down.

Q.—Why?

A.—Because they hired union men. I might say in that connection—

Q.—I will just get that right here.

A.—Another feature, Mr. Vanderveer. There was a meeting held at Colorado Springs at which James Burns, the owner of the Portland mine, refused to enter into a contract for a reduction of wages. There was a conspiracy on the part of the mine operators of Cripple Creek to reduce wages and Jim Burns refused to become a party to it.

MR. VANDERVEER: Chapter 29. "Mines operated on Open Shop Principle closed by military authorities." (Reading.)

Q.—Was there any insurrection or rebellion there?

A.—None whatever.

Q.—Do you remember any humorous incident of a similar character that occurred where there was a declaration on the other side that there was no state of insurrection or rebellion?

A.—I don't recall what you mean.

Q.—That the miners were in peaceable possession?

A.—Yes. I mentioned that here yesterday.

Q.—You did mention it?

A.—Yes.

Q.—From the witness stand?

A.—That was Telluride.

Q.—I don't recall it.

A.—In Telluride the Governor sent a committee of Lieutenant-Governor Coates and Senator Buckley, they reported back that the mines were in peaceable possession of the miners.

Q.—Who was that Governor?

A.—That was Governor Orman.

Q.—Was there any—

A.—He refused to send the militia.

Q.—Was there any interference by the militia?

A.—By what?

Q.—Were the militia sent in?

A.—Oh, no, he refused to send the militia and the strike was soon adjusted.

MR. VANDERVEER (Continued Reading):

Q.—Had anybody been killed?

A.—I did not just catch that.

Q.—Had anybody been killed in Teller County?

A.—No, not at that time. What was the date there?

Q.—June 9, 1904. I am reading from General Sherman M. Bell's Proclamation reciting: (Reading.)

A.—Oh, that was all in Bell's imagination. There had been no one killed at that time but there were several during that strike.

Q.—Who were they?

A.—They were non-union men, mostly; there was the Independent explosion.

MR. VANDEVEER (Reading Continued):

Q.—The Independent Explosion is dealt with in here, isn't it?

A.—Yes, it is there.

Q.—And the causes of it?

A.—Yes, sir.

MR. VANDERVEER (Continued Reading):

"Militia hired to corporations to break the strike." I don't find that just now; I will locate it later.

At the bottom of this poster (Reading inscriptions on poster):

MR. VANDERVEER: Will you mark there?

(Photographs and documents marked Defendants' Exhibits 429 to 507 inclusive.)

THE COURT: Ten minutes recess.

(Whereupon a short recess was taken.)

THE COURT: Go ahead, gentlemen.

MR. VANDERVEER: Mr. Haywood, you were actively connected it appears, with the conduct of the strike at Lawrence?

A.—Yes, sir.

Q.—Also at Paterson?

A.—Acted in the capacity of Chairman of the Strike Committee a good deal of the time.

Q.—Also at Paterson?

A.—Yes, sir.

Q.—And also at Lowell, Massachusetts?

A.—I was at Lowell during the strike there.

Q.—What was the conduct of the strikers at Lawrence with reference to violence and destruction of property?

A.—The strikers at Lawrence committed absolutely no violence. There was no destruction of property whatever after the officials of the Industrial Workers of the World got on the job and very little previous to that.

Q.—What was the attitude of the I. W. W. and their officials on that subject?

A.—Well, we realized, of course, that if they would stand together, man to man, woman to woman, child to child, that they could not lose the strike, and in speaking to them I told them that what they wanted to do was to keep their hands in their pockets; when they had their hands in their pockets the capitalists could not get us there,—keep their hands folded. There was no occasion for any violence or any destruction. However, there was much violence on the part of the mill owners, which was committed by militiamen, by the police and deputy sheriffs. There was some three of the strikers killed, one of them Anna Lopezzi, who was killed by a policeman, and John Rami, a Syrian boy, a drummer, I think, in the Syrian Fife and Drum Corps stabbed by a militiaman with a bayonet.

Q.—Now, how was the strike at Paterson conducted?

A.—Practically in the same manner, only there was even more violence on the part of the police. There were no militiamen at Paterson but there were between 1800 and 1900 of the strikers arrested.

Q.—How many men were on strike at Paterson?

A.—Something over 30,000 men women and children.

Q.—How long did the strike last?

A.—Six months.

Q.—And do you remember what the Industrial Relations Commission found about the amount of damage done by the strikers?

A.—I remember they reported that there was no damage done by the strikers.

Q.—\$25. Do you remember that?

A.—Yes.

Q.—Now, was that an I. W. W. strike?

A.—Yes, sir.

Q.—Anybody else have anything to do with it?

A.—Not in the conduct of the strike.

Q.—Now, how about the strike at Lowell?

A.—Well, the same thing was true.

Q.—Was that an I. W. W. strike?

A.—Yes, sir.

Q.—Anybody else have anything to do with it?

A.—No, sir.

Q.—Conducted in the same way?

A.—In the same way.

Q.—I want to ask you, Mr. Haywood, if since the organization of the I. W. W. it has ever conducted a single strike where it has been characterized by acts of violence on the part of the strikers—on the part of its members?

A.—There never has been, to my knowledge, any effort on the part of the Industrial Workers of the World to advocate violence to the strikers, or for that matter on the part of the strikers to commit violence. You see we are organized differently than the craft union. The Industrial Union takes in every man, woman and child employed in the industry and when the industries are closed down there is small chance or occasion for violence. There are no scabs going to work, and there we had a mass picket line. The strikers were all out at Lawrence in the morning; I have often seen 15,000 pickets marching up and

down in front of the mill, protecting what they believed to be their jobs.

Q.—Do you remember an article which I read about the Lowell strike relating to an incident in connection with the strike where the companies had a flag-raising ceremony and sought to get the strikers to go back to work on the play of patriotism?

A.—I remember that incident; I was not there at that time.

Q.—What had been the attitude of the men in the strikes towards the flag and towards patriotic obligations?

A.—Well, at Lawrence the strikers always carried the flag and you have pictures there—

Q.—Yes, I know.

A.—Of the leaders with four or five, or six big flags at the head of the parades. There was later a demonstration on the part of the mill owners in which they paraded the strikers' children, where they attempted to place the organization in bad so far as the flag was concerned.

Q.—Will you give me the numbers of these exhibits; I would offer them collectively.

MR. VANDERVEER: I offer Exhibits 429 to 507, consisting of a number of photographs, one affidavit, one club, three manuscript statements, all bearing evidence on their face that they were taken from various offices of the I. W. W., nearly all the Chicago office, in the raids of September 5th.

MR. NEBEKER: If the Court please, an offer has been made of a number of exhibits, some photographs and some statements with a club. Where is the club, please? Where is the club, please? Including this club.

MR. VANDERVEER: Well, for the present I will exclude that club.

MR. NEBEKER: From which was detached a wooden shoe; that was a part of it when it was brought into this court room this morning.

THE COURT: Give me the shoe and the club.

MR. VANDERVEER: Well, it was attached by

somebody else; I don't know for what reason, it doesn't make any difference; I will prove that by the man who had it; somebody, I don't know, for convenience or facetiously, attached the wooden shoe to it.

MR. NEBEKER: I know who detached it.

MR. VANDERVEER: There is no question about who detached it. I detached it; I don't care anything about the wooden shoe. You may introduce a bushel of these if you want to; I don't object.

MR. NEBEKER: All I want is that the exhibit be introduced in the condition it was when counsel got it, that is all.

MR. VANDERVEER: All I want is the condition in which it was originally taken from us.

THE COURT: Is there any proof before me whether the gavel at the time it was brought here was barefooted or had on a shoe.

MR. VANDERVEER: No, I don't think there is any; I will put some in, if this issue is sufficient to justify it.

(Defendants Exhibit 429 to 507, received in evidence.)

Q.—I show you Exhibit Number 480, is that one of the photographs you referred to?

A.—Yes, sir.

Q.—What is it?

A.—This is a picture showing a mass parade with strikers in Lawrence, Massachusetts, and the strikers having the American flag at the front of the parade. They are being stopped by a company of militia who are having their bayonets jabbed into the folds of the flag.

Q.—Now, Mr. Haywood, just to cover this in general, you have examined all these photographs I have here?

A.—Yes.

Q.—And helped me select them?

A.—Yes.

Q.—Are they all honest photographs?

A.—I think so.

Q.—So far as you know, anyway. There are none of them faked or posed?

A.—Oh, these particular photographs were taken from my valise, the ones that I got while I was in Lawrence.

MR. NEBEKER: Let me see them.

MR. VANDERVEER: Each one bears the stamp; I would like to show them to the jury.

THE COURT: We had better take another recess.

MR. VANDERVEER: I am ready to go ahead.

Q.—What is this photograph, Mr. Haywood?

A.—That is a photograph of a parade at the time I arrived in Lawrence.

Q.—Is that in the condition in which it was taken from you?

A.—No, sir; there was a picture of myself here and one of myself here (Indicating).

Q.—Which have been taken out?

A.—Which have been taken out.

Q.—Since the government took it?

A.—Yes, sir.

Q.—Where was this photograph at? Lawrence?

A.—At Lawrence, yes.

MR. NEBEKER: Just a moment; what was that last answer?

(Record read.)

MR. NEBEKER: What is the idea, who cut it out?

MR. VANDERVEER: I haven't the remotest idea who did. You would be more likely to know that than I.

A.—I don't know; it was there when it was taken.

MR. VANDERVEER: 479: Merely a strike incident in the strike?

A.—Yes.

Q.—468?

A.—This is a picture of the Ipswich strike.

Q.—Ipswich strike. What are the goods stacked up there, what do they represent?

A.—They are the small belongings that the strikers piled out on the street.

MR. VANDEVEER: I read this attached memorandum.

(Reading.)

Number 478: "Latest Lawrence, Massachusetts strike parade. Police stopping parade, September 20th.

Number 477: Lawrence strike. Children appealing their hunger at public food station.

476 I assume is just a strike incident, the arrest of a striker?

A.—That is all.

472: Striker's family.

471: Members of G-company cleaning their rifles in the shipping room of the Lower Pacific Mills, Lawrence?

A.—Yes, sir.

Q.—469: "Head of a Typical Parade."

467: "Meeting of child strikers."

Where was that?

A.—This was in the Turn Hall at Paterson.

Q.—Is that your photograph in the center?

A.—Yes, sir.

Q.—And the lady below and to your right?

A.—Elizabeth Gurley Flynn.

Q.—Elizabeth Gurley Flynn, another defendant.

466: "Represents feeding strike kiddies." Paterson?

A.—Yes, sir; yes, that is Paterson.

Q.—Elizabeth Gurley Flynn and Big Bill Haywood leading strikers' children to City Hall, Paterson."

What is the purpose of this, leading them to the City Hall?

A.—Well, the Mayor of Paterson said that children would be fed by the city, the strikers' children. We took a contingent of the kiddies up to the City Hall and no arrangements had been made to take care of them, so we sent them to strike parents in New York City.

Q.—You seem to have genuine concern for the children, Mr. Haywood?

A.—Well, the children was what I was more concerned about than anything else.

Q.—Is it camouflage only here in this court?

A.—No, sir.

Q.—463, (Reading inscription.)
459?

A.—This is a picture of the woolen mills at Lawrence, Massachusetts, and it shows the streams of water, some of which were hot, turned on the strikers, as they were attempting to cross the bridge.

Q.—Streams of hot water you say?

A.—Yes, sir.

Q.—Turned on the strikers?

A.—Yes, sir.

Q.—458: "Arrival of President Haywood at the station."

Where?

A.—This was at Lawrence, Massachusetts.

Q.—Lawrence?

A.—That is a committee; you will see Giovannitti right behind me there.

Q.—Yes, Mr. Giovannitti's picture and Mr. Haywood's picture (Handing to jury).

Number 457 represents what?

A.—This was a meeting of the strikers on the Common.

Q.—At Lawrence?

A.—At Lawrence, when they were taking a vote on calling off the strike.

Q.—Was a vote taken at that meeting?

A.—Yes, they voted in groups by nationalities when the demands had been granted.

Q.—You again are speaking where the arrow is?

A.—That is up in the stand.

Q.—Number 452: Paterson strikers' pageant at Madison Square Garden, pictures in front of factory. That is a reproduction, is it not, of incidents in the Paterson strike?

A.—Well, this is a pageant that we put on in

Madison Square Garden in New York City.

Q.—For what purpose?

A.—First to raise funds.

Q.—For whom?

A.—For the strikers at Paterson, and this pageant was shown by the strikers themselves. Over a thousand strikers from Paterson went to New York and put on this wonderful Pageant.

Q.—How many nights was that produced?

A.—One.

Q.—Only one?

A.—Only one.

Q.—How many people attended?

A.—The Madison Square Garden was packed to capacity; and it seats 12,000.

Q.—Did you take part in the pageant?

A.—I spoke.

Q.—You took part in the pageant?

A.—Well, I took part in the pageant; the idea was to present the scenes of the strike at Paterson; I might describe this to you briefly.

Q.—Go ahead.

A.—The first scene shows the mills alive, the lights in all of them; you will see this scenery shows—I have forgotten just what that mill is in Paterson now.

Q.—Was it the same mill shown in one of these other photographs?

A.—Yes, I will remember it in just a moment. This mill is largely owned by Japanese stockholders. This scene was produced at a cost of \$700. We paid \$1000 rent for that hall, and \$600 for the erection of the stage.

The first scene showed the mills alive, lights shining from all the windows and the strikers coming down the center aisle which was converted into a street and they all went into the mills.

After a lapse of what was intended for say three hours, a call came from the mills, "Strike" and all of the workers began rushing out of the mills and down through this center aisle.

The next scene showed the mills dead and the strikers alive. This is the picture here showing the strikers moving around in front of the mills.

The next scene showed an onslaught by the police where one of the strikers was killed, and the next the funeral cortege of the striker. The parade, or procession, funeral procession again marching down the center aisle and speeches being delivered by Tresca, Miss Flynn and myself; and the next showing a holiday scene on Slate Mountain, where all of the strikers were gathered and where arrangements were made for the turning of the children over from the strikers themselves to their strike parents, as we called them, in New York City, and the final scene was myself addressing all of the strikers, whose backs were then turned to the audience, representative of a strike meeting in Turn Hall in Paterson, at which I described this wonderful pageant that had just then taken place in the Madison Square Garden in New York.

You asked me how many people attended this. The queue lines after the Garden was packed, was in one instance 28 blocks long, and no telling how big a crowd there was at all.

Q.—Here is 475, what is left of it; it was a big circular gotten out for strike funds at Providence?

A.—No, sir; not at Providence; this was at Lawrence.

Q.—At Lawrence, I mean.

A.—And this was perhaps that wide, (Indicating), with a heading on top and notice on the bottom.

Q.—And the photographs are photographs of incidents?

A.—Actual incidents.

Q.—441 is what?

A.—This is a picture of the Joe Hill funeral here in Chicago.

MR. VANDERVEER: Well, that is out of place. 446: Rear view of strikers' families.

A.—Little Falls.

Q.—Little Falls, Massachusetts?

A.—No, New York.

Q.—New York is that? My geography is worse than Porter's.

432: Is that a strike incident?

A.—Yes.

Q.—At what strike?

A.—At Lawrence.

Q.—At Lawrence. 434: Crowd at the side entrance of the Washington Mill's office, trying to get in and get their pay.

453 seems to be a dinner of some kiddies.

A.—This is a picture of a banquet of I. W. W. kiddies at New Bedford, Massachusetts.

Q.—In connection with any strike there?

A.—No, that is just when there was not any strike.

Q.—When there was not any strike. Who gave them the dinner?

A.—They provided it themselves.

Q.—Provided it themselves. You never hear of anybody giving the I. W. W. kiddies any dinner?

A.—You never hear of anybody giving the I. W. W. kiddies any dinner.

MR. VANDERVEER: These are just some logging pictures. I don't know whether they will interest you specially. (Handing to jury.)

Q.—Is this 430 a photograph issued in connection with the Spokane free speech fight?

A.—Yes, sir.

Q.—Miss Flynn's picture in the insert here?

A.—In the corner there (Indicating).

MR. VANDERVEER: I will read it to you to save you the trouble of doing it twelve times. (Reading Defendants' Exhibit 430 and handing to jury.)

Q.—Number 455 is what?

A.—This is a picture of the shirt-waist makers at the Triangle fire which occurred in New York City.

Mr. Vanderveer, in that same connection, with this picture, the loss of many lives at that time was

due to the fact that the doors to the factory opened inward.

Q.—Instead of outward as the state law required?

A.—And they were locked to keep the girls, as they claimed from carrying out thread and pieces of cloth,—a spool of thread,—before they were searched.

Q.—I show you four photographs—rather, six photographs marked 487, 488, 489, 490, 491 and 492, respectively. What do those photographs show?

A.—These are photographs of the bodies of the men who were killed on the “Verona.”

Q.—At Everett?

A.—At Everett.

Q.—On Bloody Sunday, November 5, 1916?

A.—Yes, that is right.

Q.—The names are there. Now, why have you treasured these gruesome things, Mr. Haywood?

A.—While they are gruesome, I do not—

Q.—Well, these are men who have given their lives for the cause of Industrial Unionism.

MR. VANDERVEER: (Reading inscriptions on photographs.)

A.—I used these cuts, Mr. Vanderveer, in a book they have just published, the Everett Massacre, the Class Struggle in the Lumber Industry.

Q.—How many men were killed there altogether, of our boys?

A.—Five, I think.

Q.—Five. Now, I want to show you Defendants' Exhibit 435, 436 and 437, which are merely photographs of the office, general headquarters and publishing bureau?

A.—And print shop.

Q.—474: “Late at night; family making garters; New York.”

445: “The biggest union raid since Cripple Creek, 262 I. W. W. miners shown in the County Jail at Scranton, Pennsylvania.”

Is that one of the raids by one of the men who

was on the stand here for the government?

A.—Yes. You remember, what do they call them,—the state constabulary; we usually refer to them as the Pennsylvania Cossacks, who testified here and Sheriff Buss also.

Q.—What is the building, do you know?

A.—That is the County Court House at Scranton.

Q.—439, 443, 444, 447, 438 and 448, see if they are all photographs of various incidents connected with Joe Hill's funeral?

A.—These are all photographs showing different views of Joe Hill's funeral, save one.

Q.—Well, take that one out.

A.—Joe Hill was cremated at Graceland Cemetery at his request, as read in his last will, and this one picture is showing a small group of I. W. W.'s distributing his ashes on the lake front.

Q.—439 you refer to?

A.—Yes, sir.

Q.—And 44 to 442 inclusive are other photographs of portions of his funeral parade?

Exhibit 504, photograph of Frank H. Little.

A.—Yes, sir.

Q.—Now deceased, and a letter attached—a certificate attached relating to his injuries?

A.—Those are doctors' certificates. He was badly beaten up.

Q.—Another photograph of Frank H. Little, Defendants' Exhibit 495.

THE COURT: I don't want to interfere with your proceedings here, but just how does this help it along in this case?

MR. VANDERVEER: Nothing at all that can show a strike more graphically or more naturally than pictures.

THE COURT: Is this a strike picture of Little?

THE WITNESS: Yes, sir; a picture taken where Little went to a strike. That is the treatment that he received.

THE COURT: I did not get the point.

MR. VANDERVEER: Q.—What is the photo-

graph? You might tell the jury more about it.

A.—It might be well to read this.

Q.—Well, I will do that, but you tell the incident connected.

A.—I don't recall this particular incident.

MR. VANDERVEER: Well, then I will read this.
(Reads exhibit referred to to the jury.)

Q.—This is another doctor's certificate relating to the wounds, and then a photograph of Little. One as God made him and the other as somebody else made him. Exhibit 494.

A.—This is a picture of the body of Frank Little.

Q.—What are the scars on the knees and shoulders supposed to indicate?

MR. NEBEKER: This is objected to as a conclusion.

MR. VANDERVEER: Q.—What is your information and when did you receive that?

A.—I received this after Frank Little was hung in Butte, Montana.

Q.—Before the raid obviously? It was taken in the raid?

A.—Oh, certainly.

Q.—What is the information about the scars on his knees,—the wounds, rather on his shoulder?

A.—Well, it is said that they were caused by him being dragged back of an automobile.

Q.—Behind an automobile. This is an affidavit (Handing witness document)?

A.—This is an affidavit of Frank, of the treatment that he received in Michigan.

MR. NEBEKER: Let me see that, will you, Mr. Vanderveer?

MR. VANDERVEER: Yes. I will withdraw Exhibits 493 and 496.

I want to read this Exhibit 433.

(Reads Exhibit 433 to the jury.)

MR. VANDERVEER: Q.—Now, Mr. Haywood, I show you two—who is Lieutenant Linderfeldt?

A.—He was Lieutenant of the militia in Colorado

at the time of the coal miners' strike in 1914.

Q.—How did he get in the militia?

A.—Recruiting as they do on many occasions, from roughs and toughs.

Q.—And is he a man who was referred to in the Industrial Relations Commission report as a man who committed murders there?

A.—Yes, sir.

Q.—Lieutenant Linderfeldt, Colorado, Exhibit 462?

A.—Yes, sir.

(Mr. Vanderveer reads same to the jury.)

Q.—Now, Exhibit 461 is just what it purports to be: "Mine guard about to shoot from cover of debris." Where was that?

A.—Colorado.

Q.—And this photograph of men on top of box cars?

A.—Colorado.

Q.—Colorado?

A.—Yes, sir.

Q.—In what strikes did these incidents occur?

A.—The coal miners' strike.

Q.—Ludlow?

A.—Yes, this particular incident was at Ludlow.

MR. VANDERVEER: "Coal mine strike, Denver Times. Soldiers manipulating machine guns." Where is this?

A.—This is at Ludlow.

MR. VANDERVEER: This is Defendants' Exhibit 454. (Reads same to the jury.)

Q.—Exhibit 473?

A.—That is a picture from Globe.

Q.—A picture from Globe. Showing what—Globe, Arizona, the gunmen on horseback in the foreground.

Q.—Gunmen on horseback, and what building?

A.—That is one of the government buildings.

Q.—Exhibit 464 is apparently a picture of the meeting?

A.—That is the picture of the meeting I told you

about yesterday.

Q.—At the London Tower?

A.—Yes.

Q.—Which you addressed?

A.—Yes.

Q.—Exhibit 470: "Pennsylvania Cossacks patrolling the streets of McKees Rocks." (Hands same to the jury.)

You remember an article that some reference has been made to a strike occurring in the Calumet and Hecla mining district of Michigan in 19—

A.—I do, I remember that there was some reference to it.

Q.—1915, was that?

A.—That was 1913, if I remember rightly.

Q.—What is Exhibit 451?

A.—This is evidently a camp of militiamen. I do not know.

Q.—You do not know it otherwise?

A.—No.

Q.—"C. and H. No. 5 shaft." Is that Calumet and Hecla?

A.—Yes.

Q.—"Under guard, Hancock strike." Where is Hancock?

A.—In Michigan.

Q.—Do you recall the incident of a fire on Christmas Eve during the Calumet-Hecla strike?

A.—I have read of it and been told of it.

Q.—Just in brief tell us what it was.

A.—There was a Christmas celebration and a Christmas tree arranged for children and while the celebration was in progress and the presents about to be distributed, some one in the hall shouted "fire." The children all made a rush to the door, resulting in a jam, and some ninety of them, I think, were trampled and smothered to death.

Q.—Who was it that shouted "fire"?

A.—It is said that it was one of the thugs of the mining company.

Q.—Now, I want to show you four photographs

numbered respectively 497, 498, 499 and 501. What do those show? Also 500.

A.—Well, this one is not of Calumet—yes, it is too. These pictures show the coffins and funeral procession and the long trench where the bodies were buried.

Q.—And 502?

MR. NEBEKER: Is this connected with this strike?

MR. VANDERVEER: Yes, sir.

MR. NEBEKER: Q.—Of any I. W. W. activities?

MR. VANDERVEER: The Calumet-Hecla strike in 1913.

The pictures entitled "Funeral of the victims of the Calumet catastrophe in which 74 lost their lives." (Hands same to the jury.) Three pictures of the graves.

A.—This is a picture of the bodies of two adults and a baby; a man and woman and baby.

MR. VANDERVEER: Some more of the victims of that same. Exhibit 431.

A.—This is a photograph of Joseph Smith, one of the defendants here, and Carlo Tresca, also one of the defendants.

Q.—One of the defendants?

A.—Yes, and the family of Aller, John Aller.

Q.—John Aller?

A.—The man who was murdered on the Mesaba Range in Minnesota. They were taking up a collection and were giving it to his wife.

(Mr. Vanderveer hands exhibit referred to to the jury.)

Q.—Now, do you believe there is a class war, Mr. Haywood?

A.—Yes, sir; I do.

MR. NEBEKER: Objected to as a repetition, if the Court please. Counsel says now after examining this defendant on the point at great length: "Do you think now that there is a class war?"

MR. VANDERVEER: I did not say "do you think now." I said: "Do you believe there is a class war."

MR. NEBEKER: Now, of course, that question is a repetition, and a re-repetition.

THE COURT: Overruled.

MR. NEBEKER: I would like to make the suggestion that I would be very glad to have the Court read this exhibit.

MR. VANDERVEER: Read what?

MR. NEBEKER: This exhibit number—your exhibit that you put in evidence here yesterday. I would like particularly to call the Court's attention to pages 76, 78, 79, 118, 153, 174, 189, 175, 192, 252, 253 and 272.

MR. VANDERVEER: Counsel knows that he may read as much of that book, as far as I am concerned, as he wants to, either in private, or to the Court, or to the jury.

MR. NEBEKER: I know at the same time, for the Court's information, particularly, I make the suggestion, of course that I would like to have the jury read the same exhibit. I will not take the time to read it here.

MR. VANDERVEER: I will be very glad to have the jury read it all, if you want to, I mean.

THE COURT: Go ahead with something else that somebody does want in.

MR. VANDERVEER: Q.—Now, Mr. Haywood, I want to show you four envelopes, which I just happen to have in my possession now. Do you know what those are?

A.—Well, one of them here speaks for itself. It has the return stamp on of the third floor, 1001 West Madison street.

Q.—How many of those things have come to your attention during the last—well, during the pendency of this case and the defense of this case?

A.—I have at this time in the safe over at the office, at least a dozen, and also half as many or more register return cards of letters that were mailed as early as last February.

Q.—And never delivered?

A.—Never delivered. The post mark is "Chi-

cago' on the 21st, 27th, 28th or 29th of July.

Q.—Do you recall a bunch of pamphlets which were once gotten out by the defense committee and sent by express—the American Express Company here in little folders, about six or seven pamphlets, perhaps?

A.—Sent out in packages?

Q.—Yes.

A.—To Butte?

A.—Yes, sir.

Q.—How many of those were there?

A.—I think there were 375 pounds as I remember it.

Q.—375 pounds?

A.—Yes, sir.

Q.—Well, what happened to those?

MR. NEBEKER: Let me call the Court's attention to the fact that this is not the activities of this defendant with respect to some mail or express packages that evidently were sent out since the indictment in this case.

MR. VANDERVEER: Yes, sir; we want to show—

THE COURT: Objection overruled. Go ahead.

MR. VANDERVEER: Q.—You were informed why these were not delivered?

A.—They were not delivered on account—

MR. NEBEKER: Objected to if the Court please. I object as hearsay unless it is shown that the evidence is competent. It cannot be anything that could have actuated this defendant during the period of the indictment at least. If the purpose is to ascertain what was done with respect to interference with mail or express packages, then the Court wants competent evidence. It makes no difference what his information was unless the information is competent.

MR. VANDERVEER: We will bring the manager of the American Express Company here then, to show why and by whom—

MR. VANDERVEER: Q.—Do you know why the literature was stopped?

A.—I saw a receipt on which a statement was written—

Q.—You say a receipt on which a statement was written?

A.—Yes, a receipt that I signed.

Q.—By whom—pardon me.

A.—A receipt that I signed when the packages were returned. It said: "These packages were not delivered on account of orders issued by the government."

MR. NEBEKER: Where is that receipt. I would just like to have the exact wording of it?

A.—It is in possession of the American Express Company. I signed this receipt when the packages were returned.

Q.—You did not keep a duplicate?

A.—No, I did not. It was signed—this notation was by the company, when the messenger delivered it.

MR. NEBEKER: Have you got copies of the inserts?

MR. VANDERVEER: You bet, and I am going to bring them.

Q.—You still can get copies of the literature that was held up?

A.—Why, I think there will be no trouble to find what kind of literature it was, from the copies.

Q.—I wish you would bring one of those Monday morning—at least one set.

I wish you would tell the jury now in a general way, without going too much into detail, what plan was adopted to finance the defense of this case, and what, if any interruption or interference the government offered?

A.—Well, early last September, when the raids were made all over the country on the I. W. W. headquarters, the Industrial Union offices and the recruiting unions, several arrests were made and it was determined to organize a defense committee. Herbert Mahler, and C. E. Payne, were brought on from Seattle. Mahler to act as secretary-treasurer and

Payne as publicity man of the Defense Committee. The purpose being to arouse as much sentiment and as much publicity as possible, and to raise funds for the men who were arrested, and who it seemed at that time were likely to be arrested. On the 28th of September, as you gentlemen now well know, many arrests were made, not only of these 166 defendants who were charged in the indictment here, but I think it would be no exaggeration to say that a thousand other men in different towns throughout the country were thrown in jail. They were either charged with some crime or without any warrant at all—

MR. NEBEKER: I object, if the Court please, as being incompetent and hearsy, and a conclusion. I make the suggestion that it no longer is a question of what information has come to this man because that is not material or relevant any longer, and if it is for the Court—the purpose of informing the Court as to some matter since the time the indictment was returned, then it must be by competent evidence.

THE COURT: Overruled.

A.—After the arrest a defense committee was organized. Now, you understand that there is no German gold received by this organization, and no means of providing the membership of the organization a defense,—a proper defense, to which every man is entitled, except what comes in the way of donations; voluntary assessments and what little remainder there may be left from the treasury. This committee organized as they were here in the city of Chicago, proceeded to get out bulletins, notices of different kinds to the Socialist locals, to the Unions of the American Federation of Labor, to the Radical Press of the country, and to, of course, the entire membership of the Industrial Workers of the World. In doing this they used the print shop, the mimeograph machines that we have at headquarters and circulated many bulletins and documents setting forth as clearly as they could the facts in this case. Now, the report has come to us that there were 300 sacks of mail held here in Chicago. The mail has

also been interfered with at its point of destination, and the general result has been that the funds of the organization have been reduced almost to a minimum, so at the present time there is scarcely sufficient funds in the organization to see this trial through. This has been accomplished before the law that authorized the Post Master General to inspect any mail that he saw fit. It would occur to me that an interference—

MR. NEBEKER: Is this answering a question? I object to it as an argument and not in answer to any question.

MR. VANDERVEER: Q.—In how many places were defense committees established, Mr. Haywood, as a medium for the distribution of defense literature and for the collection of defense funds?

A.—Well, in almost every town or city where we had a recruiting union or industrial union, beginning at Boston, New York, Brooklyn, Pittsburgh, Cleveland, Duluth, Detroit, and, of course, one here in Chicago, Toledo, Minneapolis, Sioux City Omaha,—I think a defense committee in Denver. One in Los Angeles, San Francisco, Portland, Seattle, but in all of these places—

Q.—Now, where is your membership largest, and where did you ordinarily expect to get your greatest contributions?

A.—In the Northwest.

Q.—In how many places in the Northwest or the West have the defense committees been allowed to function?

A.—Well, the defense offices and the offices of the organization have been closed up, in, I think it is almost safe to say, every town of the Northwest. Spokane, and Seattle,—the defense committees have been arrested and thrown into prison; held for indefinite terms. In the city of Seattle there has while this defense has been going on, over, I should say, 500 members been arrested; the secretaries of the defense committees and the moneys of the defense committees tied up.

Q.—To what extent, or how much in Seattle?

A.—There is \$6,000 that James O'Bryan had alone.

Q.—Have you been able to get that money?

A.—Not that money.

Q.—Now, how about Oakland, San Francisco and Sacramento?

A.—Well, the same conditions exist there. Let me say Mr. Vanderveer, that in Seattle there was a picnic just the other day, and when the boat returned to Seattle every man on the boat was met at the wharf by officials, and their cards examined. Every man who had a day's wage stamp, which had been issued in sums of 3, 4, 5 and 6 dollars, and distributed for sale throughout the organization—these are voluntary—70 men who had these day's wage stamps in their books were arrested and are now in jail.

Q.—Do you know Hinton G. Clabaugh?

A.—Yes, sir.

Q.—Do you know his connection with the Department of Justice here?

A.—Superintendent of this district.

Q.—Were these photographs, letters and correspondence from your office taken in a search warrant proceeding?

A.—Yes, sir.

MR. VANDERVEER: It is admitted in the record already that they were taken on this affidavit which I now wish to read to the jury.

MR. NEBEKER: Objected to as immaterial and irrelevant.

THE COURT: What is the pertinency of this.

MR. VANDERVEER: To show your Honor that these photographs, which, among other things we have just introduced, were taken on the allegation of Hinton G. Clabaugh, Special Agent of the Department of Justice, wherein he swore on his oath that they had been used to commit a felony; to show how the Department of Justice has conducted this case.

THE COURT: Just what light will that give these twelve men on the charge of this case?

MR. VANDERVEER: It justifies a question as to the correctness of President Wilson's statement that there are powers behind the government—

THE COURT: Oh, objection sustained, if that is the theory. Objection sustained.

MR. VANDERVEER: We would like to show the method of the prosecution, of course. They would not hesitate to show ours if there was any to show.

THE COURT: Sir?

MR. VANDERVEER: I say we want to show the methods of the prosecution. They would be permitted to show ours if there were anything to show. I think it is quite as material—

MR. NEBEKER: We have not attempted to show anything on the part of this defense.

MR. VANDERVEER: But counsel knows that he has a right—

MR. NEBEKER: Since the finding of this indictment.

MR. VANDERVEER: Counsel knows he has the right to show anything in the world in connection with the defense of this case which can have any bearing.

THE COURT: Now, here is an affidavit made by Clabaugh.

MR. VANDERVEER: Yes.

THE COURT: That he has received—I assume it is like these others—that he has received and does believe that at certain places there are this, that and the other thing used by the various defendants in the commission of a felony. On that a judicial officer issued a warrant. With that warrant the United States Marshal went to the premises and got among other things, these photographs. Is that the situation?

MR. VANDERVEER: That is the situation.

THE COURT: Well, read the affidavit.

MR. NEBEKER: Well, let me just say, your Honor, before your Honor passes on that, that it is contended, and contended in all seriousness in this case, that these photographs were used in the com-

mission of these felonies. They bring in here photographs, most gruesome, sickening things, that they keep stored up for the simple and sole purpose of inflaming the minds of their members and enabling them to increase, if you please, this class hatred they talk about so much; something that will appeal to the morbid mind of discontented people. Something that will appeal to the criminal instincts of their membership. They are the most effective means that this organization has, I submit, to create that state of mind in the membership that Haywood and the other leaders of this organization play upon in the accomplishment of the felonies charged in the indictment. If counsel can get any comfort out of reading the affidavit that charges that, I will say he is perfectly entitled and welcome to do it.

MR. VANDERVEER: If the Court please, the story of the Industrial System—they have been kept as the best evidence in the world of an industrial system which we are attacking and if counsel can get any satisfaction out of calling them gruesome,—you must remember that somebody did things that these photographs record.

THE COURT: Read the affidavit.

MR. VANDERVEER: I am only going to read a little of it. It is the Chicago affidavit—(Reads affidavit referred to.)

Q.—“Patriotism and the Worker,” was that ever published by the I. W. W.?

A.—Never circulated by them.

THE COURT: How many pages is there of that stuff?

MR. VANDERVEER: Oh, I am only going to read a little of it. (Continuing reading document referred to.)

THE WITNESS: You asked me in regard to “Patriotism and the Worker.” I am not certain but what that was published at one time at Cleveland.

MR. VANDERVEER: I want to offer in evidence a sample of this envelope. Defendants’ Exhibit 508.

(Whereupon, envelope referred to was received

in evidence and was thereupon marked "Defendants' Exhibit 508.)

Q.—Were these seals placed on after mailing?

A.—Well, sir. Well—I don't know about that.

Q.—Well, I don't mean on this one, but the others you received. This is offered just as a specimen.

A.—Of course, we mail them as a plain ordinary letter is mailed, and any seals on them are placed on them after they were mailed.

Q.—Now, Mr. Haywood, there appears to have been sent to you sometime, I think, in April or May, from Augusta, Kansas, a copy of a resolution, which is referred to in the indictment in this case relating to our opposition to war or conscription, one or the other. You received that?

A.—Yes, sir.

Q.—Did you answer it?

Q.—Did you do anything, or say anything, or write anything to encourage the move referred to there?

A.—Absolutely nothing.

Q.—Or to conspire with or confederate with or agree with the writer?

A.—No, sir.

Q.—You also received a copy of a resolution from Crosby, Minnesota. Do you remember your reply to that?

A.—Yes, I remember it. I think I replied that it was received and placed on file for reference.

Q.—Anything ever said, or done, or written by you with reference to that?

A.—Absolutely nothing.

Q.—You also recall of receiving a copy of a resolution, a letter written by Frank Little, about the 2nd of April, I think, before the declaration of war, enclosing a copy of a resolution from Globe or Miami?

A.—I don't remember that resolution. I don't remember having received it.

Q.—Well, you have seen the letter here?

A.—I got the letter, yes.

Q.—Did you make any reply encouraging that local there or the sender of the resolution?

A.—No, sir.

Q.—Did you conspire in any manner with him, or them or any of them?

A.—I did not.

Q.—How many locals are there, or were there—branches of the I. W. W., about in May, we will say of 1917?

A.—I suppose that with the industrial unions and other branches and the recruiting unions there were something in the neighborhood of 100.

Q.—One hundred?

A.—Yes, we have 57 recruiting unions. I think we did have at that time.

Q.—You received communications at one time or another from 3 of those 100?

A.—What is that?

Q.—I say you received these communications from 3 of this 100,—communications and resolutions?

A.—Yes. Those were the only ones that I remember.

Q.—I will ask you whether, within your knowledge, a resolution, or resolutions of the character were ever adopted by any other branch or any other industrial union or local recruiting union within the organization other than those three?

A.—Well, if they were, I never heard of it.

Q.—Now, it appears also, that you received an inquiry from Mr. Rowan, Secretary of 500, in which you were asked—in which he stated that he was receiving inquiries from some members about conscription, and he replied that the organization had taken no position, in substance—I am not going to get the letter—you replied to that, that his statement of the position was correct. Is that right?

A.—Yes, sir, that is right.

Q.—Had this organization ever taken any action whatever on conscription?

A.—It never had.

Q.—You were present at this particular place of the meeting of the General Executive Board in July, 1917?

A.—I attended some of the meetings; that is part of some of the meetings.

Q.—It has been said that Mr. Miller, Mr. Wiertola and all of the members were present there?

A.—Yes, sir.

Q.—Now, do you remember a discussion in that meeting on this subject of conscription and war?

A.—I remember that there was some discussion.

Q.—Who was it that opened that discussion? Who was it brought up the question?

A.—I don't know whether it was Wiertola or Little.

Q.—Wiertola or Little?

A.—I know that they were both opposed to the war.

Q.—They were both opposed to the war. You had previously received some very bitter letters from Little?

A.—Well, I received one or two letters from him. I do not know that they were so bitter.

Q.—Well, I call your attention to a letter of May 19, 1917, in which he said among other things: "I fail to see where the I. W. W. can keep out of it. We will be compelled to take a stand against the war. No doubt our paper will be suppressed, machinery will be confiscated or destroyed, so I am of the opinion that we would better have our work done by contract"—Well, that is not what I was referring to.

You replied under date of May 23rd: "I have been trying to get along without paying much attention to the war scare, realizing, however, that we are in for a hard deal unless things break just right for us. I feel that it is getting closer every day. The police have raided the hall of the Russian paper at 644 West 12th street and broke open the desk and carried off the minute books, ledger, correspondence and so forth. Sent Chaplin and the Russian editor

over to see Darrow to see if any legal steps can be taken about returning the papers. Hope to find out definitely—" and so forth. That is your correspondence on that subject?

A.—Yes, sir; I think that is my letter.

Q.—Now, did you make any effort to dispose of your machinery, or dispose of anything to protect it from seizure?

A.—None whatever. We have added to it.

Q.—You remember a letter in which Little said that for his part he would not keep still about the war, no matter what the organization did?

A.—Yes; I remember such a letter from Frank.

Q.—Do you remember your reply?

A.—No, I don't just remember my reply, but I think I told him something about keeping cool; that we were approaching a crisis.

Q.—In his letter he said: "I, for one, by God, I will not keep still. I want to see our papers express themselves," under date of April 16th, "if we fight, let us fight for freedom. Now, is the time to take a stand." Did he seem to be in that same frame of mind when he came to Chicago?

A.—Yes, sir; he was very much opposed to conscription.

Q.—On April 24th, you replied to him: "My advise in this hour of crisis is a calm head and cool judgment. Talk is not the thing needed now. Many of the members feel as you do but regard the present war between the capitalist nations as of small importance when compared to the great class war in which we are engaged." Is that your attitude?

A.—That is so, and I still feel that way.

Q.—Did you ever write, or say or do anything to encourage Little in the position which he had taken with reference to the war?

A.—No, I never did.

Q.—Was he speaking or acting in that matter as a representative of the organization?

A.—He was not.

Q.—Did he tell the truth when in his letter to

you under date of June 5th he wrote as follows: "Last night I was taken before Federal officials and put through a series of questions. They tried to get me to make an official statement as to the standing of the organization on conscription, but I told them I could not do so as the organization had taken no action."

A.—He was telling the truth.

Q.—The organization had taken no action?

A.—Had taken no action whatever. However, let me say, Mr. Vanderveer, that a part of the teaching of the I. W. W. has been anti-military. We have always been opposed to war.

Q.—Well, when did you take that stand first?

A.—Well, that has been the position of the organization ever since it was organized.

Q.—Ever since it was organized, and the literature is full of it?

A.—I think so. I think you will find it in much of the literature that has been printed.

Q.—Prior to the entry of this country in war you circulated anything and everything against war?

A.—Yes, sir.

Q.—Now, do you remember what was done with the Deadly Parallel after the declaration of war?

A.—Well, it was not circulated.

Q.—And with the stickerettes, "Why be a soldier?"

A.—It was not circulated.

Q.—Was anything of that character circulated?

A.—Not from the headquarters and I don't think from any of the industrial unions or recruiting unions.

Q.—So that if there was any change in your policy at all it was in line of stopping that stuff?

A.—As nearly as we could. You understand it was a hard blow when this country went to war for the I. W. W. to stop everything at once.

Q.—Mr. Haywood, counsel will probably want to know and perhaps the jury, why it was you did not advise your members to go to war, or to join the military forces, or what not? Will you tell us?

A.—I did not think—I do not think now that it was an organization matter. The fight of the I. W. W. is on the economic field, and it was not for me, a man who could not be drafted for war, to tell others that they should go to war, or to tell them that they should not go to war.

Q.—Did you regard the objection of the membership to war as it had existed for a great many years past, as a conscientious objection? Based upon moral considerations, I mean?

A.—I think that the members of this organization who are opposed to war, are opposed for conscientious reasons. I do not think there are any cowards among them that are afraid to fight, but they feel that the working men of other countries are the same as they are, and it is for conscientious reasons that they do not want to kill the workers of any other country, whether he be a Russian, or a German or a Frenchman, or whatever he may be. Our organization is composed of a cosmopolitan membership as shown by the past year that we have twelve foreign language papers; that many of these defendants are men of many, many different nationalities. This organization is not national in its aspiration. It is a world wide organization. Efforts have always been to prevent war if possible. I attended the national convention—the International Socialist Convention, as it was called, which was held in Copenhagen in 1910, and there, as one of the American section, I demanded to be recorded in favor of a general strike against war.

Q.—What do you mean by the general strike?

A.—By the general strike there, I meant, as I often refer to the general strike, one that would take place in all countries; a strike of the workers first in all munition plants, then in all transportation plants, so that to make war impossible.

Q.—Not any one country or two alone—so as to make it unequal?

A.—Well, if we went on strike in one country, it meant that we would be giving aid to whoever was

contending against that country. The general strike, of course, means a strike of all countries where the war is on.

Q.—By the way—

A.—If you will permit me to say, Mr. Vanderveer—

Q.—Yes, go ahead.

A.—That I regard now the German socialists who were the strongest numerically of any country in the world, as more responsible for the present war in Europe in which now this country is engaged, than the workers of any other nation, because at this Copenhagen convention they declined to go on record for the general strike, and they influenced the members of the different delegations, not only from this country, but from other countries, to prevent a vote for the general strike. It must be recognized by everyone that if the German workers had—when war was declared on the 2nd of August, 1914—if they said, “No, we are going on strike. The killing of the Austrian Duke, or whatever he was in Servia, is not an occasion for war”—if they had laid down their tools and refused to handle the munitions, or refuse to do anything for the soldiers, this war would never have been, even though ten thousand of them had been stood up against a wall, or a hundred thousand, it would have meant that the German socialists could have prevented this war. I have felt very strongly against the Germans on that account.

Q.—Have you favored the establishment of an international relationship, or a relationship ignoring, if you please, national boundaries between labor as will insure the future against war?

A.—Well, the I. W. W. is a world wide organization, and we hope to extend it. For instance, on this continent, so that it will reach to the Strait of Teradelfuga and on the north to Alaska; all of the workers into one union.

Q.—Are there other syndicalist labor movements in England and throughout Europe, with whom you favor associating for such purpose?

A.—In Italy the syndicalist organization there is now making an effort to unite with the I. W. W. They have sent a delegation to France to bring about a consolidation with the workers of that country, and we have an organization in Australia and in England, and a very considerable membership in Russia. We are rapidly extending the membership, and more rapidly extending the principles of this organization.

Q.—If the workers of the country and of the world can be organized internationally for this purpose, you would regard that as a more effective peace measure than any political organization of government to the same end, do you?

A.—If we were organized in there industrially rather than internationally, because international means the recognition of nations, and the recognition of political parties. All nations are dominated by political parties.

Q.—Well, let us not get into an academic discussion of that. We all know what we are talking about. I say, do you regard that as a more effective and more practical insurance against future wars than the international political arrangement, treaties and scraps of paper?

A.—I most certainly do, because the present political governments of nations are certain to carry on wars.

Q.—While you were traveling in Europe, what countries did you visit and lecture in?

A.—Denmark, Sweden, Norway—I was invited to go to Finland but would not be allowed to speak there. I went back to England. Traversed all of Scotland, Wales,—took in all of the industrial centers nearly—nearly all of the industrial towns of England.

Q.—Did you go to the continent?

A.—Yes.

Q.—France?

A.—I went through France and down to Italy.

Q.—Belgium?

A.—No, I did not go to Belgium.

Q.—Well, which of the big European countries did you not visit?

A.—Well, I did not visit Germany, or Austria-Hungary.

Q.—Why not?

A.—I think perhaps it was largely on account of the opinion I had formed in regard to the Germans at the convention.

Q.—Were there any other big European countries you did not visit?

A.—I did not visit Russia, but that was on account of the domination of the Czar there and no chance to speak.

Q.—Now, Mr. Haywood, what is your attitude and what has always been your attitude towards autocracy?

A.—Well, I have always been very much opposed to autocracy. The teachings that I have received as an American have naturally led me to believe that all workers should be free. The history of this country although it belies itself somewhat, teaches me that this is supposed to be a land of the free and a home of the brave, and when coming in touch with the workers of other countries and knowing how they are treated—for instance, in Germany, as they were treated in Russia, everything has taught me to dislike and despise autocracies of all kinds. This includes industrial autocracies as well as government autocracies.

Q.—Have you ever been in favor of a form of autocracy represented by the German and Austro-Hungarian governments?

A.—I think perhaps the German, dominated by the Prussian Junkerism is today the worst autocracy in the world.

Q.—What is your attitude towards militarism? I mean by that the maintenance with a country of a standing military establishment, with all that that implies in the way of cost, as a menace to the people, and with all that it implies industrially to the work-

ers of the country. Have you ever been in favor of that?

A.—I never have, no.

Q.—Have you been in favor of the German type, the highest type known?

A.—I certainly am not.

Q.—Are you in favor of the German type of socialism?

A.—I am not.

Q.—Ever been?

A.—No, sir.

Q.—Are you in favor of the German industrial system, the—virtually state socialism? Have you ever been?

A.—State capitalism.

Q.—Yes.

A.—I am very much opposed to it.

Q.—Well, what is there about Germany that you do approve of?

A.—I like the German people. I do not like the northern—the Prussians.

Q.—Well, I am speaking of the German system rather than the German people.

A.—I don't know of anything there that I am particularly fond of.

Q.—Now, is there any secret about your attitude towards them?

A.—None at all.

Q.—Have you expressed yourself?

A.—I expect I have, on occasions. I know I have indeed.

Q.—Do you remember any occasions?

A.—I remember—

Q.—Well, a somewhat inelegant quotation was read—more forcible than elegant, was read from Solidarity?

A.—I think I made that remark at a Frank Little meeting.

Q.—At a Frank Little meeting?

A.—Yes, where I said that if I could, as a means of stopping the war, I would take the guts of the

Kaiser and I would strangle the last loyal bastard born.

Q.—Do you remember anything about “eating rats” at any time, or on any occasion?

A.—Well, I have said that on more than one occasion.

Q.—What was that?

A.—Where I hoped that the Germans would be compelled to eat rats as they made the French do.

Q.—At the Siege of Paris?

A.—Yes, sir.

Q.—Do you recall an occasion of where you were invited or requested by a man by the name of Sugarman, of St. Paul or Minneapolis to publish an anti-conscription leaflet sometime in May or June, 1917?

A.—Yes, sir.

Q.—Tell the jury, please what occurred at this time?

A.—This man Sugarman—a fellow worker he is—and Leslie H. Marcy, who came—

Q.—Is he a fellow worker or a socialist?

A.—He is a socialist, of the International Socialist Review.

Q.—Is he a member of the I. W. W.?

A.—No. They came to headquarters, and this young Sugarman, he asked me if I would publish, or have this statement published in the print shop of the I. W. W. I asked him why he brought it to me. I said, “We don’t do any outside printing in our shop at all.” “Well,” he said, “I can’t get it printed elsewhere.” “Well,” I said, “you certainly can’t get it printed in our shop.” He wants to know why.

“Well,” I said, “in the first place this organization has never taken a position on the war and we are not going to do it for someone else.” I think that was the gist of the conversation that we had.

Q.—Now, Mr. Haywood, can you recall a single thing done or said by you in aid of anyone within or outside of this organization, in his opposition to this war, or in his opposition to conscription, or to any-

thing having to do with the carrying on of the war, or the country's war operations?

A.—I cannot recall a single word or a line that I have written nor a thought that I possessed, of any effort on my part to stop the war.

Q.—Can you estimate how many thousand or hundreds of thousands of your letters are to be found upstairs?

A.—Well, I should say there are perhaps, to make a conservative estimate, I should say 12,000 or 15,000 letters; and all the bulletins and all the circulars. Now, Mr. Vanderveer, I say this, I don't want the jury and I don't want these defendants to get the idea that I am in favor of war. I am very much opposed to war and would have the war stopped today, if it were in my power to do it.

Q.—Your position in that matter—

A.—I believe that there are other methods by which human beings should settle any existing difficulties. To think of men of different nationalities, because they speak different tongues to be lined up, millions of them—millions, now, as truthfully set forth in that Deadly Parallel,—have been murdered. It is not only the murdering of the men, it is the suffering of their wives and their children, and it is what this war means to society after the war is over. Somewhere in the files here I jotted down what it meant after the war. Nothing for a hundred years but war, war, war; nothing to follow the war-cripples, war widows, war orphans, war stories, war pictures and war everything. That is the terrible part of this war. I hope even if it be necessary that every man that is imbued with war, that he will fight long enough to drive the spirit of hate and war out of his breast, that this may be the last war that the world will ever know.

Q.—Mr. Haywood, you have heard counsel in his opening statement to the jury describe the industrial scheme of the organization adopted by the Industrial Workers of the World, yourself, the executive head, seated as he said, in a swivel chair, radiating out

from your swivel chair, a number of industrial unions. How many of those, by the way?

A.—Sixteen, I think.

Q.—Sixteen industrial unions. And then radiating out from each of those industrial unions again, a number of branches, that is the scheme of organization?

A.—He described it very well.

Q.—You believe it is efficient, do you?

A.—What is that?

Q.—You believe that it is an efficient scheme of organization, do you?

A.—I do, indeed.

Q.—Now, how many of those 16—have you—if you had been attempting, or conspiring with anybody to prevent the production of food stuffs, or to interfere with the enlistment of men, or the drafting of men, how would you have used this organization and its members? What would you have done?

A.—Well, now, just let me change that thing in connection with what Mr. Nebeker had to say about the description of the organization:

The power of this organization does not come down from this swivel chair. The fellow who occupies that swivel chair is the smallest potato in the row. This organization is conducted from the membership up, and if I were sitting in the swivel chair, an uncrowned king, as described by Mr. Nebeker, in order to conspire to prevent war, you would find these files full of bulletins—circulars and letters—you would find articles in the newspapers inspired by the fellow in the swivel chair.

Q.—Thirteen or fourteen newspapers?

A.—Well, foreign newspapers, and two English newspapers and access to many others.

Q.—How about the bulletins?

A.—Well, all of the industrial unions issue their bulletins and also the bulletin in circular letters going out from the headquarters. I probably would have suggested to Nef or Forrest Edwards that some steps should be taken to prevent the agricultural

workers from harvesting any of the crops, wheat, barley, oats, rye or rice, or any other crop. If I was conspiring against the war, that is certainly what I would have done. I would have got in touch with Francis Miller, and with Doree, who was then secretary-treasurer of the Textile Workers, and urged that something that Mr. Nebeker describes as sabotage be put in operation in those shops to prevent output. I would have used—

Q.—Now, let us pick up these in passing. Was there any strike in the textile workers?

A.—There was not.

Q.—Was there any sabotage?

A.—There was not.

Q.—Was there anything done to curtail or interfere with production?

A.—Not that I know of.

Q.—You heard on the other hand Mr. Miller testify that he was inspecting for the government there?

A.—Yes, sir; and a good one, he said.

Q.—Now, was there anything done in the agricultural workers?

A.—There was not, with the exception of South Dakota.

Q.—That little strike around Aberdeen?

A.—Yes, on account of the men being beaten up there.

Q.—What was done in North Dakota?

A.—Well, in North Dakota, it has all been testified to—

Q.—The agreement amongst the farmers—

A.—It has all been testified to, as to the tacit agreement that was entered into.

Q.—Now, take up the marine transport workers. What has been done there?

A.—Well, what would I have done?

Q.—Yes.

A.—Well, I would have used my influence to prevent the marine transport workers—I probably being King in that swivel chair, would have had some influence, and I would have used that influence to

prevent the Marine Transport Workers of Philadelphia and other eastern ports from loading any of the boats; from loading the ammunition; the carrying of the soldiers. But there has not been any strike in Philadelphia.

Q.—Well, maybe you have some influence, have you, Mr. Haywood, with the organization?

A.—Well, I think so, perhaps.

Q.—Well, if you had been in such a conspiracy, would the marine transport workers be convoying the troop ships across, troops and munitions?

A.—If I had been a good conspirator and had help enough, certainly there would not have been any transport boats or supply boats go to France.

Q.—Would the I. W. W. be handling munitions in the Philadelphia navy yard?

A.—They would not.

Q.—Would there have been some explosions in Philadelphia?

A.—I was just going to say, if they had been handling them there would have been explosions. There has not been an explosion in the Philadelphia yards nor any interference with any of the supplies.

Q.—Now, in the iron mining industry what would you have tried to do?

A.—Well, I would have tried to have got the miners to go on strike there. I might say that I had—

Q.—There was a strike there in 1916.

A.—I did write to Jacobson to find out what good could be done there for a 6 hour day and a \$6 day, but that was not against the government.

Q.—There was a strike there in 1916?

A.—Yes, sir.

Q.—About how many members of the I. W. W. involved?

A.—About 17,000 when the membership was the highest.

Q.—Now, on the lake carriers—the marine transport workers number 200, carrying wheat, grain and ore from the Minnesota and Michigan country, what would you have tried to do?

A.—Well, we did not have very many members on the lakes at any time, but naturally if I had been conspiring I would have tried to prevent those ships from carrying either iron or wheat to their points of destination or from loading it.

Q.—Did you?

A.—I did not.

Q.—Was there any strike?

A.—There was not a strike; never any dispute.

Q.—Now, in the woods, what would you have done? The lumber industry?

A.—Well, I would have done the same thing. I would have tried to have prevented the output.

Q.—Would you have tried to settle the strike?

A.—I would not.

Q.—Would you have sent me, or any other representative to confer with the government or the governor?

A.—Naturally not, if I had been conspiring, but on the other hand, you will find evidence here in the files of where I made efforts to have the strike settled. I expressed my satisfaction when the strike was settled; it is not the desire, or not the policy of this organization to carry on long strikes if they can be prevented. Strikes in the copper mines, in the lumber industry,—those strikes could have been settled in one day if the profiteers who owned—who claimed to own, but do not in fact,—the mines and forests,—if they had granted—it was only a little in the way of demands,—the strikes could have been settled in one day. Now, the fact that the copper output was limited must not be charged to the I. W. W. It is to be charged to the Phelps-Dodge Company; to the W. A. Clarke Company; the Anaconda Smelter Company—the Anaconda Mining Company and the dearth of lumber, if there was any, must be charged to the lumber barons of the Northwest and not to the I. W. W.; because we were willing to settle the strike at any time. Keep in mind this, that their increased profits were from 13 to 33 cents, that they got for copper. In the lumber industry from \$18 a thousand

to \$110 a thousand. Now, what did the lumber workers ask? That would have taken so much out of these tremendous profits to have made an 8 hour day and a little increase in wages; the betterment of the bunkhouse conditions and the betterment of housing conditions. It would not have cost but a trifle out of the increased profits. We are after all of these profits, I might remark, some of these days. That is what we are organizing for, to prevent profits.

Q.—Mr. Haywood, if you had been conspiring for this purpose would you have suggested the government taking over or permitted the suggestion that the government take over and operate these industries?

A.—Why, I certainly would not have. I am not very strong for government ownership at that.

Q.—By the way, I believe you have pleaded guilty to the second count of this indictment. In this indictment you have been charged with these other defendants with conspiring to interfere with the profits of certain people who are engaged in the manufacture of munitions supplies?

A.—We are conspiring the—we are conspiring to prevent the making of profits on labor power in any industry. We are conspiring against the dividend makers. We are conspiring against rent and interest. We want to establish—for a new society where people can live without profit, and without dividends, without rent and without interest, if it is possible,—and it is, if people will live normally and live like human beings should live. I would say that if that is a conspiracy, we are conspiring.

Q.—Where there will be no rich and no poor?

A.—No rich and no poor; no millionaires, and no paupers; no palaces and no hovels; where every man's child will receive the assurance and protection of all society from the time it is born to the grave. We are—where every man will have an opportunity, and where no man will have to work 13 hours in a smelter. You remember Benjamin Franklin said that four hours' work was enough to produce all of the

comforts of life. He said that over a hundred years ago. Now, with modern machinery, it is certain that if everybody was working even a little,—I am willing to do that myself,—that we can produce all of the necessities and all of the luxuries of life, all necessities for the life and happiness of people in much less than four hours, now, with the wonderful machinery that we have got.

MR. VANDERVEER: You may take the witness—Oh, one other question.

Q.—You know the song “Christians at War.”

A.—Yes.

Q.—Do you know who wrote it?

A.—Yes, John Kendrick.

Q.—Where is he?

A.—He is in the army, in the engineer corps.

MR. VANDERVEER: That's all.

CROSS-EXAMINATION

By Mr. Nebeker:

Q.—I believe you stated that you were connected with the Western Federation of Miners before you became I. W. W. leader, is that right?

A.—Yes, sir.

Q.—Where did you become connected with the Western Federation of Miners?

A.—Well, Silver City, Idaho.

Q.—When?

A.—August 10, 1896.

Q.—And did you continue to be identified with that organization down to the time you became organizer of the I. W. W. in 1905?

A.—And for two years afterwards. The Western Federation of Miners was an integral part of the I. W. W.

Q.—Was the Western Federation of Miners connected at all with the incident that counsel asked you about of the trouble in the Coeur d'Alenes in Idaho?

A.—It was the members of the Western Federation of Miners that were on strike in Idaho.

Q.—When was that?

A.—The first strike was in 1892.

Q.—And when was the second strike?

A.—1899.

Q.—When was the bull-pen used, as you referred to?

A.—On both occasions. The first bull pen was a two story structure.

Q.—Was there any violence there on the part of the Western Federation of Miners or anybody else on either of those occasions?

A.—There was violence on both occasions.

Q.—Where? Were any mines blown up?

A.—No mines blown up.

Q.—Any mill blown up?

A.—The Helena-Frisco was blown up on the first strike and the Bunker Hill Sullivan mill on the second strike.

Q.—Any people killed in those explosions?

A.—No, not in the explosions.

Q.—Blown up by dynamite?

A.—No, sir.

Q.—Powder?

A.—No, sir.

Q.—Who was the governor of Idaho at the time of the Coeur d'Alene trouble?

A.—Governor Sweet, the first strike, and Governor Steunenberg, the second strike.

Q.—Did anything afterwards happen to Governor Steunenberg?

A.—He was blown up.

Q.—How long afterwards?

A.—Six years, about six years.

Q.—Is that one of the mottos of your organization: "We never forget"?

MR. VANDERVEER: What do you mean, the I. W. W.?

MR. NEBEKER: The I. W. W.

MR. VANDERVEER: It was not in existence at that time.

MR. NEBEKER: That is admitted.

Q.—Is it one of the slogans of the I. W. W. that “We never forget”?

A.—That has—that is not a slogan, it has been a sort of words that have been used.

Q.—Isn't it in your papers, and in your pamphlets, and on the stickerettes, and in thousands of places in the thousands in the literature and writings of your organization?

A.—Let me tell you where it was first used.

Q.—Just answer that question first.

A.—Yes. Now, let me tell you where it was first used.

Q.—Well, when did you first use it?

A.—I first used it on a program of the Joe Hill funeral.

Q.—The first time?

A.—Yes, the first time, I think so.

Q.—Didn't you use that while you were a member of the Western Federation of Miners?

A.—I don't believe so. I don't remember it. It is possible.

Q.—Now, just think for a minute. Wasn't that a common slogan at the time of the Coeur d'Alene troubles and the Cripple Creek troubles, and the troubles in Victor, Colorado?

A.—No, I don't think so.

Q.—At the time of the blowing up of the Independence depot and all of those troubles in Colorado?

A.—I think not. I think the first time I used it was on the Joe Hill funeral.

Q.—Didn't that appear time and time again on the Western Federation of Miners' literature at the time you were the dominating spirit in it?

A.—If it did, why don't you bring it here?

Q.—I am asking you?

A.—I say no.

Q.—Did Governor Steunenberg acquire the enmity of the Western Federation of Miners in anything that he did in connection with the Coeur d'Alene trouble?

A.—Naturally they were very sore at Governor Steunenberg.

Q.—Why?

A.—On account of the troops in the Coeur d'Alenes.

Q.—Were you very, very sore at Governor Steunenberg?

A.—I was as sore as any other members.

Q.—You went from Idaho—the fact of the matter is that the Western Federation of Miners leaders were driven out of the Coeur d'Alenes, were they not?

A.—No, they were not, not all of them. Some of them were. Not the leaders. Some of the members were compelled to leave the country.

Q.—Yes. And after the Bunker Hill Sullivan mill was blown up you went to Colorado?

A.—Remember, I was in Silver City, Idaho.

Q.—But you went to another clime shortly after that catastrophe, didn't you?

A.—What?

Q.—After the blowing up of the Bunker Hill-Sullivan mill?

A.—No. I lived in Idaho for something like two years.

Q.—Afterwards?

A.—Yes.

Q.—And then went to Colorado?

A.—And then went to Colorado.

Q.—And took up residence in Denver?

A.—Yes.

Q.—And became finally secretary-treasurer of the Western Federation of Miners while there?

A.—I was elected before I went there. That was the occasion of my going.

Q.—Now, during all of these strikes and things that counsel has referred to in Colorado—the Cripple Creek strike,—well, the strikes running all the way from 1890—

A.—1880.

Q.—1894, that was the first Cripple Creek strike, was it not?

A.—Yes.

Q.—1894, until 1904, there was constant trouble between the people of Colorado on the one side and the Western Federation of Miners on the other?

A.—Not between the people of Colorado. Now, remember that the members of the Western Federation of Miners were citizens and people of Colorado.

Q.—Well, put it that way if you want to.

A.—Of course, I want it truthful.

Q.—Well, was there trouble between the mine owners of Colorado and the Western Federation of Miners?

A.—Yes, there was.

Q.—Trouble began, the trouble began about the time you landed in Colorado, didn't it?

A.—The trouble began in 1880. The first strike was in Leadville.

Q.—Now, during those years—

A.—Just a moment, just a moment.

Q.——were there any violencings done by the Western Federation of Miners.

A.—Just a moment.

Q.—All right.

A.—You asked me if this trouble began on my arrival in Colorado?

Q.—Yes.

A.—You stated that there was a strike there in 1894.

Q.—Yes.

A.—There was also the Leadville strike of 1896.

Q.—Yes.

A.—There was also the strike of 1899.

Q.—Yes.

A.—There was the smeltermen's strike of 1899 and 1900. All of those strikes had taken place before I came to Colorado.

Q.—Yes. They were Western Federation of Miners strikes, were they not?

A.—They were.

Q.—Were you an official of that organization during all of the time?

A.—No, sir.

Q.—Well, were you identified with it during all of the time?

A.—I was identified with it from 1896.

Q.—Yes, sir. In what capacity?

A.—As a member.

Q.—But who were the leading spirits of it? Pettibone and Moyer?

A.—No. Pettibone was not a member. He was in business in Denver. Moyer I don't think became a member until '99.

Q.—Now, while you were there, however, later on, was there any violence perpetrated against any of the mines of Colorado?

Q.—There were many incidents of violence in Colorado.

Q.—In the mines? Any dynamite or blowing up of the mines there?

A.—Yes, in the Vindicator mine there was a man killed, in the Vindicator mine.

Q.—Two men killed there, were there not?

A.—I think one.

Q.—The superintendent and someone else?

A.—I think one. I don't remember that incident.

Q.—And then was there also a blowing up of the coal bunkers of another mining company there?

A.—I don't recall. Where was it?

Q.—At Victor?

A.—I don't remember it.

Q.—You don't recall that?

A.—No.

Q.—Do you remember the blowing up of the Independence depot?

A.—I do, indeed.

Q.—That was while you were there?

A.—I was in Denver that time.

Q.—Yes. But while this Western Federation of Miners trouble was on?

A.—Yes, sir.

Q.—How many people were killed there?

A.—I think thirteen or fourteen.

Q.—Were there some mine owners killed there? Were there some mine owners killed there other than those that you have mentioned while you were there?

A.—Arthur Collins in Telluride was killed.

Q.—By the way, was not Corchoran killed in the Coeur d'Alenes?

A.—No. Paul Corchoran—

Q.—No, I guess that's right.

A.—He was sent to the penitentiary.

Q.—He was sent to the penitentiary in connection with that?

A.—Yes, and afterwards pardoned by Governor Hunt.

Q.—Do you know Fred Bradley?

A.—Of the Coeur d'Alenes?

Q.—No. Resided in San Francisco. But interested in mines in Colorado?

A.—No, I think you are mistaken. Fred Bradley was interested in the Coeur d'Alenes, I think.

Q.—Well—

MR. VANDERVEER: Talk louder, Mr. Haywood.

A.—Fred Bradley was interested in the Coeur d'Alenes, if I remember rightly.

MR. NEBEKER: Q.—Did anything happen to him during the time of these troubles there in Colorado?

A.—Well, his apartment there he claimed that there was an explosion occurred in his apartment.

Q.—An explosion did occur and blinded him, didn't it?

A.—No, sir.

Q.—It did not blind him?

A.—No, sir; it did not blind him.

Q.—Now, you told counsel—

A.—You remember that was a story that Orchard told me—

Q.—Who is Orchard?

A.—Orchard is the fellow in the penitentiary in Idaho for killing Steunenberg?

Q.—For killing Steunenberg?

A.—Yes, sir. You will remember that he—I don't know as you will remember it, but he testified that he had told me that he had caused this explosion at Bradley's house and that it resulted in blinding him. He testified that this incident had pleased me very much. Now, the fact of the matter is, that in San Francisco, in the explosion there, it was by gas, and the testimony of Orchard was entirely rebutted by the fact that he claimed to have stepped from the porch onto another building that was not constructed until the year after.

Q.—Now, you speak of Harry Orchard. Was he a witness at the trial of yourself for the assassination of Governor Steunenberg?

A.—Yes, sir; he was.

Q.—The ex-Governor of Idaho?

A.—Yes, sir.

THE COURT: Nine o'clock Monday morning, gentlemen.

(Whereupon at 1:00 o'clock P. M. Court adjourned until the following Monday, August 12, 1918, at 9:00 o'clock A. M.)

Monday, August 12, 1918, 9 o'clock A. M.

Court met pursuant to adjournment.

(Roll call of defendants, all answered "Present.")

THE COURT: Proceed, gentlemen.

CROSS-EXAMINATION (Continued)

By Mr. Nebeker:

Q.—Mr. Haywood, how long did your trial in Idaho, wherein you were accused of murdering ex-Governor Steunenberg, last?

A.—Nearly three months.

Q.—You have made a statement, have you not, before the public a great many times as to the amount of money that was spent in the defense in that trial, haven't you?

A.—I think so.

Q.—Do you remember what it is you have stated as being the sum?

A.—I believe it was \$320,000.

Q.—\$324,000 was expended in the defense of that case, was it?

A.—I did not say three hundred and twenty-four thousand; three hundred and twenty thousand.

Q.—Well, I call your attention to your own book, at page 16, at the top of the page, and see if that does not say \$324,000.

A.—This says three hundred and twenty-four thousand, but just then I said three hundred and twenty thousand, or about that, and you added three hundred and twenty-four thousand. I suppose this is about correct as given in the book.

Q.—It is your book, isn't it?

A.—What book is it? Let me see.

Q.—“The General Strike?”

A.—Yes.

Q.—Now when the I. W. W. was organized, the American Federation of Labor as it then existed, became, as was supposed, a component part of the I. W. W., did it not?

A.—The American Federation of Labor?

Q.—I mean the Western Federation of Labor.

A.—Well, all right; The Western Federation of Miners, you mean?

Q.—The Western Federation of Miners, I will get it right some time.

A.—The Western Federation of Miners became a component part of the Industrial Workers of the World.

Q.—What was the membership at that time?

A.—The membership was 27,000.

Q.—In what way did that organization vote or take action upon the proposition of becoming a component part of the I. W. W.?

A.—The matter was first taken up in convention, delegates elected, with instructions that if the organization of The Industrial Workers of the World,

the name not being then chosen, was formed along the right lines, that the Western Federation of Miners should install itself. That is to say, the delegates were authorized to install the Western Federation of Miners as an integral part of the I. W. W.

Q.—Well, in other words a convention was held and some delegates were elected to meet with delegates from other bodies, and these delegates were given power to act in case an organization could be formed, that to them would be satisfactory, is that the idea?

A.—The regular convention of the Western Federation of Miners met in Salt Lake City, and in that convention elected five delegates to attend the coming conference or convention to be held in Chicago, that is right.

Q.—That convention elected you as one of the five?

A.—One of the five.

Q.—And you and the other four members were to determine whether the organization would be satisfactory?

A.—Yes, sir.

Q.—It never was referred back to the Western Federation of Miners, was it, and a referendum vote taken?

A.—I think it was.

Q.—Where and when?

A.—Well, it would be from Denver and would be immediately following the convention here in Chicago, if such referendum was sent out. I would not be positive as to that.

Q.—If such a one was sent out?

A.—Yes.

Q.—Who were the other five or the other four delegates that were elected at that time?

A.—There was Charles H. McKinnon.

Q.—Is that one of the defendants here?

A.—Yes, sir.

Q.—Charles H. Moyer, was he one of the persons

who was charged with the murder of Governor Steunenberg?

A.—Yes.

Q.—Yourself, McKinnon and Moyer.

A.—Albert Ryan.

O.—Albert Ryan?

A.—Albert Ryan.

Q.—J. A. Baker?

A.—J. A. Baker.

Q.—That is five.

A.—And John M. O'Neil.

Q.—There must have been six then?

A.—I think there were seven.

Q.—That would be seven without yourself?

A.—Yes.

Q.—Now how many people were there in that convention that wanted the I. W. W.?

A.—I could not state off hand just how many delegates there were there, I think about 250.

Q.—Well, that is not the convention then that is mentioned in St. John's little pamphlet, "History, Structure and Methods", wherein he said the number was thirty-six?

A.—That was the first conference.

Q.—That was in January?

A.—In January.

Q.—January 2nd?

A.—Yes.

Q.—You do not call that the convention that organized the I. W. W.?

A.—No, that was a conference that issued the first manifesto and the call for a convention.

Q.—And then the convention was later, some time in June or July?

A.—June.

Q.—Held in this city?

A.—Held in this city in what is known now as the East End Hall.

Q.—Now, how long did the Western Federation of Miners continue even in name, to be a member of

this organization, the Industrial Workers of the World?

A.—I think it was in 1908, that they finally definitely withdrew.

Q.—That would be three years then?

A.—Yes.

Q.—That they continued to be members?

A.—Yes, sir.

Q.—And was it in 1908 that the preamble was amended so as to strike out the words “Political Action”?

A.—Yes, but that had nothing to do with the withdrawal of the Western Federation of Miners.

Q.—Well, you don't understand you need to argue every question do you, Mr. Haywood?

A.—I am not arguing, I am not arguing, I am just answering.

Q.—It was at that time that the amendment to the preamble was made, wasn't it?

A.—I think it was at the convention of 1908.

Q.—Did the Western Federation of Miners withdraw bodily from the I. W. W. at that time?

A.—Yes, withdrew as an organization.

Q.—Did they withdraw from you or did you withdraw from them?

A.—They withdrew from the Industrial Workers of the World.

Q.—Did you continue your membership in the American Federation—the Western Federation of Miners after that time?

A.—No, sir.

Q.—Have you ever been connected with that organization since?

A.—I have not.

Q.—Now, in the first preamble of the organization the term “political action” was in the preamble, was it not?

A.—Yes. The term “political,” you will find the term “political” in the first preamble.

Q.—That is to say—

A.—Organized on the industrial and political field.

Q.—In the second paragraph it reads this way, did it not: “Between these classes a struggle must go on until all the toilers come together on the political as well as on the industrial field, and take and hold that which they produce by their labor through an economic organization of the working class, without affiliation with any political party.”

That was finally amended, was it not, by striking out the words “political” in both cases, where it occurs here?

A.—It only occurs there in one place, I think.

Q.—No, “political party”, and “political—”

A.—“Field”.

Q.—“Political field”; both of those terms were amended?

A.—Eliminated.

Q.—Stricken out?

A.—Yes.

Q.—In 1908—between 1905 and 1908—

A.—Will you permit me to say that an effort was made to strike out the word “political” in the first convention.

Q.—I think that is correct, I think the history shows that.

A.—Yes.

Q.—But the controversy at once took place and continued from 1905 to 1908 over the question as to whether the Industrial Workers of the World would have anything at all to do with political action?

A.—Yes, sir.

Q.—And on the one side was championed, that is, that political action should be recognized by the Industrial Workers of the World, was championed very largely by a representative of the Socialist Labor Party by the name of De Leon, was it not?

A.—Well, he was one of the champions, yes.

Q.—He resided in New York City?

A.—Yes.

Q.—He had a paper called “The People”?

A.—Yes, “The Daily People” or “Weekly People.”

Q.—Arguments pro and con on that subject were published in that paper?

A.—That is true.

Q.—In that controversy, De Leon and his followers urged, did they not, that the Industrial Workers of the World would at once put themselves beyond the ban of the law if they eliminated political action from their policy?

A.—Well, he may have said that, but that didn't make it true.

Q.—Oh, well, I am not saying whether it made it true or not; that is what they urged on that side, was it not?

A.—Well I don't remember that he said that it would put the organization beyond the ban of the law.

Q.—Don't you remember?

A.—No, I don't remember that.

Q.—Don't you remember that he also said, and it was urged in your conventions and in the newspapers that were used among the membership of the organization, that there would be no way for the organization to increase its membership lawfully and without being a conspiracy, if it adopted direct action alone as a basis of its policy?

A.—It may have said that. I don't remember of reading it.

Q.—You don't remember that?

A.—No.

Q.—As a matter of fact, that controversy was gotten out in pamphlet form and circulated widely among the membership of your organization, was it not?

A.—It may be true.

Q.—Haven't you read that pamphlet?

A.—No, I have not.

Q.—You haven't read it; well, nevertheless, those who demanded direct action and were in favor of

eliminating all use of political action prevailed, did they not?

A.—Yes, sir.

Q.—And that was the reason why the preamble was amended in 1908?

A.—Well, it is because the delegates of the Industrial Workers of the World came to understand that the organization was an economic organization and should remain or should become such, instead of being political in any phase.

Q.—No. But answer my question. It was because the direct actionists of the Industrial Workers of the World won out in that controversy; that is, they were either in the majority or had more physical strength, —I don't think that is quite clear for your literature, it was because of that that the preamble was amended?

A.—That is exactly what I have said, it was because of the members of the I.W.W., call them direct actionists if you will, but they came to understand that the organization must of necessity be economic.

Q.—Yes, sir. Then the clause that I have read where political action was recognized—

A.—Now, I would like to—

Q.—(continuing)—was amended so as to read like this: "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."

A.—Yes, sir.

Q.—Now, at that time a considerable number of the Industrial Workers of the World withdrew from the organization, did they not?

A.—No, I don't think so. The Western Federation of Miners having—

Q.—Well, didn't it split your organization squarely in two?

A.—Not squarely in two; it split off a little fragment off the corner, known as the S. L. P.

Q.—That was the Socialist Labor Party?

A.—Yes, sir.

Q.—Led by De Leon?

A.—One of the leaders.

Q.—And they organized an Industrial Workers of the World for themselves, didn't they?

A.—They did.

Q.—Called it such?

A.—Yes, sir.

Q.—Is it still in existence?

A.—No, they have changed the name. They call it the Workers Industrial International Union.

Q.—How many of the members of the organization went off into that branch of the movement?

A.—Well, I did see the figures of a convention, I think perhaps—well, it was limited to a few hundred.

Q.—Now, while we are on that subject, Mr. Haywood, I would like to get some idea in detail of what you call political action.

A.—Well, I call political action beginning either from the bottom or top, for instance, the government of the United States, a political government, composed of three separate divisions, the legislative, judiciary and the executive administrative.

Q.—All three of them and all of their parts are political?

A.—Yes, they are all political, and of course that is the same in the state, having legislative, judicial and legislative departments; I don't know as there is any further explanation—

Q.—Well, that is a general description?

A.—I might say—

Q.—Well, the method by which the constitution of the United States was adopted, was that a political method?

A.—Certainly.

Q.—That was political action?

A.—Yes, but it was not political action that brought about the constitution.

Q.—The Revolution was not?

A.—No, sir.

Q.—That was direct action?

A.—That was direct action, yes, sir.

Q.—Is the action by which a person votes for another for a public office a political action?

A.—Yes, sir.

Q.—That is when he goes and casts his ballot?

A.—Certainly.

Q.—Whether it be for constable or for electors for President of the United States, that is a political act, is it?

A.—Yes, sir.

Q.—Is the method by which controversies between citizens or people adjusted and adjudicated by the courts, is that political action?

A.—That is one phase of political action, one part of political government.

Q.—It is not direct action?

A.—No, not direct action.

Q.—In other words, if one person sues another in a court of justice, that is political action?

A.—Yes, that is political action.

Q.—If a man charged with the commission of a public offense, that is put on trial before a court, that is political action.

A.—Yes, that is political action.

Q.—All of the work that courts do is political?

A.—Well, I think I explained that to you when I showed the divisions—

Q.—I know you did in a very general way, but I want this specific.

A.—Of course this means that all the things that the judicial department, the legislative department and the executive department do.

Q.—That is not just what I want; all the things that a court does in the administration of justice are political?

A.—Yes.

Q.—And not direct; the action of people in political conventions and in primaries is political?

A.—Yes, but sometimes they use direct methods in conventions.

Q.—You mean where they use a billy on a man's

head, or something of that kind?

A.—No, not a billy, but the way they scheme and connive.

Q.—All of the bad part of politics is direct action, is that what you mean?

A.—No, I should not say that. I do not know any part of politics that is good action.

Q.—What is it?

A.—I don't know any part of politics that is good action.

Q.—Yes, I appreciate that. Now during the first years, the first few years of the existence of the organization, you, with your compatriots and fellow-workers, were engaged in bringing a propaganda before your membership and before proselytes of the organization, were you not?

A.—What kind of propaganda?

Q.—The propaganda that has been put in evidence here, for instance, circulating the pamphlet "History, Structure and Methods."

A.—Yes, sir.

Q.—That was one of the things?

A.—That is one of them.

Q.—Circulating the pamphlet, "The New Unionism" by Tridon.

A.—Well, that was not written in the early years of the organization.

Q.—That was really a later one, but still after it was written, that was adopted as one of the means of propaganda?

A.—Some few hundreds of copies of Tridon.

Q.—Hundreds of thousands of copies, you mean?

A.—Oh, no, no; he would like that very much, but some few hundreds of copies; I don't remember just how many.

Q.—Well, your "General Strike" has been one of the books or pamphlets that was used for the purpose of bringing propaganda to the attention of the classes I have spoken of?

A.—Yes, but the "General Strike" was a speech that I delivered when I still believed or was a mem-

ber of the Socialist Party.

Q.—Yes, I understand. But in that “General Strike” you made it very clear that even although you were a member of the Socialist Party at that time, that you did not believe in direct action.

A.—But I did believe in direct action.

Q.—Did you?

A.—Yes.

Q.—Did you also believe in revolution?

A.—Yes.

Q.—You believed in revolution, did you?

A.—Yes, sir.

Q.—Did you believe that a strike was an incipient revolution, a general strike?

A.—Yes, it is, in itself, an incipient revolution.

Q.—A general strike is an incipient revolution, and you so state in this pamphlet of yours?

A.—I think so.

Q.—Then there was the books on “Sabotage” that you also circulated among the membership and proselytes of the organization?

A.—Well, the books on “Sabotage” were not circulated until rather late—a late date.

Q.—Beginning about when?

A.—I think perhaps in 1912 or '13, 1913, maybe 1914.

Q.—Then before that time the organization was circulating a propaganda that had for its purpose mainly the destroying of the idea of patriotism in its generally accepted sense?

A.—No, the aims and purposes of the literature that was distributed was to disseminate the ideas of industrial unionism, not to destroy, but to build, to construct; the Industrial Workers of the World is not a destructive organization, but a constructive one.

A.—Well—

Q.—National patriotism?

A.—Well, of course you know national patriotism can be defined in many different ways.

Q.—Well, define it any way you want to, don't you think it is? Or, I will withdraw that. I will ask

you this: Isn't it destructive of the national patriotism that has for many years past and at the present time is taught to the school children of this country, in the public schools?

A.—What kind of patriotism do they teach in the public schools? Reverence to the flag?

Q.—Don't you know?

A.—You mean the obligation and oath that the kids repeat every morning to the flag?

Q.—No, the patriotism to love and uphold the institutions of this country, to revere the flag?

A.—Well, you know the teachers in the first place—

Q.—Yes.

A.—And the kiddies much less, understand the institutions of this country.

Q.—Well now, you are drifting away from the main point.

A.—No, I am not drifting away from the main point.

Q.—Hasn't the organization and to your knowledge, hasn't the organization carried on a propaganda for the purpose of thwarting and destroying the instincts of patriotism that are taught to the school children of this country in the schools?

A.—Well, when you say the institutions of this country, now there are many institutions in this country that are wrong.

THE COURT: Mr. Witness, it is not a question of whether they are wrong or right; if you know what the counsel has in mind—

A.—I want to find out what he has in mind.

THE COURT: When he refers to institutions, whether you like them or not, answer the question.

A.—Well, I don't know that the I. W. W. has ever done that.

MR. NEBEKER: Q.—You don't know that they have?

A.—I have spoken to school children myself, and I never said anything to them about the institutions of the country.

Q.—Well, you have been pretty foxy, haven't you?

A.—I have heard you say so, sir.

Q.—You don't admit it?

A.—No, I don't admit it. I have not pussy-footed or ducked.

Q.—You have said so many times, haven't you?

A.—No, I haven't, nor in my letters nor in my words.

Q.—Well, we will see a little later.

A.—All right.

Q.—Now, "History, Structure and Methods" you say is one of the first books you started out among the membership to accomplish its mission, and the mission of propaganda that it advances?

A.—I don't remember when "History, Structure and Methods" was written. I think probably not until 1910 or '11.

Q.—Well then, from that time on, it was used and used very extensively?

A.—Yes, we have issued several editions of "History, Structure and Methods."

Q.—In that book on pages 15 and 16 I notice this statement:

"During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from strike-bound shops. All shipments are refused or missent, delayed and lost if possible. Strike-breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders,"—now that means by the United States or even a state or city, or any other branch of the government, "resented by open violation of the government's orders,"—that would include an order of court as well as anything else, would it?

A.—Naturally. That is the way it reads there.

Q.—"Going to jail en masse, causing expense to the tax payers—which is but another name for the

employing class." Now that is in that book, isn't it?

A.—Yes.

Q.—Do you think that that has a tendency to create in the minds of members of the I. W. W. patriotism for the Government?

A.—I think that is what every member of the I. W. W. in the west, who went up against the militia on numerous occasions—

Q.—No, I am not asking you—

A.—This is part of the government.

Q.—I am not asking you what you think.

A.—Well, that is where I come from; that is where I got my psychology; that is why I learned what little I know.

Q.—Well, it is a good place.

A.—And I felt just as that book expresses about that department of government. We know that martial law was declared, habeas corpus was suspended—

Q.—Well, Mr. Haywood, I must ask you to just let me question you.

A.—All right.

Q.—I want to ask you again now, do you think that that sort of a statement has a tendency to make men who read it and believe it and follow it loyal, good citizens in this country?

A.—I think it is going to improve the institutions of this country if some men understand that.

Q.—That is not answering. Won't you answer?

A.—Why, give me that question again; sure, I want to answer it.

THE COURT: Read the question, Mr. Reporter.
(Question read.)

A.—Yes.

MR. NEBEKER: Now in this same book on pages 14 and 15 I find this: "But if history is right, we know this much, 'right and wrong' are relative terms, and it all resolves itself into a question of power, cold, unsentimental power from every standpoint, except morally,—religion, et cetera, the capitalists are considered right."

That is to say, what that means is, the law, morals and religion of this time is the law, morals and religion of the capitalist class, is that what that means?

A.—Well, I think that is the way that St. John meant to express it.

Q.—What?

A.—I think that is the way St. John meant to express it.

Q.—That is what I mean. “The capitalists are considered right and justified in their control and ownership of industries and exploitation of labor, because they have the means to hire and have organized a gang that skulks under the name of law.”

Now, to whom is that reference made, “the gang that skulks under the name of law”, that is the capitalist class, is it?

A.—Yes, that is the capitalist class, and the men whom they elect, not only to Congress but to the United States Senate, as is clearly set forth in President Wilson’s “New Freedom” and is expressed and defined and prophecied in Abraham Lincoln’s message to Congress in 1864.

Q.—Now let’s see if it is, see if it means them.

A.—All right.

Q.—“And have organized a gang that skulks under the name of law, order and authority.” Did that include the courts?

A.—Some of the courts.

Q.—Federal, as well as state?

A.—Well, I think so. Some of the Federal courts as well as the state.

Q.—This doesn’t say some of them, does it?

A.—No.

Q.—It says all of them.

MR. VANDERVEER: It doesn’t say any, does it?

MR. NEBEKER: Q.—“Now, our country has been ravaged and stolen”—

A.—Would you allow me to mention one of the Federal courts that refers to?

Q.—Yes, go ahead.

A.—Well, for instance—

Q.—Don't take too long, Mr. Haywood.

A.—It won't take a minute.

Q.—I don't want to unduly prolong this examination.

A.—When a federal court assumes the right to issue an injunction as federal judge William Taft did during the Ann Arbor Railroad strike, I would say that that was usurping authority that did not fall within the jurisdiction of the Federal court.

Q.—That is to say, you would say he ravaged and stole that authority?

A.—Well, that is pretty strong language but that is what it means.

Q.—Well, you are capable of even stronger language than that, aren't you?

A.—Have you ever heard me use any stronger?

Q.—I thought I heard something from the witness stand the other day that sounded a little stronger to me.

A.—What was it?

MR. VANDERVEER: I don't know what the cross examination is, your Honor, it is not directed to anything covered—

THE COURT: Sustained.

MR. NEBEKER: Beg pardon?

THE COURT: Let us not spend any time on the question of the strength.

MR. NEBEKER: Q.—Well, it was answered: "Our country has been ravaged and stolen by industrial pirates, and yet learned judges have decreed that it was legal; attorneys and politicians have written lengthy briefs and argued long and eloquently; preachers have spoken wise sermons; in short, whatever the king has done, the creatures have most humbly considered right and the guards and men at arms have been ready to see that the slaves did not rebel against it at all. Preparatory to carrying out the capitalist's every will, this kept crew—" now that word "kept" has a very well defined meaning, has it not?

A.—Yes, sir.

Q.—And you know what it means?

A.—Yes, sir.

Q.—And that is used in this book in that sense?

A.—Well, now, go ahead and mention in what sense.

Q.—Well, in the sense that the word “kept” generally has.

A.—I understand what the word “kept” means.

Q.—And this “kept crew,” refers to the attorneys, politicians, preachers and judges that are mentioned in the preceding paragraph?

A.—Exactly.

Q.—Doesn't it? And no exception is made in that book?

A.—I don't think so.

Q.—So that as far as the membership is concerned, and so far as that book is to be believed, it was to be taken as making a charge that all judges, all preachers, all politicians, all public officials were a “kept crew” of the capitalists?

A.—Not at all.

Now St. John knew as well as I knew and as well as you do, that there are honest judges; we have met up with them.

Q.—Why didn't you say that? Why didn't you have the book say that?

A.—Well, I didn't write the book.

Q.—You certainly did.

A.—I don't know that I would have put it any different if I had.

Q.—You certainly did, long after St. John left the organization.

A.—Yes?

Q.—And you became the High Mogul.

A.—High Mogul? All right.

Q.—“This kept crew is well paid, entrenched and armed, and while it hides under the silk skirts of Mesdames Law and Order, is as desperate a crew as ever scuttled a ship or croaked a man.”

Now that sort of statement has been circulated among your membership by the hundreds of thou-

sands since 1910 or even before that, isn't that so?

A.—Yes, that pamphlet has been widely circulated.

Q.—The book has been revised since St. John became a capitalist, hasn't it?

A.—Well, I don't know what you mean by St. John becoming a capitalist. He has not quite obtained that position in life yet.

Q.—He has not?

A.—No, not yet.

Q.—He is just struggling to that end?

A.—That is all.

Q.—When was that book last revised?

A.—I think there was some changes made in it bringing it down to, oh, probably 1916, showing the changes in the form of organization. Previous to 1916 there were propaganda leagues, and mixed locals.

Q.—Those clauses never have been eliminated, have they?

A.—I think so, in the later edition.

Q.—Let me have the 1916 edition.

A.—Which clauses do you mean now?

Q.—The clauses I just read.

A.—Oh, no, not those features.

Q.—Yes.

A.—I had reference to the clauses about the organization.

Q.—When was Grover Perry's book written and started out on its trip around among the membership of the organization?

A.—Why, I think that was perhaps written about the same time.

Q.—1910?

A.—1911 or '12, somewhere along there.

Q.—One of the—

A.—Perry could answer that and St. John can give you something definite about the date.

Q.—Well, I want it from the highest source I can get it from.

A.—This is not the highest source; you will have to ask the membership.

Q.—Well, let me take whatever information you have on it then; about the same time, it has been circulated and sold to the members, used for proselyting ever since that time?

A.—Yes.

Q.—I note this statement in it: "The Industrial Workers of the World is an international movement." Now that idea, "international" was used in a great deal of the literature, so as to do away with the idea that there was anything peculiar, national, or that it was in any way connected with or related to anything in our country alone. Wasn't that the purpose of it?

A.—Well, let's see.

Q.—Well, was it the purpose or not?

A.—There are many international unions in the American Federation of Labor.

Q.—You are not answering.

A.—I understand, but I don't want you to get mixed up in this.

Q.—I think I have it right.

A.—The Industrial Workers of the World—

Q.—I want to know if that is what was meant by the word, "international" here, to give the membership the idea that they belonged to something that was not connected with the soil or with the institutions or anything in this country? That can be answered yes or no.

A.—No, it cannot. Now the Industrial Workers of the World is very definitely associated and connected with the soil and institutions and industries of this country, as well as of other countries.

Q.—The organization itself, it was contemplated that it was to be of an international character?

A.—Certainly, world-wide.

Q.—"The Industrial Workers of the World is an international movement, not merely an American movement. We are patriotic for our class." Now that meant patriotic for nobody else, didn't it?

A.—It meant “patriotic” for the working class.

Q.—And the working class alone?

A.—Alone, yes, sir.

Q.—Yes. “We realize that as workers we have no country.” Now, let’s see that statement, that sentence has gone unchallenged, has it not, in the organization from the time that Perry’s book went out—“We realize that as workers we have no country.” Has that ever been challenged that you know of?

A.—No, never has.

Q.—“The flags and symbols that once meant great things to us have been seized by our employers. To-day they mean naught to us but oppression and tyranny.” “Naught to us.” Now that has never been challenged either, has it?

A.—No.

Q.—(Continued) by any member of the organization you know of?

A.—No.

Q.—Much less by you, has it?

A.—No. I never challenged it.

Q.—“That flags and symbols that once meant great things to us have been seized by our employers.” Was that the same idea you had in mind the other day, when in answer to one of counsel’s questions with reference to this desecrated flag that was introduced in evidence here, you said at that time you did think something of the American flag.

A.—And do now.

Q.—Well, didn’t you say that?

A.—Didn’t I add that?

Q.—Didn’t you say that?

A.—Yes, sir, I did. Now there is some explanation that I want to make in connection with this flag. There have been many demonstrations about the flag, and when I answer you yes or no, I also want to explain later, unless you will allow me to explain now.

Q.—Well, I don’t want to cut you off with any explanation if it is apropos.

A.—Well, now about the flag, here was at one time a remarkable flag demonstration in the city of

Lawrence, when all of the business men, all of the preachers, priests and other preachers alike, with twelve thousand of the school children, marched the streets of Lawrence in the slush and mud to pay reverence, to pay tribute, if you will, or respect, to the American flag.

They had taken it that the Industrial Workers of the World were opposed to the flag, and they marched with flags on their breasts and flags afloat, under a banner that streamed across the street, and on one side of the banner was "The Star and Stripes forever," and on the other side the inscription said: "The red flag, never", and a further inscription that there was no room in Massachusetts for the Industrial Workers of the World.

Now these would-be patriots who floated the Stars and Stripes that day seemed to be overlooking the fact that the red flag of which they were saying "never", and "down with it", was at one time the symbol of this country under which the battles of White Plains were fought, but these fellows, late-comers, probably did not seem to know that that was one of the flags of this nation. They also overlooked the fact that we one time had a flag—

Q.—Now, Mr. Haywood, I am going to interrupt you; you are making an argument here that is not responsive to anything I have asked you.

A.—Well, I want to tell you about this flag.

Q.—Well, the whole point to it, is it not, that you think in this case, this instance you speak of, that the American Flag has been abused by somebody?

A.—Why, it most certainly was on that occasion, because it was not used for the purpose for which it was intended.

Q.—Well, what has that got to do with the purpose I have asked you about? I want to proceed.

A.—Here is what it has to do: Grover Perry there says that the flag is not now what it used to be.

Q.—Yes?

A.—Well, that is what I say, in this demonstration in Lawrence—

Q.—That was in 1910?

A.—Yes. This is what I say about the demonstration in Lawrence.

Q.—Yes.

A.—But there was another flag demonstration in Paterson.

Q.—Mr. Haywood, I think we can get at it this way—

A.—All right.

Q.—If it is these isolated and incidental instances of abuses of the flag you people have referred to, why didn't you say so?

A.—We have said so.

Q.—Where have you said so in this literature?

A.—Let me tell you about this Lawrence and Patterson business, maybe it will elucidate the situation somewhat. The employers in Paterson attempted to do the same thing as they did in Lawrence, but in Paterson it so happens that the workers, the members of the Industrial Workers of the World, weave nearly all the American flags in the United States.

Now, they had on the entrance to the factory doors flags hung up, on which every worker as he came in was compelled to put his hand and say some words; I have just forgotten what they were, but in this instance the strikers themselves put on a flag, under the inscriptions were, "We weave the flag, we starve under the flag, we work under the flag, we wear the flag, but we are damned if we will scab under the flag."

Well, they didn't make the demonstration work there against the Industrial Workers of the World, because we all wore the flag on that occasion, and they didn't.

Q.—Now you have suggested here something about the Socialist program and the state. I want to ask you about this clause in Abner E. Woodruff's "Advancing Proletariat." When was that written and started out?

A.—I think in 1916.

Q.—1916?

A.—Yes.

Q.—It is one of the—

A.—Late in 1915.

Q.—One of the pamphlets of the organization?

A.—Yes, published first in Cleveland.

Q.—There is this statement in it: “Bureaucratic administration would necessarily result in the ‘Socialist state’—democratic participation and control by the people would be set aside—a new slavery would ensue, for bureaucrats are inherently despotic. Further—the state (the primary function of which has always been to protect private property) as an entity set over and above the people, has so long represented the proletarian idea of despotism, that any scheme retaining it must surely meet with proletarian opposition.”

Now you remember that clause, do you, in Abner Woodruff’s book?

A.—Well, I think that I recall that book.

Q.—And the proletarian position means the I. W. W. position, doesn’t it?

A.—Yes, the I. W. W. is a proletarian organization.

Q.—A proletarian movement?

A.—Yes, sir.

Q.—And the idea that is advanced there that the state, whether socialistic or otherwise, has been so long associated with oppression in the minds of the I. W. W., that nothing short of complete abolition of it would satisfy them?

A.—Well, it is not so much the abolition of the state as the establishment of an industrial democracy.

Q.—Yes. But that, of course, would destroy the state?

A.—Naturally, the state is going to slough off.

Q.—Oh, yes, like the vermiform appendix.

A.—Perhaps so.

Q.—“All the activities”—I am reading from the same book now, “all the activities of the proletariat in furthering its program for a new society, must ne-

cessarily be revolutionary and beyond the law." "Beyond the law" means in defiance of the law, doesn't it?

A.—Yes, it would.

Q.—"Therefore the Socialist politician's 'legal revolution' " — that is one that is within the law — "legal revolution idea is regarded as absurd by the proletariat." Now there is not any two ways of taking that, is there?

A.—No.

Q.—That is just what it means and that is one of the means of propaganda of the I. W. W., and has been ever since this book was written?

A.—Well, you recall that I cited—

Q.—Just answer that.

A.—All right.

MR. VANDERVEER: That is two questions. There is not any question about what it means, is there?

MR. NEBEKER: Q.—Now how many members, approximately, were there of the I. W. W. on January 1st, 1917?

A.—I didn't recall the number now. I could give it there if I had my report.

Q.—Couldn't you even get approximately?

A.—1917, approximately seventy thousand.

Q.—Well, I mean now of actually paid up members in good standing.

A.—Actually paid up members?

Q.—You think at the beginning of 1917 there were seventy thousand members?

A.—I think so.

Q.—How many were there September first, 1917?

A.—I would say close to 90,000 paid up members.

Q.—90,000?

A.—Yes.

Q.—Paid up members. Now one other thing—

A.—You see, you have the records up here.

Q.—Well, you have access to them, don't you?

A.—Well, one of your men who counted them up, Mr. Howe, I think, told me there was seventy

thousand. Well, at that time the lumber workers had not been transferred and you have no record of those. You have no record of the Marine Transport Workers. It would probably run over 90,000, perhaps 105,000.

Q.—Well, he counted them up and estimated them, did he not?

A.—Yes.

Q.—One other matter before I pass to 1917. Now, a part of the propaganda of the I. W. W. from the beginning has been this thing called sabotage, has it not?

A.—No, I don't think the membership really knew the word or definition of sabotage in the early beginning.

Q.—When did you adopt sabotage as one of the elements of policy in the organization?

A.—It probably has been one of the elements from the inception of the organization.

Q.—From the inception?

A.—I should say so.

Q.—Well, the various books on sabotage, how long have they been circulated among the membership?

A.—Perhaps the earliest one was printed in 1913.

Q.—Which one was that?

A.—Elizabeth Gurley Flynn's, I believe; I don't know whether Walker Smith's was out before that, but that was not issued by the general organization.

Q.—No, but it circulated among the membership?

A.—Among some of the membership; probably never has been seen in the east at all.

Q.—Well, since Gurley Flynn's book was out, it has been adopted and circulated and used among the membership just as widely as it could be sold?

A.—Yes.

Q.—The same way with Pouget's work?

A.—No, Pouget's book had a very limited circulation. I purchased—

Q.—Well, you have acquired the copyright, have you not?

A.—Yes.

Q.—That is, you personally, or the organization?

A.—Not me personally; the organization owns it. I acquired it for the organization.

Q.—Although not written by an I. W. W. it is now owned by the organization?

A.—Yes.

Q.—The copyright; and sabotage as explained in these various books has become a part of the propaganda at least, of the organization?

A.—Yes.

Q.—Do you know about what growth was made in the organization in 1917 as shown from the receipts for the initiations and dues?

A.—No, I couldn't tell you off-hand.

Q.—I will have to pass that; I thought I had a memo here. The membership in the organization and the receipts from initiations and dues very appreciably and rapidly accelerated after the declaration of war in 1917, did they not?

A.—No, I don't think so; not particularly after the war; the growth of the organization—yes, it was more rapid after the war.

Q.—Well, let us put it back as far as the severance of diplomatic relations between this country and Germany, on February 2nd.

A.—Well, the growth of the organization had absolutely nothing to do with the severance of diplomatic relations, or the war.

Q.—Well, that is an argument; I want the facts.

MR. VANDERVEER: The whole question is an argument.

MR. NEBEKER: Did the membership and did the receipts from those sources increase rapidly and in an ascending ratio from the time that diplomatic relations were severed up to September first, at least?

A.—I would say they did, but not to the extent the American Federation of Labor has increased.

MR. NEBEKER: Well, I move to strike that last

statement, if the Court please, as being irresponsible and argumentative.

THE COURT: Strike it out.

MR. NEBEKER: Now you said something to counsel as to how you would have gone about it if your real desire had been to thwart the government in the way you are charged with doing in this indictment; do you remember that?

A.—Yes.

Q.—How, for instance, you would have got in touch with Rowan and had a lumber strike; in touch with Perry and had a strike in the mines, where copper and lead was produced; with Forrest Edwards, and had a strike in the harvest fields; with Nef and Doree, and had a strike among the marine transport workers.

A.—Doree was secretary of the Textile workers.

Q.—Well, Nef in the Transport Workers and Doree in the Textile Workers.

A.—Yes.

Q.—And that you would have had the foreign newspapers disseminate information and propaganda along that line?

A.—Naturally.

Q.—Also the English papers?

A.—Naturally.

Q.—Do you think you could have gotten the foreign newspapers to have said anything stronger than they did say?

A.—About what?

Q.—General strike.

A.—Against war?

Q.—General strike.

A.—Against the war?

Q.—Well, against the war, yes.

A.—I have not heard anything read here about tying up the government or against the war in the foreign newspapers.

Q.—Have you heard something read here about a general strike to release men from jail?

A.—Yes, I did.

Q.—Yes. General strike in case of conscription?

A.—No.

Q.—You haven't heard anything about that?

A.—No.

Q.—Did you hear read the minutes of the convention—

A.—You refer to the Sandpoint?

Q.—The convention that organized Number 500?

A.—Yes, I heard that.

Q.—You heard that read?

A.—Yes.

Q.—What you were going to do, what they proposed to do out there in case conscription passed?

A.—I don't think I heard that from a newspaper; I heard it from the minutes.

Q.—Well, I will get at that feature of it.

A.—All right.

Q.—Let's find out what the results are first: There was a strike to your knowledge, called some time in June, that tied up all of the lumber camps on the east side of the Cascade Mountains, in the northwestern part of this country, wasn't there?

A.—Was that lumber strike called in June or July?

Q.—June, the Rowan strike.

A.—Is that the one that Rowan called?

Q.—Yes, don't you know it?

A.—I believe I had heard something about that.

MR. VANDERVEER: That is another strike.

A.—That is another strike.

MR. VANDERVEER: That is August 11th.

MR. NEBEKER: Oh, no, I know what I am talking about and so does Haywood.

MR. VANDERVEER: You and the witness are not talking about the same thing.

MR. NEBEKER: Well, I am talking about the strike that tied up all of the lumber camps of the east side of the Cascade Mountains.

A.—Well, that occurred on July 12th, didn't it?

Q.—What?

A.—13th and 14th.

Q.—Let's see, aren't you confused, or, I won't say you are attempting to mislead, but isn't that July strike the one that occurred in the long log country on the west side?

A.—Well, that occurred in all of the lumber district; there was a strike on the east side, that is on the Fortine.

Q.—You have listened to the testimony here that it was called on June 12th.

A.—That Fortine strike was called earlier, yes.

Q.—And that it spread immediately all over the east side of the Cascade Mountains, that is, the timber country, in the northwest, east of the Cascade Mountains?

A.—Yes.

Q.—Then as soon as that became a success it was followed at once, on July 14th or 15th, with a similar strike on the west side? Isn't that so?

A.—Yes, sir.

Q.—And in the grip of those two strikes, the entire lumber industry of the northwest of this country, where the large proportion of the lumber is produced, was paralyzed, the industry itself, isn't that so?

A.—That is true.

Q.—Now, about the same time that the movement went on there, to tie up those lumber camps, was there not a movement down in the southwest part of this country, in the copper camps?

A.—Yes, but would you permit me here to say—

Q.—Well, I want to get at it now in my own way.

A.—I know.

Q.—And have you explain later.

A.—All right, just make a note of that, Mr. Vanderveer, I want to explain who is responsible for it.

MR. VANDERVEER: It is not a matter of getting at it in a different way, it is a matter of getting at the facts.

MR. NEBEKER: Q.—On June 23rd, down in Arizona, three days after, I said June 12th, that the strike was called up there in Washington,—it is

June 20th, as shown by your record,—on June 20th down in the southwest part of the country at Bisbee, Arizona, there was a convention held; do you remember that?

A.—Yes.

Q.—And do you remember that the records show—

MR. VANDERVEER: That is not correct; let us get the dates.

MR. NEBEKER: And do you remember that the records show that at that convention a communication was read from the lumber end of it, saying that they had gone on strike for the purpose,—against conscription, and asking them if they should go on strike down there in sympathy.

MR. VANDERVEER: There is not a syllable of truth in the question, if the Court please.

MR. NEBEKER: I wish that counsel would keep out of this.

MR. VANDERVEER: In the first place the Bisbee convention was not on June 23rd; it was not after the June 20th strike, which could not have happened,—it could not—it did not happen, and it is created entirely in his own imagination, and I cannot stand here and submit to the putting of questions which have no foundation in the record in this case. The Bisbee conference occurred long before June 20th.

MR. NEBEKER: I am talking about this Bisbee convention.

MR. VANDERVEER: Yes.

MR. NEBEKER: I do not know if “convention” is the right name.

MR. VANDERVEER: It was not on June 23rd. There was not anything written on June 20th.

MR. NEBEKER: In the first place, this is improper for counsel to interfere here in my examination of this witness and suggest that to the witness.

THE COURT: Go ahead.

MR. NEBEKER: Q.—Now, on June 23rd, there was a meeting down there, you have heard the minute read, haven't you? You can call it a conven-

tion, or what not?

A.—Wasn't it on June 15th.

MR. NEBEKER: No; it was June 23rd.

MR. VANDERVEER: Well, let's get the record and see.

MR. NEBEKER: You remember when Embree was on the stand, don't you?

A.—Yes, I do.

Q.—And I called attention to the minutes of that meeting on June 23rd?

A.—I don't think it was on June 23rd.

Q.—Well, it matters not; let's say it was some time in June, was it not?

A.—All right.

Q.—It was after the strike had been started up in the lumber region?

A.—In Eastern Washington?

Q.—Yes, in the eastern part and it was a communication to the I. W. W.'s down there, to ascertain whether they would go on a strike in the mines for the same purpose and effects that the lumber people had gone on strike in the Northwest?

A.—And do you remember what Perry and Embree and Little said at that conference?

Q.—Let me ask you about these minutes. You remember they showed that this convention—

MR. VANDERVEER: I think there is not a thing in the record to sustain that statement.

THE COURT: Gentlemen, you will disregard the assertion of counsel for the defendants that there is nothing in the record to sustain the statement. Proceed with the examination.

MR. VANDERVEER: Why, your Honor? Why should they disregard a statement of mine?

THE COURT: Because it is an improper assertion of that kind containing a fact.

MR. VANDERVEER: Every question of counsel implies an assertion of fact which is not in accordance with the facts.

THE COURT: Gentlemen, you will disregard this statement of counsel respecting a matter of fact. Pay

no attention to it. Now, proceed with your examination.

MR. VANDERVEER: I am merely requesting that counsel adjust himself—

MR. NEBEKER: Do you remember the minutes of the meetings that Embree testified about?

A.—I heard the testimony here; not all of it; you cannot hear all of the testimony. As loud as I am speaking now, these men back here cannot hear me.

Q.—I suppose. Did you hear that part of it that spoke of receiving a communication from Seattle?

A.—Yes, sir.

Q.—Saying that they were on strike, or asking, rather if in the mines they would go on strike in sympathy against conscription?

A.—No; I did not hear, "against conscription;" I heard them ask if they would go on sympathetic—

Q.—Well, I will have to get that letter for you?

A.—Yes, I would like to see that.

Q.—And at that meeting a vote was taken in favor of going on strike for the same purpose as the Seattle branches were on strike. Do you remember that?

A.—At the Bisbee conference?

Q.—No; at this meeting that Embree testified about.

A.—Well, wasn't that the Bisbee conference?

Q.—No. No, that is another meeting.

A.—Well, I don't recall anything about this other meeting that you are speaking of.

Q.—Anyhow the strikes down in Arizona—

A.—Where else could Embree be except Bisbee.

Q.—He was at Bisbee. He was—it was the Bisbee branch took action on this matter, the same as at Sandpoint, it was the Sandpoint branch that first started the ball rolling.

A.—I see.

Q.—You understand?

A.—Yes.

Q.—Following that action, one strike after another was called in Arizona until practically all of

the mines there were closed down by the I. W. W.'s?

A.—Following the action of the branch?

Q.—Yes.

A.—The branch could not initiate a strike.

Q.—I understand, but following in time.

A.—It is true that there were strikes in Arizona—

Q.—Yes.

A.—(Continuing) following the date you give?

Q.—Yes, sir.

A.—Yes.

Q.—So that by that time you had the lumber tied up, and you had the copper mines tied up in a field that produced a large proportion of what the government needed for munitions, is that true?

A.—It is true that there were strikes in Arizona.

Q.—Yes, sir.

A.—And true that the lumber strike was on in the west.

Q.—Now, let me call your attention to this, and see if this is not the next step you had in mind in this program, where you were acting through your Lieutenants: Do you remember the strike that was called in that circular of August 20th signed by Rowan?

A.—Yes.

Q.—That was a strike call or contemplated that it would be called among the agricultural workers of the Northwest, was it not?

A.—I think so, yes.

Q.—It was called to take effect rather, on August 20th, circulars went out about August 10th or 12th, do you remember that?

A.—Yes.

Q.—That particular strike did not go into effect, did it?

A.—August 20th?

Q.—August 20th?

A.—No, I don't think it did.

Q.—Rowan, and the men upon whom that strike devolved out there were arrested and put under military arrest on the 19th of August, weren't they?

A.—Now, then—

Q.—Were they?

A.—Now, just let me get this thing straight. I do not want to say yes or no to things I do not know anything about.

Q.—Were they put under arrest; just let me get this thing straight.

A.—Certainly they were.

Q.—On August 19th?

A.—Yes.

Q.—So that strike did not go into effect, but it was contemplated and called, wasn't it?

A.—And you think that a strike could be contemplated and called by Jim Rowan, and that his going to jail would stop it?

Q.—Of course, that is a question that I could easily answer, but it would be improper for me to answer this question at this time. What I am trying to find out: Jim Rowan was at the head of one of the big organizations.

A.—He was secretary treasurer of the lumber workers.

Q.—Just how he got the information, and why he acted may not be entirely disclosed by correspondence? That is so, isn't it? It would not necessarily be in writing.

A.—If you mean to intimate—

Q.—It would not necessarily be in writing?

A.—If you mean to intimate that there was any communication sent from the General Office to Jim Rowan urging this strike, you are very, very much mistaken.

Q.—I am mistaken?

A.—Yes, sir; you are indeed.

Q.—Well, it would not be beyond the bounds of possibility that you would send your Ambassador, Brazier, out there to—and let him start the movement in that way.

A.—Well, that is possible, of course.

Q.—It would be possible?

A.—Yes.

Q.—You were sometimes rather careful about

what you put in writing, weren't you?

A.—I am always careful, yes.

Q.—And said so?

A.—Always careful of what I put in writing.

Q.—Yes. And said so. Now wasn't it contemplated, down into the lumber and mines, down in the southwest, and it got up to the Agricultural Workers of the Northwest, was it not contemplated that the next place you would attack would be the mines in Michigan on the Gogebic Range?

A.—Well, we had very little organization in Michigan, very, very little.

Q.—Well, I know, but little or much, wasn't it a fact that you intended to do that?

A.—No.

Q.—And that you personally contemplated it?

A.—No, the only thought, the only reference that I ever had or made to the Gogebic Range was when I sent the telegram to President Wilson about the deported men from Bisbee.

Q.—Well, now, did you not write Charles Jacobson on the 26th day of July, 1917, and say: "The miners of Arizona and Butte, Montana, are asking what the Minnesota miners are going to do, to assist them in winning the strike." That is a suggestion as to Minnesota?

A.—Yes.

Q.—You were now making a preliminary inquiry to see to what extent you could extend the strike out in that country, weren't you?

A.—That is true.

Q.—That is where you wrote Jacobson: "I see where the miners of the Gogebic"—what is that?

A.—Gogebic.

MR. VANDERVEER: Gogebic.

MR. NEBEKER: Gogebic, counsel says.

"—in Michigan are out. Will it be possible to make it a general strike of the miners for the 6 hour day and \$6 a day." Do you remember writing that?

A.—Well, you have the letter here; I certainly wrote it.

Q.—This was to Charley Jacobson, one of the defendants here?

A.—Yes.

Q.—And in that one letter the suggestion is made to feel out the situation and see whether you could get the Minnesota mines tied up, and also a suggestion to see what could be done in the same direction in the Michigan mines?

A.—That is true.

Q.—That is July 27th, 1917. Now, that would have tied up, if that plan had gone through, practically the basic materials of this whole country that are used in the manufacture of munitions, would it not?

A.—Practically the iron, copper and lumber.

Q.—Yes, sir. But I want to read further from this same letter: "Attorney Fred H. Moore briefly informed me of what you were coming to Chicago for." Do you remember that now?

A.—No, I don't remember that. I remember that Jacobson was coming to Chicago.

Q.—"As you did not come, I have been expecting action on the part of the miners ever since."

Now, isn't it a fact that Fred Moore told you that Charley Jacobson was coming down here for the purpose of communicating with you about calling that strike and getting those men out there on strike in Minnesota and that inasmuch as he had not come, you were giving him to understand that you personally were expecting action there?

A.—Well, he would not necessarily come to see me.

Q.—Oh, well, I understand. Isn't that the real meaning of that letter?

A.—No, I don't just recall what his coming was about.

Q.—Of course, your statement has been, and your contention has been right along, that this was simply a matter of demands, working conditions, and

wages and things of that kind, just a spontaneous uprising among the working men, that is what you say is the fact, is it?

A.—I think so, yes.

Q.—Do you remember of receiving a letter from Kimball, you know who Kimball is down there in Arizona?

A.—One of the defendants, A. D. Kimball.

Q.—He was one of the defendants?

A.—He is now.

Q.—He is now but not on trial; do you remember him?

A.—Yes.

Q.—He was what? A branch secretary?

A.—I don't recall; I don't know just what Kimball's capacity was or whether he was an officer at all or not?

Q.—Well, he was a very active man down there during the strike, wasn't he?

A.—Well, he had little or any communication with headquarters; I don't remember ever receiving a letter from him.

Q.—Well, let's see if you remember this?

A.—Maybe I will.

Q.—Wherein he said, speaking of the strikes in Arizona: "This is a Solidarity strike"—a solidarity strike—"and we must concentrate on that phase of it; the demands made are wholly secondary." Do you remember receiving that from Kimball?

A.—No, I don't recall receiving that letter.

Q.—Now, do you remember of writing Kimball?

A.—No, I don't remember of writing him.

Q.—On July 31, 1917. You don't remember that?

A.—No, I don't.

Q.—In which you addressed him: "A. D. Kimball, Civilian Camp, Columbus, New Mexico, Fellow Worker:

"In regard to what action is being done to bring other mining sections in line."

A.—What is the date of his letter to me?

Q.—I don't have the date on here; I will have to get it for you.

A.—All right.

Q.—July 25th. And this is the 31st.

A.—Yes.

Q.—And in that letter, I did not take time to read it all, I called your attention to just one sentence of it, but there was an inquiry in that letter from Kimball to you as to what they were doing in other parts of the country to extend this strike. Do you remember that? And you answered him thus, did you not:

“In regard to what action is being taken to bring other mining sections into line, will say that every effort is being made to swing Minnesota and Michigan in line.” Now, that is true, is it not?

A.—That is true as far as those deportees were concerned.

Q.—And you were making every effort at that time to swing them into line, were you?

A.—Yes, sir.

Q.—Yes.

A.—Yes, sir.

Q.—This is July 31st: “Minnesota and Michigan.” Now, also “The Gogebic Range in Michigan is already on strike and Minnesota is preparing for the struggle.” That was true, wasn't it, on this date?

A.—There was a little strike up in Gogebic, yes.

Q.—Now, they were preparing for the struggle, were they?

A.—And some efforts were being made in Minnesota.

Q.—They were preparing for the struggle?

A.—Yes.

Q.—“Strikes are also threatened in the harvest fields.” That was so, was it?

A.—South Dakota.

Q.—South Dakota?

A.—Around Aberdeen.

Q.—Around Aberdeen only? You didn't say that, did you?

A.—No. I don't remember that letter.

Q.—Well, I will have to get—

A.—I want to see the letter myself.

Q.—Let me have it, Mr. Vanderveer.

MR. VANDERVEER: I haven't it.

MR. NEBEKER: It is quite a lengthy letter here, you will recognize it, I think July 31, 1917, you will see the language I quoted is on the second page of the letter. There is not any doubt about it now, is there, about your writing that letter? Any doubt about it?

A.—About my writing this letter?

Q.—Yes.

A.—I didn't write it.

Q.—Dictate it?

A.—No, sir.

Q.—Well, who did?

A.—Do I have to tell you who did?

Q.—Yes.

A.—Dick Brazier.

Q.—Did he write it over his signature?

A.—No, he wrote it over mine.

Q.—Well, did you see it before it was sent out?

A.—That is, that I am not certain of.

Q.—Well, what is your best judgment?

A.—Well, I didn't write it, I just know that I didn't write it.

Q.—You mean to say that your best judgment is you did not write it?

A.—I know I didn't.

Q.—I mean read it before it went out?

A.—I am not certain of that. I would want to read it over then I would refresh my memory and know what it is.

Q.—Well, it was not the practice for Dick Brazier to write letters and sign your name on important matters of that kind, was it?

A.—He wrote letters for me any signed my name.

Q.—Did he write it right here in Headquarters?

A.—Yes.

Q.—Were you there at the time?

A.—Yes.

Q.—That is Brazier, the defendant here?

A.—Yes.

Q.—Member of the General Executive Board?

A.—Yes, sir.

Q.—Now, you say: "Strikes were also threatened in the harvest field. As to what is being done in the Utah and Nevada mining districts—" Now, they were two districts that had really been left out, up to date?

A.—Yes.

Q.—That was the Utah, Utah copper mines there, and Utah lead mines, I speak of the state, the mines in the state, there is a good deal of copper and a good deal of lead produced there and in Nevada, a good deal of the same?

A.—Well, some copper and not much lead in Nevada.

Q.—"As to what is being done in the Utah and Nevada mining districts, I am not able to specify in detail, but I know that attempts have been made to bring Bingham Canyon in line." That was the Utah section there where the great Utah copper interests are?

A.—Yes.

Q.—And a great lot of copper is produced, "and that organizers have been sent to Nevada to get them in line." Do you remember that?

A.—Yes.

Q.—That was the fact too, was it?

A.—That is true. There were organizers in Nevada.

Q.—"Apparently success has not yet awarded their efforts. You must admit that it is some job to swing all this vast territory, but if it can humanly be done, it will be done. Perhaps your march for home will be the spark that will set the mining districts of the country ablaze with revolt and swing them into line with you." Now, you really remember that letter now, don't you?

A.—No, I don't.

Q.—You don't?

A.—No.

Q.—Well, now that seems to contemplate that at this time, July 31, 1917, that the entire mining district of the United States would be tied up in a strike, and that the harvest fields would, isn't that so?

A.—Well, according to this letter, there is an effort being made in the different districts, but that is a long ways from tying it up.

Q.—How is that?

A.—It was a long ways from tying it up.

Q.—Well it may be something intervened after this, while this was in the mind of the membership, and of these agitators, and this something intervened and stopped it?

A.—What was it?

Q.—Didn't it?

A.—The return of the men, or relief of the men from Columbus?

Q.—Well, let's see, that was one of the things, but the nipping in the bud, so to speak, of the agricultural workers strike in the North West, do you think that had anything to do with it?

A.—Now, you speak about nipping in the bud—

Q.—Yes.

A.—What was that nipping in the bud? The agreement with the Non-Partisan League?

Q.—Well, if you ask me,—

A.—The tacit agreement.

Q.—I ask you if you don't think it was nipping it in the bud when Rowan and his people who were sponsors for the agricultural workers' strike out there were arrested, put under military arrest?

A.—Oh, I don't think that had anything to do with it.

Q.—You don't?

A.—No.

Q.—You remember you spoke about sending a wire to President Wilson?

A.—Yes.

Q.—You sent him this wire, August 3, 1917, did you not—I should say you sent a wire to Kimball on that date, referring to a wire to President Wilson: “A. D. Kimball, Executive Committee, Columbus, New Mexico.” Now, does that refresh your recollection as to who Kimball was?

A.—I know who Kimball is.

Q.—I thought a little while ago you said you did not know who he was.

A.—I said I didn't know in what official position he was.

Q.—Now, does this refresh your recollection on that?

A.—Yes, it does.

Q.—“Have sent telegram to President Wilson as requested strikes of miners, lumber jacks, harvest workers, growing; marine transport workers report action.”

Now, at that time, the impression you were giving to him was that the lumber was tied up, the copper and the lead was tied up, the strike was on in the harvest fields, so that the food would be tied up, and now as the crowning act, the transport workers were going to strike?

A.—Yes; I was giving him just as much encouragement as I possibly could. Remember, there were nearly 1200 men in that desert.

Q.—Well, now, that is a pretty broad scheme as outlined here?

A.—Yes, it is broad, yes.

Q.—Pretty broad?

A.—I wish I could have put it into effect.

Q.—Now, do you say you think you could have got at that in any better way than you did get at it?

A.—Well, yes, we could have if we had more force and more money.

Q.—As a matter of fact a general strike is a thing that grows, isn't it, as a matter of mass and mob psychology?

A.—Oh, it will grow and take on force.

Q.—It is not contemplated in a general strike that it will come on like a clap of thunder out of a blue sky?

A.—Well, it did in the Northwest, didn't it?

Q.—Well, it started in that way; but as a matter of fact, Mr. Haywood, wasn't it the plan that you would start it in a small way, and like a snow ball that increases in size and momentum, when rolled down a slope, that it was expected that it would gradually extended from Sandpoint, the first one that was instituted, up in the Pacific Northwest, until it included every industry in the United States where the I. W. W. prevailed?

A.—Let me say to that, I knew nothing about the strike or the resolution, contemplated strike or resolution at Sandpoint, never heard of it until I heard of it in this court room, and there was no such plan.

Q.—Well, it was pretty much in line with—

A.—If you want to know how I felt about it, I would like to have done that same thing, to have compelled the return of those men to their wives and babies at Bisbee.

Q.—Yes, you would like to have done it before there were any incidents of that kind happened?

A.—Not at all except perhaps—

Q.—Had the men at Bisbee interfered with at the time that the lumber workers strike was called—

A.—June 20th.

Q.—June 20th?

A.—No, no.

Q.—When were the men deported from Bisbee?

A.—I think it was July 12th, I don't just remember that date, but it occurs to me it was July 12th.

Q.—Now, isn't that whole program, beginning with the Sandpoint strike, and running down through the lumber camps, both sides of the coast, and into the copper fields of Arizona, Utah, Nevada, Michigan, Minnesota, into the harvest fields, and finally into the transport workers, the very thing that is outlined in your own book, *The General Strike*?

A.—I think I gave a pretty good outline of that, of the general strike, and what it means.

MR. PORTER: Mr. Nebeker, the jury did not get that answer of Mr. Haywood.

MR. NEBEKER: I wish you would read that, Mr. Reporter. (Answer read.)

Q.—I want to ask you about this pamphlet, Mr. Haywood. I notice in this pamphlet in large letters, it is called: "The General Strike, by William D. Haywood."

A.—Yes.

Q.—And underneath that in small letters is also; "The Last War, by G. B."

A.—Yes.

Q.—Who was G. B.?

A.—George Barrett.

Q.—An Englishman?

A.—Yes.

Q.—This was written in England?

A.—Yes.

Q.—When was it first published along with your "General Strike"?

A.—Well, I think it was the last edition of the "General Strike."

Q.—When was that, Mr. Haywood?

A.—I don't recall, sometime in 1916.

A JUROR: Louder, please.

MR. PORTER: Mr. Haywood, I am afraid you get to talking to Mr. Nebeker, and the jury over here don't get it.

A.—I think sometime in the latter part of 1916.

MR. NEBEKER: There are some 18 pages of "The General Strike" written by you?

A.—Yes.

Q.—And 27 pages of "The Last War" by G. B.?

A.—Yes.

Q.—"The Last War" by G. B. is a strong appeal to the English workingmen not to engage in the war, isn't it?

A.—Well, I don't know. It recites that the war means and what the peace after the war means.

Q.—Well, for instance, it says: "When we are called upon to fight—

MR. VANDERVEER: If you will stand back, Mr. Nebeker.

MR. NEBEKER: I probably ought not to stand up at all.

Q.—"When we are called upon to fight wars so arranged, are we going to reply by saying: 'Well, since you have already picked the quarrel we will fight?' Is not such an answer absolutely asking the ministers to continue their secret diplomacy?

"What does it really imply? It means: if you were to ask us before things were settled we might disagree with you, but since you settle the matter first we will not dispute it, and will fight for you. And so, taught by the crowd, the politicians continue to settle matters first, and to manufacture the causes of war in private, knowing that the people will be willing to fight when the enemy is on the march. What is the alternative it may still be asked. How can we do other than defeat the Germans by helping our government, even though we may know that the latter is composed of the politicians who tomorrow will send the army to shoot us?

"Indeed, the only other course that we can take is that which I have tried to indicate, and that is to join the army of workers, who would oppose in every possible way all invaders as much those who now possess our country as those who are quarreling for it. Each government wants it in order that the rich men of its country may get richer by the labor of the worker."

Now, that is only taken at random from this book, being a book that was written precisely for that purpose, to prevent, to persuade English working men against participation in the war against the German nation. Now, is that not a fair statement of the contents and purposes of that article?

A.—I think perhaps that is about as fair as you could make it.

Q.—Well, do you mean—

A.—This book, really is an anti-military book, written while the war is on.

Q.—And the general strike by you is meant as an opposition to war by you?

A.—I am very much opposed to war.

Q.—Yes. And the general strike is a medium by which war can be prevented?

A.—Yes.

Q.—And that was the suggestion you had got out to the membership of the I. W. W. during all of the months from April 6th until September 1st, 1917, isn't it?

A.—I don't know as it was distributed during all of those months; it may have been.

Q.—Wasn't there 20,000 of them shown by figures put in evidence, 20,000 printed at one time?

A.—Yes.

Q.—In March, 1917?

A.—I think likely.

Q.—And they were all sent out, weren't they?

A.—No, they were not.

Q.—By the way, the mailing clerk in 1917, was a man by the name of Bird, wasn't he, shipping clerk?

A.—1917?

Q.—Yes.

A.—I don't remember whether Bird was there in 1917, or whether it was Rumbaugh.

Q.—Anyhow, do you know where Bird is?

A.—No, I don't.

Q.—Or Rumbaugh?

A.—Rumbaugh, I understand is in the army.

Q.—I want to examine you just for a few moments on your idea of conducting business in the organization. At least counsel asked you and you told how open it was, everything was open and above-

board, no idea of concealing anything. Mr. Harry Lloyd is one of the defendants here, isn't he?

A.—Yes.

Q.—And Bert Lorton is also one?

A.—Yes.

Q.—They were both in office, were they not in August, August 21, 1917?

A.—Harry Lloyd, I think at that time was secretary of the recruiting union, and one or more of the branches at Portland, and Bert Lorton was secretary of the Chicago Recruiting Union.

Q.—Now, I call your attention to a letter from Lloyd to Lorton, in which it states: "Will state that all records and books are planted." What is meant by being planted?

A.—It is meant that they were hidden.

Q.—"As we expect a pinch any time; will be impossible at this time to look up records, but will do so when opportunity calls. Things are warming up here now. We are liable to be all in the can at any time now."

Well, when were they hidden, and—and when they were hidden and planted they were not to be had, were they?

A.—No, they were not.

Q.—So at least in that case the branch secretary at Portland, Numbers 400 and 500, the record of that office were not to be had at that time?

A.—Well, is that letter from Lloyd to Lorton or Lorton to—

Q.—Lloyd to Lorton.

A.—Lloyd to Lorton?

Q.—Yes.

MR. PORTER: What is the date, Mr. Nebeker?

MR. NEBEKER: August 21, 1917.

Q.—Now, Brazier, as we have learned, is a member of the Executive Board. I want to call your attention to a letter that Lloyd wrote to Brazier at 1001 West Madison street, Chicago, on the same date, August 21st, in which he says: "Everything

here now is warming up and we are expecting a pinch at any time. We have got everything planted; that is of any account; the only thing the authorities will get is the desks. Everyone has got the strike fever on the Coast; there are about 20 of the boys in the can serving from 20 days to six months. We are liable to be all in soon, so don't be surprised when you hear of the big pinch."

Was that called to your attention, that letter?

A.—No, I don't think I saw that latter.

Q.—What?

A.—I don't think I saw that letter.

Q.—Well, now, Don Sheridan is one of the defendants here?

A.—Yes.

Q.—He was up at Spokane, Washington, and very prominent and acted for the I. W. W.'s in that section of the country, wasn't he?

A.—Yes, he was at one time secretary of 500.

Q.—Preceded Rowan?

A.—Yes.

Q.—Up to about the middle of May, or, rather the latter part of May, he left office on May 28th, and Rowan came in at that time, didn't he?

A.—I don't know that for a fact.

Q.—Well, then he succeeded Rowan after Rowan was arrested on August 19th?

A.—That is what I stated, he was at one time secretary of 500.

Q.—Now, you remember a letter that he wrote from Spokane to Richard Brazier in Chicago, in which he said: "I got your letter and also saw the one to J. R." Who was J. R.?

A.—Well, I should judge it was Jim Rowan.

Q.—"Which arrived this morning. I see you are taking precautions in Chi"—Chi means Chicago?

A.—Yes.

Q.—"taking precautions in Chi; I am glad of that; we are doing the same here and have all of

the records and most of the supplies cached in a safe place."

Had you been taking some precautions in Chi?

A.—I don't recall what they were.

Q.—Well, he evidently had been informed by somebody that you had taken precautions with your records and papers, hadn't he?

A.—Evidently from that letter, but you have got all the records and papers upstairs.

Q.—At any rate he knew what he was talking about when he says: "I have all records and most of the supplies cached in safe places in Spokane."

A.—Yes.

Q.—Now, here is a letter signed by William D. Haywood, August 27, 1917, to Henry Wilson, in which it is said: "I see you expect the same kind of tactics there as has been pulled in Bisbee, and I agree with you that they will have a different reception in Seattle with that kind of stuff to what they got in Bisbee. Hoping that you have taken precautions to cover any eventuality that may arise in your locality, I remain, with best wishes, yours for the O. B. U."

Did that have some suggestion in it as to disposing of the papers?

A.—No, not necessarily the papers, but the stamps and membership books, and record books of the organization. You know that an organization cannot thrive very well with all of our stuff in the hands of the government.

Q.—Well, now, here is a letter to you dated August 30, 1917. I don't know who it is from. Maybe you can tell me. It is a copy of a letter. I guess it is a reply to Wilson, and the letter is attached in all probability.

A.—I think that must be from Wilson.

Q.—There is not any doubt about your having received it and read it?

A.—I don't think so.

Q.—In that letter Mr. Wilson informs you—by the way, he wrote from what point?

A.—Seattle.

Q.—Seattle. Sheridan wrote from Spokane?

A.—Spokane.

Q.—Harry Lloyd wrote from Portland?

A.—Portland.

Q.—Portland. Now, this man writes from Seattle and informs you: "Things are going better here, although we are ever on the watch. Last week we took everything out of the office that was anyway valuable, and I am now using a room where we do all of the work. This was done in expectation of a raid by a bunch of patriotic business men. However, nothing showed up, although we are still playing safe by keeping the room. Don't think anything will be pulled off here. The agitation is still being kept up by the so-called patriotic societies and they are throwing Wobblies into jail right and left. At Portland I understand the police is pretty active and there is a big bunch in jail there without charges."

Now, you remember receiving that letter, did you say?

A.—Oh, I suppose.

Q.—And receiving the information that they had also cached certain things in Seattle.

A.—And receiving the further information as to whom they expected?

Q.—Yes.

A.—(Continued.)—to raid their hall, a mob.

Q.—A patriotic mob?

A.—Yes; just the same as run the men out in Bisbee.

Q.—Yes; but I am now inquiring about the methods of the organization as to leaving the papers where they could be found in case the government went after the organization?

A.—Well, you will find a letter from me to Chief Justice Covington where I invited him to come to Headquarters.

Q.—Yes.

A.—And that all the papers and all of the books would be found.

Q.—Yes.

A.—Yes. But when they anticipated a mob coming, why, they—you don't think they are going to leave their books and records and membership cards and stamps where they can be taken, do you?

THE COURT: Ten minutes recess.

(Whereupon a short recess was taken.)

MR. NEBEKER: Q.—Now, Mr. Haywood, a few questions on some of the pamphlets about the proposition that a Proletarian movement must be beyond the law, against the law. I want to ask you if you recall some work that was done by Jack Law—where was it In Aberdeen, South Dakota, on a defense of some I. W. W.'s charged with the commission of crime up there?

A.—I think that was Aberdeen.

Q.—You think it was Aberdeen?

A.—Yes.

Q.—Men on trial?

A.—Yes.

Q.—And Law went up there under your direction, did he?

A.—He did not.

Q.—He did not?

A.—He did not.

Q.—Well, he was there working with your knowledge and consent?

A.—I really had not any knowledge of Jack going there until after he arrived on the ground.

Q.—What?

A.—Until after he had arrived on the ground.

Q.—I see. You did know after he had got up there, he reported directly to you, didn't he?

A.—I think I had one letter from him.

Q.—And in that letter which was written from Aberdeen, South Dakota, September 23, 1915, he says, "We are going to play the game different here

in this case. We will try the case purely on its merits and won't stand for the organization to be put on trial, for if we do, we will lose sure as can be. In fact, we will try to win the case out of court, and go to court merely to make it look dignified, as the attorney puts it.

"Say, I put your name on the defense committee, for I know it will have some effect, and did not think you would have any objection."

Then, after outlining the program up there, he says: "Hoping you agree with the policy as outlined," that is the policy of trying the case out of court, in his language, "I remain, yours to the finish, J. A. Law."

And then there was attached to that letter, do you remember, this: "Keep this to yourself, or be sure that it is a member in good standing that you show it to. This is a list of jurymen that has been subpoenaed in the county of Brown, City of Aberdeen, and State of North Dakota, and will try all criminal cases, and if you are working for any of the \$ \$ \$ there" I suppose capitalists are meant "names mentioned below, don't try to get in a bad, but try to make a good showing for the I. W. W."

That was attached to this letter; do you recall it?

A.—No; I don't recall that postscript. I heard the letter read here.

Q.—Now, you understand from that letter that and—you understand from that letter that an effort was being made by Law to do, at least improper work of some kind with the jurymen in that case, didn't you?

A.—What did he say about the jurymen?

Q.—Well, later on there is something about the jurymen and witnesses: "Keep this. This is a list of jurymen that has been subpoenaed in the County of Brown." At any rate, don't you recall that there was something in the Law correspondence to you—

MR. VANDERVEER: Mr. Haywood asked you a

question, Mr. Nebeker, which he evidently felt essential to an answer.

THE WITNESS: What is the reference there?

MR. NEBEKER: Q.—What reference are you asking about?

A.—About the jury? You asked me something about the jury.

MR. NEBEKER: Q.—I just read one reference: "This is a list of the jurymen subpoenaed in the County of Brown, City of Aberdeen, State of North Dakota." Attached to that?

A.—And the suggestion is that members in good standing in there working for these men would behave themselves, is that it? Because they would try—

Q.—I want to find out from you now if you remember what was in the Law letters?

A.—Well, I don't remember the full contents of it.

Q.—About the jury?

A.—I don't remember the full contents of it.

Q.—Don't you remember there was any improper suggestion in the letter by Law to you directly about that jury in those cases up there?

A.—Well, I heard what the Judge here said; let's have the letter.

Q.—Well, I am asking you now if you remember it and then we will get the letters right away?

A.—Yes; I remember it.

Q.—You remember those letters, do you?

A.—Yes.

Q.—"Enclosed find list of jury as impaneled for this term of court. Some of them are all O. K. Overlook mistakes as I am a damn poor writer. Jack Law."

"Now, on October 6th from the same place a letter to you which says, "Received yours of the 27th with credentials O. K." You had sent credentials for the defense committee, then, had you?

A.—I don't recall it.

MR. VANDERVEER: I cannot hear.

A.—I don't recall it. I don't remember having sent those credentials.

MR. NEBEKER: Q.—“I have been in the country one day and had good results. We have seen several of the prospective jurors and feel fine at the success we have had so far.”

Now, you remember that?

A.—Yes, I remember it.

Q.—Did it occur to you that there was anything wrong about Jack Law being up there seeing prospective jurors in a case?

A.—I don't know that I was particularly impressed with it. What is my answer to it? I never heard that read yet.

Q.—Well, we will get to that in a moment.

MR. VANDERVEER: Let me have the letters, will you?

MR. NEBEKER: Let me keep them, please until I get through with my examination.

MR. VANDERVEER: Are you using them now?

MR. NEBEKER: Yes.

Q.—Do you remember in that same letter Jack Law said to you, “Bill, the witnesses have not come here as yet and that leaves us in bad as we will have to make some as soon as we can.” Do you remember that?

A.—No, I do not know that I do.

Q.—What would you understand by that? “Make some witnesses?”

A.—Well, I think it is plain enough. It is a statement that he makes there.

Q.—That is, to get men to come in there and testify falsely, is that what you understood it meant?

A.—I don't know really, I don't know really what he meant.

Q.—Isn't that what you would think he would mean?

A.—Yes, that is the way it would look to me.

Q.—Well, now, you denounced him for that, didn't you?

A.—I do not know what I may have said to him. If you will remember that there was some 20,000 letters in these files,—I don't remember them.

Q.—Yes, I will try—well, in the first place. You were always very careful about writing letters,—what you would put in a letter, wouldn't you?

A.—I have always tried to be careful of what I write.

Q.—In other words, in a letter of April 17, 1916, to Dave Ingar, Youngstown, Ohio, you say, "There is nothing in the two letters I wrote you that could be used to your detriment. Enclosed find copy. I am very careful in writing letters at all times, especially so to a Fellow Worker while trouble is involved." Do you remember that?

A.—Yes, that would be the natural course of events.

Q.—Calling your attention to your letter to Jack Law in answer to his of the 6th I have just referred to, do you remember of saying this: "Your letter of the 6th inst. acknowledging receipt of credentials is at hand. I think the work you are doing, that of investigating the jurors who will probably be called in the Schmidt case was of the most importance. There is nothing like knowing the men before they go into the trial of the case. I do not think a member would be found who would be so narrow minded as to question or to ask for an explanation. This is a serious case and preparation had to be made."

You remember of writing that letter, don't you?

A.—No, I don't remember the letter. I probably wrote it.

MR. NEBEKER: Let's see the original.

Q.—I read another paragraph from a letter from Jack Law to you: (Reading.) "I leave here on Friday for Minni. and I don't know whether I will come back or not, as Nef don't think he can afford to keep two men here and the members will want to know how it is that I am drawing ten a week from the organization and not doing anything. But I can't tell them

what I am doing for it might get me and other good people in bad."

Now, do you remember that statement?

A.—No, I don't remember that particular statement.

Q.—And isn't it in reply to that that you say: "Don't think any member would be found who would be so narrow minded as to question your work, or to ask for an explanation."

A.—That is my reply?

Q.—That is your reply.

A.—Yes.

Q.—Now, in no answer to Jack Law at any spot or place did you criticise him for attempting improper work with juries or with suborning of witnesses, did you?

A.—No, I don't think so.

Q.—Did you want to see the letter that you wrote?

A.—Yes, I would like to see the letter. You didn't read all of this letter.

Q.—Oh, no.

A.—There are two letters from Jack Law there.

Q.—Well, it contains the statement I did read.

A.—Yes.

Q.—Without any question whatsoever about it, doesn't it?

A.—Two of them do, yes.

Q.—Your answer contains the statement that I have read?

A.—I think so.

Q.—There isn't anything in your answer that is by way of criticism of anything that Jack Law had said or done?

A.—No.

Q.—Now, there was some discussion in the organization about high jacks, was there not, and high jack methods?

A.—Yes.

Q.—You took the part of the high jacks, didn't you?

A.—No; I did not.

Q.—Did you write a letter to Ben Williams in regard to—to Ben Williams, Cleveland, Ohio, January 13, 1916, in which you said: "A high-jack is a hold-up. The fellow workers from the harvest field tell some great stories about their methods of work. All during the last season while among the scissor bills"—I want to pause there. Now, what is a scissor bill?

A.—Well, a scissor bill, is an uninformed, uneducated, unorganized worker.

MR. VANDERVEER: A scissor bill is an uninformed, uneducated and unorganized worker; a non-union man in many instances, and a scab.

MR. NEBEKER: Q.—They work, they are working men, however?

A.—Oh, yes, there is some of them who are wage workers when they can get work.

Q.—That would be a term that would apply to any migratory worker that did not belong to any labor organization, would it?

A.—And sometimes apply to men who belong to labor organizations.

Q.—But it would at least apply particularly to working men who did not belong to a working-men's organization?

A.—Yes, I think you can so state it.

Q.—At least that. Yes. Then, it would also include a man who belonged to craft unions for example?

A.—Yes.

Q.—You don't know of any scissor bills within the I. W. W., do you?

A.—Well, there are a few scissor bills.

Q.—There are a few scissor bills there?

A.—Yes.

Q.—(Reading.) "All during last season while many scissor bills were held up and robbed, no circumstances recorded where an I. W. W. suffered this

treatment." Now, was that because the high-jacks were within the organization?

A.—No, it was because they were afraid of the organization.

Q.—Oh, because they were afraid of the organization?

A.—Yes, I think so.

Q.—“In many instances high-jacks would say when they approached a crowd of workers: ‘All you fellows with red cards step over here’, and would then proceed to go through the rest. This is not altogether new. I have known cases in the west where a strike was on where the scabs would never get home with their pay.” “One might have called hold-ups, high-jacks, but they were good union men just the same.” Now, that was correct?

A.—Yes, that was correct.

Q.—Did you mean to imply in that statement that some of these men, even though I. W. W.’s, were good union men all the same?

A.—What is that?

Q.—Did you mean to imply that high-jacks who should adopt these methods would be good union men?

A.—No, I did not.

That was merely a comparison. I didn’t mean in this instance that the high-jacks were I. W. W.’s.

Q.—There were plenty of them in the I. W. W., were there not?

A.—No, I don’t think so.

Q.—You don’t think so?

A.—No.

Q.—Wasn’t this whole controversy, or rather this discussion, in which you took the part of the high-jack, a discussion that arose from the fact that somebody—Forrest Edwards,—no, it was not Edwards—somebody wanted to take action against those members against the I. W. W. that were high-jacking. Isn’t that the way it arose?

A.—Well, there were a few, you will find a circular there, or a bulletin that was issued against high-jacks there.

Q.—Yes. I am not asking you that now.

MR. VANDERVEER: Let him answer the question.

THE WITNESS: No, I want to tell you.

MR. NEBEKER: All right.

A.—There were a few high-jacks that had got into the organization, and it was for the purpose of getting them out: that circular.

Q.—And then the controversy was started?

A.—I think so, yes.

Q.—And a letter was written to you?

A.—I don't know just what the letter was.

Q.—About it, by Ben Williams. This was your reply, (Indicating)?

A.—Yes, that was my reply to Ben Williams.

Q.—Now, at the time you were endeavoring to have the high-jacks removed from the organization?

A.—I was.

Q.—And you wrote Forrest Edwards on June 3, 1916, with respect to this matter: "I feel that there are questions involved"—that is with reference to the high-jack—that ought to be considered with more care. I do not believe that they should be discussed at the business meeting in K. C., or for that matter, in any other business meeting." Why not? Why should not this subject about high-jacking be discussed in any meeting?

A.—I don't know just all of the letter. Go ahead and read it all. Probably I can explain it.

Q.—"And it is something that should be talked over a line of action determined upon by the organization committee. There are some good men who have been temporarily sidetracked but who will and can get on the main line when they see that the organization means business. There are some of those men whom we do not like to antagonize. They are

red-blooded and will make good members when they get on the job."

Now, was that with respect to high-jacks?

A.—With respect to those referred to as high-jacks.

MR. VANDERVEER: Is the word "high-jack" mentioned in the letter anywhere?

MR. NEBEKER: Q.—Do you remember receiving a letter from Charles Schultz, dated September 22, 1916, in which he says: "Just a few lines to let you know that the authorities are on a sharp lookout for Arthur Boose, as there has been a secret indictment filed against him for taking part in the murder of Myron, and am sending you clipping so that if you know his whereabouts you can warn him." Do you remember that?

A.—I think so, yes.

Q.—Did you warn him?

A.—No, I did not see Arthur Boose.

Q.—Did you tell Schultz that that should not be done by anybody or that it would be unlawful with a man who had been indicted to warn him so that he could keep out of the way?

A.—I think I wrote that letter to Schultz.

Q.—You did write a letter to Schultz?

A.—I don't recall the letter, but it seems to me that that is what I would have done.

Q.—In which you said, "Got your letters and clippings enclosed. I agree with you in regard to the matter, Thank you for your kindly advice." That is all you say about it, was it?

A.—Of course, I do not know what the letter is. You are reading stuff there to me.

Q.—Well, at any rate you acquiesced in the suggestion that a man who had been indicted for murder should be informed by the organization so that he could keep out of the way?

A.—Yes, I did in that instance. I would have notified others who were later released after being held in jail for many months.

Q.—Now, you remember, do you not of writing a letter to Margaret Rey at Philadelphia, July 7, 1917, relative to Manuel Rey's incarceration in jail, in which you say: "Manuel is not what the people in jail say he is. We know that he is a sincere worker who has done and is still doing his very best to better the conditions of all workers; and that he is in jail because of that and no other reason. You can realize that we are not yet strong enough, however, to open the jail doors and release all our boys who are behind prison bars, just because they are fighters for the working class, but some day we will gain that strength and they will never be able to hold men like Manuel in their jails for nothing."

A.—And I hope that day comes.

Q.—You expect the I. W. W. to gain the strength by which men incarcerated in the jails who were workers, as you say, but who had been duly convicted by courts and by juries and sentenced to jail, would be liberated by the I. W. W.?

A.—Now, this man had never been convicted.

Q.—Well, I am not asking you about that. But this is the general proposition that you put in this letter?

A.—I trust the day will come when the I. W. W. is sufficiently strong to liberate all men who are unjustly convicted.

Q.—But you want the I. W. W. to be the judge as to whether they are unjustly convicted, don't you?

A.—I don't always think the juries and judges that convict them should be the ones.

Q.—Rey was held there on a registration charge, wasn't he; failing to register?

A.—I don't think so.

Q.—Now, you endorsed the sabotage literature of the organization, and have done so, haven't you?

A.—No, I do not. There are suggestions and references in the sabotage literature that I do not endorse.

Q.—Well, in what way have you manifested in writing any disposition to criticise it?

A.—Well, I am not a critic, but I have my own ideas of what sabotage is.

Q.—You particularly recommend Pouget's Sabotage to be translated into the foreign languages, didn't you?

A.—Yes.

Q.—Pouget's sabotage contains practically everything in the way of suggesting damaging mines and injuries to property, that there is in any of the books on sabotage, in the organization, doesn't it?

A.—It has many suggestions that I don't endorse and do not think is sabotage. However, most of them are quotations.

Q.—Yes; quotations, gathered here and there, and wherever any despicable act of sabotage could be found, involving ingenuity, secrecy, and more or less cowardice, it was put in that book wasn't it?

A.—When you refer to sabotage as a despicable and cowardly act, it shows that you don't know what sabotage is.

Q.—Is it to be done in the open?

A.—It may be done in the open.

Q.—What about all this talk of doing it when the bosses' backs are turned?

A.—Well, there are some things that can be done better when the boss' back is turned, because the boss is really the saboteur. Now, if you will permit me, I will explain what sabotage is.

Q.—Oh, no. The boss probably is a saboteur. We are not here defending the boss. The boss might be prosecuted for it.

A.—The boss is never here, being tried here, for doing it.

Q.—Now, that book, at any rate, you advised to be translated into the Finnish language as late as August, 1917, didn't you?

A.—Yes, there were many splendid things in that Pouget's sabotage.

Q.—Yes, but you did not ask to have any part of it eliminated before it was translated, did you?

A.—No, I did not.

Q.—Now you said this, did you not, in a letter to Socialist Publishing Bureau—that is the one up at Duluth, the leading spirit of which is this man Laukki.

A.—Yes, that is the one.

Q.—You say, as to which one you would recommend—“In reply to your letter, I am sending you under separate cover shipment of our literature which will be of use to you in this work. As to which I will recommend, will say that I think “Sabotage” by Pouget, and “The Advancing Proletariat” by Woodruff, are two things that are fine and books that should be translated.” You think they are exceptionally fine books, do you?

A.—Yes, sir, I do.

Q.—You thought so then. Now, from time to time information came to you from members of the organization as to the practice of rather violent forms of sabotage, didn't it?

A.—Yes, I presume there has. I don't know what you have in mind.

Q.—Now, can you recall where you have ever used your influence, put down anything in writing at all against actions such as has been suggested to you from the membership along those lines?

A.—No, I don't recall of any particular thing in writing, although I do recall speaking on many occasions against what you refer to as sabotage.

Q.—Were you speaking in public?

A.—Yes, in public.

Q.—Oh, yes; yes.

A.—And also in private.

Q.—I want to call your attention to an instance of what appears to be rather strong sabotage, in a letter from James S. Koen.

A.—Yes.

Q.—To you, along right in 1916, in which he says:

“I have managed to get up a small fund for the iron miners of Northern Minnesota, and will continue to do so until the strike is settled. I sure feel for them poor devils, for they have got a hard outfit to fight. That ore is a hard thing to sab.”

That means to sabotage?

A.—Yes.

Q.—“It is a pity that it is not in the oil industry instead of ore industry, for the oil would be so easy to handle on account of the money being tied up in a bunch such as an oil rig, used for filling the well and cleaning out and so on. Next comes the small oil tanks, and then comes the big 55,000 barrel tanks. Every once in a while, lightning strikes those big tanks, and at the price of oil it amounts up to the hundred thousand mark or more, at the present price of oil, so you see how easy the oil industry would be handled if the fellows would organize.” Now, did you take that as a suggestion that sabotage in the mind of that party was the blowing up of oil tanks?

A.—Not necessarily.

Q.—Well, necessarily or otherwise, do you think that is what he had in mind?

A.—That is what he had meant probably, but it is not what I mean.

Q.—Well, but you did not write and tell him that that was not sabotage, did you?

A.—I don't know, I am sure, what I may have said to him.

Q.—I call your attention to your answer of August 11th, 1916, it is very brief. See whether you find any fault with him for suggesting that form of sabotage. (Handing witness letter.)

A.—I don't see anything about it at all.

Q.—Don't see anything about it?

A.—No.

Q.—Well then, in all probability that particular I. W. W. went on with the idea in his mind that it

would be all right to burn up oil tanks and derricks and things of that kind?

A.—I never heard of anything put into operation. It would have been tough on Rockefeller if it had.

Q.—Well, he probably had that idea in his mind?

A.—He might have thought that.

Q.—You did not do anything to correct that impression either, did you?

A.—Evidently not, from that letter.

Q.—In what forms to your knowledge, has sabotage ever been employed in the harvest fields?

A.—I don't think sabotage has ever been employed in the harvest fields in any form.

Q.—It has never been done, at any rate, in the form of simply stopping at the end of a certain length of time, either eight hours or ten hours, or anything of that kind? You have never known of that?

A.—Well, it is possible that such action has been taken, which would be direct action.

Q.—But you do not recall of that kind of sabotage?

A.—If that is what you call sabotage, there probably has been instances of it.

Q.—Now you say you never knew of any sabotage being employed in the harvest fields. I want to call your attention to a letter of August 22nd, 1916, written to S. Bromberg, in which you say:

“We have carefully talked over the different methods that you suggested.” Now, those were some methods of sabotage, were they not?

A.—Possibly.

Q.—“We have talked them over with organizers Flynn, Ettor, Little and others before they left for the Iron Range. Every organizer I think, realizes that direct action, sabotage, and intermittent strikes are fighting weapons of the I. W. W. All these methods and some others were used as successfully at the Lawrence—” was that where the I. W. W. strike was?

A.—That is where the biggest strike that the I. W. W. ever had, took place.

Q.—“practiced them at Lawrence as they are now being used by 400 in the harvest fields.” Do you remember of saying that?

A.—Why, it seems that I did say it.

Q.—Well, at the time of writing that letter you did have a notion that they were practicing sabotage in the harvest fields, didn't you?

A.—Evidently. I don't recall the letter.

Q.—Do you remember a letter that was written to Vincent St. John, that I asked him about when on the witness stand and he said that he did not answer it; it was answered by you; a letter written by E. Krause, secretary of one of the branches.

A.—No, I don't remember it.

Q.—To refresh your recollection, a letter written August 13th, 1914, to Vincent St. John, in which this statement was made: “The stiffs”—

A.—1914?

Q.—1914. That was about the time he went out of office, wasn't it?

A.—No, he didn't get out of office until January 1st, 1915.

Q.—So as to relieve any doubt, this is your answer, isn't it, to Krause? (Handing witness document.)

A.—I can't say whether I dictated that letter or not.

Q.—Well you were general organizer at that time, were you not?

A.—I was. yes, but my initials are not in the corner. I don't know.

Q.—Well, maybe you will remember it when I read it. “The stiffs of this part of the country are certainly raising hell as more than seventeen threshers burned up around here and the farmers offered a thousand dollars for the guilty persons who are supposed to have put matches in the grain, but up to this time they have met with no success. As a result of

burning these machines, the insurance was cancelled and the insurance companies were hard hit, so you see it worked like a two-edged sword."

Now, do you remember that letter?

A.—I do not.

Q.—You don't remember that?

A.—No. I was not in office at that time. That is 1914.

Q.—Yes, I appreciate that, but you were general organizer at that time, and of course Vincent St. John did say that you had the letter. I might be mistaken about that.

A.—I don't think I was in Chicago—my initials are not in the corner.

Q.—If you don't recall it, you understand that to be the information, anyway, that was given at that time,—general organizer, of the destruction by members of the organization, of threshers?

A.—Yes, I think this fellow had an aberation.

Q.—You think he had an aberation?

A.—Yes.

Q.—Well, anyway, whether or not he had, that is what he had in his mind?

A.—Yes, sir.

Q.—The destruction of fifty threshers, burned up, and it is written from Portland.

A.—From where?

Q.—From Portland. I suppose you would not know,—

A.—There is no name, no signature—

Q.—Whether anybody ever wrote, correcting this aberation that this fellow had in his mind, to get him on the right track?

A.—What I mean to say is that in my opinion there never was that many threshers burned up out there.

Q.—Exactly, but listen to this man—

A.—Who answered it?

Q.—Well, that is "General Organizer," as you see, isn't it?

A.—Well, I was general organizer at that time.

Q.—You don't think anybody wrote it and put it over your title? Anybody else?

A.—It is possible.

Q.—Then you think you wrote it, don't you?

A.—No, I don't.

Q.—You don't think you wrote it?

A.—No, I don't.

Q.—Why?

A.—Because I don't think I was in Chicago at that time.

Q.—Well, this, of course, don't show that it was written from Chicago exactly, as far as I see.

A.—This is only a carbon copy, it was addressed to Chicago.

Q.—Was there any other general organizer in the organization at that time?

A.—No. I was the general organizer.

Q.—And whoever wrote it said this, didn't he: "Note the agitation in that section, and trust same will get results." Did you notice that last sentence?

A.—Yes.

Q.—By the way, something was said about Vincent St. John being on a vacation about that time. Do you remember of relieving him at headquarters here about that time?

A.—St. John went to New York, I think.

Q.—About that time?

A.—Well, I wouldn't say about that time, but I acted as general secretary-treasurer during his absence. What time it was I don't remember.

Q.—Might have been this very time?

A.—I wouldn't say it might have been; I say I don't remember what the date was. It is easy enough to find out. You will see what date he appeared in New York before the Industrial Relations Commission there. Further, the letter says: "See that the agitation is being carried on and hope it gets results." That don't say anything about hoping that these threshing machines would be burned.

Q.—You might be referring to some other agitation?

A.—Oh, it is possible.

Q.—It is ambiguous if that is so?

A.—Very much so.

Q.—Might be taken by the writer of that other letter as his endorsing the agitating the threshing machines?

A.—No, I don't think so.

Q.—Do you remember that in answer to that Miller, one of the defendants here, in which he made some suggestion about activity in Canada and old Mexico? Getting the organization in a position, if necessary, to go into old Mexico to operate the organization from old Mexico, or from Canada if things became too hot in the United States?

A.—I believe I do recall such a letter.

Q.—Do you remember that in answer to that letter, a letter was written by you August 24th, 1917, after the usual acknowledgment of the receipt of money, in which you say: "I note your suggestions as to working from the Canadian and Mexican side, in case the G. O."—what is the "G. O."?

A.—The General Office.

Q.—"—is closed down, and will say that I am afraid the censorship they are sure to establish will militate against that arrangement." Do you remember that?

A.—I don't remember it in detail. I suppose that is the letter I wrote.

Q.—"we think the underground route will be better." Now, what is the underground route?

A.—Well, the underground route, is organizing under ground.

Q.—Secretly?

A.—Secretly, yes.

Q.—So that the government would not know what you were doing?

A.—So that there would not be any one excepting the workers themselves.

Q.—On August 24th, 1917, it was your thought that the underground route, this secret route of carrying on your organization, would be better?

A.—Carrying on the—

Q.—Doing it right here in Chicago instead of going to old Mexico or Canada?

A.—Yes, sir.

Q.—But to do it underground?

A.—Yes.

Q.—(Reading.) “In fact, to tell you the truth, we have already taken steps, and are now perfecting same, to run the affairs of the organization via the U. G. route, if it became necessary.” Had you done so?

A.—Yes, sir, I think so.

Q.—Had taken precautions at headquarters and throughout the organization?

A.—We were making some towards that end.

Q.—Well, you say that you were perfecting plans.

A.—Yes, sir.

Q.—That was a long time before the raids were made.

A.—Oh, there had been many, many raids.

Q.—But I am speaking of the general raid.

A.—There had been so many raids that this step had become a necessity. Supplies destroyed, membership books destroyed, men thrown in jail without warrant and without charge. It was becoming necessary.

Q.—But it was before the September raid?

A.—Oh, yes, the September raid was later.

Q.—Now, a suggestion was made to you by Jack Sheehan at one time, in a letter of August, 1917, was it not, that he did not think that this sabotage literature ought to be used by the organization. Do you remember that?

A.—Yes, I remember.

Q.—Jack Sheehan wrote to you from Pittsburgh, Pennsylvania?

A.—Yes, sir.

Q.—Do you remember that you said in answer to him—

“I don’t understand how you are going to ignore the term “sabotage” in your educational campaign if you use I. W. W. literature. Every leaflet, every pamphlet and the song books are full of reference to that great weapon. There is not an issue of the paper that it does not appear many references to sabotage. As Scarlett would say, it is like the sidewalk, all over, you can’t get away from it.”

Do you remember answering it that way?

A.—Yes, I think I wrote that.

Q.—Do you remember of making a report to the 9th Convention while you were General Organizer—a written report?

A.—Yes, I made a report to the 9th Convention.

Q.—Now, I am asking you along the line of this suggestion in the literature of the organization, of doing things behind the law. I want you to understand that I am still on that subject. Do you remember in that report of saying this: “While the army of the unemployed is growing by leaps, the masters of bread are preparing to ship to Europe, this with the connivance of the United States government, which has under way plans to subsidize the ships for that purpose, no single thought is given to the peaceful army of production. Millions are appropriated for the army of destruction, and not a cent to provide for or care for the life of the producers. It is up to the workers to meet with grim determination the situation that presents itself. Food, clothing and shelter are essential to life. Let the message of the I. W. W. be ‘Get it.’ If you have got to take pick axes and crowbars and go to the granaries and warehouses and help yourselves, rather than crowd around city halls, capitols or empty squares, go to the market places and water fronts where the food is being shipped, confiscate it if you have the power.”

Now, do you remember making that statement—making that recommendation in your report?

A.—Yes, I made that statement and I want to tell you where I got that from, from one of Abraham Lincoln's messages.

Q.—Oh, dear me. Is that a fact?

A.—That is true.

Q.—What message is that?

A.—Well, this is a message that he delivered during the Civil War when the profiteers had run the prices of foodstuffs up, 600 or 800 per cent, he made practically the same thing as I have set forth in that report.

Q.—Don't you think that Abraham Lincoln would turn over in his grave, if he heard any such statement as that made by him?

A.—I do not, that is excepting in commendation of it. That is what he said: "Take your pick axes and crow-bars and go to the warehouses and help yourselves."

Q.—What was—you say that was during the Civil War?

A.—Yes, sir; when the profiteers had run the prices of foodstuffs up so high that the workers could not buy it. And remember, that this was made in 1914, when unemployment was such that working men could not get food, and I do not believe in working men starving nor, in starving when the food is piled up in cold storage houses and in warehouses and in the packing houses. What is it there for? Who put it there? Does the working man? It is the working man's, let them eat it. They are entitled to the best to eat; entitled the best to wear and entitled to be the best housed possible, and educated the best, because they produce all.

Q.—I just wanted to get your views on it.

A.—Well, that is my views.

Q.—I believe you answered something to counsel to the effect that no stand had been taken by the organization against registration. That is true, is it?

A.—Yes, as an organization. That is true.

Q.—Well, now, what do you mean by that, that

they did not simply meet and pass a resolution, that the membership of the organization go out openly and obey the registration law? That is what you mean when you say that it took no steps?

A.—That is what it means.

Q.—Was there any doubt in the minds of the membership that were informed as to the fact that a general organization was opposed to any member of the organization performing any military service if, by hook or crook, or any means, he could avoid it?

A.—I think it was pretty generally understood among the membership that there was no desire to have them become soldiers; but that it was also thoroughly understood among the membership that they would work in the industries and that they would deliver service.

Q.—Let us see if this was not taking a stand on that question: In the first place, it had been made a matter of record in the organization very early—some years ago, had it not, that any member of the organization that enlisted in the military forces of any nation would be expelled from membership?

A.—Well, I don't know that that resolution was ever passed in the I. W. W., but it has been passed in many trade unions. The United Mine Workers, for instance. I recall the time that I very nearly became arrested for suggesting that the United Mine Workers would go on strike if war was declared against Mexico.

Q.—Now, as a matter of fact, Mr. Haywood, men were expelled, were they not—absolutely expelled from the organization for joining the Canadian forces to begin with, and assisting England in the carrying on of the War with Germany?

A.—Well, when you say absolutely expelled, you don't know what you are talking about.

Q.—I would be glad to be put aright?

A.—Well, I know, and that is what I am going to try and do. Expulsion from the organization requires that a man shall have a hearing. For instance,

a case is taken up in a branch or in a recruiting union. The records are kept and either side has an appeal from the action of the Union—

Q.—Now, can't I set you right on a matter?

A.—Well, all right.

Q.—Don't you adopt as early, perhaps, your, as your first convention practically, this: "Resolution as adopted at the first convention of the Industrial Workers of the World relative to militarism as a part of the organic law of the Industrial Workers of the World, automatically dismisses from membership anyone joining the militia"?

A.—Well, that "automatic" means that a man changes his vocation. He is not a wage worker.

Q.—Well, then, it believes, doesn't it—

A.—(Interrupting.) But those charges that have been preferred are still a matter of appeal to the general executive board and to the general convention. Then, if affirmative action is taken, he is expelled.

Q.—But as a matter of fact, that was the plan of the organization, was it not, that they became, they ceased automatically to become members if they joined the army or the navy of any nation?

A.—Well, that is the way that it should have been, but I don't recall that that practice was ever carried out.

Q.—Now, following that, men were dropped out, were they not?

A.—Yes.

Q.—For instance there were members, R. Jarvis, in the Canadian Army, H. Latuga and John somebody—after war broke out between England and Germany, they were expelled and you received information of that from Canada, didn't you?

A.—Well, I cannot remember that. They are recited in the bulletins.

Q.—There is not any doubt about it.

A.—But if you have taken that from the bulletins, that is correct.

Q.—There were others,—for instance, expelled members, as shown by the reports of Edmonton, Canada, where A. Story, V. Dennis, Simpson, F. Riley, and F. Ashton, were expelled on that account, do you remember that?

A.—No; I don't remember it.

Q.—Do you remember of a man in Des Moines—that is, receiving information from Des Moines, from Local 577, to the effect that Sidney Allen, Card number 18744, having joined the British Army regarding a motion by some members from among the membership, and was dropped?

A.—If you are taking that from a bulletin, it is correct.

Q.—You do not doubt it, do you?

A.—No.

Q.—That was the policy?

A.—Yes.

Q.—Do you remember your letter of May 3, 1917, to Frank P. Walsh with respect to this matter of the action of the organization concerning members of the organization who joined military forces?

A.—No, I do not.

Q.—In any country?

A.—Not in detail. I remember that I wrote Frank Walsh sometime along about that period.

Q.—And you say in one paragraph, you say: No definite steps had been taken towards any military program.

A.—What date is that?

Q.—May 3, 1917.

A.—Yes.

Q.—“I might mention, however, that during the European war all members of this organization who have enlisted on either side of the conflict have been expelled from the organization:”

A.—Well, I told you that.

Q.—Well, I understood you to tell counsel that that had not been done by the organization?

A.—Not at all.

Q.—Oh, they have all been expelled?

A.—All been expelled until this country went into war.

Q.—Well, did you make any exception in this letter—you say that “during the European war all members of the organization who have enlisted on either side of the conflict have been expelled from our organization. What our steps will be in the event of members of the Industrial Workers of the World being conscripted, has not yet been determined.” I take it that—I take that as a fair inference if they voluntarily entered the service they would be expelled. Is that what you have in mind?

A.—No, sir. We have got men in the service now who are sending their dues from France.

Q.—Yes. “While being opposed”—let us see if you did not mean that the same thing would apply to anybody that enlisted in this country. “While being opposed to the Imperial Government of Germany, we are likewise opposed the industrial oligarchy of this country”?

A.—You know it.

Q.—Instead of fighting to continue them, we will always be found fighting in our small way for the restitution of the rights of the working people.”

A.—And the restitution of the wealth of the people.

Q.—Did you mean in that letter to Walsh that you would be fighting the Industrial Oligarchy if it went into war—that is, if this country went into war?

A.—It is a good thing you changed that.

Q.—Why—

A.—Because I was going to ask you if the Industrial Oligarchy of this country was in this war, was in war? Is that what you meant?

Q.—Well, I don't get your meaning.

A.—It is what you said.

Q.—Well, this country is in war, isn't it?

A.—Yes, but you changed it.

Q.—You mean that this country was the industrial oligarchy now, in that letter, didn't you?

A.—Well, I don't say that.

Q.—You don't say that?

A.—No.

Q.—“While we are opposed to the Imperial Government of Germany”—“we are likewise opposed to the Industrial Oligarchy of this country.”

A.—Of this country, that is right.

Q.—That meant the government of this country?

A.—Not necessarily, unless you want to call it so.

Q.—Well, my desires don't cut any figure. Now, let us see. In that Solidarity article of July 28, 1917, that statement was made, was it not, that any member of the organization that became a member of the military or the naval forces of the United States would be expelled?

A.—Well, I am not responsible for that article.

Q.—Well, aren't you responsible for it?

A.—No, I am not.

Q.—Didn't you see it before it went out to the membership?

A.—I didn't.

Q.—Didn't you tell Frank Little you had seen it?

A.—Why, I saw it. It had been published.

Q.—As a matter of fact, you wrote Frank Little the day before it had been published, didn't you?

A.—I don't remember.

Q.—Didn't you write Frank Little on the 27th of July, and this did not appear in Solidarity until the next day, the 28th?

A.—It probably had already gone to press.

Q.—But you saw the article then before the papers went out among the membership?

A.—Yes, I did.

Q.—And saw the statement?

A.—Yes.

MR. VANDERVEER: I wish you would stick to the facts—

MR. NEBEKER: Q.—You remember this: “Members joining the military forces of any nation have been expelled from the organization.”

A.—I remember that.

Q.—Is that inclusive of the United States?

A.—No, sir.

Q.—Isn't it?

A.—No.

Q.—Isn't this official?

A.—Yes, but the I. W. W. had not expelled the members of this nation.

Q.—I have already catechised Mr. Miller relating to the action of the General Executive Board along the latter part of June and July after Little had made some strenuous demand to have some action by the Board. You remember that question?

A.—Yes.

Q.—Now, Mr. Haywood, did the Board pass a resolution in favor of drawing up a statement on the subject of war?

A.—Such a resolution is recorded, yes.

Q.—Such a resolution is recorded that it passed?

A.—Yes.

Q.—You attended those meetings of the General Executive Board?

A.—I did, I attended part of them, part, a few, a very few, and only a part of the few.

Q.—You are a member, ex-officio, are you not?

A.—I am.

Q.—Of that board?

Q.—Now, was a statement drawn up?

A.—A statement was drawn up.

Q.—Where is it?

A.—You have it here on file.

Q.—Is this it (submitting witness statement)?

A.—This was the statement that was presented, I think to the executive board by Frank Little.

Q.—Was it drawn up by the executive board in pursuance of the resolution that one should be drawn up?

A.—No, sir.

Q.—Was one ever drawn up by the executive board?

A.—No, sir.

Q.—In pursuance of that resolution?

A.—No, sir.

Q.—You said one had been drawn up, didn't you, in writing, to Little?

A.—No, I did not.

Q.—Well, then I can't read the English language. Now, to get at this, so that the thing will be perfectly understood,—this meeting was held by the general executive board along in the early part of July?

A.—Yes.

Q.—A motion was passed that a statement should be drawn up?

A.—Yes.

Q.—And on the 24th of July, Little had left Chicago and had gone back to Butte, hadn't he?

A.—Not, not gone back. He had gone to Butte.

Q.—Had he come from Butte?

A.—No. He had come from Arizona.

Q.—Anyhow he had gone to Butte?

A.—Yes.

Q.—And did write you personally, saying: "When will the statement of the Board on war be out." Now, that was the statement that that resolution referred to, wasn't it? The statement that the board was to draw up?

A.—Yes, sir.

Q.—It should be sent out to the members as soon as possible. Let me hear from you soon. Give me the news of the movement. That was the anti-war movement?

A.—Why?

Q.—Wasn't it?

A.—Why, I don't think so. It was the general I. W. W. movement.

Q.—You answered that July 27th, three days afterwards: "F. H. Little, Butte, Montana. Yours of

the 24th at hand.”—asking about this statement of the board—“In regard to the statement of the Board on war, will say as to the statement in this week’s Solidarity—” now, that is the statement that I have read from?

A.—Yes.

Q.—“—by the editor, it would be superfluous to publish the statement of the Board.” Now, didn’t you mean to say in that letter that a statement had been drawn up?

A.—How could I say it when the statement had not been drawn up and I knew it.

Q.—Well, I don’t know, I am sure.

A.—Well, there had been no statement drawn up. I think you have another letter over there from Little in reply to this letter.

Q.—I have got several there. Are there any that you want to call attention to?

A.—Yes, there is a letter in reply to this one.

Q.—Let us get through with this one first: “Will say after the statement in this week’s Solidarity by the editor it would be superfluous to publish a statement of the Board as it is practically the same.”

Now, Mr. Haywood, will you tell me how one thing can be like another when that other thing has, when that other thing is not in existence?

A.—Well, it was not in existence. Let me see that letter.

Q.—You had not made a comparison—

A.—No, I want that letter.

Q.—Here are these letters. You find the one that you want. You mean the one that has been referred to here so many times that now is the time to keep cool?

A.—No, sir, no.

MR. VANDERVEER: It was the reply to that letter, he said, from Little to him.

MR. NEBEKER: Q.—Do you find it? Isn’t that the Little-Haywood file?

A.—Yes, but I don’t find the reply to this one.

Q.—Well, do you want to make some statement about what was in it?

A.—I would like the letter from Frank Little.

Q.—We will try to have it hunted up for you a little later if it is not there. His reply goes on to state that this thing itself, that it is not official.

A.—Yes.

Q.—Oh, yes.

A.—Yes.

Q.—Was not official and was not satisfactory?

A.—Yes.

Q.—And you thought it was?

A.—I didn't think it was.

Q.—You thought it would suffice instead of publishing the statement made up by the Board, didn't you?

A.—Well, I said in this letter which was by the way, not my letter—

Q.—Who wrote it?

A.—that it was practically the same.

Q.—Who wrote it?

A.—Well, you can blame it on me. My name was signed to it.

Q.—Who wrote it. Let us have the facts?

A.—Richard Brazier.

Q.—Now, you say that nevertheless, none was prepared?

A.—I say that there was no resolution prepared.

Q.—Now, to Dan Buckley, you wrote a letter on July 7th? The very time that the Board was in session, didn't you?

A.—I don't know.

Q.—In which you said "The G. E. B. in session has devoted considerable time to discussing the old proposition, and are preparing a statement on same for the membership."

Were they preparing a statement?

A.—They were going to prepare a statement, yes.

Q.—Now, you say "They are preparing." They

were, right now. They were in the throes of giving this thing birth at that time, were they not?

A.—Oh, well, the proposition was that they are—dictating this letter out in the other office to a man that they were going to, and then to say that the resolution was passed—if a statement had been prepared it would have been put on the minutes.

Q.—I think this is probably the letter you have reference to where Little said that he did not want to take that makeshift in Solidarity, or something of that kind. He wanted the real thing that had been passed by the Board. Is that the letter?

A.—Well, he doesn't say that he wants the real thing that has been passed by the Board.

Q.—Doesn't he say that he wants the Board's statement?

A.—Yes, he does.

Q.—Is that the letter you had reference to?

A.—This is the letter I had reference to, yes. This was written, not the night before but two nights before he was murdered.

Q.—I believe you say that this government's exhibit number 287 is not what it purports on its face to be.

A.—What is that?

Q.—I say, you say that that exhibit is not what it purports on its face to be?

A.—I say that this was not adopted by the general executive board.

Q.—Well, it purports to have been.

A.—Well, it was not.

Q.—Well, I say it purports—

A.—But I say it was not.

Q.—You can see then, that it says, "Statement of the general executive board of the I. W. W. on war."

A.—That was the suggestion that was offered.

Q.—This came from the office, didn't it?

A.—I think it did.

Q.—You saw it?

A.—Yes, I did.

Q.—You saw it before that statement in Solidarity was made?

A.—Yes, I think so.

Q.—Well, now, in this statement it says, does it not: “We wish to draw to the attention of the membership of the I. W. W. the fact that any members of the Industrial Workers of the World who becomes a part of the military or naval forces of this or any other country where we are organized cannot retain his membership in this organization.”

A.—That is what that says.

Q.—That is what that says?

A.—Yes.

Q.—Still do you mean to say that when you made this statement to substantially the same effect in Solidarity, that it was not intended to mean just exactly as it says here in this statement?

A.—What is the question? “When you made that statement?”

Q.—Well, then the statement was made in Solidarity?

A.—Well, that is different.

Q.—Do you mean to say that that was not intended to have the same meaning as this?

A.—Whatever that was presumed to be sent out was not my statement. It was not a statement of the Executive Board.

Q.—Whose was it, Ralph Chaplin’s?

A.—Ralph Chaplin’s.

Q.—And only Ralph’s?

A.—Only Ralph’s, as that letter of Frank Little shows.

Q.—Would you think that the members of that organization would conclude that there was anything of a suggestion in that to them, of their position in case they joined the military forces of the United States?

A.—I think that they concluded that that was the editor’s statement and only the editor’s.

Q.—It was in the official paper?

A.—It was in one of the official papers?

Q.—Well, published in the most important official papers, isn't it?

A.—It was one of the official papers; not any more important than any of the others, in proportion to the membership.

Q.—Now, leading up to another thing, was it not also stated in that statement: "We further wish to assure the membership that the entire strength of the organization, moral, economic and financial will be used to support any of our members in their refusal to kill or be killed." Now, was not that adopted formally, that proposition, by the G. E. B.?

A.—Yes, sir. But that was not adopted by the general executive board in their session.

Q.—Well, now, you followed that up with certain assistance to slackers, people who had refused to abide by the laws of this country in our attempt to prepare ourselves for the war, didn't you?

A.—Well, what do you mean? What question are you asking.

Q.—If that is not explicit, I will make it more so. I want to ask you one further matter, Mr. Haywood, about the expulsion of members. Do you remember receiving a letter from Pete McEvoy in August, 1917, in which he informed you that J. A. Waldo had joined the army. Please make note of same. He was a member of the I. W. W. I have stricken him off the books here and send you his book." Do you remember that?

A.—No, I don't. We have a number of cards over there of members that have joined.

Q.—He had joined the army of this country, had he not?

A.—Yes.

Q.—Is this your writing in that book?

A.—I think so, yes.

Q.—This is Phil Schmidt's, isn't it?

A.—Yes, sir.

Q.—He had been expelled by one of the branch organizations for joining the United States Army?

A.—He had been stricken from the books there, yes.

Q.—Well, it says “expelled.” Had he been expelled?

A.—Well, does it say so? I don't think so.

Q.—Well, let us see what it does say. Let us get it right. No. Stricken him off the books, you are right.

A.—Yes.

Q.—That is a different thing, is it?

A.—Yes, sure.

Q.—He had to give up his card, didn't he?

A.—Others have been sending in their cards to be kept until they come back from the war.

Q.—You wrote in there in your handwriting “Joined Army”?

A.—Yes.

Q.—And filed it in a filing case which was entitled, “Expelled members,” didn't you?

A.—Well, it may in that case. You will find others of them where they have joined.

Q.—There was a case introduced in evidence here of “Expelled members” wasn't there?

A.—Yes.

Q.—And in that was put this card, along with some others?

A.—I am not certain about that. It may be.

Q.—A letter from Weyh, refers, does it not, to this fellow Schmidt, Phil Schmidt and says, “Enclosed you will find the card from Phil Schmidt. He joined the army. Also duplicate card of Burton Sinclair.” That is right, is it?

A.—I thought you said a letter from Pete McEvoy?

Q.—That seems to refer to another man named J. A. Waldo?

A.—Oh, yes.

Q.—Who had also joined the army of the United States?

A.—Well, there is a couple of thousand of them, I judge that joined the army.

Q.—And a couple of thousand cards in the list of expelled members?

A.—Oh, no. No, indeed, absolutely none.

Q.—Not any at all?

A.—I don't think so. There might be one or two. But I do not believe there are any others.

Q.—Now, I want to find out about this proposition that you did not go on record on this question of registration. First, let me ask you if this idea was not made to dominate in the literature of the organization, namely, that the organization had put itself squarely on record against war; that it could not openly oppose registration, but the members of the organization knew what the attitude of the organization was on war, whether by this country or any other country, and that they themselves should handle the problem as their ingenuity might suggest. Now, isn't that a fair statement?

A.—If you wouldn't ask such long, involved questions, it might be possible for me to answer them.

Q.—Well, we will make it shorter.

A.—Do you want then a yes or no answer.

Q.—Let us pass it, if you say it is too long. I will get at it in another way.

A.—All right.

MR. VANDERVEER: Do you withdraw the question?

MR. NEBEKER: Yes.

MR. VANDERVEER: You withdraw the question?

MR. NEBEKER: Yes.

Q.—Now, you remember of a discussion that started with Christ in 1916, or not a discussion, but raising this question of the probable approach of the war by this country, getting into the war, which ended up with that statement that was passed at the

10th convention in December in 1916, against war. You remember that, don't you?

A.—I remember that statement. I don't remember Christ's connection with it.

Q.—You don't remember Christ's connection with it?

A.—No. I think Christ was opposed to war though.

Q.—Yes. I suppose it would be safe to say so. He was an I. W. W. wasn't he?

A.—Yes, I think so.

Q.—Now, after the discussion of that kind, let me ask you if you did not write this letter on February 14th, 1917,—that is, the letter in which there is this statement to John Pancner: "Education along industrial Union Lines is the best anti-military propaganda that I know of."

A.—I hope I did. That is a good statement.

Q.—Now, you thought at that time that if you would keep harping upon that proposition, as the literature shows that the organization did, that the membership would understand that every time you struck a lick for industrial unionism you were striking a lick against the preparedness of this country. Isn't that so?

A.—Well, now you add that little "preparedness," but I did think, and I do think now that every time that a worker organizes—educates himself and unites with his fellow workers industrially, he is striking a blow against war, and I say that now.

Q.—Now, isn't this really the keyword that unlocks the meaning of a great deal of your literature,—this idea that goes out to the membership, that when you talk strongly in favor of industrial unionism that that is the best anti-military propaganda, isn't that so?

A.—No, it is not anti-military propaganda.

Q.—Well, you said it was, didn't you? You said, "Education along industrial unionism lines is the best anti-military propaganda."

A.—Well, it is the best. It is not only anti-military propaganda. That is merely an incident.

Q.—Well, I am not inquiring about other things.

A.—I will say that Industrial Unionism is anti-military propaganda.

Q.—It is the best form, isn't it?

A.—Yes, sir; I think so.

Q.—And it continued to be from April 1st to September 1st, 1917, didn't it?

A.—That is an argument you are making.

Q.—Isn't it so?

A.—No.

Q.—Did you ever send out any other word than that,—that is to say, did you ever correct the impression that that sentence gives, that when you strike for industrial unionism you were striking against military preparedness?

A.—Yes, but we were striking also for a multitude of other things.

Q.—Oh, well, let us grant that.

A.—Striking for the 8 hour day.

Q.—Was this one of the purposes?

A.—No. That was not the purpose then, as has been indicated by everything presented here.

Q.—Well, isn't it a fact, Mr. Haywood that you realized full well that if you got openly against registration as an organization matter, that you would go athwart of government law and would be prosecuted at once, of course, but this was your underground object of doing it, isn't that so?

A.—Have you discovered any underground means or methods or anything else?

Q.—I thought so.

A.—You thought so?

Q.—Yes.

A.—Well, you know that you have not. You know that up to this time, up to the meeting of the general executive board—

MR. VANDERVEER: A little louder, please.

THE WITNESS: I was talking to Mr. Nebeker.

but what I say to Mr. Nebeker is that he knows that there was no underground methods at the time of the meeting of the general executive board. There was not a thing in the Industrial Workers of the World but what was open. We realized, of course, that the employing class was opposed to us. We know their influence.

MR. NEBEKER: I am talking about the government of the United States. Our military preparedness.

A.—Well, we are against preparedness.

Q.—Well, thank you for the admission.

A.—Yes.

Q.—February 6, 1917—

A.—We were on all fours with President Wilson, on that score.

Q.—Well, President Wilson is not here to defend himself.

A.—We have got his book.

Q.—February 6, 1917, you wrote a letter to J. A. MacDonald, who was editor of Industrial Worker, wasn't he?

A.—February 6th?

Q.—1917, after the severance of diplomatic relations, in which you said: "It looks now as though we would be confronted with the war problem ourselves in the near future. Our main purpose must be to keep the working class fighting the real enemy, and to extend the propaganda of industrial unionism." Do you remember of that?

A.—Of course, I do not. I can't say that I remember the letter, but I know that that would be my feeling.

Q.—Now, in that real enemy, that means somebody in this country, I suppose, the capitalist class, or something of that kind?

A.—We were going to fight the—we were going to have enemies in this country and we are when the war is over, by fighting the same battle.

Q.—I just wanted to find out what you meant by the real enemy there?

A.—I mean the real enemy there was the lumber barons, the copper barons, the railroad magnate.

Q.—Do you mean to say it would not be the country with whom they might be embroiled in war?

A.—What was that?

Q.—That would not be the real enemy? Did you mean to imply by the use of that term "the real enemy" that it would not be the enemy that we would have if we became embroiled in war, as for example, Germany?

A.—Of course, that is only a matter of presumption.

Q.—Well, you wrote the letter. I am trying to get at your mind.

A.—Well, the real enemy that the I. W. W. recognizes in season and out of season and all of the time is the man who is exploiting him, the employing class.

Q.—Did you mean to imply that even if we got into war with Germany, that that would not be the real enemy?

A.—No, no. I never meant anything of the kind. I have had my mind on the real enemy. We know who he is.

Q.—On February 4th, you wrote Richard Brazier, in which you said: "What effect will war on this country have? Do you think it advisable to mix a little anti-military dope,"—this is from Brazier to you—"a little anti-military dope with our organization talk to kill the virus of patriotism." You understood what that meant, of course, "the virus of patriotism"?

A.—Well, I don't know that Dick considers patriotism in the same light that you do.

Q.—"—that will soon be sweeping the land." "I wonder if we are back to this same problem here that our Australian fellow workers faced and defeated. If we are, cannot we do as well as them? What

steps shall be taken to get the same results that they got? Those are questions that have got to be answered, and it behooves us to get busy before the storm breaks, and answer them."

And you answered:

"We have not ceased to carry on a large campaign against militarism. At the same time our members should also realize that they are in a bitter war, the class war. If they understand this, they will realize their position when called upon to battle for governments."

Now, Mr. Haywood, did that mean anything else than this, that if you could pound into the heads of the members of the I. W. W. the full force and effect of the I. W. W. fight in the so-called class war, that that in and of itself would produce opposition on their part, but in—would produce the opposition on their part to any fight that the United States might become embroiled in?

A.—Now, if you had not added "the United States", I would have said yes, that was the position of the Industrial Workers of the World.

Q.—Well, you say "governments" here?

A.—Ments, yes.

Q.—This was at the time that the United States was not in war, but approaching it.

A.—Well, we were to be in.

Q.—Morally certain that we would be in it?

A.—We were to be in.

Q.—But you—but don't you say, "If they understand this they will understand their position when called upon to battle for governments"?

A.—Yes. Now, "governments". That means more than one, doesn't it?

Q.—Yes, that is far enough.

A.—We had to organize in different countries where there will be an amalgamation of the workers—

Q.—But you were in this country?

A.—Yes.

Q.—And writing to a member in this country?

A.—Yes, not only in this country, but in different government.

Q.—You did not take any part in any other country on one side or other of the war?

A.—Why, I recited here Saturday where I had voted for a general strike as a means of preventing war.

Q.—That was long before 1914?

A.—Long before 1914, yes.

Q.—But we realized that war was inevitable. Even if not this particular one, some other one.

Q.—I want to get at this fact before we get diverted from it. By the way, going back to that Brazier letter, I think it says substantially war between the United States and Germany—doesn't it? Doesn't it say that specifically? It says—the letter that you answered in which you make this statement: "If they understand this they will realize their position when called upon to battle for governments." Isn't that clear in this letter? "What effect will war with this country and Germany have?" Isn't that in reply to that letter?

A.—That is in reply to that letter, but—

Q.—You were answering that question—

MR. VANDERVEER: I wish you would let the witness testify and finish his answer.

A.—If we were organized in Germany as we hope to be, and were organized in this country, now, if we were as we hope to be, then the workers, keeping their minds on industrial unionism, what it means is, that it would prevent war between this country and Germany.

Q.—Oh, yes.

A.—That is what I am talking about. This country was not in war then.

Q.—But he was talking about anti-military propaganda in this country, wasn't he?

A.—He was talking about anti-military propaganda everywhere.

Q.—“What effect will war with this country and Germany have? Do you think it advisable to mix a little anti-military dope with our organization talks, to kill the virus of patriotism?” Now, do you mean to tell me that he was asking you as to the advisability of making an anti-military program and to carry on an anti-military program in any other country than this?

A.—What do I say to him? You have got it right there. I said, “carry on the useful anti-military propaganda,” didn’t I?

Q.—I would like to get a direct answer.

A.—Well, that is my direct answer.

Q.—I understand that Brazier was talking about—did you understand that Brazier was talking about any anti-military program in any other country than the United States in this letter?

A.—Now, listen—

Q.—Oh, that could be answered yes or no.

A.—Well, it cannot be answered yes or no, because he named two countries. I want to explain to you—

Q.—Well, I will pass it then.

A.—All right.

Q.—On August 4, 1916, in a letter to a man by the name of Kobylak of Rayland, Ohio,—I think this was written by you—it bears your initials,—“W. D. H.-O. E. B.”—

THE COURT: Two o’clock, gentlemen.

(Whereupon at 12:45 o’clock P. M. Court took a recess until 2:00 o’clock P. M. of the same day, August 12, 1918.)

2 o’clock P. M., August 12, 1918.

Court met pursuant to adjournment.

(Roll call of defendants out on bail: All answered: “Present.”)

CROSS EXAMINATION (Continued)

By Mr. Nebeker.

Q.—With reference to the receipts of the organization for initiations, after the first of April, 1917, I

did not have the notes at hand. There has been introduced in evidence here a summary which states that from initiations there were received in April \$5,439.25; would that be right, so far as you know?

A.—As far as I know.

Q.—In May, \$7,894; in June, \$10,420; in July, \$20,600, and in, I think the testimony was, the sixteen days in August, that being the time up to the time that these computations were made, \$13,338.

Does that correctly state the amount of initiations that were received?

A.—Well, I could not say without the report.

Q.—That the dues stamps during that time were \$8,470 in April; \$11,907 in May; \$14,118 in June, \$23,741.50 in July and then in the same period of August, I do not know just what it was, \$17,182.

A.—It shows a steady increase.

Q.—Yes. Making a grand total during that period of time, April to August 16th, or whenever it was, of \$271,141 received from those various sources. You remember those figures when they were read in evidence, don't you?

A.—No, I don't remember the figures, but if they were taken from my reports, they are correct.

Q.—Now, do you remember a letter being received by you from Frank Little in which he called your attention to a newspaper clipping to the effect that Jane Street, one of the members of your organization in Denver, had been doing some patriotic work, do you recall that?

A.—I recall a letter from Little in which he mentioned something about Jane Street, I don't know—

Q.—And he enclosed in that letter, did he not, his letter to Miss Oliver Weaver, mentioning the same thing?

A.—To whom?

Q.—Miss Oliver Weaver, Room 205, Railroad Building, Denver, Colorado.

A.—I don't know the Oliver Weaver woman at all.

Q.—Well, do you remember receiving the copy of Little's letter to her, commenting on the information he had gotten by way of this newspaper clipping?

A.—No, I don't.

Q.—Well, now, this was written on April 15th, 1917, and is addressed to you, and says—that is this letter now that was enclosed, the enclosure to you of letter to Oliver Weaver says:

“I have read the clippings you sent; was somewhat amused at them. Hope they are the usual rot.” By the way, I want to read the clipping. This is taken from one of the papers, the capitalist papers, Denver I suppose:

“A plan to substitute women traffic cops, detectives and patrol women in place of all Denver police, who may join the colors either through volunteering or conscription, has been evolved by Mrs. Jane Street, head of the Local Domestic Workers Union, who proposes to furnish the women to the city in the event of war vacancies in the local department. Not only will Mrs. Street furnish patrol women, but also will be prepared to supply fire-women, post offices, conductors, motor-women and female workers in all trades, she announced this morning. She declares that war will drain the west of men, and that women will be forced to fill up the depleted ranks of industry.” Now that was the clipping. Now in a letter about that clipping, Little says to Miss Weaver; I am referring to this because you referred to a Little letter on the same subject. “I have read the clipping you sent; it was somewhat amused at them,”—this is Little, not you. “I hope they are the usual rot printed by the capitalist press. Would hate to think they were true. Would hate to know that any member of the I. W. W. would volunteer to aid the capitalists in their campaign of murder that they are preparing to carry on; the I. W. W. is opposed to all wars, and we must use all of our power to prevent the workers from joining the army. If the regular wants to go to the firing line, we should

worry. Why should we care whether there was police to protect the city of Denver or any other town or city. No member of the organization, whether man or woman, should act either as police or soldier. If the industrial pirates wants to have murder committed, let them do their own dirty work. I should hate to think that the domestic workers' union was aiding them in their work."

Now in a letter written by you on April 13, 1917, you seem, I say, to refer to this same matter. I will ask you if it does refer to it—addressed to Joe Gordon and Elmer H. Groves, 415 East 5th Street, Des Moines, Iowa.

MR. VANDERVEER: What is the date of the other letter?

MR. NEBEKER: The other was the 15th. I say, I am asking if it does not relate to the same subject, Jane Street's activities.

MR. VANDERVEER: Don't the letters show for themselves?

MR. NEBEKER: Yes, sir, I think it does.

Q.—Yours of the 11th"—it appears you also had received some information concerning the same matter from another source: "Yours of the 11th received, note the clippings enclosed. It is interesting to know that the A. F. of L. men followed Gompers' lead and settled the strike on account of the war. Have clippings from Colorado which shows that Jane Street of the Domestic Workers Union has been badly bitten by the bug of patriotism. If the papers tell the truth, she is following the lead of Sammy, the toad, promising her members for all kinds of military service.

"With best wishes and Yours for Industrial Freedom,

General Secretary-Treasurer."

Was that your letter?

A.—I presume so.

Q.—And it related to the patriotic activities of Jane Street, a member of your organization in Denver, did it?

A.—Why, I should say it did, from the way you read it then.

Q.—It appears to be so. This seems to be your letter, letter to Richard Brazier, relating to the same subject, in which you say:

“A long time ago I wrote to Jane Street to keep the objectionable characters away from their headquarters. Since then things have gone from bad to worse. The latest antics, pledging the girls in the union to the war, makes her a laughing stock.” Did you wrote that to Mr. Brazier?

A.—I think so, yes, sir.

Q.—Now I may be mistaken in this, but I think you stated, did you not, Mr. Haywood, that the organization did not do anything to help slackers?

A.—No, I did not.

Q.—Didn't you say that?

A.—No, I have not.

Q.—The organization did do something to help slackers then, did it?

A.—Yes, sir. That is to say, the organization has furnished counsel where men were accused of being slackers.

Q.—Yes.

A.—Yes. We did not know they were slackers excepting in this instance where the men gave themselves up.

MR. VANDERVEER: We cannot hear you.

A.—I say in the instance of where these men gave themselves up over at Rockford—

MR. NEBEKER: Q.—Well, you got more angry at that than anything else, didn't you?

A.—Well, I rather think—

Q.—The Rockford incident?

A.—Not more than anything else. There are a number of incidents made me pretty angry, but we

did employ counsel to look after what were accused of being slackers.

Q.—Who did you employ?

A.—Fred Moore, Fred H. Moore.

Q.—Was that at the time of the slackers' strike up in Minnesota, where the men walked out because a number of them had been arrested for failing to register?

A.—I don't remember that date but I think perhaps about the same time.

Q.—About that time?

A.—It all occurred about that time.

Q.—And Moore was employed by the organization on a retainer to go about from place to place?

A.—To look after the interests of the organization.

Q.—And to defend people charged with being slackers?

A.—Naturally.

Q.—That is, defend the members of the organization charged with being slackers. Now you knew also of activities along that same line, that is, activities of branches of the organization, in behalf of slackers; that was brought to your attention, wasn't it, outside of what the general organization did?

A.—No, I don't recall. There may have been others; I don't recall any others than Crosby, it seems to me.

Q.—You remember of receiving this resolution from Crosby, sent to you by Ino Kutenen, whatever his name is, which says—this is a meeting of the I. W. W., the branch at Crosby—"which said question was put before the meeting, what will we do the 5th of June, when all men between the ages of 21 and 31 are demanded to register for the United States War Service? After discussion it was decided that we will notify all the locals of 490 and also the headquarters in Chicago that we have made the decision that we will all refuse to register. Motion was made and carried that if any of our members will be taken

by force, we will go on strike that day when first of us is taken and we will stop industry."

You remember of receiving that, do you?

A.—No, I don't remember that particularly.

Q.—You don't?

A.—No.

Q.—Well, do you remember of any action ever having been taken by you or any other official of the organization, to stop that proceeding or proposed proceeding of the members of your organization up there at Crosby?

A.—No, I don't.

Q.—As a matter of fact, this is what you did write, isn't it, in answer to Kutunen, June first, 1917:

"The motions adopted have been filed for record and future reference.

General Secretary-Treasurer.

In other words, you wished to be understood as acquiescing in the acts of those people, did you not?

A.—No, I did not.

Q.—You did not say you did not, did you?

A.—No, I didn't say I did either, did I?

Q.—No. Now that was a case where a great many strikers were arrested at the time this letter refers to?

A.—There never were a number arrested there.

Q.—A great number, in fact, of the I. W. W. members, and some other Finns who worked there?

A.—I have heard it testified to here, there were a number of them. I don't recall just now now what was stated.

Q.—Now you also had very prompt and timely information about a proposed similar action on account of registration in Butte, you received a letter?

A.—In Butte?

Q.—You received a letter from Peter Kirkenen from Butte, did you not?

A.—I did not; I don't think I did.

Q.—What?

A.—I don't think I did.

MR. NEBEKER: Where is the file?

(File handed to counsel.)

MR. NEBEKER: Q.—I hand you a letter dated Butte, Montana, June 5, 1917, addressed to William D. Haywood, upon which there is no signature, but upon which appears the word "file." Is that word "file" written—was it written by and in your handwriting?

A.—I don't think so; just let me read this letter, will you?

Q.—I mean this word "file."

A.—No. No reply to this?

Q.—No reply, no. You remember the testimony?

A.—Yes, I do.

Q.—That you had the practice, where you did not answer the letter, of just writing the word "file."

A.—I don't think I wrote that.

Q.—You think that is not your handwriting on that letter?

A.—I don't think it is.

Q.—And you have no recollection of receiving that letter from Kirkenen?

A.—None at all.

Q.—And could you have received such a letter as that and have forgotten it?

A.—No, it is not likely.

Q.—Now as a matter of fact, that is a letter dated June 5th, isn't it?

A.—Yes.

And addressed to you, in which is stated: "We I. W. W. members of Butte, Montana, have been doing some anti-war agitation, and the 5th day of June, 1917, we tried to hold a meeting and form an anti-war parade."

Now you remember that there was an anti-war parade on that day?

A.—I heard the testimony here.

Q.—And several of our members and sympathisers were imprisoned by the authorities, and con-

sequently we have decided to declare Butte under strike conditions, and help in any form is urgently needed, so send us pamphlets and speakers, if possible. Now is the time to act, the sooner the better."

Now very shortly after that you did send them speakers, didn't you?

A.—Well, I got a telegram asking for speakers.

Q.—And you sent them?

A.—Yes.

Q.—You gave them directions—

A.—Sure.

Q.—You sent Brazier down there, Brazier and Doran and Foss, didn't you?

A.—Yes.

Q.—What?

A.—Who? Brazier?

Q.—Brazier and Doran and Foss?

A.—Yes.

Q.—Sent them down on the 12th?

A.—Of July.

Q.—12th of July?

A.—Yes.

MR. PORTER: The 12th of July.

A.—The 12th of June, I should say.

MR. NEBEKER: Q.—You know Peter Kirkenen's signature, don't you?

A.—I don't know whether I have received any letters from Peter Kirkenen or not.

Q.—Do you mean to say you don't know his signature?

A.—Why, I can't tell whether I ever saw it.

Q.—Well, I will show you a letter to Harry Lloyd, signed Peter Kirtenen and ask you to state now—

A.—It looks like the signature had been cut off of this.

Q.—Yes, it seems so; do you know who cut it off?

A.—No, I don't. Do you?

Q.—I don't.

A.—Yes, I have seen something that looked like that.

Q.—That is his signature, isn't it?

A.—I wouldn't say.

Q.—Well, that is identical, that letter signed by him, or if that is his signature, signed by him and dated the same and is the same identical letter as the other, isn't it?

A.—There is something peculiar in a way about this letter. It is not addressed as I. W. W. letters are. If you notice the "W. D. Haywood," is in a different type than the body of the letter. It don't seem to be the same kind of type as this letter, for instance. (Indicating.)

Q.—Isn't one a carbon of the other, with the names written in afterwards?

MR. VANDERVEER: Oh, that is not cross-examination, if the Court please.

A.—I couldn't tell you.

MR. NEBEKER: Q.—Isn't this letter, in other words, to Harry Lloyd, isn't it evidently written on the same typewriter, and is a copy—a carbon copy of it, as the one addressed to you? Well, I will ask you first don't that appear to be so?

A.—Yes, it does appear to be so.

Q.—Then in the letter that you say has been written, the words "William D. Haywood," with some other typewriter, you think?

A.—Well it looks like it.

Q.—It does. Now, it is the same with the name Harry Lloyd, isn't it?

A.—Yes, it is.

Q.—Then, in other words, it would appear that carbons of this letter were made out at the same time that the original was written, and then upon another typewriter your name was written into one and it was sent to you, and on another one Harry Lloyd's name was written in and it was sent to him. That is what it would appear to be on its face, wouldn't it?

A.—It looks something like that, yes.

Q.—So there is no mystery about it after all, is there?

A.—Well, there is considerable mystery; I don't remember ever having received that letter.

Q.—Well, I don't understand you will say on your word of honor that that word "file" was not written by you, would you?

A.—Yes, I would say that it does not look like my word "file."

Q.—Well, that is not quite responsive. Would you say that it was not written by you? A man can usually tell.

A.—Yes, but it don't look like my writing; I would say that it was not.

Q.—Does it look enough like your writing to make you in doubt whether it was?

A.—No, I would say it does not look like mine. I don't remember the letter and it doesn't look like my word "file."

MR. VANDERVEER: A little louder.

A.—I say that it does not look like the word "file," written by me, and I don't remember ever having received that letter, and there is no response to it.

MR. NEBEKER: Q.—Oh, no. There wasn't any, to letters where you wrote the word "file," was there?

A.—No, that is true.

Q.—What I was trying to find out was whether you had received this information written from Butte on the 5th of June, and you remember that the mine disaster occurred on the 8th, three days afterwards, you remember that, do you?

A.—Yes.

Q.—Whether you had received this information from Peter Kirkenen, an I. W. W. leader, in that city, to the effect that an anti-war, anti-conscription or registration parade had been held or was to be held, that is what I was trying to get at. Now you say you don't know whether you ever received it or not?

Ans.— No, I don't remember having received that letter.

Q.—It would not have impressed you sufficiently for it to have remained in your memory?

A.—I think probably it would.

Q.—If you had received it?

A.—I think it would.

Q.—Was this word "file" on this letter I hand you, written by you?

A.—I think it was, perhaps.

Q.—I refer to letter dated Jerome, Arizona, 6-5-17?

A.—Yes.

Q.—You are pretty sure that the word "file" was written by you?

A.—That looks more like my writing.

MR. NEBEKER: I would like you gentlemen to look at these. (Handing documents to jury.)

Q.—Now, Mr. Haywood, I wish to call your attention to letter that was written July 3rd, 1917, to you, by Dan Buckley, addressed to you at 1001 West Madison Street, Chicago, in which he said: "I have received several inquiries from fellow-workers who have been imprisoned for having failed to register, asking my advice as to what is best to be done in their cases. I should like to know what stand, if any, the organization is going to take on this question?"

Now, particularly to your answer to this part of it: "No official stand has been taken by the organization on the question of registration, believing that the individual member was the best—"

A.—What is the date of that?

Q.—This is July 7, 1917, and in answer to the Buckley letter: "Believing that the individual member was the best judge of how to act on this question. Still no thing has been left undone to help out." We assume you used that language advisedly, didn't you?

A.—Yes, if I had used it.

Q.—Do you doubt writing this letter?

A.—I rather think I did write it. Let's see.

Q.—How is that?

A.—Now, when I say that I did not write this letter, I do not want to shift the responsibility. A letter coming to the office, that was not dictated to the stenographer, I generally step over to Dick Brazier and just in a casual way told him what I thought ought to be in reply, and this is one of Brazier's letters.

MR. VANDEVEER: How does that appear?

A.—Well, it is the way it is signed at the bottom. He signed it, "Yours for the O. B. U." I never signed a letter that way.

MR. NEBEKER: Well, I suppose you usually looked over Dick's letters before he sent them out?

A.—Well, sometimes.

Q.—On important matters like this?

A.—Sometimes I simply put my signature on or the rubber stamp, as the case may be. However, I am responsible for that letter, whatever it is.

Q.—Well, whoever wrote it, it was written from headquarters in Chicago, and either by you or a member of the General Executive Board?

A.—I say I am responsible for it, whatever it is.

Q.—And it is right in connection with, is it not, in connection with the statement "still," nothing has been left undone to help out the boys arrested for evading registration."

A.—Yes.

Q.—Now, that letter would not mean boys who were not subject to registration; it would mean those who were subject to registration, between 21 and 31 years of age, who were evading. Now, that is what it meant, isn't it?

A.—Yes, that is what it said.

Q.—In that connection you stated, or this letter states: "Fred H. Moore has been engaged as general counsel for the I. W. W., and the greater part of his time will be occupied in cases growing out of the evasion of registration by the members. The G. E. B.

in session has devoted considerable time to discussing the whole proposition, and I am preparing a statement on same for the membership."

Do you remember of getting information from Augusta, Kansas, May 21, 1917, with respect to an anti-conscription resolution that was passed there?

A.—Do I remember?

Q.—Yes.

A.—Yes, I think so.

Q.—In that, the information that was conveyed to you in a letter dated May 21, 1917, in respect to that, was as follows: "Members of the I. W. W. resist conscription by refusing to join band of potential murderers or by any other other effective method deemed advisable; copies of this motion be sent to William D. Haywood, Secretary-treasurer I. W. W., and Forest Edwards, Secretary-treasurer A. W. O., with he request that these two officials transmit same with despatch to all unions of the I. W. W.—I. W. W.'s delegates in the field." You remember that, do you?

A.—Yes. I would like to look at that resolution.

Q.—That was, of course, information that headquarters had at the time that the letter that you call the Brazier letter was written?

A.—What is that?

Q.—I say, this is information that you had at headquarters at the time what you have called the Brazier letter, but over your title, was written?

A.—Written to whom?

Q.—Written to Buckley.

A.—What has that got to do with this?

Q.—Well, I say, You had information concerning this, as well as the anti-conscription activity of Crosby, and also the anti-registration activity in Butte, at the time the Brazier letter was written?

A.—Yes, they were all in the office at that time.

Q.—Here is a letter, since that question has arisen — did you write that or did Dick Brazier write it?

(Handing document to witness.)

A.—Brazier wrote this.

Q.—Brazier wrote that?

A.—Yes.

Q.—One of the first places that Moore went to after he was employed was down to Rockford, wasn't it?

A.—Yes, and the next was down to Bisbee.

Q.—He didn't go down there to defend slackers?

A.—No, he went down there to defend the men who had been deported and see what he could do for their wives and children.

Q.—Now, at Rockford, I wonder if this one—here is another one over your title, is that one you wrote or did somebody else in headquarters write it?

A.—You read this one, didn't you?

Q.—No, not yet.

A.—Well, it also was written by Brazier; I want you to understand I assume the responsibility.

Q.—Well, I want the fact. Did you have anything personally to do with getting out that July bulletin? on the subject of the Rockford anti-registration activity?

A.—I wrote the bulletin.

Q.—You wrote the bulletin?

A.—I wrote it.

Q.—By the way, counsel at some time during this trial has referred to some harmony, apparently, of action and plan and policy between the State Council of Defense of Washington, and one Mr. Marsh and the I. W. W.

Do you recall what I allude to?

A.—Yes, I heard what was said here.

Q.—Now, in this bulletin of yours of July, 1917, the one which you say you wrote, you stated also: "The State Council of National Defense upon which are bankers, lawyers, bosses and A. F. of L. labor leaders, have recommended that Federal troops be sent to suppress the I. W. W. and break the strike."

That was the State Council of Defense in the State of Washington, wasn't it, that you referred to?

A.—Let me see that.

Q.—That paragraph, the second from the bottom? (Handing to witness.)

A.—Yes, sir.

Q.—And that is a statement of the truth of the fact, is it?

A.—I believed it was.

Q.—That is, that "the State Council of Defense on which were bankers, lawyers, bosses and A. F. of L. labor leaders, have recommended that Federal troops be sent to suppress the I. W. W. and break the strike. The sponsor of this humane plan is one Marsh." That is the Marsh who has been mentioned here?

A.—Yes.

Q.—"President of the Washington State Federation of Labor, advocating that Federal troops be sent to break the strike. This is the type of labor leaders that the A. F. of L. develops, but in spite of all their help, their hired hessians, their militiamen and all the authorities of so-called law and order which are arrayed against the so-called lumber workers, the strike is spreading."

That is a statement of fact, was it?

A.—I believed so, yes, sir.

Q.—In other words, the recommendation to handle that situation up there, came from the Washington State Council of Defense?

A.—It seems so, or at least that was my opinion of it at the time.

Q.—Well, you said so, anyhow, didn't you?

A.—Yes, we had evidently got some information to that effect.

Q.—Now, it is in this bulletin (indicating) in which you used this supplementary language with reference to how the courts disposed of the Rockford cases, isn't it?

A.—I don't know whether it is in that particular one or not—yes, that's the one.

Q.—Did you issue more than one monthly bulletin?

A.—No, that was the monthly bulletin.

Q.—That is the July bulletin, 1917. By the way, now just one further matter on the general propaganda question and alluding again to "The Deadly Parallel," I think you said to counsel that it was suppressed?

A.—No, I don't think that counsel has said anything to me about the "Deadly Parallel."

Q.—Oh, yes, he did. Just try to recall now and see if you did not say to him that it was suppressed in answer to a leading question from him?

A.—Well, I don't remember.

Q.—Was it suppressed then?

A.—Yes.

Q.—When?

A.—About the latter part of March, 1917.

Q.—How?

A.—Well, no more of them were sent out.

A JUROR: We cannot hear you.

A.—No more of them was sent out.

MR. NEBEKER: Q.—What was done with them?

A.—Left in the office.

Q.—Where are they now?

A.—They are in the hands of the Federal authorities, I think.

Q.—How many of them.

A.—All of the original packages, as they were delivered from the printer.

Q.—Do you think so?

A.—I believe so.

Q.—Have you ever seen them?

A.—No, but I have inquired into it.

Q.—In other words, you had them on hand in the headquarters in the original packages unopened on

September 5, 1917, is that what you wish us to understand?

A.—Yes.

Q.—Did you send out any of them?

A.—Oh, I think so, a few.

Q.—After March?

A.—Well, now, there has been a letter here where a few were sent to Francis Miller.

Q.—Yes.

A.—I did not know that.

Q.—Well, that was your letter, wasn't it?

A.—Yes, my letter, and I sent them, but I did not think that there had any gone after the declaration of war.

Q.—Well, this letter that had been read was read a long time ago here in this case, wasn't it?

A.—Yes.

Q.—You now say it was suppressed in March, notwithstanding the information contained in that letter?

A.—Well, now, with the exception of those few—

Q.—Oh, I see. Well, now, didn't you also receive a letter from McAvoy, as late as June 3rd, 1917, in which he spoke of making use of "The Deadly Parallel"?

A.—I may possibly done so. What was the reply to it?

Q.—I do not have the same here. This is McAvoy to Haywood, June 3rd, 1917: "I spoke about one hour and a half—" this is what McAvoy is saying. "The crowd listened very attentively. The Deadly Parallel was read," well you would say then that in two instances, at any rate, they were not suppressed?

A.—No. I want to know the reply to that. I don't believe I sent any.

Q.—I will try to have it looked up for you. Maybe it is one of the letters with just the word "file" on it.

A.—It may be, and that may be the Deadly Parallel that he got in March.

Q.—Well now, wasn't that circulated in another form, right through the full period of the war?

A.—It was published in "Solidarity" and also appears in the book of the "General Strike."

Q.—And was the "General Strike" pamphlet circulated during the entire period of the war?

A.—That I cannot tell you; I don't know how many of them was distributed. No effort was made—

Q.—You remember the witness testifying here that in March there were 20,000 of them printed?

A.—Yes. How many were distributed I could not tell you.

Q.—And there is testimony here—

MR. VANDERVEER: February, Mr. Nebeker, is the testimony.

MR. NEBEKER: Well, thank you.

MR. VANDERVEER: Do not always put it March.

MR. NEBEKER: Testimony to the effect that 4,500 and some odd of them were found in the raids on September 5th?

A.—Yes.

Q.—You remember that don't you?

A.—No, I don't.

Q.—Well, have you any reason to doubt there were that many of that pamphlet out in circulation?

A.—I could not tell you how many there were, without going over the record.

Q.—This is the pamphlet, isn't it, that you call "The General Strike?" (Handing to witness.)

A.—Yes.

Q.—You say that the "Deadly Paralell" was suppressed, do you?

A.—Well, that circular was suppressed, yes.

Q.—Isn't this printed on pages 46 and 47, that "Deadly Parallel," the same identical, word for word, as upon that circular that is referred to?

A.—Isn't that just what I told you, that it was suppressed?

Q.—I am asking you now.

A.—Do you want me to repeat it?

Q.—Yes.

A.—Yes.

Q.—Yes it is. And it was circulated during the entire period of the war, from April 6th, until September 28th, 1917?

A.—That I cannot tell you.

Q.—Well, you won't deny that it was, will you?

A.—No. I could give you just exactly the number if I had the books.

Q.—Tell me why you suppressed the "Deadly Parallel" at all if you were sending it out in this form?

A.—Do you want to know why it went out in that form?

Q.—Yes, that is what I am asking you.

A.—Now, I had entirely forgotten that it was in that pamphlet, or the pamphlet would not have went out.

Q.—I see.

A.—I think, Mr. Nebeker, you have a letter there somewhere in regard to the "Deadly Parallel," in which I mentioned the fact that this should not be used, that it should not give support or comfort—

Q.—There is something of that character.

A.—Well, that meant just what it said.

Q.—I don't know whether it is from you or from whom.

A.—Well, that was from me.

Q.—To the effect that it was hurting some of your propaganda that you were carrying on up in Seattle or the Northwest, wasn't it?

A.—Well, I know that there is some letter somewhere—

Q.—In other words the situation was that in the Everett defense you were getting a little help from the American Federation of Labor, were you not?

A.—Oh, that had nothing to do with it.

Q.—Let's get at the fact. You were getting some

help from the American Federation of Labor, weren't you?

A.—A very considerable.

Q.—A very considerable?

A.—Yes.

Q.—That was in the Everett Defense, and the circulation of this Deadly Parallel at that time and up in that section of the country, was injuring the effort—

A.—Are you asking me a question or arguing to the jury?

Q.—Well, I am asking you a question.

A.—Well, that is what I want.

Q.—I will start over again: The fact of the matter is that the circulation of the "Deadly Parallel" in which you were making an attack upon the A. F. of L. was injuring the efforts of these or thwarting the efforts of those members of your organization who were getting money from the A. F. of L., isn't that the fact?

A.—No, it is not the fact, because this particular letter that I refer to, cites the fact that that "Deadly Parallel" is directed against Gompers and should not be used.

Q.—Yes. Well, now I think you have misunderstood me.

A.—No, I have not. Your idea is that I suppressed it because it was hurting the A. F. of L.

Q.—Oh, no, hurting the I. W. W. in getting money for the Everett Defense.

A.—Well, that is not true.

Q.—Because it did attack Gompers and the A. F. of L.

A.—Oh, if it was only Gompers that was being attacked, it would never have been suppressed. The A. F. of L. and Gompers were the fellows it was after, to show them up, but because it was giving support and comfort to the enemy, it was suppressed.

Q.—What enemy?

A.—Germany; that is what the letter says.

Q.—Oh, it is because it helped Germany that it was suppressed, is that the idea?

A.—Why, certainly.

Q.—Well, now let's see. The letter you refer to I suppose is the letter of April 12th, 1917, written by you to Francis Miller, in which you say: "By even mail I am sending you a package of the 'Parallel.' Would like to have the distribution of the 'Parallel' as wide as possible. Have been waiting for that day of reaction which is certain to come."

A. Yes, sir.

Q.—Reaction against what?

A.—Reaction against the war.

Q.—Oh, and on April 12th, the sixth day after war was actually declared, you were expecting a sentiment of reaction to develop in the country and then you would use the "Deadly Parallel," is that the idea?

A.—Yes, sir.

Q.—You were just laying low until that came, is that the idea?

A.—Yes, sir, that is all. Read that letter.

Q.—I have read one paragraph. Another paragraph is: "We must be very careful not to do anything that can be interpreted as giving comfort or support to the enemy." You meant by that Germany?

A.—Of course. Who could you think I meant?

Q.—"But we can and must take advantage of every opportunity to rap the A. F. of L., and there is no better way of doing this than by pointing out their mistakes and maintaining our principles."

Now, assuming that you did mean Germany, what you were in effect saying there is that you should not commit open treason?

A.—Why, certainly not.

Q.—That is about what you meant, wasn't it?

A.—Exactly. You don't expect us to commit treason.

Q.—Well—

A.—Open or otherwise.

Q.—Well, that is what you had reference to, saying, “Giving comfort, anything that could be interpreted as giving comfort or support to the enemy.” You are advising against the use of something that would be construed to be treason?

A.—I was advising against the use of something or anything that could be interpreted as giving support to the enemy.

Q.—And yet it went right along in “The General Strike.”

A.—I told you why.

Q.—Now, let’s see, was that because of your solicitude for this country in this war with Germany?

A.—Yes, on account of my solicitude, not so much for this country as against Germany.

Q.—You felt very bitter against Germany?

A.—Why certainly I do.

Q.—Did you ever send out any communication to members of the organization to help anybody fight Germany?

A.—Why, every man is rendering his bit now.

Q.—Oh, no.

A.—Oh, yes they are.

Q.—I am asking you, did you ever send out anything?

A.—No, I didn’t need to.

Q.—That would encourage anybody to go and fight?

A.—No.

Q.—Do you ever know of anybody doing anything for this country, that is, among the leaders of your organization, any more than Ralph Chaplin said he did when he wrote a sonnet about the rape of Belgium?

A.—Well, I could pick out a lot of fellows that were working, rendering good service to what you claim was essential work for the Government until you arrested them and throwed them in jail and held them idle here for ten months.

Q.—I am asking you now about the propaganda, the writings, anything that went through the newspapers, to encourage a single I. W. W. to do anything to help the Government in this crisis?

A.—No, we didn't say anything about joining the army, but later you will hear that we did say something—

Q.—You did personally say a good many things the other way, didn't you?

A.—No, not during the war; I have said a good many strong things against soldiers.

Q.—When did you draft that little slip there, in your own handwriting? . (Handing to witness.)

A.—Who drafted this little slip up on top?

Q.—I don't know. I can probably tell you if I look at it.

A.—That don't belong here, does it?

THE COURT: Suspend here for a moment.

A.—Yes, those are not the only things I said.

MR. NEBEKER: Just a moment, please, the court has stepped out.

(Short intermission.)

THE COURT: Proceed, gentlemen.

MR. NEBEKER: Q.—Now you say that was written by you?

MR. VANDERVEER: Did you answer when you wrote it? That was the question.

A.—Well, I don't remember just when I wrote it, but it was a long time before the war.

MR. NEBEKER: Along about the fall of 1916, wasn't it?

A.—Sometime I should say the early part of 1916. I see on the bottom of it it has that "Why be a Soldier."

Q.—Yes.

A.—That was printed in Cleveland.

Q.—Was this a suggestion for stickerettes?

A.—That particular one was.

Q.—A little louder.

A.—That particular one was a suggestion.

MR. NEBEKER: Q.—Well, I mean, isn't this a draft for paragraphs for stickerettes, the entire thing?

A.—No, those are things I used in speeches.

Q.—It is your handwriting:

“Join the Army or Navy, Confess, be Prepared to die.”

“It is better to be a traitor to a country than a traitor to your class.”

“A live soldier is a hobo; a dead soldier is a hero.”

“Why be a Soldier? Be a man, Join the I. W. W. and fight on the job for yourself and your class.”

“A policeman is a pimple; a soldier a boil on the body politic, both the result of a diseased system.”

“A soldier is the man behind the gun, but the man behind the man behind the gun is to blame for war.”

Those are aphorisms that emanated from your brain?

A.—I think that those are original.

Q.—And at any rate, at that time, in the fall of 1916, you held views of that kind, did you?

A.—Yes.

MR. VANDERVEER: He said early in 1916. I assume you made a mistake.

MR. NEBEKER: Well, it says September 12th.

A.—What says September 12th?

Q.—The letter.

A.—Well, the letter hasn't got anything to do with this. This letter was not attached to this. (Indicating.)

Q.—The letter that refers to the “Why be a soldier” stickerette is September 12th, isn't it?

A.—Yes, but that hasn't got anything to do with this absolutely. This was in my desk in the files; that little slip was in a drawer to my desk.

Q.—Do you say it was earlier than the fall of 1916 when you wrote that?

A.—Sure; of course it was, because there is that

“Why be a Soldier” aphorism, if you call it that, that the other thing refers to.

Q.—Well, it doesn't matter. When do you say you held the views then—when did you write that?

A.—It is hard to tell. Some of those I have used six or eight years ago.

Q.—I want to call your attention to a few more letters here. One in the first place in answer to a letter from Arthur LeSeuer; that is the same Arthur LeSeuer who has been mentioned here in connection with the Non-partisan league?

A.—Yes, sir.

Q.—In this letter from him to you there is this statement: “I hope you don't start anything until the year has expired. This damned war business is going to make it mighty hard to do good organization work or good radical work of any kind, but I think the fight should be now centered against any bills for conscription.”

Then your answer written on April 11th—

A.—What year?

Q.—1917. “Arthur LeSeuer, Peoples' College, Fort Scott, Kansas: Fellow Workers:

“There is nothing whatever that we can do to prevent the spy bills or conscription methods. All of those things will be passed, if the master class feel they need them. They realize that of all in the great class war, the place where they are starting is at the point of production.”

A.—The place where we are what?

Q.—“Is at the point of production.”

A.—Preceding that.

Q.—They realize first of all in the great class war, the place where we are started is at the point of production. Our slogan is ‘organize on the job.’ Our efforts are bringing results in spite of everything else that is going on at the present time.

You remember of writing that letter to LeSeuer?

A.—Well, I don't remember the letter, but I know that I wrote to LeSeuer; because I would not

recognize that word for word.

Q.—What efforts—now he was asking as to what was going to be done about anti-conscription, or something of that kind. What effort was it that was being put forth there?

A.—You mean—

Q.—“Our efforts are bringing results in spite of everything else that is going on at the present time.”

A.—Well, our efforts to organize—organization work, evidenced by the reports that you read here to the jury.

Q.—Do you mean to say that that was in spite of the work also that was going on to assist the country to prepare for war?

A.—I don't understand how you get this war business twisted in on all these things.

Q.—Well, maybe I am wrong in my construction.

A.—Absolutely wrong.

Q.—All right.

A.—Not only wrong but you were wrong from the very inception of this thing.

Q.—Wrong from the beginning of the world?

A.—Wrong from the inception here.

Q.—Well now, let's see. Let me call your attention to a letter, June 13, 1917, to this same Arthur LeSeuer, in which you say: “On June 5th, between 40 and 50 members of the I. W. W., with Socialists, numbering in all 135, refused to register at Rockford, Illinois. These men marched in a body to the jail and gave themselves up to the sheriff, saying they declined to register and had come up to go to jail for the offense. They were locked up. Later I understand a number of them were badly beaten by the deputy sheriffs, and jail guards. I learned this morning from the Scandinavian Socialists, comrades here in Chicago, that the cases are coming up on June 9th. The Socialists have asked us to co-operate with them in giving the men defense. The man who telephoned me mentioned Stedman of Chicago as a possible law-

yer. I told him if we were going in on the case I much preferred you to represent the interests of our boys, and I would write you to see if you would handle the case.

“Would it be possible for you to look after the interests of these members, and what would be your fee? As the case now stands, it is, I believe, merely a misdemeanor, though they have one man, George Conly under arrest charged with conspiracy, and of course there is no telling how serious the other cases may develop.”

Do you remember making that preparation in addition to getting Fred Moore on a regular retainer?

A.—Fred Moore had not been retained, I don't think, at that time. This was preparatory to getting a lawyer.

Q.—June 13th?

A.—No.

Q.—Well, whether he was or not—

A.—I don't think Fred Moore was here.

Q.—Maybe this will help straighten that out.

A.—Maybe it will.

Q.—This is a letter dated June 20th, 1917, and addressed to you, and has LeSeuer's name on it, but was not written, typewritten printed. Did you receive that letter? (Handing to witness.)

A.—Yes, I think so.

Q.—In that letter this same Arthur LeSeuer stated to you: “I hope things are moving well. I look for trouble on the Minnesota Range when they begin prosecutions of the slackers, as they call them.” And by the way, at this time he was attorney for the organization, wasn't he?

A.—No. He had not been employed at that time.

MR. VANDERVEER: Arthur LeSeuer?

MR. NEBEKER: Yes. June 20th, 1917.

A.—He had been attorney for the organization on previous occasions.

Q.—“Begin prosecutions of slackers, as they call them, as there is a bunch of real sappers there. Many

of them left their native land to escape conscription, and will not likely forego their personal liberties here. Being interested in iron, as much as it is men, the government will be put up against a hard game to play in a case of a strike, and there is no telling what would develop. I hope that the Department of Justice will realize that have now registered for all purposes, it had better quit and aid the government in the prosecution of the war, rather than to make war at home on these workers, but they may decide to go through." Do you remember receiving that letter?

A.—I think so.

Q.—And after that time, Arthur LeSeuer acted as attorney for the organization, did he not, at times?

A.—No, he has never acted as attorney afterwards, but it is not because he wrote that letter, that he has not.

Q.—Well, that is to say, you would not have discharged him—

A.—If that is what you mean.

Q.—You would not have discharged him on account of holding such sentiments as that?

A.—No, I think that the Department of Justice would a good deal better be helping the war than doing what they are doing.

Q.—According to your idea, this is not helping the war any?

A.—No, I don't think so.

Q.—I want to call your attention to a few other letters here, one for instance, received May 16, 1917, from Shreveport, Louisiana, apparently written by Clarence Edwards, in which he says: "Am sending you a letter from a fellow-worker from the Sweet Home local, that put up such a fight against the Ball Lumber Company, as you know, and wound up by getting two jailed for conspiracy to murder, and the funds were so small for defense, that direct action was the only course to pursue. So the third day of

the trial, about a hundred of them quietly marched through the court house with their guns on their shoulders. No man spoke a word." Would you understand that that was direct action?

A.—No. Let me see that.

Q.—I am not quite through, then I will hand it to you. "No man spoke a word. After the procession had filed through, and taken a stand on the outside of the square, the district attorney proposed to the court to nolle prosequere the cases on account of not having sufficient evidence to convict, and now you can read his letter and see just what I am up against; not one of these fellow-workers have taken out a card yet, and they have promised me daily to do so. My last hope is now that when conscription really begins, some of the bunch will start something and then we can get them together; they are all for excitement." Do you remember receiving that letter?

A.—I think so, yes.

Q.—By the way, you did not answer that either, did you?

A.—No.

Q.—It has your word "file" on it.

A.—It has.

Q.—So, there is not any doubt about your having read it?

A.—No, I read it allright.

Q.—You did not write back—this fellow Edwards was kind of a prominent man in the organization, wasn't he? Clarence Edwards?

A.—Yes, he was down there as an organizer.

Q.—Pretty active; you didn't write down there and tell him to stop that kind of talk about organizing against conscription?

A.—Did he say anything about organizing against conscription?

Q.—Well, he says this: "I am up against it; not one of these fellows—my last hope now is that when conscription really begins" that is hope to line these fellows up?

A.—Yes.

Q.—Don't you construe that as relying upon the hope—

A.—Does he say anything about working against conscription?

Q.—I want to call your attention to this letter from Williford—no, this is not to you, I will not ask you about that. A letter dated Toledo, Ohio, May 29, 1917, addressed to you, signed “Yours for Revolution, by Leon Schiff, or Sheff,” in which he says: “The picnic Sunday, May 27th”—that would be May 27th, 1917—“was successful and we all enjoyed ourselves. Fellow Worker Plahn was down from Detroit to talk at the picnic. We are going to have an anti-war meeting tonight at Memorial Hall, and it looks as if something would be started by the patriots.”

And your answer of June 1, 1917, to this same Leon Schiff, in which you say among other things:

“Glad to note that the picnic held Sunday, May 27th was successful, and hope that your anti-war meeting proves to be a great success.”

Do you remember writing that?

A.—No; I don't, and I didn't write it.

Q.—Who did?

A.—Look at the initials down in the corner.

Q.—H. L. S.?

A.—Yes.

Q.—Who is that?

A.—Miss Seery.

Q.—Well, it is over the title?

A.—Yes, I am responsible for it.

Q.—General secretary treasurer. It went out from headquarters?

A.—That is right, but I didn't write it.

Q.—I see.

Q.—Did you sign it.

A.—No, it went out with a rubber stamp.

Q.—What?

A.—It went out with a rubber stamp. You only have the carbon there.

Q.—I understand.

A.—Well, you ought to have the original.

Q.—Well, let's look it up.

A.—If you have the Toledo files—

Q.—We will see if we can find it. Are you right sure now you didn't sign it?

A.—No, I would say, I presumably signed it.

MR. VANDERVEER: He suggested you look it up. He probably isn't worried.

MR. NEBEKER: I think that is all. Oh, there are some papers here too—just a moment.

(Documents marked government's exhibit 907 to 808 inclusive.)

MR. NEBEKER: Q.—Mr. Haywood, look at government exhibit 797 and state whether you are the author of the document? I made a typewritten copy on the back there, if you want to, it is easier for you to read.

A.—This thing was taken from Seattle.

Q.—One from Seattle and one, I think from Portland, is it not? It is over your name. I say, are you the author of it?

A.—I don't recognize this at all.

Q.—Don't you?

A.—No, sir.

Q.—Have you doubts about its authenticity?

A.—I never sent out a circular of this stuff from the general office at all.

Q.—Just a little louder.

A.—I say that circular or bulletin never has been sent out from the general office on this sort of material. As to the contents I do not recognize them at all.

Q.—You notice that they are over the name, "William D. Haywood, general secretary treasurer"?

A.—Anybody can do that on the typewriter.

Q.—Well, I say you notice that, do you?

A.—Yes, I notice that.

Q.—You still have no recollection of having written or having circulated that document?

A.—No, I certainly know that that is not my writing.

Q.—Your composition, you mean?

A.—Yes.

Q.—You never have seen that before?

A.—No, sir.

Q.—You are one of the editors of the International Socialist Review, weren't you?

A.—My name is on the mast head.

Q.—Then you are called then, associate editor?

A.—Yes.

Q.—And were during all of 1917, weren't you?

A.—Yes, and am still.

Q.—My attention is just called to this language: "The above manifesto"—

MR. VANDERVEER: Wait a minute, just a moment, this is not in evidence, your Honor.

MR. NEBEKER: Well, I will ask you to look at the last three lines and ask whether or not that will refresh your recollection any as to what the manifesto was, and what its purpose was, and whether you had anything to do with it?

A.—This is evidently a manifesto that was issued from Duluth by Socialisti.

Q.—Over your name?

A.—Not over my name. Can't you see that this was a post script?

Q.—You read that last sentence?

A.—Yes, sir.

Q.—Read it aloud. What does it say?

A.—All right.

MR. VANDERVEER: Wait a minute. It is not in evidence.

THE COURT: It is not in evidence?

MR. NEBEKER: It is not in evidence but that would not be a good objection on cross-examination, of whether he wrote it or not.

MR. VANDERVEER: I should think so.

MR. NEBEKER: I would be permitted, of course, to call his attention to the language.

THE COURT: You have done that.

MR. NEBEKER: Well, still don't you recognize it?

A.—No, I don't, even now.

Q.—As being an emanation from your brain?

A.—No, sir; that last line perhaps, but even that I do not think I wrote.

Q.—Well, now, I want to hasten over these; here is Government exhibit number 801 to Solidarity from Cully at Rockford, do you remember of seeing that when it came in?

A.—This to Solidarity and me remember seeing it?

Q.—Yes.

A.—No.

Q.—You did not. And government exhibit number 800 addressed to William D. Haywood upon which—

A.—Mr. Nebeker, you know how the offices are located over at general headquarters?

Q.—Yes, I did, Mr. Haywood, I am not taking issue with you on it.

A.—Well, all right. I didn't see it.

Q.—“Seattle, Washington, June 17th, 1917, addressed to William D. Haywood, signed Defense Committee.” Did you receive that?

A.—64 West Washington Street? I don't know anything about that. I never saw it.

Q.—Here is a letter, a wire from the defense committee from Seattle, Washington, June 17, 1917, and addressed to Will D. Haywood. Did you receive that?

A.—This, I suppose was received.

Q.—You think that was received, do you?

A.—The top one, yes.

Q.—Now, do you remember, was it Martin or Turner or who testified here that in Seattle they refused to aid the defense of the Rockford cases.

Wasn't there one or the other of them so testified? Or Rowan, perhaps, do you remember?

MR. VANDERVEER: I put in a resolution from the minute book, perhaps that is what you have in mind?

A.—That is the first time, perhaps, I ever was addressed as “Will D. Haywood.”

MR. NEBEKER: Q.—Well, there isn't any doubt about your receiving it?

A.—I think not. I believe it was received.

MR. NEBEKER: I offer it in evidence, government's exhibit number 798.

A.—What is the street address on that, Mr. Vanderveer?

Q.—64 West Washington street.

A.—I am not sure that I received that. Who could have been the author of that, addressing it last year to 64 West Washington street?

MR. NEBEKER: How is that?

A.—Who could have been the author, that signed Defense Committee?

Q.—Well, what I am trying to get at is whether you got the wire from Seattle giving you this information about the action of Seattle and the Rockford cases?

A.—I don't remember it at all.

Q.—I believe you stated you have no doubt but what you did receive it?

A.—I suppose I did receive it when it came there. Look at it again, 64 West Washington.

MR. NEBEKER: Any objection?

MR. VANDERVEER: No objection only I do object to counsel's insidious manner of comparing one thing to another. The reference to the failure to support it was from Spokane, and this, evidently was a Seattle telegram. It has no bearing on the matter he is trying to bring it in contact with.

MR. NEBEKER: (Reading:) “51 held open charges, result raids, soldiers and sailors, one soldier.

No members injured; most probably will be realized"—

MR. VANDERVEER: Released.

MR. NEBEKER: "Released, 14 may be held, registration; members standing firm; Seattle pledges all support Rockford. Details by mail. Hall still closed. Wire Workers address."

A.—The reason I think perhaps that was not received is that it is addressed to 64 West Washington, evidently by someone who was not in the habit of addressing me because he had it "Will D. Haywood" instead of "William D. Haywood" and it is signed, not by name, but by "Defense Committee."

Q.—Will you say an identical copy of that telegram was not published in Solidarity?

A.—No, I would say not.

Q.—And if it was published in Solidarity then you would have no doubt of your having received the wire, I suppose would you?

A.—No, there may have been a similar wire in Solidarity or that one may have been, a similar wire sent to Solidarity, or that one may have been received or given by me to Solidarity, but I don't remember the thing.

Q.—Did you personally write this letter, government exhibit 799, that is, that exhibit number is placed on a slip here that is attached, but I mean the next letter addressed to Jerome P. Lippman, April 5, 1917. It is a carbon of a letter?

A.—Yes, sir.

Q.—Did you receive the one attached, written by the addressee of your letter?

A.—I think perhaps that is the letter.

MR. NEBEKER: We will offer it as evidence. (Government's exhibit 799 received in evidence.)

Q.—Did you send a telegram, government exhibit number 803, to Laukki?

A.—It does not seem to me this was "English and Austrian." I thought it was "English and Irish."

Q.—And without mentioning any names, you thought it was Doran and Brazier?

A.—Doran and Brazier, if you will.

Q.—You sent that wire on June 8th?

A.—I sent that wire, I suppose that is it.

Q.—You sent Pancner down to Rockford?

A.—Yes, I did.

Q.—Did you see this wire, government exhibit number 802, that he sent back apparently from there? I do not see that the place is addressed—no, this is from Seattle, but did you see this wire?

A.—This is not a wire.

Q.—What is, Mr. Haywood?

A.—It looks to me like a letter.

Q.—Well, did you receive that letter?

A.—I did not.

Q.—Did you ever see it before?

A.—I never did.

Q.—Here is a carbon, another form of letter, government exhibit number 805, written to Joe Gordan and Elmer H. Groves, that I questioned you about, but I would like to have this one identified and state whether or not you wrote that one personally?

A.—Well, as letters have been accepted here I would say that that was mine.

MR. NEBEKER: We offer that in evidence.

MR. VANDERVEER: It is in evidence already, all of these you are offering now.

(Government exhibit number 805 received in evidence.)

MR. NEBEKER: Then there is no objection, I suppose.

Q.—Here is a wire, telegram dated August 5, 1917, government exhibit number 806, addressed to A. D. Kimball; did you send that telegram?

A.—I could not say positively.

Q.—Well, what is your best judgment?

A.—I don't know where you got it, I don't know where—

Q.—From the Chicago files, seems to be a copy taken from the Chicago files.

A.—Why didn't you get the copies from the office, from the Telegraph office?

Q.—Then do you deny sending that?

A.—No, I don't; I just can't remember it.

Q.—Is it your judgment it was sent?

A.—I sent many telegrams to Columbus.

Q.—That is all you can say about this?

A.—Yes.

Q.—Did you receive government exhibit 807?

A.—This was received at the office, I think. I am not sure that I read it.

MR. NEBEKER: We offer it in evidence.

(Government exhibit number 806 received in evidence.)

A.—It is not signed.

Q.—Government exhibit number 808, did you write that letter personally?

A.—No, sir.

Q.—Was it written at headquarters?

A.—I should say it was.

Q.—You say it was? We offer it in evidence.

(Government exhibit number 808 is received in evidence.)

A.—That one was not signed, Mr. Vanderveer, evidently.

Q.—Will you mark this one?

(Exhibit marked exhibit 809.)

Q.—I will call your attention to a file, government exhibit 809, that is a letter from Arthur LeSeuer to yourself that I have already referred to, and attached to that a carbon of your answer to that same letter and also another letter to LeSeuer, over the name, "General Secretary-Treasurer." I will ask you to state whether or not you received the LeSeuer letter, and made the replies indicated from that file, also did you receive the LeSeuer letter on the back of the file?

A.—I think so.

Q.—You think so?

A.—Yes.

MR. NEBEKER: This is offered in evidence.
(Government exhibit 809 received.)

Q.—You wrote government exhibit number 804, did you?

A.—I do not see any date on it. This as not as you got it. Has this been copied?

Q.—No. You see, "From I. W. W. Chicago."

A.—Well, why wouldn't it have the address? This is the first page, why wouldn't it have an address?

Q.—All I want to know is whether you wrote it.

A.—Well, I cannot say; it is not the form—it is not the right form.

MR. NEBEKER: That is all.

REDIRECT EXAMINATION BY

Mr. Vanderveer:

Q.—You offered this in evidence, didn't you?

MR. NEBEKER: Yes.

MR. VANDERVEER: I will now read this, government exhibit 807. (Reading to the jury.)

Is this some conspiring you did, Mr. Haywood?

A.—Something like it.

(Reading continued.)

MR. VANDERVEER: Mr. Haywood's reply, addressed to A. B. Kimball. (Reading.)

Q.—Weren't you and Mr. Perry and these people working together on all of this? I thought this was all a conspiracy between all of you fellows, Haywood?

A.—Well, we were not always in accord on all things; that is, there was not always a general understanding or coming together of minds.

Q.—Was there any infamous idea underlying the suggestion that these men by starting to march might force the government to restore them to their families, anything underlying, any hidden purpose concealed there?

A.—Not a thing in the world. They say there just what they mean, by starting home, they may be able to force the government to assist them in going back to their families. This was not the only time that the government had been requested to do that. You remember William Green of the United Mine Workers, while these men were at Columbus, miners had been deported from Gallop, New Mexico.

Q.—Members of the United Mine Workers?

A.—Members of the United Mine Workers and William Green, secretary treasurer of the United Mine Workers sent almost identically the same telegram as I did to the president.

Q.—Threatening a strike?

A.—Threatening a strike, and the coal miners were sent back to Gallop.

Q.—And your men were not?

A.—No, we were not as strong as the United Mine Workers.

Q.—Would you call that direct action?

A.—What he did?

Q.—The United Mine Workers?

A.—I do.

Q.—Is that bringing economic pressure to bear?

A.—That is economic pressure.

Q.—And getting away with it?

A.—That is making it count, going over the top.

Q.—Instead of going to jail for it?

A.—Yes, sir.

Q.—By the way, was William Green prosecuted?

A.—No; he never was prosecuted.

Q.—Now, Mr. Haywood, counsel asked you about an anti-conscription communication from Seattle to the conference at Bisbee, convention of the miners; did you ever hear of any such thing?

Q.—I can read it. That is it?

A.—No; I told him that.

Q.—That it was not to the convention at all?

A.—The communication did not go to the conference at all.

Q.—It was not to the conference at all?

A.—It never went to the conference or convention.

Q.—And it was not anti-conscription at all?

A.—That was received at a branch meeting.

Q.—These, I suppose are the minutes of the branch meeting?

Q.—Yes.

A.—“Communication read from Seattle, General Executive Committee”—

A.—Yes.

Q.—Sounds like it, does it?

A.—Yes.

MR. VANDERVEER: This is Bisbee Local, June 23rd: “Communication read from Seattle, General Executive Committee regarding the advisability of a general strike throughout the United States as protest against persecution of I. W. W. members on account of alleged anti-conscription activities. Order as taken under new business.” “Communications from Butte strikers ordered filed.”

Now, when was the conference held there?

A.—The conference was on June 12th, 13th and 14th, if I remember rightly.

MR. VANDERVEER: Your Honor is it worth while beginning the redirect?

THE COURT: We will suspend here until nine o'clock tomorrow morning.

(Whereupon an adjournment was taken until the following day, Tuesday, August 13, 1918, at 9:00 o'clock A. M.)

Tuesday, August 13, 1918, 9 o'clock A. M.

Court met pursuant to adjournment.

(Roll call of defendants: All answered “Present.”)

THE COURT: Proceed.

RE-DIRECT EXAMINATION (Resumed)

By Mr. Vanderveer:

Q.—Mr. Haywood, we asked you to bring over copies of the literature that was denied access to the

mails and to the express companies. You are having that done, are you?

A.—Yes.

Q.—By the way, what was the reason for sending them by express?

A.—Well, one of the reasons was that they would not go through by mail.

Q.—Had you any recent experience with other defense literature?

A.—Very much.

Q.—Pardon me.

A.—Yes, we had had much experience. There had been lots of literature that had not been delivered.

Q.—What about receiving incoming mail, with remittances of money for the defense?

A.—Well, the mail was delayed. Now I don't just understand what this means, but I heard a deputy explain to the post master of the sub-station that the cover was to be kept on all mail coming to 1001 West Madison Street.

Q.—What about remittances even, that this organization has been sending out to the wives and children and families of the defendants?

A.—It has been interfered with. Many of them held up for months. I have the letters now returned with checks that have since been duplicated.

MR. NEBEKER: I make this suggestion at this time, that this appears to me to be entirely immaterial and irrelevant, if the Court please, and opens up a controversy that may take a great deal of time. I make this statement to the court and counsel. This Government of the United States is rather a large concern, and it has a great many independent departments and in the very nature of the case, many things may take place in one department that another department knows nothing about and has no control over. If counsel is going into matters of this kind that does not go to the question of the guilt or innocence of these defendants, would be ad-

dressed, I would assume, if at all proper, to a motion for a continuance of something of that kind. Now, if they will confine their investigations to anything that has been done by the Department of Justice, or by me or by my associates in the conduct of this case, it will narrow the limits to some reasonable field, and I am perfectly willing that they shall do that, because we have at hand, and it would not take any great length of time to put on the evidence that would be necessary in order to have that matter understood. As far as we are concerned, we have most assiduously instructed and directed that nothing in the way of interference with the preparations for the defense of this case be done. The instructions have been given out and were unqualified. Now to investigate as to what the Post Office Department might have done, to investigate the information upon which the Post Office Department in Washington or somewhere else acted, is an interminable thing, in the very nature of the case. If mail has been stopped, outgoing, the mail has been stoped under the direction of the Post Master General of the United States, I assume that it has been on the ground that to him seems necessary.

THE COURT: Now we were through this the other day with the witness on his original examination.

Q.—Were you not examined about this Mr. Vanderveer last week?

A.—Yes.

THE COURT: Is there anything else?

MR. VANDERVEER: Nothing now, except that I want to offer some of the literature bye and bye, and as for the part of the Department of Justice, I think there will be no difficulty in showing that.

Q.—Now, Mr. Haywood, in cross examination, counsel called your attention to references in the papers and correspondence about efforts that had been made in one or two or more of the offices, to protect their books and records from seizure, par-

ticularly at Spokane. Do you know any place, or had you ever heard of any place where any correspondence was secreted?

A.—No, I never heard of any place where there was any correspondence that was hidden.

Q.—What was cached at the Spokane office?

A.—Why the records, membership books, stamps.

Q.—Membership cards?

A.—Membership cards.

Q.—Books of account?

A.—Books of account.

Q.—And some supplies?

A.—That was all, I believe, was the supplies and records and membership books and statements.

Q.—Nothing of any confidential nature and nothing containing any secrets of any kind?

MR. NEBEKER: Objected to as leading.

MR. VANDERVEER: Q.—Well, was there anything then?

THE COURT: Overruled.

THE WITNESS: Well, of course I was not in Spokane.

MR. VANDERVEER: I understand.

A.—But I am satisfied, however, that they have got the complete records—that is the correspondence.

Q.—And those records have since been brought to Chicago?

A.—Yes, sir.

Q.—And are here now?

A.—I think so, yes, sir.

Q.—You know about what they are, don't you?

A.—Well, I know much about what they are, of course. The correspondence, letters and bulletins, communications of all kinds.

Q.—Was any attempt made by you to secrete any of your letters or telegrams or correspondence or records that might show the activities of the organization?

A.—Never removed a letter or telegram or circular or any scrap of paper from the files of the organization, as they stood.

Q.—If Justice Covington had availed himself of your invitation to examine your file, he would have found all that the Government has taken here?

A.—Yes.

Q.—It was all in the office then?

A.—Yes, sir.

Q.—Anything to conceal?

A.—Nothing at all.

Q.—Has there ever been any secret about the fact, or is it now any secret about the fact that you disbelieve in war?

A.—No secret, every one knew it.

Q.—Everyone knows it now?

A.—Yes, sir, I think so. I tried to make it plain.

Q.—And you still feel that way about it?

A.—I do.

Q.—Would you like to see peace restored and the carnage stopped?

MR. NEBEKER: This seems to be a repetition. I object to it.

MR. VANDERVEER: It is not a repetition if the Court please. Counsel tried to create the impression that something had been done away with.

MR. NEBEKER: This was all gone over before.

THE COURT: The difficulty is that the wrong man is testifying. Go ahead with the redirect, but let the witness testify.

MR. VANDERVEER: Q.—You stated in answer to counsel, that the Western Federation had withdrawn in 1908. I want to ask you if you are not in error about the date of that?

A.—Well, I wouldn't be certain about that.

Q.—Wasn't it in 1906, two years before the discussion?

A.—No, it was not in 1906, the referendum vote was taken later.

Q.—Well, when did the move start for the withdrawal of the Western Federation?

A.—In 1906.

Q.—Yes. Just let me ask you, had it any reference whatever to the discussion that culminated in 1908 in an amendment to the preamble?

A.—Not a thing in the world.

Q.—It began two years before?

A.—Yes, and it had nothing to do with that particular clause about political action.

Q.—Now, Mr. DeLeon has been referred to by counsel as one of those who took an active part in that discussion. Is that so?

A.—That is true.

Q.—He did start another organization?

A.—Just clipped a little piece off the I. W. W.

Q.—I understand. Where were the headquarters of that organization?

A.—In Detroit.

Q.—In Detroit, and have remained there?

A.—Yes.

Q.—What happened to that organization when these raids were conducted?

A.—Oh, it was raided, the same as the Socialist Party and the I. W. W.

Q.—Even the conservative, lawful end of it was raided by the Government?

A.—Yes, indeed.

Q.—Now counsel sought to suggest that in the course of the controversy Mr. DeLeon took the position that by eliminating the political plank he would make the organization, ipso facto, a lawless organization, without the bound of law.

A.—That is the position that Mr. Nebeker took.

Q.—Was that ever Mr. DeLeon's position?

A.—It was not.

Q.—Is this little book, "The Preamble of the Industrial Workers of the World" an address delivered at Union Temple, Minneapolis, by DeLeon,

a statement of his attitude? (Handing to witness pamphlet.)

A.—This was a speech delivered by DeLeon, made following the first convention.

Q.—To go back, Mr. Haywood, last fall, or rather last summer, I will ask you if the organization made certain preparations for carrying on its activities in event of the arrest of its principal officers?

A.—Yes, sir.

Q.—What was the nature of these preparations?

A.—We had prepared in this way—

MR. NEBEKER: Now, is this subsequent to the indictment?

A.—No, this is previous to the indictment. At the last meeting of the General Executive Board, substitutes had been elected by each member of the General Executive Board and also by myself, as general-secretary-treasurer.

MR. VANDERVEER: Q.—Was that work of a confidential and secret nature?

A.—Well, it was expected temporarily, at least, to be of a confidential nature.

Q.—Did the Government get those records?

A.—Oh, yes.

Q.—They got everything, did they?

A.—Everything.

MR. VANDERVEER: I offer this book in evidence.

MR. NEBEKER: Objected to as immaterial and irrelevant.

MR. VANDERVEER: A statement by DeLeon of his position on a matter about which counsel questioned the witness in cross examination, for the first time. A question along lines exactly diametrically opposed to the position taken by Mr. DeLeon in this book.

THE COURT: DeLeon was the leader of the seceding faction?

MR. VANDERVEER: Counsel said in his cross examination—

THE COURT: When did he secede?

MR. VANDERVEER: Oh, in 1908, perhaps. the legality of our proposed scheme of procedure was a discussion here in which Mr. DeLeon attacked But counsel sought to create the impression that there and we defended it. Knowledge of the fact that we were making outlaws of ourselves, we want Mr. DeLeon's statement to go in as he stated it, and not as counsel stated it, if it is material at all.

MR. NEBEKER: If it was not material then it was a collateral question and we are bound by his answer, and that ends it.

MR. VANDERVEER: I am not to be bound by his answer. I am not bound by your insinuation. That is my position.

MR. NEBEKER: It is not rebuttable if it is collateral.

MR. VANDERVEER: I just want to read a few lines out of here.

THE COURT: I think this is admissible.

MR. NEBEKER: I don't think so, your Honor, because there is nothing to show that it is with reference to the same subject matter at all.

THE COURT: Well, here is the situation. The substance of it is that the I. W. W. is on trial. Now that is the substance of the situation that the court and jury are dealing with. To enable the jury to determine the fact of the injustice of the charge, the prosecution went back and they gave the jury all that there was to give to the jury about what the I. W. W. had been and is. Now a time came at the beginning, at which time or a little while after there were among others, two men, this witness and another man, when they split. One sloughed off. Things were said at that time in connection with that.

MR. NEBEKER: This is not one of the things said, as far as the evidence shows.

THE COURT: I understood the witness to say that it is.

MR. NEBEKER: I know, but that is not what the witness says, nor—

THE COURT: When was this written?

MR. VANDERVEER: This is a statement by DeLeon.

THE COURT: Q.—That is the man you were talking about?

THE WITNESS: That is the man.

MR. NEBEKER: This was made before that time.

MR. VANDERVEER: This is the only thing he said on that matter, but it is a statement by DeLeon.

MR. NEBEKER: If the court please, counsel is making continuous misstatements.

THE COURT: Q.—Do you produce this?

THE WITNESS: Yes.

THE COURT: What is this?

THE WITNESS: This is the preamble of the I. W. W., a speech made by DeLeon in Milwaukee following the first convention immediately.

MR. NEBEKER: Now you see that is before the controversy arose. That throws no light on the controversy.

THE COURT: Well, the only point I am concerned with is the length of the gentleman's observations. How long is it?

MR. VANDERVEER: It is very, very brief. I will make it extremely brief.

THE COURT: All right.

(Document referred to was received in evidence and marked Defendants' Exhibit Number 509.)

MR. VANDERVEER: Reading from page 36 of this exhibit.

(Reads same to jury.)

MR. VANDERVEER: Q.—What do you mean by a "revolution," as you and the I. W. W. use the term? A good deal was said about it.

A.—Well, there are—a revolution means a change in society. A revolution means the culmination of evolution. I might use a definition: For

instance, a chick in its egg shell is in the process of evolution. When it picks at the shell and comes out a full fledged chick, that is revolution. That is the accomplished thing.

Q.—From an egg to a chicken?

A.—Yes.

Q.—Does revolution in the sense in which you use it, imply or import the use of arms or violence?

A.—Not at all. Not at all.

Q.—Well, how do you describe revolutionary industrial process, or distinguish it from revolutionary political process?

A.—Now, revolutionary political process, of necessity, consists of violence.

Q.—Just explain.

A.—Suggests force.

Q.—Now that bald statement might not explain just what you mean. I don't know whether it does, to everyone or not. Just in a word explain why it means violence?

A.—Well, there is nothing else that it can mean because there is no political force or no political government that has ever made any change except through violence. I think that is patent to every one; while industrial changes are peaceable processes. That is, they are brought about through the inventive genius of man. They are brought about through community and collective effort, and changes are achieved in society without any bloodshed. You often see in our literature, reference to peaceful revolution. That is the constructive program of the organization.

Q.—Mr. Haywood, references are found in the literature, letters and papers about the strikes proposed for the purpose of releasing men held in jail particularly during last summer. Now did you send a by that, men who have been convicted.

A.—No, sir.

Q.—Have you ever, or has it other telegrams to

within your knowledge, ever suggested that means of releasing men convicted of crime?

A.—Yes, sir.

Q.—When was that?

A.—Well, the case of Joe Hill, and there has also sprung up a sentiment now, developing in this country, in the case of Tom Mooney.

Q.—That is not an I. W. W. case?

A.—That is not an I. W. W. case, but a man whom the members of the I. W. W. feel has been unjustly convicted.

Q.—With these exceptions do you know of any others?

A.—No, I don't know of others.

Q.—Now, who were the men who were imprisoned whose release you sought last summer? I don't mean by name, but where?

A.—Some of them were strikers and were charged with being slackers and held in jail without warrant, without charges being preferred—

Q.—What about the Yakima Valley, eastern Washington?

A.—All members of the organization. No charges preferred against them, no warrant issued.

Q.—Has the organization ever refused to submit one of its controversies fairly to the adjudication of a court of law?

A.—Never has.

Q.—Has it ever failed to pursue the legal remedies to the limit?

A.—No, I think that on the other hand they have always pursued legal remedies as far as we could go.

Q.—In the case of the Bisbee deportation, what was your first step?

A.—I think my first step was to telegraph to President Wilson.

Q.—Did you send Moore down there?

A.—Well, sent Moore, and previous to that sent change in society with Moore.

Q.—In the case of evolution, you send Moore down there to do?

A.—To see what could be done. Now when I say that we sent Lambert and Miller with Moore—they went to Washington, of course, on other matters.

Q.—But I am speaking now of Bisbee.

A.—Well, Moore went to Bisbee to see what could be done in a legal way for these men who had been deported.

Q.—And what happened to Moore?

A.—He was deported.

Q.—Moore was deported? Do you know of any efforts made to get safe custody from the Governor of the State?

A.—I do.

Q.—What happened?

A.—Well, Wheeler practically told the Governor that he was running the county in which Bisbee was located. I don't remember just the words now that were conveyed in this message, but that is what he meant.

Q.—Were you in touch with the situation; being advised I mean, about the details of the deportation? The condition of the deportees and their families and children?

A.—Yes, sir.

Q.—What was your information about the condition of the families and children left behind in Bisbee?

A.—The word I received was to the effect that there were hundreds of the wives of the deportees and their children, in a starving condition?

Q.—What did you do?

A.—Sent them money.

Q.—What did the United States do to relieve them?

A.—I regret to say they did nothing.

Q.—And under those circumstances you sent a telegram to the President, did you?

A.—I did.

Q.—Are you ashamed of it?

A.—I am not. I have sent other telegrams to

other presidents. I don't feel that the President of the United States is above approach. I have always been taught that the right of appeal is one of the institutions of this country.

Q.—Now in this statement I believe there is some reference to that situation, and counsel states that you had the audacity and effrontery, like a foreign potentate might do, to address a telegram of demand to the President of the United States. Did you do that?

A.—I did address a telegram to the United States President, but I did not understand this language of Mr. Nebeker's when he referred to it as an effrontery and audacity.

Q.—Are you a citizen of the United States?

A.—I am.

Q.—And represented, in that instance, how many other citizens of the United States?

A.—Hundreds of thousands. Not only being a citizen of the United States, but my forefathers have made the United States, or helped to, I mean.

Q.—Did it occur to you that you had a right, under the circumstances, to wire the President about this situation?

A.—Why, certainly. He is the servant of the people; not a king.

MR. NEBEKER: This does not seem to be re-direct, I suggest, your Honor.

MR. VANDERVEER: Q.—Mr. Haywood, about these two strikes, did you receive bulletins from time to time from the various strike centers?

A.—All of them at that time.

Q.—What?

A.—All of them came regularly at that time.

Q.—And saw the articles and news items carried in the press of the organization?

A.—Yes, sir.

Q.—Well, was your attention attracted to the fact that relatively early in the Butte strike the demands were being made upon the Government to

take over the copper industry there?

A.—That was set forth in two of the bulletins.

Q.—And likewise in Arizona?

A.—Also in Arizona.

Q.—And also in the lumber industry?

A.—Yes, sir. You will find a telegram there.

Q.—Do you remember anything said in the press items about what the Government would be able to in the way of producing supplies—what the cost would be?

A.—Well, it was pointed out that in the matter of copper, that the Government would be able to produce copper at a cost of 13 cents a pound. The Government was then paying 33 cents a pound, and the added profit was going to the share holders of the copper mines.

Q.—Did those suggestions meet with your approval?

A.—They did at that time, yes, sir, and do now.

Q.—Was there in that any indication of interfering with the Government's program?

A.—Well, that certainly would not have meant interference with the Government's program. It would have meant that every man would have returned to his work and would have been working; satisfied and content.

Q.—Do you recall a telegram that you received from the Spokane Press?

A.—Yes, sir.

Q.—And the reply which you made?

A.—I do.

Q.—I do not seem to have the original telegram here, but I call your attention to an article in "Solidarity" under date of July 28th. At that time the lumber strike had been on on the west side for about thirteen days, or rather, less than thirteen days at the time that came on the street?

A.—Yes, sir.

Q.—Did that article record the correspondence correctly?

A.—That was the telegram and the answer.

Q.—(Reading:) “What would be the I. W. W. attitude? The editor wants to know what the organization would do if all the demands of the striking miners and lumber workers were granted? Wire to William D. Haywood, Secretary Industrial Workers of the World, Chicago, July 20th. What attitude would your organization and members assume towards the mining and lumber industries of the nation were these basic industries commandeered by the Government and shorter day established with humane living conditions? Please wire answer at my expense.” That is signed, “Editor Spokane Press.”

Secretary Haywood’s reply:

“Chicago, July 21st. Editor Spokane Press, Spokane, Washington. The lives and happiness of members employed in mining and lumber industries are embodied in their demands. Were these demands granted by private owners or by the Government if industries are commandeered, it is my opinion men would return to work. This, however, is not the ultimate solution of the wage system. William D. Haywood, General Secretary-Treasurer of the I. W. W.” That is on page 3, column 1.

Is that a correct statement of your position?

A.—It is.

Q.—Was your position ever any different?

A.—Never.

Q.—Do you know of the attempt being made through the Governor of the State, through the War Department of the United States through the State Council for Defense, through Dr. Carleton Parker, to adjust and settle the lumber strike so that the production could go ahead?

A.—I knew that all of those things had transpired; that Secretary of War, Baker, President Wilson, the State Council of Defense and the Governor and all recommended that the eight hour day be granted to the lumber workers. I knew in turn, that

the lumber bosses, the so-called owners, had refused to grant the eight hour day.

Q.—Was any request ever made of your organization, the general organization or any local branch, in connection with the lumber strike, in connection with the copper strike in Arizona, in connection with the copper strike in Butte, by the Governor, by the state authorities, by the State Council for Defense, National Council for Defense, that you refused to accede?

A.—Not a one; it has been testified here on this stand that hundreds, and I venture to say more than a thousand members of the I. W. W. fought to protect the forests of the Northwest, fought fires.

Q.—It has been suggested that you tried to disrupt the organization in Philadelphia. Do you know yourself what that organization was doing last summer?

A.—I do.

Q.—Tell the jury.

A.—I know that Local Number 8, Marine Transport Workers, were engaged almost exclusively in loading munitions, oil and other supplies to go across the water for the allies. That has been true not only all last summer, but all the time since war has been on.

Q.—By the way, do you know Local Number 8 hall?

A.—Yes.

Q.—How many members in Local 8 there?

A.—A little over four thousand, at this time.

Q.—Do you recognize this as a picture of Local Number 8? (Handing witness photograph.)

A.—That is the front of the hall.

MR. VANDERVEER: I offer it in evidence.

MR. NEBEKER: When was it taken?

THE WITNESS: I don't know, I am sure.

MR. NEBEKER: Objected to as immaterial and irrelevant. (Hands same to the court.)

MR. VANDERVEER: The record from which

that flag is based was never posted in the hall. I will show that. It was never posted until quite a while later, through inability to get the flag.

THE COURT: Do you know when that was taken?

MR. VANDERVEER: That was taken this winter.

THE COURT: Objection sustained.

MR. VANDERVEER: I will prove that later, then.

(Photograph referred to was marked Defendants' Exhibit No. 510 for identification.)

MR. VANDERVEER: Q.—Do you know whether a single powder ship has gone out of Philadelphia since 1917 that was loaded by anybody except I. W. W.'s, either over private docks or the Navy Yard docks?

A.—As I understand it, the I. W. W. have job control of the Philadelphia docks. That means that every man on the docks is a member of the organization.

Q.—By the way, I will ask you—I don't know whether counsel did or not, but if there is any objection on his part I don't care to go into it. I don't know whether you were asked for your explanation of sabotage, Mr. Haywood?

A.—No, I was not asked for my conception. There was some—

Q.—Well, tell us very briefly, if you will, what it means and what function, in your opinion, it plays in this class struggle?

A.—Well, I regard sabotage as the biggest, strongest and most wholesome weapon of the working class, and a measure that will not only protect the working class, but protect all the people. Sabotage is not what Mr. Nebeker presumes it is. It is not a disgraceful, cowardly thing that should not be used and is only used in the dark, but sabotage means that the workers, if organized, would refuse to adulterate drugs that are given to sick people. They

would refuse, because they were organized, and because they believe in protecting humanity.

Q.—What do you mean when you talk about adulterating things? Do you imply that that is being done?

A.—Why, certainly it is done.

Q.—By the way, do you remember a rather famous remark credited to Dr. Wiley, of the Food Administration, at the time of the introduction of the Pure Food Law, in a conversation with a manufacturer of food-stuffs?

A.—I remember that he said that if the coloring matter that was put in food stuffs were removed, or if it was prevented by law, that there would not be a canning plant left in the country; they could not put up their goods unless they used this adulterative poison. That is what Dr. Wiley said. You take, for instance, silk that is in your neckties, or if you are fortunate enough, in the dress that your wife wears. That sabotage; not by the workers—yes, by the workers, but not through them. They are not responsible for it, though they do it. There is four times as much mineral in the silk cloth that is sold over the counter now as there is silk; either tin, iron, zinc or lead. All of this silk manufactured in this country is adulterated. The result is, if you buy a silk skirt for your wife and she lays it away in a bureau drawer, after a few months she takes it out and it cracks and falls to pieces. Now, an organized effort on the part of the workers would prevent the adulteration of silk, and would also prevent the adulteration of woolen goods. About 90 per cent of all of the goods turned out by the American Woolen Company is shoddy fabric; made up from second hand goods; from short measures. It is not woolen. The workers, by sabotage, by counter efficiency, if you like, could prevent that adulteration. They could prevent the adulteration in foodstuffs so that the consumer would be protected. They could prevent the kind of stuff that you fellows eat in the

hotels and restaurants being given you. Sabotage is something that the workers must, of necessity, use if they propose to put the capitalist class out of business. I remember on time in New York City, Joseph J. Ettor, one of the defendants here, had made a speech, and it was quoted in the papers next morning that he had advocated putting something in the soup. I don't know—a "Micky Finn," maybe, but something of that kind. Well, there was a good deal of comment and criticism. The next night I spoke before the striking hotel and restaurant workers, and I gave them my views on sabotage on the hotel owner, on the proprietor, on the companies that operate these hotels—

MR. VANDERVEER: Q.—The fellows they were striking against?

A.—The fellows they were striking against, that we are all working against. I suggested that if these workers were all organized they could serve to the customers any kind of food they would. That they could give them an extra cut of roast beef, a double portion of this and that, and a big piece of pie. Well, this took so well that the New York World the next morning said in an editorial—on the editorial column, "Give us more sabotage." Reciting the fact that the customers were not getting what they were entitled to. This is true all over with the capitalists and with its business. During the Spanish American War, for instance, the packing companies furnished the soldiers with rotten beef, that killed more of them than were killed by bullets. Not only that, but they are doing the same thing now, and if you will remember, Andrew Carnegie and his company furnished the Government with steel plates, with blow holes in them, to put on the sides of their ships. Now it is up to the workers. Only through them can anything be done that will prevent the capitalist class of this country or other countries, for that matter, from robbing and poisoning and twisting everything

that the human family uses: That is my idea of sabotage.

Q.—What do you mean by the workers to prevent the twisting of news—go ahead, I asked you what could be done to preserve the news from that same kind of domination.

A.—I don't get you, Mr. Vanderveer.

Q.—Well, to prevent the distortion of the news, the news given to the public in the press?

A.—Well, I think it is pretty well understood that the corporations—the capitalist class, control the newspapers of this country. The J. P. Morgan interests started out to control 150 papers. They found that they needed only 25. Twenty-five papers were sufficient to control the sentiment of the country in their opinion. And naturally in the columns of those papers are the kind of information that they want distributed. The big papers of Chicago, if they attempt to give a correct opinion—a right or just opinion of anything that affected the people, the result would be that their advertisers would withdraw their advertisements, and the paper, of necessity, would fail, because the paper itself is determined by the advertisements—that is, the life of the paper is determined by the advertisements in its columns. That is one way they control the press. We say that if the workers were organized they could not run those kind of papers—the kind of papers that are being run. It is sort of a parasitic industry. They are really not needed anyway.

Q.—Do you know a man named McDonald, a police officer here who works in the Department of Justice?

A.—Yes.

MR. NEBEKER: I object, if the Court please, as improperly assuming that McDonald is working in the Department of Justice.

MR. VANDERVEER: Q.—What is your understanding about it?

A.—My understanding is McDonald is a city

detective working through the Department of Justice.

Q.—A member of the I. W. W.?

A.—He was at one time.

Q.—For how long?

A.—I couldn't say as to months. I would say perhaps two years; eighteen months or maybe two years, that I know of.

Q.—Do you remember any official position he held in the I. W. W.?

A.—Well, he was secretary at one time of Branch 2, Local No. 85.

Q.—Secretary of Branch 2, Local 85?

A.—That was before the change in the organization.

Q.—Was he at that time a detective?

A.—Yes, sir.

Q.—Did you know it?

A.—Well, I found it out.

Q.—Well, you had to find it out?

A.—Later, yes, sir.

Q.—Do you remember a strike that occurred on the North Side of Chicago here?

A.—I do.

Q.—Do you remember any proposals or suggestions that McDonald made in reference to getting something to be done in that strike?

MR. NEBEKER: Now, this seems to be immaterial and irrelevant. I object to it.

THE COURT: When was it?

MR. VANDERVEER: Oh, it was some time ago, your Honor, but we want to show how some of this cussedness comes from the very people—detectives, who are sent in to discover it, and when it does not exist, then, they have to create it.

THE COURT: Was it prior to this indictment?

MR. VANDERVEER: Well, it was during the period covered by the Government in its evidence relating to the practices of sabotage.

THE COURT: Q.—Was it prior to the indictment?

MR. VANDERVEER: Oh, yes, yes.

THE COURT: Answer the question.

A.—I had heard that McDonald had made some proposals of putting a stink bomb or some other sort of an arrangement of that sort in the bosses' automobile. I sent out for him—

MR. VANDERVEER: Q.—Now let me—I don't want to lead you, but let me ask you if there was anything about a tank of water on top of a certain garment or cap factory where there was a strike?

A.—I don't know of that instance.

A.—I sent out for McDonald and had him come into the office and told him that I wanted him to cut that kind of thing out; that we did not want any mix-up of that kind; that if these strikers could not win, let them go back to work.

Q.—Now this re-direct examination will look like a mass of scrambled eggs when I get through with it, but I am going back to this strike. I want to show you a letter of August 19th, purporting to be sent you by James Rowan. You remember getting that, do you?

A.—Yes, I do.

Q.—That was written on the day Mr. Rowan was arrested, I believe.

A.—On August 19th, yes.

MR. VANDERVEER: I offer this in evidence.

MR. NEBEKER: No objection. I think it was offered in evidence.

MR. VANDERVEER: It has not been offered in evidence; I am sure you did not and I forgot it.

It is number 511, August 19th, 1917, addressed to William D. Haywood.

(Reads same to jury.)

This is numbered by the Government 66-131-35.

Q.—I will ask you, what was it that held up or called off the general strike on August 20th? Was it the arrest of the men, or what was it?

A.—No, it was the action of the membership.

(Mr. Vanderveer continues reading from Exhibit last referred to.)

Q.—Didn't you know them before this?

A.—I did not.

Q.—You had not instructed this, then?

A.—I didn't know anything about that until I got it.

(Mr. Vanderveer continues reading document.)

Q.—Some prophet, Jim is.

A.—Yes.

Q.—Now, is that a correct statement of the situation, and is that the way you were informed about it?

A.—Yes, sir.

Q.—And as you knew about it?

A.—As I knew about it.

Q.—Had you anything to do with having that call sent out?

A.—I did not.

Q.—Had you pushed the button there by your swivel chair and had Rowan do that?

A.—You see here where Rowan wires to Buckley and to Forrest Edwards. All they knew about it was what they received in the telegram, and they notified him by wire if the members wanted it.

Q.—I show you another letter dated June 21st, signed "James Rowan," addressed to you. Did you receive that?

A.—Yes.

Q.—Did you answer that letter?

A.—I am not certain about that.

Q.—There is no file on it, no directions to file it, endorsed on it.

A.—I think I must have acknowledged that and placed it on file for reference to the General Executive Board.

MR. VANDERVEER: I offer this in evidence.

MR. NEBEKER: What do you say it is?

MR. VANDERVEER: It is a letter from Rowan to Haywood under date of June 21st, bearing the

endorsement that it was taken from the I. W. W. Chicago office.

(Whereupon document referred to was received in evidence, and marked Defendants' Exhibit Number 512.)

MR. VANDERVEER: Also Mr. Haywood's reply, on the letterhead dated June 21st, 1917. (Reads same to the jury.)

Q.—Did you have anything to do with the starting of these strikes?

A.—I did not.

Q.—What was your attitude toward them?

A.—Well, after they were started we did everything we could to help them along.

Q.—So that they would win?

A.—So that they would win, yes.

Q.—Did you do anything to drag them along so the Government could not get lumber?

A.—As I said yesterday, we would have settled it in twenty minutes if we could have done so.

Q.—Some of them, I believe, were settled in as short a time as six minutes.

A.—I think we have a record of one that was settled in six or eight minutes, and the others could have been settled. Some of it could have been settled promptly if it had not been for the action of the Lumber Association. They wanted to settle but had a bond up.

MR. VANDERVEER: I offer in evidence a number of other letters signed by James Rowan, relating to the same strike situation, all taken from the files; a series of letters written by James Rowan to various persons on or about June 20th.

(File of letters referred to received in evidence and marked "Defendants' Exhibit 513.")

MR. VANDERVEER: The first one is to Walter Smith, under date of June 20th. I will read extracts from each of them.

(Reads same to jury.)

MR. VANDERVEER: The next is a letter ex-

actly like it apparantly addressed to Earl Osborne, containing the same thing.

(Reads document referred to.)

The same thing to Bert Kelley, under the same date, an exact copy, I think.

Another to John Martin, under date of June 22nd:

(Reads letter referred to.)

Another letter to Bert Kelley, under date of June 22nd, among other things.

(Reads letter referred to to the jury.)

A letter of July 26th, a copy, to Earl Osborne, containing this—this is July 26th:

“The A. F. of L. of this town has passed a resolution in favor of the general strike in all industries if the rough tactics against the I. W. W. is not cut out.”

MR. VANDERVEER: Q.—Now, Mr. Haywood, there has been so much said about a resolution of the General Executive Board at a meeting of July, that we ought to clear it up. Do you know what a statement for the membership is?

A.—I do.

Q.—Now tell us what you mean by the words: “A statement for the membership?”

A.—A statement issued for the membership of the Industrial Workers of the World, emanating from the general office, is always sent out as a circular letter or in a monthly bulletin, and then as a rule, given to the different papers to be published in the columns of the press.

Q.—Now, it apparantly claims by the government that some statement of the kind was adopted by the general executive board at the meeting of July 5th or 6th, or whatever it was. Was there ever one adopted?

A.—There never was.

Q.—If it had been adopted would it have been published so that some copies of it would have been picked up in the other offices?

A.—Most assuredly, copies would have been

found in the offices of every industrial union and every recruiting union.

Q.—In the United States?

A.—Certainly.

Q.—Published in the papers?

A.—Most assuredly.

Q.—Now, you had from July 7th. to September 28th—two months and a half, or more in which to publish it. Was it ever published anywhere?

A.—Never was adopted and never published.

Q.—Never published. Why?

A.—It never was adopted.

Q.—Never was adopted. Any question about it?

A.—No question, absolutely.

Q.—Now, there was some discussion of such a measure, was there?

A.—There was.

Q.—And who was it started it? How did it happen to come up, that is what I want to get at—briefly, give us the details?

A.—It seems to me it was Frank Little.

Q.—Frank felt pretty bitterly, on the subject, did he?

A.—He did, indeed.

Q.—What was the result of the discussion?

A.—Well, now, I did not attend, as I say, all of the meetings of the general executive Board, and I was not there during the sessions of the few meetings that I did attend. But I was at one meeting at least where the question of war was under discussion, and at this Meeting I had told the members that in my opinion this was one war in which the I. W. W. was going to take part; that is to say we would be working in the harvest; in the forest; in the mines; and explained to the members of the Board that this was taking part in the war. I further went on to say that we had been taking part in the European war since its inception; that we had prepared the iron; produced the copper, produced the wheat, produced the lumber and we would continue to do that. Our

efforts would be directed to organizing industrially, and that we would get organized in such shape that perhaps we could make this the last war. I pointed out also what it would mean if the organization took a stand against the war.

Q.—What do you mean by that?

A.—Well it means what was intimated here by Mr. Nebeker; that the forces of the Government would be used against us, and I think it was Little that laid down this copy of a resolution headed: "Statement of the I. W. W. on war." I picked it up and crushed it in my hands, and I think tore it, and I said: "That is not the position of the I. W. W. The I. W. W. is going to continue to live, and this would mean to crush the life out of it."

MR. VANDERVEER: Have you that statement readily available?

A.—It seems to have been ironed out.

THE WITNESS: To the best of my opinion, that is it. (Indicating.)

MR. VANDERVEER: Q.—It appears to have been mutilated?

Q.—Is that how it happened to get in that shape?

A.—I think so. That is my opinion. I just crumpled it up and threw it on the table.

Q.—Well, now that appears to be a carbon copy, Mr. Haywood. What happened to the others, I wonder?

A.—I don't think this is a carbon copy.

Q.—Isn't it? I don't know. Maybe it isn't. Let us take a look at it.

A.—At least that is the only copy?

Q.—I guess it is not a carbon copy.

A.—That is the only copy I ever saw, and probably the only copy in existence, or that ever was in existence.

Q.—Do you know where it was written? Look at that type. Was it written on one of your machines over there, or where was it done?

A.—I think probably this was written on a number 8 Underwood; 8 point Underwood.

Q.—You have those over there?

A.—We had one.

Q.—Counsel questioned you rather closely about certain increases in membership that occurred after April 6th, or the 4th of July, or some other time. What about that?

A.—Well, we will have to admit that there was a rapid increase in membership.

Q.—When did it begin?

A.—Well, it began shortly after the organization of the agricultural workers.

Q.—When was that?

A.—1916.

Q.—1916?

A.—1915.

Q.—1915, you mean?

A.—Yes.

Q.—And was there a gradual continuous increase from that time until 1917?

A.—The increase was gradual and very defined every month following that period. Let me explain that. We made more effective the delegate system. Every member of the agricultural workers carried credentials and cards with him. That is, not every member, but every reliable member we will say. And as other industrial unions were organized, each one of the unions were likewise equipped with credentials, and I would venture to say that in August, 1917 we had in the field more delegates than we had members in the beginning of 1915. That is, I think that we had 5,000 delegates organizing in the field. These were not paid delegates but they carried literature with them and in most instances they received 40 per cent of the literature that they sold.

Q.—They were all out organizing?

A.—All out organizing, working everywhere. Every new member meant—not every new member,

but with the growth of the membership, it meant added delegates.

Q.—I see your letter of July 30, 1917, from Frank Little to yourself—that is the last letter you ever received from him?

A.—The last letter Frank ever wrote probably.

Q.—That was written two days before his murder?

A.—Yes, sir.

Q.—In your reply to it, your letter of the 27th referring to the publication of this article in Solidarity, he says: "Note what you say regarding the report of the Board on war, but do not agree with you. The statement of Sol. was not from the Board, and I insist there should be a statement from the Board as to their stand on this and all other wars. It is my opinion it should go out at once." That is what you received?

A.—That is the letter I received.

Q.—And the last you ever received?

A.—Yes.

Q.—That there should be a statement from the Board?

A.—Yes.

Q.—So as yet you had not gotten it out?

A.—I received that letter, I think, probably after I received the telegram with the news of Frank's death.

Q.—Are there any of these defendants who have not complied with the registration law?

A.—None of them that I know of.

Q.—You were in jail with them all for several months?

A.—Yes. Met with them from time to time, most of them every day, excepting the short period that I was down at Wheaton.

Q.—Something was said in cross-examination about flags and symbols having been seized by others and used for the workers oppression. I don't know whether that was in a letter or in an article, or what,

but I recall counsel questioned you about that statement. Do you recall that?

A.—No, I don't recall it.

MR. NEBEKER: Counsel himself is in error about it, if the Court please, and I object to it as an improper assumption.

MR. VANDERVEER: I am in error about it?

MR. NEBEKER: Yes.

MR. VANDERVEER: I remember yesterday—

MR. NEBEKER: That was a statement that Haywood himself made.

MR. VANDERVEER: A statement that Haywood himself made? All right. So much the better.

MR. VANDERVEER: What do you mean by that?

A.—Just read that over.

Q.—Well, my note, which is naturally very brief is: "Flags and symbols have been seized by others and used by the workers oppression."

MR. NEBEKER: This is a repetition, if the Court please unless he has got something else to say about it. He made a speech on that subject yesterday, and he wants to repeat it now, that is all.

MR. VANDERVEER: As far as I know, he never said anything about it. My recollection is that I am not in error, that it was counsel who questioned this witness about that statement in Grover H. Perry's letter—I think I will get a copy.

Counsel asked you: "Well, the whole point about it is, what you think in the case—these incidents you speak of that the American Flag has been abused by somebody.

"Q.—The flags and symbols that once meant great things to us have been seized by our employers. Was that the same idea you had in mind the other day when you in answer to one of counsel's questions with reference to this desecrated flag that was introduced in evidence here, you said at that time you did think something of the American flag." That was counsel's question to you.

MR. NEBEKER: That is not directed to the question before the Court.

MR. VANDERVEER: That is as much of the question as I happen to have embodied in my notes.

THE COURT: Is there any further examination on that subject?

MR. VANDERVEER: Yes.

Q.—I want to call your attention to an article in Solidarity of March 29, 1913. Is this illustrative of what you had in mind? (Handing witness a copy of Solidarity.)

A.—“Under the flag?”

Q.—Yes. An incident occurring in the Lawrence strike, wasn't it?

A.—No. The Patterson strike. Yes, that is what I meant. That is one of the incidents I meant.

Q.—Is this the sort of thing that you depreceated this oppression of?

A.—You mean the action of the mill owners in Patterson?

Q.—Yes.

A.—Most assuredly. I depreceated that. They tried there to use the flag to their own ends. That is the spirit of patriotism that they really wanted to inculcate in the minds of the people against the Workers.

Q.—This is 1913?

A.—Yes.

(Mr. Vanderveer reads article referred to to the jury.)

Q.—Do you know of any incident when the I. W. W. or you as an officer of it have sought to use the flag for profit?

A.—Never. I don't know of an instance of where the capitalist class have failed to steal the symbol or any flag for their own use and their own profit. I remember one occasion—an occasion where I was arrested. We brought into the court samples and exhibits of tomato with a flag on; pictures of detective agency cards with a flag on. Politicians emblems

with their notices of meetings written on the flag. They used the flag for their profit at all times. Every emblem that has been conceived in the minds of the workers, they stole at the first opportunity.

Q.—Speaking of direct action, Mr. Haywood, do you recall hearing a—do you recall hearing read in this court a letter from a man—a government witness, named Frank Wermke?

A.—Yes.

Q.—Wherein he said he had been thrown into the guard house in solitary confinement for thirty days before he was produced here on the witness stand. Did any I. W. W. ever resort to that kind of direct action?

A.—No, sir.

Q.—Or to that method of interferring with court procedure?

A.—No.

Q.—Or resorting to intimidation or abuse of witnesses after they had been on the witness stand?

A.—No, sir.

Q.—Has the I. W. W. in any way ever proven disrespectful of court proceedings?

A.—Yes, I think on occasion.

Q.—On occasion. That is all.

THE COURT: Ten minutes recess.

(Whereupon a short recess was taken.)

THE COURT: Proceed, gentlemen.

RE-CROSS-EXAMINATION

By Mr. Nebeker.

Q.—With reference to this Rowan letter that counsel read, do you think that Rowan claimed at any time that the agricultural workers' strike of August 20th was called by him without authority?

A.—No, I don't believe that.

Q.—You don't claim that?

A.—No.

Q.—No, it was the C. W. strike wasn't it, that was called without authority?

A.—Yes.

Q.—He tells in this letter about having a conference with the other members of the Committee of the Northwest, the agricultural workers, doesn't he, and that they agreed that the sentiment among the membership would justify the calling of that strike?

A.—I believe so.

Q.—But what he was saying was that the contention had been made that he did not have the authority to include the C. W., the construction workers. That is the fact, isn't it?

A.—I think so, yes, sir.

Q.—It says in this letter that he then went so far as to wire a man who was at the head of the agricultural workers of the entire organization, and got his consent?

A.—He said if the members are ready, let her go.

Q.—If the members are ready, let her go. He had already said that the membership was ready?

A.—That part of it; the Spokane district. That is all he was acquainted with.

Q.—Well, that was all he was asking for, wasn't it?

A.—That is all.

Q.—So that the strike in the agricultural workers did—or the proposed strike that did not take place, but the one that was called, was as fully authorized as the strike at Sandpoint, or the strike—practically any other one of the strikes, wasn't it?

A.—No, the strike at Sandpoint was not authorized.

Q.—Was not authorized?

A.—Was not authorized.

Q.—It was not as well authorized then as this strike? That is the agricultural workers' strike in the Northwest?

A.—The strike at Sandpoint, as I understand it, and other places, had grown spontaneously?

Q.—Yes.

A.—Had grown to such proportions that he said in the letter there—"We cannot hold them back."

Q.—This had grown spontaneously too, hadn't it? Hadn't it, from his statement?

A.—No, there was no strike among the agricultural workers.

Q.—But they were demanding it, were they not?

A.—There was a strong sentiment for a strike.

Q.—All were present excepting Fred Owens, that is, he says J. B. White, Fred Coffey, J. Nichols, Fred Owens, and J. W. McMinnimen were all present with the exception of Owens, and they thought he was pinched. The committee did report that there was a strong sentiment for a strike in the harvest fields, both for the purpose of raising wages and shortening hours, and also to bring pressure on the authorities. Now, that was true as you understand it, don't you?

A.—Yes, I think that is true. I think there is a strong sentiment there for a strike at that time.

Q.—So that he had that strong sentiment back of it. He had the action of the Committee back of it, and he had Forrest Edward's consent, if the membership wanted it.

A.—The only thing he did not have was the consent of the members.

Q.—That is, by formal vote?

A.—Yes.

Q.—By formal referendum?

A.—Yes, that is right.

Q.—Now, as a matter of fact, the resolution that was passed at the 10th Convention in 1916, where the organization went on record as being in favor of general strike in case of war—in the event of war, that going out and being understood among the membership, being read in the pamphlet your "The General Strike," in parallel column; that conveyed to the membership, did it not, about all—conveyed to the membership, did it not, and to all of the members the idea that now that war was on, a general strike was the thing that the organization would do? Isn't that so?

A.—The growing sentiment among the members

of the agricultural workers had not a single thought to do with the war.

Q.—Well, now, how do you know that, Mr. Haywood?

A.—That is my opinion.

Q.—That is a matter of impression, but as a matter of fact they had read that the organization believed in a general strike in case of war, hadn't they?

A.—And as a matter of fact—

Q.—Well, hadn't they?

A.—Well, now, you listen.

Q.—Well, you listen to me, first.

A.—I am listening to you.

Q.—Answer that.

A.—What is that?

Q.—I say: They had read that the organization was on record as offering the general strike in case of war, and being in favor of it?

A.—Yes, that is true.

Q.—So that it only reasonable to believe, is it not, that the entire membership of the organization that were familiar with the proposition, were ready to go into a general strike just as soon as war was declared. Isn't that a fair proposition?

A.—No. Not fair. These men state why they are going on strike.

Q.—Oh, yes. That is what they said. That is what your committee said.

A.—Well, don't you believe them?

Q.—Well, if you ask me, I say "No, most positively I do not."

A.—Well, I do. I believe that that is what they were striking for, was a raise in wages.

Q.—As a matter of fact, now, these pretenses as to why several strikes were called, the demands that were put out before the public, differ very materially from, for instance the resolution that was passed at the time of the lumber workers were organized; differ very materially, don't they? The resolution that

was to the effect that there would be a general strike called in that district—in that industry in the event of conscription—now, wasn't there a great difference between what was put out for public consumption, and what was understood among the membership among themselves?

A.—This is for public consumption.

Q.—What is for public consumption?

A.—Why, that they were going on strike for a raise of wages and that they were going on strike to get their men released from prison.

Q.—That was for public consumption?

A.—That was.

Q.—But the other thing, they were going on strike in the event of conscription, that was not for public consumption, was it?

A.—Just as much so as this.

Q.—Now, you show me where it was ever put out?

A.—On a poster.

Q.—No. When it—no it was never intended to be put on a poster.

A.—No, it was never to be put on a poster or to be put into anything.

Q.—Why was it formally adopted by the committee and by the committee and by the convention then?

A.—Was it adopted by the convention?

Q.—Well, don't you know that?

A.—No, I never heard of that resolution until I heard it here.

Q.—Well, if you don't know that by this time, I will not take any more time on it.

A.—Well, that is the truth. We lay our heart out on the table for you and you won't believe us.

Q.—Oh, Yes. You said something about—what was it you said about all of the defendants here having registered? Did you say that they had?

A.—I said that they had, but now, I know that they have not. There is for instance one—

Q.—Who?

A.—Clyde Hough, who was in the Bridewell. He could not have registered.

Q.—He has not registered?

A.—I don't think so. He was in jail.

Q.—Convicted of failing to register, wasn't he?

A.—Yes.

Q.—When did Manuel Ray register?

A.—I don't know that Manuel Ray has registered either.

Q.—When did Herbert Mahler register?

A.—I couldn't give you the date.

Q.—Was Manuel Ray and Herbert Mahler both arrested for failing to register?

A.—No, sir; I don't think Mahler was arrested for that.

Q.—You don't.

A.—I do not.

Q.—Didn't you write him a letter about it?

A.—I may have written him, but I know that he is registered.

Q.—What about Harrison George?

A.—Well, Harrison George—

Q.—Is he registered?

A.—I think so.

Q.—Do you remember what was said about Ray Corder, what the correspondence shows about his registration?

A.—I remember that he had written something to his sister.

Q.—Had he registered?

A.—I believe so.

Q.—You believe so?

A.—I think so. I am not certain of what the correspondence showed.

Q.—When was Carl Ahlteen registered?

A.—I don't know.

Q.—Now, I gather from what you have said

here in the last few minutes, that you were very much aroused about Little's attitude on the war at that Board meeting?

A.—I was.

Q.—So much so that you took the statement that he had made and crumpled it up in your hand?

A.—Yes.

Q.—Is that right?

A.—That is right.

Q.—Who were present at that meeting?

A.—There was all of the members of the Board.

Q.—Little was there?

A.—Little and Lambert—

Q.—Little is dead?

A.—Yes.

Q.—Wiertola was there?

A.—Yes.

Q.—He is not here?

A.—No.

Q.—Lambert was there?

A.—Yes, sir.

Q.—He has not been on the stand?

A.—Yes, sir.

Q.—Did he say anything about that episode?

A.—No, I don't think he did.

Q.—Brazier was there?

A.—Yes, sir.

Q.—He has been on the stand?

A.—Yes, sir.

Q.—Did he say anything about that?

A.—No.

Q.—Miller was there?

A.—Yes, sir.

Q.—Has he been on the stand?

A.—Yes, sir.

Q.—He did not say anything about your being aroused?

A.—Well, I don't think he did.

Q.—What aroused you, Mr. Haywood? Wasn't it a fact that that was a diatribe against war, or be-

cause it was forcing you to make the attitude of the inner circle of the I. W. W. public?

A.—The inner circle—now, the I. W. W. has no inner circle.

Q.—Well, then I will amend my question to say, was it that that aroused your passion, or your ire—that is that the Board was being asked to make its true attitude public, or because it was a diatribe against war?

A.—Well, the Board was being asked to make its attitude public. Now, as—now, I, as a member of the Board was being asked to make its attitude public, and I told the Board—

Q.—Now, I will come to that.

A.—All right.

Q.—That is as far as you went in the direction of making your attitude public, wasn't it?

A.—No, indeed.

Q.—To talk there to your Fellow Members?

A.—Well, I did not publish anything, if you want to know that.

Q.—No; not a scratch of a pen anywhere in this mass of correspondence can you point to, can you, where there is anything suggested to that effect?

A.—That I was in favor of the war, not a thing.

Q.—No. Don't interrupt me. That anything suggested along the line of your statement as to what you said to the members of that board, as to what you said before the members of that board. If there is, will you produce it?

A.—There is not a thing—

Q.—Well, now is there anything?

A.—No, there is not.

MR. VANDERVEER: What were you going to say?

A.—I was going to say that there is not a thing along the line of the other resolutions mentioned in this correspondence either.

MR. NEBEKER: Well, now, let us see. I don't want to go over that again. I will just refer to a

few things here and let us see what they really say. Do you remember writing this letter to Little on April 21, 1917, in which you said—now, this was after receiving a letter from Little. I think he wrote you on April 16th. I think he referred to that, and—I have got it here but I don't want to go into that at this time. You say: "I cannot help but think that you are making a serious mistake in advocating a public statement"—now, at that time Little was pressing the general executive board to give out a statement that truthfully stated the position of the board on war, wasn't he?

A.—He was asking—read his letter, and then I will know what you are talking about.

Q.—(Reading:) "Have not heard from you"—well, I will start the beginning.

"I have written you several letters since I heard from you, but as I have been on the road, I suppose there are letters at Miami. Have not heard from you since the war was declared, but in looking over Solidarity am unable to decide whether it stands for the Worker enlisting in the army or not." No, this is April 16th. "It is the duty of the I. W. W. to oppose war at any and all costs. We are opposed to war and our papers should let the readers know where we stand. The capitalists will try to force our members into the army and we should let the workers know why they should refuse to serve their enemies." "Enemy" there was the United States, wasn't it?

A.—No, the enemy there is the capitalist class.

Q.—The capitalist class in the United States?

A.—No.

Q.—Is it a fair construction of that letter that it means that by going into the army and serving the United States they would be serving the capitalist class?

A.—I think that is what Frank meant.

Q.—(Reading:) "It is true that they may line a few of us and shoot us, but that must be expected in

the fight for freedom, but just at present it is our fight. I, for one will get ready for any charge they want to put against me to help prevent this country or the workers of this country going to the front. I sent a wire to Sol. in plenty of time for this issue, giving my view, but it was not published. What in Hell are we going to do? Lay down like a bunch of curs and let them force us to war? I, for one, say no. By G. B. I will not keep still and I want to see our newspapers express themselves. If we fight let us fight for freedom, and now is the time to take a stand."

Now, this is your answer:

"I cannot help but think you are making a serious mistake in advocating public statements that will result in nothing less than disbaring our papers from the mails. Already Rabochy, the Russian paper, is suppressed. Do you want the same thing to happen to the rest of the I. W. W. papers"?

Now, did—now, do you say anything in that letter to the effect that Little had not expressed the real true sentiments of the organization on war? You did not, did you?

A.—Yes. I think you will find it there. I say to him we cannot make a public statement, we cannot put any statement in the columns of our paper, because it will result in what? In them being put out of business.

Q.—Yes.

A.—Well—

Q.—Is that criticizing his attitude—the substance of his attitude?

A.—Read the rest of it.

Q.—(Reading:) My advise in this hour of crisis is a calm head and cool judgment. Talk is not the thing needed now. Many of the members feel as you do"—that it should be made public; that you ought to come out in the open in other words, as Little said?

A.—Yes.

Q.—(Reading:) “Many of the members feel as you do, but regard the present war between capitalist nations as of small importance when compared with the great class war in which we are all engaged.” Now, that is all. “Just got a letter from Don Sheridan with check for \$500 on account. The other industrial unions are moving along.”—and so forth.

A.—Now, I think the paragraph that I asked you to read in which I define the fact that the class war is the war we should fight, is a challenge to anything that Frank may have said.

Q.—That is the matter I examined you about yesterday. I don't care to go into it again, in which I asked you if it was not a fact that the key to your whole proposition during the war, as given out by you in one of your letters was that every time you drive a nail for industrial unionism, you put one in the coffin of military preparedness of this country?

A.—And my answer to that was “yes.”

Q.—I believe that is right.

A.—I believe it was too.

A.—I believe that is right. That is your present answer?

A.—That is my present answer.

Q.—Now, what you criticize Little for in that case is that he insisted upon a public statement, wasn't it?

A.—Well, of course, issuing a public statement—running it in the paper is public.

Q.—Yes, but you criticized him for that?

A.—Well, now, here: Are there any private statements?

Q.—Are you asking me?

MR. VANDERVEER: He is asking you if you found any?

THE WITNESS: I am saying that there are no private statements and then I want to say that that

word "public" might be ambiguous; might be unnecessary, but that is what I meant, that a statement in the columns of Solidarity would have meant the suppression of Solidarity. Solidarity has been suppressed and was a medium of defense, but has been put out of business. You say that you have not used any method—

MR. NEBEKER: Q.—Now, coming right back to the question I asked you before, all that you criticised in Little's letter here is that he was insisting upon a public statement?

A. I criticised more, because I define the class war, and I emphasize there to Frank that the class war is greater than any other war.

Q.—We will pass that.

A.—We are going to fight that after this war is over?

Q.—You don't say that your real position about what Little wanted was because it might result in suppression of your papers?

A.—That was one of the reasons, and I emphasized that there.

Q.—You did not give it as one of the reasons that it might interfere with preparing for war, did you?

A.—I don't understand your question.

Q.—Did you give as one of your reasons for opposing a public statement that it might interfere with registration, or interfere with the country getting ready for war? You did not give those as any reasons, did you?

A.—I don't see how I could in reply to that; however, I did not, no.

Q.—No?

A.—No, I did not.

Q.—You never did, over your signature, or in writing, by a scratch of a pen anywhere in all of the records of the organization, did you?

A.—Did I what?

Q.—Do just what you said you did not do in this instance?

A.—No.

Q.—I do not know just how this stands, but I want to ask you again on this letter of July 27th, following the board meeting. You have now answered counsel on your redirect that there was no statement made by the board and in this letter you say that the article in Solidarity is the same as the statement by the board. I want you to explain again why it is you wrote that letter and made that statement?

A.—Well, I don't know about explaining the letter, but I will explain it by saying again there never was a statement issued by the board—

Q.—Issued?

A.—Never a statement made or gotten out, type-written, written or anything else, or by word of mouth, if you will.

Q.—Well, did you put up a job on Little after he left?

A.—No. Never put up a job on him.

Q.—Did you let Little get away with the idea that there would be a statement drafted by the board?

A.—I think probably he felt there would.

Q.—And Miller, I think so testified, didn't he?

A.—Yes, sir.

Q.—Well, then was this letter written to mislead Little?

A.—No, I had no intentions of misleading him.

Q.—Wasn't it done then, if there never was statement made—well—it is calculated to mislead him, is it not?

A.—No, I don't think so.

Q.—Well, you say that the statement in Solidarity is the same as that of the Board. Doesn't that mean that the Board had adopted a statement?

A.—Oh, he would have had it. It would have been sent to him.

Q.—I know, but if he is relying upon this information alone, the answer would be, wouldn't it—

A.—Now, listen. It would have been sent to him for him to vote on, before it was finally sent out through the bulletins.

Q.—But hadn't there been a motion passed that it would be drawn up, after he left?

A.—Yes, but it was not drawn up and that is what I am trying to impress upon you and the jury.

Q.—But didn't you say in this letter that it had been?

A.—Whatever the letter may have said. It looks to me as though there is a word there that should not have been there.

Q.—Well, let us get the original.

A.—No. I mean in the original. I have seen it. It says: "The statement of the Board." I am trying to impress upon you the fact that a statement was never issued by the Board.

Q.—Oh, that is just as clear as can be, that you are trying to impress me with that.

A.—Well, I am telling you the truth here.

Q.—Now, just another question or two. Your idea about sabotage—you have made quite a speech on that this morning?

A.—Yes.

MR. VANDERVEER: I submit, if the court please, that such characterizations by counsel are entirely unnecessary and entirely improper and the jury should be instructed to disregard it.

THE COURT: Gentlemen you will disregard the reference to the characterization of the prosecuting counsel to the evidence of the witness on the question of sabotage as a speech. Proceed:

MR. NEBEKER: Q.—You enlarged at length upon your views of sabotage this morning?

A.—Yes.

Q.—About how it is purely—it is a purely philanthropic idea intended to work for the benefit of the public?

A.—No, I don't say for the benefit of the public,

but I said that in the matter of food stuffs and in clothes—

Q.—Well, I don't care to have you repeat that. You said all of that this morning.

A.—Well, the public mainly.

All right.

Q.—Now, will you please point out any letter, any bulletin, any statement of any kind from the I. W. W., either from one to another of the members, from a member to an official, from one official to another, in which that kind of sabotage is mentioned at all.

A.—Well, there are thousands and perhaps hundred of thousands of people that have heard me speak on this question of sabotage.

Q.—That is not answering my question.

A.—What is the question?

Q.—There have been almost thousands of references to sabotage in the correspondence that have gone in here in this case, have there not?

A.—There have been references that to me, are not sabotage.

Q.—Well, but—

A.—But I have a right to my opinion about sabotage.

Q.—But—what I am asking you now is whether in all of that you can point to a single instance of the kind of sabotage that you say you understand sabotage to be. Can you do that?

A.—Of course, you haven't introduced all of the letters. I am not sure but what there would be many, many thousands of references, if you go through all of the letters.

Q.—Will you make an effort to get any?

MR. VANDERVEER: No. I will tell you now that we won't make an effort, as far as that is concerned.

THE WITNESS: There are witnesses here who have heard me—defendants here who have heard me time and again—

MR. NEBEKER: That is not responsive—I move to strike it.

THE COURT: Strike it out.

MR. NEBEKER: Q.—Will you answer that question?

A.—What is the question?

Q.—Can you point to a single reference in all of these papers—letters, bulletins, communications between members and officers, inter-communications of the organization, in which the kind of sabotage that you mention, is referred to at all?

A.—I don't think so. But then, I would like to ask you if you can point to a single letter that I have written where you find “sab-cat” or “cat” used?

Q.—Well, that was a specialty that was left to the sab-cats themselves, wasn't it, out in the field?

A.—Well, now, you can leave that as you may, but I have my opinion about it, and the fact that there is none of that referred to indicates that my opinion stands for something.

Q.—Would you say that it is a fair inference from all of the correspondence that has been read in evidence here that the membership have a different notion from what you say you have of sabotage?

A.—No, I think there are a large number of members who understand sabotage as I do.

Q.—But have never said anything to that effect in a letter?

A.—Probably not, and perhaps so.

MR. NEBEKER: All right, that is all.

RE RE-DIRECT EXAMINATIONN

By Vanderveer:

Q.—Can they point to a single statement of yours, or to a single statement by the organization wherein sabotage has been interpreted to mean force or violence or destruction?

A.—They cannot.

Q.—Now, the organization has defined its attitude on these matters, has it?

A.—Why, it is in every book on sabotage, they are defined.

Q.—I say the organization has defined its attitude on the subject of force, violence, and whether sabotage means that?

A.—Yes, sir.

Q.—Now, where?

A.—Well, you will find it "On the Firing Line," the report of one of the conventions.

Q.—The report of the general executive board?

A.—Yes, sir.

Q.—And in the papers and bulletins?

A.—Exactly.

Q.—Hundreds of them?

A.—Yes.

Q.—Have you ever seen or can they produce from our bulletins or papers, or convention minutes or proceedings of any kind, anything defining sabotage in any other way?

A.—They cannot.

Q.—(Continued,) Than as eliminating force and violence?

A.—I do not believe there is any place where they can find any such reference.

Q.—Yes. Did you write an introduction for Mr. Rothfisher to Pouget's Sabotage?

A.—I believe I did.

Q.—Well, now, can that be found in writing?

A.—It ought to be found; I had not thought of that, but it ought to be found.

Q.—Now, how does that definition, as you have it in your introduction, compare with your definition given here on the witness stand?

MR. NEBEKER: I object to that as not the best evidence.

MR. VANDERVEER: You have had hundreds of copies of them.

THE COURT: Answer the question.

A.—I don't just recall that particular introduction but I thought—I probably read it; I know I did write something for Rothfisher.

MR. VANDERVEER: Q. Now, Mr. Haywood—

A.— Mr. Vanderveer—

Q.—Did you hear Miller testify here on the stand that you objected to the Little idea of issuing a statement?

A.—I did.

Q.—I guess you did not go around to Miller and Brazier and Lambert and all of them and agree on your testimony before you went on the stand?

A.—No, I have not spoken to either of them.

Q.—Did you ever by scratch of the pen, to use counsel's own language, do anything to discourage enlistment?

A.—I never did.

Q.—Or to incite insubordination?

A.—No, sir.

Q.—I don't know whether one thing is clear—did you think the preaching of industrial propaganda would discourage enlistment?

A.—No, I think not.

Q.—You said it would discourage war, or it was anti-military propaganda; explain in what sense you meant that?

MR. NEBEKER: Anti-preparedness, is what he said.

MR. VANDERVEER: Well, anti-preparedness is just the same as anti-military to me.

A.—Well, for instance that "Why Be A Soldier" sticker, "Why Be A Soldier, Be A Man, Join the I. W. W."—

Q.—Well, I am speaking of industrial propaganda.

A.—Well, that is one of our species of propaganda and the other things—

Q.—Was that used after the war?

A.—No, not after the war.

Q.—How long before the war? I am speaking of the industrial propaganda that you wrote in 1917, that you said was anti-military or anti-preparedness propaganda?

A.—Yes—well—

Q.—How would it operate as such?

A.—Well, here is the proposition, with the organization of the industrial workers of the world in considerable minority in this country, and in other countries, we would be sufficiently strong through that organization to prevent war.

Q.—How?

A.—By having control of the industries.

Q.—Did you make—

A.—(Continued)—by refusing to make munitions.

Q.—Now, if you had that control, you would refuse to make munitions?

A.—Absolutely.

Q.—If you did not have the control would you do it?

A.—There is nothing then—

Q.—Well, did you have the control?

A.—We did not.

Q.—Did you try to use it?

A.—How can you do it?

A.—Why, we couldn't, we didn't have the control.

MR. VANDERVEER: That is all.

MR. NEBEKER: Is this an example of sabotage, such as you have explained it?

MR. VANDERVEER: One other question, by the way. When was Solidarity suppressed? At least, when was the second class mailing privilege revoked?

A.—In August, I think—no, no, it was while we were in jail. I have just forgotten the month.

Q.—How? I went on the hearing?

A.—Yes, I don't remember what month it was.

Q.—October or November?

A.—Either the latter part of October, or first of November.

Q.—Not until after the indictment was returned in this case?

A.—No.

Q.—And what use was being made of Solidarity at that time?

A.—Why, we were using the columns of Solidarity for the defense of this caase.

Q.—For the defense, and it was suppressed?

A.—Yes, sir.

Q.—Had it ever been suppressed or any attempt made to revoke the privilege, or suppress it, until after that?

A.—Never, never any question about it.

RE-CROSS-EXAMINATION

By Mr. Nebeker:

Q.—Is this your letter from you dated July 13, 1915, to Hugh P. Gallagher on sabotage—

A.—Yes.

Q.—It is?

A.—Yes.

Q.—Is that the kind of sabotage you have been mentioning?

A.—Do you understand that, or do you want me to define—

Q.—Let me read it?

A.—All right, read it.

MR. NEBEKER: "I have your letter of the 7th instant and will try to make good use of the valuable notes it contains. I should liked to have a story of some use of sabotage, where you have known it to have been applied. I know there must be some way by which stinger and pick handlers can throw the hooks into the railroad companies when they are not looking." Signed yours for Industrial Freedom,
 _____General Secretary Treasurer."

A.—I think that is one of the ways, but do you

know what a pick handler is and do you know what a stinger is?

Q.—No, I do not know that I do.

A.—I would like to explain to the jury.

Q.—All right.

A.—A pick handler is a brakeman who is working on a hump. Now, the railroad companies build humps in their railroad yards so they can handle their cars with less man power, and the brakemen are compelled to have pickhandles to put the brakes on, and he is a pick handler.

The stinger is a name among railroaders that they give to the Brotherhood of Railroad Trainmen. It is not anything used in sabotage. The suggestion there is that the brakeman and the railroad trainmen can offer some good suggestion for sabotage, and they did, and the result was that we issued the railroad sticker, "Live up to the book of rules."

Q.—Yes, but Mr. Haywood, what did you mean by "throwing the hooks into the railroad company when they are not looking?"

A.—Live up to the book of rules, that will throw the hooks into them.

Q.—When they are not looking?

A.—Any old time, all of the time.

Q.—Well, but—

A.—Well, now, listen, the stockholders are not looking.

Q.—Isn't there a suggestion of something secret here?

A.—No, not necessarily; not necessarily.

Q.—In your "General Strike" you told how sabotage was practiced in France, didn't you?

A.—I did.

Q.—Among other things, how perishable freight was taken out by the trainload and sidetracked?

A.—Yes, and fruit, and fish, and vegetables and meats were sidetracked where poor people lived, and they got the benefit of it, and that is good sabotage.

Q.—That is good sabotage?

A.—That is fine.

Q.—I want to ask you again now, about a telegram, that I asked you about yesterday. I showed you the office copy of that telegram yesterday and you said you were not satisfied that you sent it. I now show you—

A.—That I sent it?

Q.—Yes.

A.—That I received it, wasn't it?

Q.—No; that you sent it.

A.—This one? (Indicating.)

Q.—I now show you the Western Union copy.

A.—No; I didn't say anything about not sending this.

Q.—Well, did you send that one?

A.—I think so. It was, not received addressed to 64 West Washington, and addressed to Will D. Haywood.

Q.—I think you also said you were not sure about this.

A.—No; I think perhaps I did send this.

MR. NEBEKER: Let's have it marked as government's exhibit.

(Document admitted in evidence as government's exhibit 806.)

A.—But I should like to explain if I did send this it had only to do with the return of deportees at Columbus, to Bisbee.

Q.—I have had marked as government's exhibit 806, the same number that was on the telegram I asked you about yesterday, do you understand?

MR. VANDERVEER: No objection. Put it in any way you want to.

A.—Let's see these two now. What is this scratched out for?

MR. NEBEKER: Evidently that was on the original and it was scratched out when it was sent.

A.—Where did you get this one? (Indicating.)

Q.—That was taken from the Chicago files, the

Chicago office; there is not any doubt about having sent those?

A.—No, I don't think so.

MR. NEBEKER: (Reading:) "I have sent telegram to President Wilson, as requested. Strikes of miners, lumber jacks, harvest workers, growing; marine transport workers report action. William D. Haywood, August 3, 1917."

That is all.

MR. VANDERVEER: That is all.

(Witness excused.)

MR. NEBEKER: I want to recall Mr. Haywood for a word of cross-examination after I have had an opportunity of examining the DeLeon pamphlet.

MR. VANDERVEER: Will you avail yourself of that privilege either today or tomorrow?

MR. NEBEKER: Tomorrow, probably.

WILLIAM D. HAYWOOD,

one of the defendants, being recalled, and having been previously duly sworn, further testified as follows:

FURTHER CROSS-EXAMINATION BY Mr. Nebeker:

Q.—Mr. Haywood, I show you a pamphlet entitled, "As to Politics," a discussion upon the relative importance of political action and of class conscious economic action; the origin and necessity of both. published in New York, by the New York Literary New Company, 28 City Hall Palace, New York City.

MR. VANDERVEER: Is this the same thing?

MR. NEBEKER: Just a moment now. Let me finish, will you?

Q.—In which a statement in the introduction signed by Mr. De Leon, Daniel De Leon, dated New York, July 8, 1907, says, the contents of this pamphlet is a discussion that took place in the palace of "The People," that is a paper that I asked you about?

A.—Yes.

Q.—Under the heading of “As to Politics” during the months of November and December, 1906 and January and February, 1907, in which pamphlet there was a discussion from the standpoint of the direct actionists, that is representing the direct actionists was Sandgren and LeBille—did you know him?

A.—No.

Q.—Did you know Sandgren?

A.—Yes.

Q.—And Wagner and Vasilio, do you know who they are?

A.—What is Wagner’s first name?

A.—W-a-g-n-e-r.

A.—I would not say that I know either one of those.

Q.—And Giovannetti?

A.—Yes, I know him.

Q.—And Hausman?

A.—Hausman, I don’t know him.

Q.—Kopald?

A.—I don’t know him.

Q.—Spettel?

A.—I don’t recall him, either.

Q.—Eherlich, do you remember him?

A.—No.

Q.—Kiefe?

A.—No.

Q.—Rice, do you remember him?

A.—I know a Rice. I don’t know whether that may be the one or not.

Q.—And on the other side, that is the advocate of economic action plus political action was De Leon. Now, do you remember of seeing that symposium, and that discussion in the paper called “The People,” at the time that it went out?

A.—This was in 1906.

Q.—1905 and ’06.

MR. VANDERVEER: 1906 and ’7.

MR. NEBEKER: 1906 and '7. I beg your pardon.

MR. VANDERVEER: This, of course, is not the purpose for which counsel asks permission to recall the witness. He wanted to examine him on the book that I put in evidence.

MR. NEBEKER: I wonder how counsel gets these aberations? It was not the purpose I called him for at all.

MR. VANDERVEER: I appeal to your Honor to decide some of these controversies, made in good faith, and and protect me from the charge which is continually being thrown at me here that I am suffering from some kind of insane delusions. Now, I am perfectly certain that when counsel asked leave to recall this man I said, "Will you do it today or tomorrow" and he said, "When I have had an opportunity to examine this book. I want to examine it and look at it."

MR. NEBEKER: There is no use of our debating about it.

MR. VANDERVEER: Well, I don't know whether there is any use debating about it or not. There is still less use making such remarks as counsel has been guilty of here; takes special delight in. I want to press the matter, and either make counsel for special privileges and let the decision of the matter rest on the record, or else ask counsel to retract the stataement.

MR. NEBEKER: I will not retract the statement.

MR. VANDERVEER: All right, then I press the matter to a decision by your Honor.

THE COURT: Well, now, Mr. Vanderveer, it is awful hot.

MR. VANDERVEER: I know it is awful hot, but I get sick of those things.

THE COURT: There has been a mass of questions arise here that if I would stop to decide these

things we would not have gotten this far along with this lawsuit.

MR. NEBEKER: Q.—Do you know of that discussion?

A.—Why, I think probably I do. I can't remember of having read those articles or any particular one of them.

Q.—Are you not familiar with that pamphlet?

A.—No, I do not think I ever saw the pamphlet before.

Q.—Haven't you seen it before?

A.—I don't think so. The only reason that I say that I think I have read those articles is that the time a part of them appear I was in jail, and got "The People" every day then.

Q.—I will ask you if in that controversy which you say you read as it went on in "The People" the paper—the paper called "The People"—

A.—Well, I say I don't remember having read it, as they appeared in "The People."

Q.—Well, you read some of these articles I understood you to say when you were on the stand before?

A.—I say I don't remember of having read those articles."

Q.—Not any of them?

A.—No, not any of them.

Q.—Well, now, Mr. Haywood, will you take this pamphlet and look it through at your leisure and let me know whether or not that will refresh your recollection so that you can tell us whether those articles did appear in "The People" and whether you saw them and as to whether this pamphlet does contain the two sides of that controversy—the discussion of it?

A.—I will look it through.

MR. NEBEKER: I will ask you to do that.

MR. VANDERVEER: What is the precise question now, so that there will be no question about it? Have you put it exactly as you want it?

MR. NEBEKER: That is all.

REDIRECT EXAMINATION BY
Mr. Vanderveer:

Q.—Mr. Haywood, since leaving the stand this morning you called my attention to an editorial in the issue of Solidarity published under date of April 7th, 1917, entitled "Sabotage on the Master Class." were testifying to this morning?

A.—Yes, that is one of the kind of articles that Mr. Nebeker wanted me to show him.

Q.—Another article on violence in the issue of— an editorial in the issue of June 9, 1917: "Violence in the I. W. W."

A.—Yes, sir.

Q.—Has there ever been any statement at variance with these, with this, on the subject of violence?

A.—I think not. I know there has not.

MR. VANDERVEER: I want to read one of these unless some one can tell me that it has been read, before I finish it. (Reads article referred to to the jury.)

Q.—Did you have on your desk or near your desk in the office a placard about sabotage?

A.—I did.

Q.—Where was it?

A.—It was a big poster tacked up along side of the desk.

Q.—Your desk?

A.—Yes. I have requested that members of the Government here to get it.

Q.—You have tried to get it?

A.—I have asked Murdock today and asked Howe about it.

Q.—They have tried to find it and been unable to find it?

A.—There is also another big poster or big placard; this was in regard to Butte and it was—

Q.—In regard to what?

A.—In regard to Butte. The mines at Butte and

the demands that had been won and were enforced by the Butte Mine Workers Union.

MR. VANDERVEER: Will you mark that for identification?

(Document marked Defendants' Exhibit No. 514.)

A.—And I also asked them to get me a green book pamphlet, we called it the green book, entitled "The Category of crime of the Mine Operators' Association," that was taken out of the safe over at headquarters. Now, neither one of those three things have I been able to get.

Q.—Did you hand me this morning on this piece of the poster?

A.—Yes, a copy of the poster, "Sabotage."

Q.—The contents; how was this prepared, from memory or how?

A.—No, taken from "Solidarity."

Q.—Taken from "Solidarity," this?

A.—Yes, sir.

Q.—And it is a correct copy of the poster you had there?

A.—Yes.

Q.—Why did you have that sticking alongside your desk?

A.—Well, I thought it was a very splendid definition of sabotage.

MR. VANDERVEER: I offer it in evidence.

(Document referred to, marked Defendants' Exhibit 514, was thereupon received in evidence and read to the jury.)

MR. VANDERVEER: That is all.

THE WITNESS: I would say also, Mr. Vanderveer, that there was an article on my desk at the time we were arrested; that was prepared by Grover Perry, and Perry just informed me that he cribbed it, that is to say—

MR. VANDERVEER: Q.—Cribbed it from you?

A.—Yes. This was some things I had told him about sabotage or that he had heard me speak on

about sabotage and he had prepared it, and the article was printed just after we were put in jail.

Q.—In Solidarity?

A.—Yes.

Q.—Do you remember that issue?

A.—No, I don't remember what issue.

MR. VANDERVEER: I don't suppose it is here; the 21st is the last one. We will get that later. That is all.

(Witness excused.)

MR. HAYWOOD: What do you want me to do with that?

(Handing book to counsel.)

MR. NEBEKER: I want you to look at that and see if you recognize that as being a discussion on that subject, and if it is correct and sets forth the discussion and De Leon's position?

WILLIAM D. HAYWOOD,

one of the defendants, being recalled as a witness on his own behalf, and having been previously duly sworn, further testified as follows:

REDIRECT EXAMINATION BY

Mr. Vanderveer:

Q.—You were asked, I believe, Mr. Haywood, I believe by both of us, to bring here copies of the pamphlets which had been held up by the mail authorities and express companies. I want to show you seven pamphlets, and ask you if those are copies of those pamphlets.

(Pamphlets marked "Defendants' Exhibit 515 to 521 inclusive.")

A.—Well, I do not think that any of those were sent out in a single envelope; there would be a subscription list—

Q.—Then, in those envelopes there would be other things would there?

A.—Those are some of the copies of different pamphlets we have been sending out.

A JURROR: Louder.

A.—Those are some of the pamphlets we have been sending out from the general office and which have been held up by the mail authorities.

MR. VANDERVEER: I offer them in evidence. That is all.

MR. NEBEKER: Just a moment. You say they are some of them?

A.—Some of them.

Q.—Were these sent out in envelopes and packages along with other circulars?

A.—I am not certain that those were done up in envelopes; some of them were.

Q.—Now, that is what I want to get at. Were there any of these letters that contained a circular—just one of these pamphlets?

A.—You mean, did we put one of these in any letters?

A.—Yes, in one envelope.

Q.—Oh, I think they went as enclosures.

Q.—Were the other pamphlets in those envelopes?

A.—No, they would go with the letters; they were used as enclosures. That "I. W. W."—

Q.—Now, when were these letters held? First, when were they sent out from your headquarters?

A.—Well, some of these have been sent out since February 12th. For instance, I know that because some of them have been printed since I have been out of jail on bond.

Q.—Well, I want to get the date when any of these were sent out, the exact date.

A.—No, I cannot tell you the exact date without going over the books.

Q.—In any envelope that went out from headquarters containing pamphlets, did that envelope contain anything else besides what is here, in every case?

A.—There would be a subscription list, an appeal for funds and perhaps a mimeograph letter.

Q.—But there would be other documents that are not contained here, are there?

A.—Yes, we would not send one of those out, I do not think, under a three cent stamp.

Q.—And it was so with the express parcels you have mentioned?

A.—No, we would not send the letters out in express parcels.

Q.—Is there anything here that went by express?

A.—Yes, all of that went by express.

Q.—This all went by express?

A.—Yes.

Q.—Is there anything that is not here that went by express?

A.—Yes, there are some other pamphlets.

Q.—Other pamphlets and documents; where are they?

A.—We have got samples of them over at headquarters but these are the ones that are included in the packages that went to Butte as I understand it.

MR. VANDERVEER: I offer them in evidence.

(Defendants' Exhibit number 515 to 521 inclusive received in evidence.)

MR. VANDERVEER: I am not going to read all of these. This is a sample of what the government has held up; I will read this one: (Reading defendants' exhibit 515.)

THE COURT: I have not intended to rule that the mere fact that the government has held up something entitles it to be read to this jury, Mr. Vanderveer.

MR. VANDERVEER: Without that, your Honor, the jury cannot learn the government's attitude towards the I. W. W., of which this case is but one expression.

THE COURT: If you have anything there that is different from what has been put in here, or adds anything to it, you can read it, whether the law

grants it or not. This you have just read, they have already had repeatedly during the trial of this case, except the fact that it was on the pamphlet that the government seized.

MR. VANDERVEER: Well, I don't want to—I had not intended to read these at length. I am not familiar enough with them to read with very much discrimination either. I will examine these before I read any more of them—here is one, number 520. "Do you want mob rule," pamphlet signed "I. W. W." (Reading portion of same.)

I won't read that but I suggest you look them over at your own convenience, look them all over. Handing to jury.)