

# BORAH EXPOSES BLOODY HAND OF INNER CIRCLE

Traces Every Assassination and Dynamite Plot, With the  
Gang of Fiends Who Carried Them Out, to  
Western Federation Headquarters.

Makes Out a Clear Case, Entirely From the Testimony of Witnesses for Defense,  
Against Haywood—Denounces Opposing Counsel for Condoning Crime and  
Justifying Criminals—Closes His Plea for Justice in the Name of Idaho With  
So Powerful a Peroration That Even Haywood's Defenders Congratulate Him

BOISE, Idaho, July 2.—(Special.)—Stripping the veil that has hid-  
den it so long from public view and condemnation, United States Sen-  
ator William E. Borah, in closing the case for the prosecution in the  
Haywood trial, today painted with master strokes THE RED HAND  
OF THE INNER CIRCLE OF THE WESTERN FEDERATION OF MIN-  
ERS—ITS PLOTS TO MURDER THOSE IN PUBLIC AND PRIVATE  
LIFE WHO HAD THWARTED THE LEADERS, ITS SCHEMES TO  
SAVE ITS OWN ASSASSINS BY ITS POLICY OF PHYSICAL FORCE  
WHEREVER IT GAINS A FOOTHOLD.

His address in a trial without parallel in criminal annals places  
him high in the niche as an orator, equipped to take his stand with the  
most eloquent in political life, and as a lawyer and pleader, with very  
few to equal him in this Western world.

IT WAS A TERRIBLE INDICTMENT OF HAYWOOD AND HIS AS-  
SOCIATES. THEY WERE TAKEN IN A GROUP, AS CONSPIRATORS  
MUST BE AND SHOWN FROM THE EVIDENCE TO BE RESPONSIBLE  
FOR THE MURDER OF FRANK STEUNENBERG AND FOR THE  
SCORE OF MURDERS COMMITTED IN COLORADO.

They were employers of Orchard and his kind.  
Their motives were brought in juxtaposition with the crimes. These  
assassinations were not the result of accident or for individual revenge.  
THEY WERE PART OF THE MURDEROUS CONSPIRACY TO  
CONTROL THE INTERMOUNTAIN REGION AND BRING ABOUT  
THROUGH FORCE AND FEAR THE SOCIALIST REVOLUTION WITH  
HAYWOOD AT ITS HEAD.

He took the perjured testimony of the alibi mill and withered it with  
a blast. He demonstrated that one crime was characteristic of every  
other. The Colorado bombs for Peabody, Gabbert and Goddard were  
identical with the bomb that sent into eternity a former governor of  
Idaho and the Idaho victim was assassinated through the same motive

that brought the Colorado cases into the bloody roster of the inner circle.

But more through the testimony of Haywood himself and the addresses of Haywood's attorneys the tenets that made murder the leading role of the inner circle were defended and advanced before the jury. Hatred was the doctrine preached, class war was the aimboletth.

And when Borah had finished and court was adjourned, the great audience, including even Haywood's counsel, gathered about Borah to congratulate him on his wonderful plea for justice in the name of Idaho.

### VAST CROWD UNABLE TO HEAR HIM— DEFENSE HAS GLOOMY FOREBODINGS

BOISE, July 26.—(Special.)—Throughout the day several thousand people gathered around the building, unable to get into it. A forbidding of disaster had taken possession of the Socialist division, which, until then, had been so frictionless.

The leaders were downcast, Haywood's color had changed to a mottled green, downstairs Meyer and Pettibone kept in their cells.

The gay forenoon reception had been abandoned for this day. There were other matters to think of. They could hear, upstairs, Borah forging and linking the vast array of evidence that had been adduced against the inner circle. Even Darrow ceased to clown. Richardson was looking morose.

Borah, wasting no words, put the issues in the papers, who were unusually alert this day.

Did a conspiracy exist in common murder against the enemies of the Western Federation?

Was the defendant Haywood a part of that conspiracy in that he aided, assisted and encouraged that conspiracy?

Was Orchard telling the truth on the witness stand?

Was there sufficient evidence apart from Orchard's testimony to convict Haywood?

### ANSWERS EACH IN THE AFFIRMATIVE

Attorney Borah took each of the four issues and answered them in the affirmative, and had the jury answering unconsciously with him.

He began with the Spangenberg murder and he closed with it. His grouping of documents and testimony was realistic.

One saw the conspirators at work in the mining building, the Pioneer building where the office headquarters were in Denver, and in the secret meeting place in the Granite block there, talking over in grim fashion plans of the assassination.

Haywood's alibi letter—always the alibi when Federation criminals are concerned—to Mrs. Orchard, and Orchard's demer letter to his wife to be mailed in Alaska by a Federation official were provided. The lawyers that should be called to

were discussed, the method of taking off and the Orchard "get away" were all included.

Orchard the "unspeakable" was there, too. Orchard was seen leaving Pettibone's house where he had been living, and Pettibone accompanying him to the depot. In Orchard's trunk were the everybody bomb and Pettibone's sawed-off shotgun, perhaps the one that shot Lytle Gregory.

### COMPLETES GROUP OF THE CONSPIRATORS

Once in Idaho Orchard was met by "Jack" Simpkins and the group was complete.

Orchard, self-confessed assassin, Simpkins, fugitive from justice, Pettibone, down stairs afraid to appear and testify, Haywood, the brains of that conspiracy, and Meyer, his assistant.

"Watch them," cried Borah, with piercing tone, "Watch them, we've got them moving on the scene," and a thrill passed over the room, and he had them move swiftly and unerringly to the murder of Spangenberg.

The jury could have witnessed Simpkins and Orchard plant the first bomb in the pathway of Spangenberg, one that missed fire, they could see Simpkins go to Denver to confer with Haywood, Meyer and Pettibone, and arrange for funds, they could see and hear Orchard writing and telephoning to "Bill" Kasterly of Vinlander explosion recipe, over in Silver City, this state, to come and help him, and they could see Orchard hurry by a fatalism he did not then understand to do the terrible deed himself.

### COULD SEE TUMULT AT HEADQUARTERS

And they could almost look upon the hurry and scurry at inner circle headquarters in Denver on receipt of the tidings that Orchard had been arrested in Caldwell.

This was outcry of the first water. The picture was etched into the inner consciousness of those who listened.

There, too, were the telegrams and letters and drafts that passed about this time among them, five incriminating documents that did not lie.

No longer was Orchard alone, no longer could the blame be put on the missing Pettibone—they were of one group and Haywood, the master mind, stood well in the foreground.

Borah held all five together before the minds of his jury. It was conspiracy, and he read again the law of conspiracy, and he read, too, with crushing effect—so much so that mutterings, quickly suppressed, could be heard in that courtroom—the savagely brutal O'Neill editorials in the Miners' Magazine on the assassination of Steunenberg. There was motive for the murder, but it was motive not of personal revenge, but the revenge decreed by the inner circle.

No need for Orchard's testimony to convict. Orchard had been placed away from the prosecution, to the other side, one

of the five conspirators. How silly the Richardson plea that Orchard was a Pinkerton detective sent by the Colorado mine owners to murder Steunenberg.

How ridiculous the Darrow defense that Orchard was not a Pinkerton detective in the employ of the mine owners, but a brooding poon awaiting the life of Steunenberg because of that alleged look of his directed in a bitter wild courtship last before Steunenberg appeared on the scene.

And how noted appeared the defense put forward that Orchard had nothing to do with the attempts to assassinate Bradley at San Francisco, the moment Borah had finished growing and assigning the testimony and documents introduced.

How on earth could two noted attorneys come to Boise and hope to persuade a jury that Orchard had when their own witness upheld him so positively? The weakness of the defense was the strength of the prosecution.

\*\*\*\*\*  
\* ALIBI FACTORY'S \*  
\* WITNESSES RIDDLED \*  
\* \*\*\*\*\* \*

Borah riddled and ridiculed the alibi factory's witnesses. Poor "Governor" Coates of Colorado, Richardson's star witness! Borah left little of him but the peck, and as for "Gen." Engley of Colorado, "I am not surprised that the state of Colorado has had hell within its boundaries for the last 19 years when its ex-attorney general is such an anarchist," said the brilliant lawyer, after he had dealt with some of the Engley ravings.

But Colorado has long since got away from Engleyism, which is picturesque Pattersonism, and it has placed Engley in the dime museum.

A relic of the days that immediately followed when Patterson was vicious ruler, was read to the jurors on the written contract entered into by Vincent St. John, president of the Teamster union, and the Smuggler-Union mine manager, in which for three days St. John agreed

not to commit murder or attack property after the flats there. This was when the Western Federation ruled and the mine management was glad for even a three-day truce from violence.

Turning to Cripple Creek and the independence depot explosion, in ringing notes Borah demanded to know why Steve Adams, who knew all about this and other transactions, was not placed on the stand.

Tomorrow morning Judge Wood will instruct the jury. His instructions contain over 1100 words. They follow those delivered seven years ago by another court in this state in the Paul Corcoran conspiracy trial, arising out of the Oscar O'Alone riots.

These were tested in the supreme court. They define the seven statute against conspiracy in this state in a manner which at the time aroused the dynamitards.

SENATOR BORAH  
LECTURE HERE  
*Boise Journal*

The Civic Club was disappointed this season on a number of their lectures provided for last fall, and the lecture committee have been diligently trying for the past few weeks to secure at least two more good numbers to complete the roster.

Judge C. W. Pomeroy, who has had the matter in charge, has been corresponding with Senator Borah, of Idaho, and has secured from that distinguished gentleman a promise to visit Kallispell immediately after the adjournment of Congress if he can possibly so arrange his affairs. Senator Borah is a young man who has come into national prominence in his fearless prosecution of the Western Federation of Labor officials who were charged with complicity in the murder of ex-Governor Steunenberg, of Idaho, and only recently added the additional laurels to his fame by defending President Roosevelt's position in the Brawnsville soldier rioting case. He spoke in the senate at length on this occasion, taking an uncompromising stand against lawlessness and disorder in no matter what form it might show itself.

If the Club can secure Senator Borah to lecture in Kallispell, it is to be greatly appreciated, for it is not only a pleasure and a source of instruction to listen to men in touch with the greater national problems, but is a good advertisement for the town to have them visit our city.

# BORAH REACHES INTO THE HEART OF THE EVIDENCE

## Most Wonderful Resume of Facts Adduced From Myriad of Witnesses in Celebrated Case Made by the West's Greatest Orator.

BOISE, Ida., July 26.—As early as 7 o'clock this morning the court house doors were besieged by hundreds seeking admittance to the limited courtroom, Senator Borah being popular as an orator in this, his home city. So great was the throng that court officials and others having business at the trial had to find their way into the building by devious ways, most of them climbing a steep improvised stairway in the rear. The jury was also brought up these steps.

Inside the court, as the next to the last day of the trial began, Haywood sat surrounded by his family. His invalid wife, whose helpless condition and pained face have attracted so much attention and sympathy, sat immediately at his right and next to her was the gray-haired mother, who yesterday could not restrain the tears which welled to her eyes as Clarence Darrow of Chicago made the last plea for the life of her son. The prisoner's daughter and sister were also in the family circle, the only absence being the little 10-year-old girl, Henrietta.

### Wife and Son of Murdered Governor Near Haywood

Mrs. Frank Steunenberg, the wife of the murdered governor, and her stalwart son, John, were early in the courtroom, and when they had been shown to seats inside the attorneys' rail, found themselves within seven or eight feet of Haywood himself. Attorneys from many cities in the West have come to Boise for the last arguments and constituted a large proportion of today's big audience. When the last seats were occupied, disappointed hundreds remained upon the court house lawn to catch what they could of Senator Borah's address as the words filtered out of the windows.

Senator Borah began by reviewing briefly the points made in the opening of his address to the jury last night. He said he would go briefly over the trail of blood left by Harry Orchard, taking first the murder of Gov. Steunenberg and harking back over some of the most important incidents developed in the testimony.

"I hardly need to tell you gentlemen," declared the speaker, "that Pinkerton detectives had nothing to do with the assassination of Frank Steunenberg. That is one of the most absurd things brought into this case by the learned counsel of the defense.

### Trails Harry Orchard From Federation Headquarters

Senator Borah, in laying the foundation for his argument of conspiracy, pointed out that Orchard went to Ellsworth from Denver and fresh from association with the officers of the Western Federation of Miners, who regarded Steunenberg as an enemy. Then he touched upon the fact that Nathan Moore, an officer of the Western Federation of Miners, in testifying for the defense, admitted that he agreed with Orchard to deceive Orchard's wife when Orchard wished to desert her

"Harry Orchard left Denver with crime in his heart. The impelling, compelling force came from Denver. George Pettibone helped Orchard pack his arsenal of murder in his trunk. Why is Pettibone not here to deny it? His silence is a confession of his guilt. Pettibone's absence is an absolute corroboration of Orchard."

Taking up the question of the personal motive the defense had urged against Orchard, Senator Borah showed to the jury the deed by which Orchard had parted absolutely and forever with his interest in the Hercules mine 14 months before Gen. Merriam and his negro troops marched into the Green Lake mine. "This deed," the senator said, "is corroborated with other evidence not adduced in being furnished with this case corroborate Harry Orchard and fit in perfectly with the story he has told you. Gov. Steunenberg did not cause Orchard to lose his interest in the

mine, so how could he have entertained a murderous grudge?"

### Witnesses for Defense Prove Criminal Conspiracy

Senator Borah took up one by one the witnesses for the defense who he said corroborated Orchard and proved a criminal conspiracy because they had covered and protected Orchard up to the time he confessed and implicated Haywood.

Among these were "Bill" Easlerly, the member of the Western Federation of Miners, who heard Orchard's threats and to whom Orchard telephoned from Caldwell before the murder.

W. F. Davis, the president of the Western Federation of Miners, 1903, who heard Orchard make threats against Steunenberg, and who swore the passing of the armed and masked mob in possession of a train did not interest him when he saw it.

David Coates, the ex-lieutenant governor of Colorado and friend of the Western Federation of Miners, with whom Orchard discussed the stealing of Paulsen's children.

Lottie Day, who was introduced to Haywood by Orchard and who saw Orchard and Haywood in private consultation.

Gen. Eugene Engley, the former attorney general of Colorado, who, of all men, an officer of the law, should not have kept these direful threats a secret locked within his breast when the state of Idaho was looking for evidence against Orchard, the suspect.

### Says Engley's Speech Was Proof He is an Anarchist

"But," said Senator Borah, "I'm sure you don't believe in law. He is not even a socialist, he is an anarchist. You heard the speech he made here in the witness chair. Nobody could stop it."

"With such men as Engley in office I am not surprised that Colorado has had hell within her borders for the past ten years."

The senator next read effectively to the jury the articles denouncing Struensee in the *Miners' Magazine*.

"There is much talk here and in the argument of counsel about an industrial war. There is an industrial war, but it is for you men to determine whether industrial warfare shall be carried out on the principles of murder."

"The defense tells you that outside of Orchard's testimony there is nothing here to prove a conspiracy. What more do you want? We put Orchard and Simpson and Mave and Hayward and Pettibone together in Denver. Now watch them as they move to the scene of Frank Struensee's murder."

Briefly Senator Borah showed the friendship existing among the quartet. Then he turned to the jury the letter which Orchard said he received from Pettibone at Caldwell.

"Typed Tom. That was sent to Jack the Rat."

"How," exclaimed Senator Borah, "did Pettibone know that Orchard under the name of Tom Hogan was at Caldwell? Why did Hayward send a draft for \$50 to Jack Simpson on Dec. 27? Has Pettibone come here to say a word as to that? Now, watch the conspirators, how quickly they act. Scarcely had the news of Tom Hogan's arrest been flashed to the world than attorneys for the Western Federation of Miners, Tucker and Caldwell, from three directions."

#### Simpkins Proves Hayward

Knows All About the Case

Jack Simpson was the man who went to see Attorney Miller at Spokane. Jack Simpson was the man who sent the telegrams and unexplained telegram to Hayward. The wording of Simpson's telegram, Senator Borah declared, showed that he knew Hayward had full knowledge of the case. And Hayward "got busy."

Follow Simpson, Orchard, Meyer, Hayward and Pettibone from Denver to the death of Struensee at Caldwell, review the testimony, watch their actions and I say to you that an absolute and concerted conspiracy has been proved.

"They killed Struensee, to show to the world that they never forget an enemy."

"Where is Pettibone afraid to speak? Where is Jack Simpson, who was at Caldwell with Orchard and could tell so much? He is in a corner and afraid to come to say a word for his Idaho friends."

Senator Borah said he was ready to admit that Hayward was shrewd, keen and possessed of brains.

"Of course he has brains," he exclaimed; "he had brains enough to start a defense of the Western Federation of Miners the minute he learned that Orchard, the hired assassin, had fallen into a trap."

"Did the Pinkertons send any one to defend Orchard? Did the mine owners? No, it was the Western Federation of Miners."

Answering at great length the theory of the defense that attempts upon the life of Fred Bradley at San Francisco were accidents and not the designs of Orchard, Senator Borah pointed out that the latter moved directly from Denver to San Francisco. He traced the movements of

Orchard in San Francisco and ridiculed the theory of a gas explosion.

"And," cried Senator Borah, "when Orchard gets ready to leave San Francisco, where does he go? Back to Denver. What for? To get his money. The deed was done, the pay was due."

#### Orchard Always Loyal to

the Western Federation

He devoted himself at first to the proposition of the defense that Orchard was a Pinkerton detective. Far from having any such connection, the senator insisted that Orchard, through four years of crime and conspiracy, was perfectly loyal to the Western Federation of Miners and the leaders of the organization. If Orchard had had any sinister motive against Meyer, Hayward or Pettibone, if it had been his purpose to gather evidence against them, he had almost unlimited opportunity to do so.

But on the contrary it had been shown that every piece of evidence which came into Orchard's hands was destroyed by him, even to the letter received from George A. Pettibone in the Caldwell jail. Never at any time did Orchard undertake to build up a case against the defendant Hayward or any of his associates.

Illustrating briefly the Colorado situation, Senator Borah said the crimes and disturbances in Cripple Creek and Telluride were brought into the case only to show the motive, the conspiracy, the combination and the understanding which finally led to the murder of ex-Gov. Steunenberg. The jury was not asked to convict upon any other crime than the last.

As to the alleged "kidnapping" of the defendants in Colorado and bringing them to Idaho, he said:

"If these men were not legally here they would not be here. You gentlemen are not concerned with how they got here, or any other question than whether or not this defendant was connected with the event at Caldwell."

#### Defendants Are Legally

In the Idaho Jurisdiction

"If he was, then it was our law which was violated. If he was, it was our citizen who was murdered. If he was, it was in our jurisdiction that he raised the red hand and it is proper that he should be here to answer to an Idaho jury."

"And you know as well as I do that while he is a stranger to you, his life and his liberty are just as safe in your hands as they would be with any jury in their home state of Colorado."

"Bill Hayward is in no more danger of being convicted in Idaho, unless the evidence shows his guilt beyond a reasonable doubt, than he would be in Colorado."

"The court, the attorneys for the state and everybody connected with this case have extended to Mr. Hayward every right, every privilege, every courtesy known to the law on the right of the de-

front, Haywood and Meyer on the witness stand who showed to all they wanted to tell in violation of all the laws of evidence, and without a single objection from myself or my associates."

**Arraigns Defense for Not**

**Putting Adams on Stand**

Senator Borah scathingly arraigned the defense for not putting Steve Adams on the stand. Adams, the associate of Orchard, could, if anybody could, prove that Orchard was not telling the truth, especially about the Independence depot affair.

"Darrow gives you as an excuse for the heating up of old man Stewart at Cripple Creek the fact that he was a 'scab.' There, gentlemen, lies the motive for the Independence depot explosion. The 14 men blown to atoms that fateful sixth of June were 'scabs.'"

Nearing the close of his argument, Senator Borah came to the attacks upon the life of Gov. Peabody, Gen. Sherman Bell and Judges Goddard and Gabbert, and said they were the result of doctrines such as had been expounded before the jury by Attorney Clarence Darrow of Chicago. He bitterly assailed Mr. Darrow and declared that if the Western Federation of Miners regarded constitutions as being only for the rich, the laws as being made only to be broken, it was the most potent motive ever put into the heads of men to take the law in his own hands and going forth to commit crime.

"We are here," he exclaimed, "to determine whether or not the state of Idaho can enforce the laws put upon its statute books for the protection of life and property."

"But if the statements of Mr. Darrow in his argument reflect the sentiments of the Western Federation of Miners, there need not be any doubt in your minds as to whether the defendants at bar would commit murder upon men who represented the law."

At the conclusion of Senator Borah's argument Judge Wood announced that he would charge the jury at 10 o'clock tomorrow.

# BOLDLY TELLS JURY HIS BELIEFS

Admits Intimate Acquaintance  
With Orchard, but Denies  
Any Connection With  
His Crimes.

UNSPARINGLY DENOUNCES  
OSGOOD AND GRANT

Declares He Hated Stewart  
Because He Was a Public  
Enemy

*By John I. Tierney.*

**Special to The News.**

BOISE, Ida., July 12.—William D. Haywood, on trial for his life, "went his own gait" for four hours today while United States Senator Borah, a remarkably clever lawyer, endeavored to wring damaging admissions from him, and when he was finally permitted to step down from the witness stand his attorneys and supporters literally heaved sighs of relief. The ordeal had been a trying one for them, but the defendant seemed to enjoy it.

Before the cross-examination had consumed ten minutes Haywood had flung discretion to the winds. For the time being he seemed to forget he was on the witness stand, and he went as far into the "class conscious" theories of the socialists as Senator Borah could possibly have desired.

Borah's performance was one of the notable features of the trial. For four hours he grilled the witness with a merciless tongue, always framing his questions so as to convey the impression that a loaded gun in the shape of documentary evidence was at hand to confound and rout Haywood and his attorneys. Momentarily the spectators looked for the long promised sensations, but they did not materialize. If the state has a card up its sleeve it will produce it during rebuttal.

## Frankly Admits Dislike of Steunenberg

Senator Borah early in the cross-examination set about the task of establishing a motive for the killing of Steunenberg by the Western Federation of Miners. Haywood frankly admitted his dislike, amounting to hatred, of the dead politician. Yes, he had written resolutions denouncing him as "a traitor and a hireling." The documents were impertinent, very. They accurately stated the witness' opinion of the dead man—as a public official.

Haywood was always careful to make that distinction. He regarded Steunenberg as a traitor to his fellow members of the working class who had elected him to high office. He, believed he had violated his oath of office after he became the tool of the capitalist class. But he had no feeling against the governor as a man.

"I regarded Steunenberg, Bartlett, Sinclair and you, Senator Borah, in the same class, and I expressed my opinion of you freely and openly," was Haywood's final attempt to make the jury, court and prosecutor understand his mental attitude toward the murdered Steunenberg.

Sinclair was Steunenberg's agent in the Coeur d'Alene in 1899 and Senator Borah prosecuted the miners at that time.

Haywood was speaking in his criticism of Frank J. Hoar, J. C. Osgood, J. B. Grant and other members of the "capitalistic class" in Colorado. He declared these men and others like them, all representing capital, had debauched the legislatures of Colorado and other states and rendered the condition of the "working class" intolerable.

## Effect on Jury Is Problematical

Just what effect Haywood's "class conscious" talk had on the jury is of course problematical. His frankness must have been to his favor. These jurors are westerners. They like the men of courage who will tenaciously cling to a principle without regard to the consequences. If Haywood had attempted to curb his tongue he would have been unnatural, as anyone who knows the man will readily appreciate. He is used to expressing an emphatic opinion on any subject which may be brought up for discussion, and it is difficult for such a character to don the garb of diplomacy in a day. Personally, I believe it is fortunate for Haywood that he did not attempt the feat.

Borah professed at least one result with this splendid cross-examination—he showed that a close acquaintance existed between Haywood and O'Conard. The defendant knew the assassin and knew him well, and the prosecution will of course lay great stress upon that fact.

The end of the trial is now in sight. The defense will probably close tomorrow and the rebuttal and surrebuttal will not be material and should be disposed of next week. Then will come the argu-

ments and the case should be a matter of history by two weeks from tomorrow night.

## Haywood Withstands Rapid Verbal Assault

Preserves Self-Possession and Replies Quickly to Questions Flung at Him.

By Associated Press

BOISE, Idaho, July 12.—William D. Haywood, the defendant charged with the murder of Frank Steunenberg, left the witness chair this afternoon. He had been under examination six hours, the time being equally divided between his own counsel and Senator Borah, who conducted the cross-examination. Haywood's testimony in his own behalf practically closes the side for the defense.

The witness will be called tomorrow morning and his examination will take up about fifteen minutes. Counsel for the defense will then announce their close and the state will begin the rebuttal unless motions to strike out certain parts of the evidence should be brought forward by the defense. Counsel for the state announce their willingness to abide by the instructions of the court to the jury and will not occupy time with the arguments on motions to strike.

There is now a prospect that the case may be brought to a conclusion within two weeks. The state expects to close the rebuttal by Wednesday or Thursday next. The defense express the opinion that the surrebuttal will be in by Saturday. Under these circumstances the case will be given to the jury by the end of the last week of this month.

The cross-examination of Haywood commenced this morning within an hour after the opening of court. By this time every seat was taken. The announcement that Senator Borah would cross-examine brought out an unusually large attendance. It was quite evident that the spectators were not alone in their expectation of something interesting. When Clarence Darrow, Haywood's counsel, closed the direct examination of his client and quietly remarked:

## Faces Borah With Calm, Set Face

"You may cross-examine," the prisoner-witness turned in his chair and faced Mr. Borah, his face pale and jaws firm set. There was a stir in the courtroom and then an absolute silence. The first questions and answers came in such subdued tones that Mr. Richardson of Haywood's counsel asked the witness to speak out. Borah's cross-examination, always rapid-fire, was more than usually quick today, but from first to last Haywood preserved complete self-possession and control. At times his replies came as quickly as the questions were flung at him. Again he would hesitate and speak slowly, with a marked emphasis. His voice, low and musical, was seldom raised except once or twice when a flat denial was given.

Borah's manner was courteous throughout, but now and then a fringe of sarcasm, of stolidism appeared as he insisted on a direct answer and Haywood appeared reluctant. Haywood in turn was as courteous as the cross-examiner. Invariably he addressed Borah as "senator" and repeatedly asked permission to explain when he thought there might be some misunderstanding. Notwithstanding this subdued air of consideration, of quiet speech and courteous bearing, there was not a moment throughout the three hours of cross-examination that the atmosphere did not tingle with possibilities.

When Senator Borah pressed Haywood as to his sentiment toward former Governor Steunenberg Haywood said quietly and with a smile: "I felt no difference toward Steunenberg, senator, than I do toward you, or any of these people."

Senator Borah looked up quickly, but he did not smile. He said very quietly: "Yes, I have been given to understand something of that sort," and did not pursue the subject.

### Much of Testimony Was Repetition

Much of Haywood's testimony today was a repetition in detail of what Moyer said yesterday. Haywood, however, made no effort to deny his knowledge of Orchard and his affairs, or his connection with Simpkins. He was pressed closely as to the passage of telegrams relating to the engagement of counsel to defend Orchard, and in this connection admitted that he knew Simpkins and retained counsel, but that there was no record of any report from Simpkins to the officials of the Western Federation of Miners. Like Moyer, Haywood had never heard Orchard make threats against Steunenberg, though he had heard of Orchard's claim that he had lost his interest in the Hercules mine because of the troubles in the Copper & Alamosa. Haywood explained the draft sent to Simpkins for \$100 on December 21, 1905, on the ground that Simpkins had left the money with him for safe keeping. He had no knowledge of the receipt of the money and has not heard from Simpkins since that time. Haywood said he never told Pettibone that he had sent this money to Simpkins. In his opening speech Mr. Darrow said it was doubtful if the defense would attempt to explain the copy of the letter received by Orchard while he was in jail in Caldwell, in which he said: "That was sent on December 21." In his testimony Orchard said that this letter was in reply to one from him to Pettibone asking for \$100.

Haywood in many particulars confirmed Orchard, but where Orchard connected Haywood or the Western Federation of Miners with crime the witness was very emphatic and prompt in his denials. He showed no hesitation or desire to conceal the fact that Orchard had visited him at his house, or that he on different occasions had intimate conversations with Orchard. He denounced the administration of Colorado at the time of the troubles as corrupt, and he extolled the values of the Western Federation of Miners. Throughout Haywood rang the note of antagonism to what he calls the capitalistic class, and his confirmed view that only by such methods as those followed by the Western Federation of Miners can the workman hope to control the situation.

## Tells of Money Sent Adams and Simpkins

### Haywood Offers Explanation for Acts Made Much Of by the Prosecution.

By Associated Press

BOISE, July 12.—Dominick Flynn, one of the defense's witnesses in the Haywood trial, was recalled by the state when the case opened this morning at 9 o'clock. He was asked as to a conversation he had with Daniel Ganey at Mullen, Idaho, in 1904. The questions were evidently for the purpose of impeachment. After Flynn left the stand Haywood was recalled and the direct examination was continued.

Haywood said that Orchard had been at his house three or four times. Most of the members of the union when they were in Denver called at his home, the witness declared.

"Did you ever call on Orchard?" asked Mr. Darrow.

"No, sir, never."

"Did you ever have anything to do with buying a horse and buggy for Orchard to go out on killing expeditions with?"

"No, sir, never."

Haywood said Orchard came one day to headquarters in a buggy with a colored man and said George Pettibone wanted to know if he could trade the rig for a gray mare which the federation owned—one of the nineteen horses which had been used in distributing relief in the Cripple Creek district. Pettibone was anxious to get the mare for one of his delivery wagons.

The witness denied severally and positively that he had talked to Orchard or planned with him the killing of Sherman Bell, Governor Peabody, F. J. Hearn, David Moffat or Judge Goddard or Gabbert.

He declared that Orchard's story on the witness stand was the first he had heard of the matter.

Haywood first met Steve Adams in 1902. He said the \$75 he sent to Adams at Ogden when the latter wired he was in jail there was his (Haywood's) own money. Adams had been out pros-

pecting and had stated on leaving Denver that if he struck anything he would locate Haywood in it.

During 1904 Steve Adams was at headquarters several times. He said he had been to the "fall timber." Adams and his wife were both drawing strike relief at this time.

"Did you ever give or send him any money other than the \$75 you have testified to?"

"No, sir."

"Did you get your \$75 back?"

"No, sir. Al Cripple Creek Adams and Mhaizer, who went with him, said they would settle up as soon as the strike was over."

Adams and his wife left Colorado in the spring of 1905. Haywood said that some time later he received a letter from Mrs. Adams saying she and Steve had located a homestead in Oregon. They expected to do well, but needed a little



temporary relief, promising to pay it back in butter and eggs. Thirty dollars was sent to them. The best he heard of Steve Adams was when the latter was arrested.

As to the letter he wrote to Harry Orchard's wife, November 18, 1905, Haywood said his note was in reply to one from Mrs. Orchard the wife as to her husband's whereabouts. He told her all he knew about Orchard. He had no way of knowing where Orchard was except as the latter had told him his plans for going to Alaska. Haywood said he did not care to tell Orchard what her husband had said as to his determination not to return to her.

Haywood declared he knew absolutely nothing of the plot against Governor Steunenberg.

"I don't know what I had thought of him after the state of Idaho."

"Had Governor Steunenberg ever tried to get back into politics?"

"No, sir."

"Had he shown any disposition to become active in mining matters?"

"No, sir."

The first Murray heard of the assassination was in a paper which claimed that crime was a culmination of the troubles in the Cœur d'Alenes. The papers also reported that a union card had been found in the effects of Thomas Hogan, who had been arrested on suspicion.

At miners' headquarters there was considerable question as to who Hogan was, the consensus of opinion being that it was Orchard, who had used that name in leaving Cripple Creek to seek employment elsewhere.

The first definite information came in the cipher telegram from Simpkins which was translated at first, "Can I get counsel for Hogan?" but which was afterward corrected to read, "Cannot get counsel for Hogan."

### **Explains \$100 Draft to Simpkins**

Haywood's explanation of sending the \$100 draft to Jack Simpkins on December 21, 1905, was as follows:

"Simpkins came to Denver early in December to attend a meeting of the executive board. He drew \$25.00 per diem and traveling expenses while there.

Cashing a check for this he gave Haywood \$100 and asked him to forward it to Spokane some time before Christmas. Simpkins said he was going on a trip and didn't want to take all the money with him. Haywood said he could not remember whether he bought the draft and mailed it or whether one of the federation stenographers attended to the matter.

Witness said he had not seen Simpkins since the executive board matter.

When the matter of employing counsel for Orchard and to look after the interests of the organization blew up Haywood said he and Hayes consulted with General Counsel Murphy, who advised going very slowly in the matter. After considering the subject for a day or two, Murphy advised the employment of Mr. Nugent.

The defense offered in evidence a letter written by General Counsel Murphy to Attorney Nugent, but it was ruled out by Judge Wood on the ground of immateriality.

An exception was noted.

Haywood went into the details of the final employment of Attorney Fred Miller of Spokane to defend Orchard. At this time Attorney Crump, who had represented the Mine Owners' association of Colorado in fights against the Western

Idaho Library

# BRILLIANT ADDRESS OF SENATOR BORAH ENDED

This Morning Judge Wood Will Charge the Jury  
in the Case of William D.  
Haywood.

Court Room at Boise Again Too Small for the Vast Throng  
Seeking Admittance.

Boise, July 26.—Evidence and argument is at an end and tomorrow morning the jury will be left to decide what penalty, if any, William D. Haywood shall pay for alleged participation in a criminal conspiracy, resulting in the assassination of former Governor Frank Steunenberg, with which he is charged.

United States Senator William E. Borah, engaged by the state of Idaho as special counsel for the prosecution, spoke the last word tonight. Tomorrow morning Judge Fremont Wood will charge and instruct the jury, which is expected to retire to consider their verdict about 11 o'clock.

The crowd seeking admission to the court room tonight broke all records for a murder trial in Idaho. Two hundred people remained in the grounds when the doors were closed after the opening session and hours before they opened again all approaches were blocked. When, finally, every seat and inch of space within the court room was filled several hundred stood on the lawn under the open windows, that they might catch sentences from the impassioned pleadings of the young senator.

## Analysis of Evidence.

Senator Borah laid the foundation for his argument last night. This morning he began an analysis of the evidence, but he confined himself to the murder of Steunenberg and the alleged conspiracy. He linked Orchard to Haywood, Haywood to Simpkins, Simpkins to Moyer and Moyer to Pettibone. Then, selecting only the evidence of witnesses for the defense, and leaving Orchard's confession out, he wove the lives and movements of the five men together. Without departing from the record and, incidentally clearing up a number of situations left somewhat clouded, he brought these officers and members of the Western Federation of Miners together. Then he took Orchard away from Denver and back again to Denver, to the headquarters of the Western Federation of Miners. This was done carefully and almost monotonously. The quiet before the storm. Then Borah's voice

and manner changed. He sprang into action. His voice quivering and hand upraised, fingers outstretched, he shouted:

## Attorney Becomes Dramatic.

"Watch them now! Watch the five conspirators. Steunenberg is to die in thirty days and they are moving on the scene."

The dramatic utterance had some effect on the number sent a thrill through the court room. For the space of ten seconds there was silence. Then, relaxing, Borah continued with his merciless logic.

He brought Davis, Gopler, Adams and Easterly, all officers or members of the Western Federation of Miners, into touch with Orchard. Without a pause he drew picture after picture of the men, associating together at various points. From each place and from every crime he brought Orchard "back home to Denver" and then smiling leaned towards his jury to ask:

"Why? Why? Always back to Denver? Unless it was to find there the protection and the pay of his employers?"

"All these things denounced or sneered at by counsel for the defense, found a bold and brilliant paragraph of defense in Senator Borah's interludes and sequel for the defense were driven into a maelstrom of protest, now under the lash of pointed sarcasm and again when under a trade of indignant reproach, culture, Christianity, law and order, refinement, the home and the country found a ready champion. The state of Idaho, its people and its chief executive, each in turn, were given brilliant eulogy.

## Haywood Showed No Emotion.

Under it all Haywood himself was, perhaps, the one man in the room who showed the least emotion. At times his face flushed and more than once paled under the attack as Borah, reaching the climax of the conspiracy, pointed an accusing finger at the man who, he said, "was the criminal force behind the Western Federation of Miners."

Mrs. Stuenkel, widow of the dead governor, attended the morning session, but left early, almost prostrated by the emotion awakened by Borah's vivid oratory. Haywood's mother also left the court room in tears, but soon returned to take her accustomed place beside the invalid wife.

Senator Borah's peroration was delivered in quiet, almost pleading tones in strong contrast to the harsher voice in which he spoke of Clarence Darrow's argument of justification.

"If," he said, "the state has pointed out to you the man who was concerned in and executed this awful crime, then in the name of the murdered and the womanhood of Idaho, do your duty without fear of any man or favor to any man.

"As I listened to the eloquent voice of counsel pleading for their client, there came to me the memory of another scene and another time. I remembered again that night in dark December in 1905—a night that added ten years to the lives of some here now in this room. I felt again the icy chill and faced the drifting snow. And I stood again beside the body of my dead friend, whose lifeblood stained the snow.

#### Jury Urged to Stand for the Right.

"I felt again the disgrace that had come to Idaho. I saw a murdered man that meant more than murder, for it meant the first blow that anarchy had aimed at my state. And on that night I said to myself, can time unteach the lesson of this hour?"

"Let us then be brave in this supreme moment. If the defendant is innocent, then let him go free; but if not, then let him take the punishment that the law prescribes.

"You have a higher duty to perform than ever was asked of a jury in Idaho. Some of you have stood the test in the past in protection of your homes and your flag, but you have never faced a duty that required a higher courage than now.

"In every home in Idaho the thought of our people are with you, mingling with thoughts of the things that made those homes possible, and in every home throughout this broad land men and women tonight look to you as the brave who stand for the right and the flag."

At the close of Senator Borah's address and the adjournment of court he was surrounded and congratulated by nearly everyone in the court, including counsel for the defense.

#### Both Families Present.

As early as 7 o'clock the northern doors were besieged by hundreds seeking admittance to the limited courtroom. Senator Borah being regarded as an orator by the layman, his presence was the thing that court officials and others having business at the trial had to find their way into the building by devious ways, most of them climbing a steep improvised stairway in the rear. The jury was also brought up these steps.

Inside the court, as the first in the last day of the trial began, Haywood sat, surrounded by his family. His invalid wife, whose helpless condition and pale face have attracted so much attention and sympathy, sat immediately at his right and next to her was the gray-haired mother, who on yesterday could not restrain the tears which welled to her eyes as Clarence Darrow of Chicago made the last plea for the life of her son. The prisoner's daughter and sister were also

in the family circle, the only absentee being the little 15-year-old girl, Henrietta.

Mrs. Frank Stuenkel, the wife of the murdered governor, and her stalwart young son, Julian, were early in the courtroom, and when they had been shown to seats beside the attorneys' rail found themselves within seven or eight feet of Haywood himself. Attorneys from many cities in the west have come to Boise for the last arguments and constituted a large proportion of today's big audience. When the last seats were occupied, disappointed hundreds remained on the courthouse lawn to catch what they could of Senator Borah's address as the words filtered out of the open windows.

#### Orchard's Trail of Blood.

Senator Borah began by reviewing briefly the points made in the opening hour of his address to the jury last night. He said he would go briefly over the trail of blood left by Harry Orchard, taking first the murder of Governor Stuenkel and harking back over some of the most important incidents developed in the testimony.

"I hardly need to tell you sensible men," declared the speaker, "that Pinkerton detectives had nothing to do with the assassination of Frank Stuenkel. That is one of the most absurd of the many absurd things brought into this case by the learned counsel of the defense.

Senator Borah in laying the foundation for his argument of conspiracy, pointed out that Orchard went to Caldwell from Denver and fresh from association with the officers of the Western Federation of Miners, who regarded Stuenkel as an enemy. This he touched upon the fact that Marian Moore, an officer of the Western Federation of Miners, in testifying for the defense, admitted that he agreed with Orchard to disguise Orchard's wife when Orchard wished to desert her.

"Harry Orchard left Denver with crime in his heart. The travelling companions were come from Denver, George Pettibone, who helped Orchard pack his suitcase of murder in his trunk. Why is Pettibone not here to deny it? His silence is a confession of his guilt. Pettibone's absence is an absolute corroboration of Orchard."

#### Question of Personal Motive.

Taking up the question of the personal motive the defense had urged against Orchard, Senator Borah showed to the jury the deed by which Orchard had perished absolutely and forever with his interest in the Hercules mine fourteen months before General Merriam and his negro troops marched into the Cour d'Alamos.

"This deed, the letters, the telegrams and all other evidence not subject to being tampered with in this case corroborate Harry Orchard and fit in perfectly with the story he has told you. Governor Stuenkel did not cause Orchard to lose his interest in the mine, so how could he have entertained a murderous grudge?"

#### Continued on Page 2.

Senator Borah took up one by one the witnesses for the defense, who, he said, corroborated Orchard and proved a criminal conspiracy because they had covered and protected Orchard up to the time he confessed and implicated Haywood.

Among these were "Bill" Easterly, the member of the Western Federation of Miners who heard Orchard's threats and to whom Orchard telephoned from Caldwell before the murder.

W. F. Davis, the president of the Western Federation of Miners local, who heard Orchard make threats against Stuenkel and who swore the passing of the armed and masked mob in possession of a train did not interest him when he saw it.

David Costas, the ex-Lieutenant governor of Colorado and friend of the Western Federation of Miners, with whom Orchard discussed the stealing of Paulsen's child.

Little Day, who was introduced to Haywood by Orchard and who saw Orchard and Haywood in private consultation.

## Engley an Anarchist.

General Eugene Engley, the former attorney general of Colorado, who of all men, an officer of the law, should not have kept these awful threats a secret locked within his breast when the state of Idaho was looking for evidence against Orchard, the suspect.

"But," said Senator Borah, "General Engley does not believe in law. He is not even a Socialist, he is an anarchist. You heard the speech he made here in the witness chair. Nobody could doubt it."

"With such men as Engley in office I am not surprised that Colorado has had hell within her borders for the past ten years."

The senator next read effectively to the jury the articles denouncing Steinenberg in the *Miners* magazine.

"There is much talk here and in the argument of counsel about an industrial war. There is an industrial war, but it is for you men to determine whether industrial warfare shall be carried out on the principle of murder."

"The defense tells you that outside of Orchard's testimony there is nothing here to prove a conspiracy. What more do you want? We got Orchard and Simpkins and Moyer and Haywood and Pettibone together in Denver. Now watch them as they move to the scene of Frank Steinenberg's murder."

Briefly Senator Borah showed the friendship existing among the quintet. Then he handed to the jury the letter which Orchard said he received from Pettibone at Caldwell.

"Friend Tom--That was sent to Jack this 21st."

"How," exclaimed Senator Borah, "did Pettibone know that Orchard, under the name of Tom Hogan, was at Caldwell? Why did Haywood send a draft of \$100 to Jack Simpkins on December 21? Has Pettibone come here to say a word as to this? Now, watch the co-conspirators how quickly they act. Scarcely had the news of Tom Hogan's arrest been flashed to the world than attorneys for the Western Federation of Miners flocked into Caldwell from three directions."

## Unexplained Cipher Telegram.

Jack Simpkins was the man who went to see Attorney Miller at Spokane. Jack Simpkins was the man who sent the mysterious and unexplained cipher telegram to Haywood. The wording of Simpkins' telegram, Senator Borah declared, showed that he knew Haywood had full knowledge of the case. And Haywood "got busy."

"Follow Simpkins, Orchard, Moyer, Haywood and Pettibone from Denver to the death of Steinenberg at Caldwell, review the testimony, watch their actions, and I say to you that an absolute and concerted conspiracy has been proved."

"They killed Steinenberg to show to the world that they never forget an enemy."

"Where is Pettibone--afraid to speak. Where is Jack Simpkins, who was at Caldwell with Orchard, and could tell so much? He is in a corner and afraid to come to say a word for his living friends."

Senator Borah said he was ready to admit that Haywood was shrewd, keen and possessed of brains. "Of course he has brains," he exclaimed. "He had brains enough to start a defense of the Western Federation of Miners the minute he learned that Orchard, the hired assassin, had fallen into a trap."

"Did the Pinkertons send anybody to guard Orchard? Did the Mine Owners? No, it was the Western Federation of Miners."

## Bradley Explosion.

Answering at great length the attack of the defense that attempts on the life of Fred Bradley at San Francisco were accidents and not the design of Orchard, Senator Borah pointed out that the bar moved directly from Denver to San Francisco. He traced the movements of Orchard to San Francisco and ridiculed the theory of a gas explosion. "And," cried Senator Borah, "when Orchard gets ready

to leave San Francisco, where does he go? Back to Denver. What for? To get his money. The deed was done, the pay was due."

At 12 o'clock a recess was ordered until 5 p. m.

## Borah's Final Effort.

At 4 o'clock Senator Borah commenced the last stage of his argument, with the announcement that he would conclude tonight.

He devoted himself at first to the propounding of the defense that Orchard was a Pinkerton detective. Far from having any such connection as that, the senator insisted that Orchard through four years of crime and conspiracy was perfectly loyal to the Western Federation of Miners and the leaders of the organization. If Orchard had had any sinister motive against Moyer, Haywood or Pettibone, if it had been his purpose to gather evidence against them, he had almost unlimited opportunity to do so. But, on the contrary, it had been shown that every piece of evidence which came into Orchard's hands was destroyed by him even to the

letter received from George A. Pettibone in the Caldwell jail. Never at any time did Orchard undertake to build up a case against the defendant Haywood or any of his associates.

## Alleged Crimes in Colorado.

Discussing briefly the Colorado situation, Senator Borah said the crimes and disturbances in Cripple Creek and Telluride were brought into the case only to show the motive, the conspiracy, the combination and the understanding which finally led to the murder of ex-Governor Steinenberg. The jury was not asked to convict upon any other crime than the last.

As to the alleged "kidnaping" of the defendants in Colorado and bringing them to Idaho, he said:

"If these men were not legally here they would not be here. You gentlemen are not concerned with how they got here or any other question than whether or not this defendant was connected with the event at Caldwell. If he was, then it was our law which was violated. If he was, it was our citizen who was murdered. If he was, it was in our jurisdiction that he raised the red hand and it is proper that he should be here to answer to an Idaho jury."

## Safe Unless Proven Guilty.

"And you know as well as I do that while he is a stranger to you, his life and his liberty are just as safe as your hands as they would be with any jury in their home state of Colorado. Still Haywood is in no more danger of being convicted in Idaho, unless the evidence shows his guilt beyond a reasonable doubt, than he would be in Colorado. The court, the attorneys for the state and everybody connected with this case have extended to Mr. Haywood every right, every privilege, every courtesy known to the law as the right of the defendant. Haywood and Moyer on the witness stand were allowed to tell all they wanted to tell, in violation of all the laws of evidence, and without a single objection from myself or my associates."

Senator Borah scathingly criticized the defense for not putting Steve Adams on the stand. Adams, the associate of Harry Orchard, could, if anybody could, prove that Orchard was not telling the truth, especially about the Independence depot affair.

"Darrow gives you as an excuse for the beating up of old man Stuart at Cripple Creek the fact that he was a 'scab.' These gentlemen, like the motive for the Independence depot explosion. The 14 men blown to atoms that fateful sixth of June were 'scabs.'"

## Darrow Bitterly Assailed.

Nearing the close of his argument Senator Borah came to the attacks upon the life of Governor Peabody, General Sherman Bell, and Judges Goddard and Gahbert, and said they were the result of doctrines such as had been enunciated before the jury by Attorney Clarence Darrow of Chicago. He bitterly assailed Mr.

lawyer and declared that if the Western Federation of Miners regarded constitutions as being made only for the rich, the laws as being made only to be broken, it was the most potent motive ever put into the brain of man to take the law in his own hands and going forth to commit crime.

"We are here," he exclaimed, "to determine whether or not the state of Idaho can enforce the laws put upon its statute books for the protection of life and property. But if the statements of Mr. Derron in his argument reflects the sentiment of the Western Federation of Miners there need not be any doubt in your minds as to whether or not the defendants at bar would commit murder upon men who represented the law. At the conclusion of Senator Derron's argument Judge Wood announced that he would charge the jury at 10 o'clock tomorrow.

# BORAH'S EFFORT A MASTERPIECE

## Judge to Charge Haywood Jury This Morning--What Each Side Hopes For.

By JOHN W. CARBERRY.

BOISE, Ida., July 26.—By tomorrow night it may be known whether William D. Haywood has been judged guilty of the murder of Ex-Gov. Frank Steunenberg or will be permitted to return to Denver and resume his duties as secretary and treasurer of the Western Federation of Miners.

Senator William E. Borah closed his argument for the prosecution at this evening's session and in the morning Judge Wood will charge the jury.

The court's instructions will occupy less than two hours and the case will be given to the 12 men probably as early as 11 o'clock. Should the first ballot indicate no serious division between them, no one questions that a compromise verdict of some character will be reached and returned before the day has ended. If a group of the jurors have positive opinions as to the guilt or innocence which they maintain regardless of the arguments of their fellows, they will have to debate many hours before Judge Wood will accept a report of a disagreement and discharge them.

### Trial of Great Expense.

The great expense of the trial, the fact that no other 12 men can possibly have more evidence upon which to base a conclusion than has the present panel, and the importance of the issue involved, will influence the court to keep the jury out several days if necessary.

It may therefore be accepted that if a verdict is not returned by tomorrow evening there will be a long wait. The investigation of the murder of Steunenberg has cost the state already \$90,000, while the county of Canon has expended \$5,000 in addition since this trial began. There is barely \$10,000 left of the second appropriation made by the last legislature and Canon county

expects to be reimbursed for its disbursements.

Preparations and the trial itself have required the outlay of more than \$100,000 by the defense and the state. H. Moyer and George M. Pettibone remain to be tried. Both sides, therefore, are anxious for a verdict from the jury which will indicate what the chances are for the men awaiting their fate.

### What Each Side Hopes.

The state would be satisfied with a conviction of any crime of lesser severity than murder in the first degree, unless it happened to be assault. Senator Borah has acknowledged that he does not expect a verdict involving the death penalty and has said he would consider that justice had been done if the jury found Haywood guilty of murder in the second degree.

Counsel for Haywood will count it a stroke of good fortune if 12 men, selected as these jurors have been and surrounded as they have been for 13 months by the influence of public feeling here, were a unit for acquittal. They would find no fault if there was a division in the jury with a majority, or even six men, standing for the innocence of their client. That would, in their opinion, assure the acquittal of Moyer, raise a doubt as to Pettibone, and possibly eventually mean the release of all.

Opinion among those who are well acquainted with the jurors is that the prosecution has impressed a majority at least, though they concede there may possibly be two or three men who will never vote for conviction or for any compromise.

### Borah Commanding Figure.

Senator William E. Borah, at the close of his argument tonight, stood as the commanding, dominant figure of the trial.

None of the other attorneys had approached him in clear cut discussion of the evidence, in lucidity or force of reasoning. None had handled the testimony favorable to his side so adroitly and by no part had there been so

presented a reconstruction of the various circumstances and their significance.

Not even Charles F. Darrow was as eloquent as the young senator, and in magnetic power the Chicago man was far behind his opponent.

None attempted an exposition of the law which governs this trial as did Bush, not even the doctrine of reasonable doubt, which would obtain to the benefit of the defendant, was so clearly expounded as by the man who at the age of 42 is to enter the United States senate.

There was hardly a circumstance introduced by either state or defense, which under the mastery skill of this practitioner was not directed against the prisoner. The most potent appeal of the counsel for the accused was a weapon in the hands of the prosecutor.

**"Cause of the Weak."**

Class conflict, the rich against the poor, mine-owners against workers, the impetuous employed by Darrow so effectively were matched from his hand and used by Bush as pikes upon which to impale the cause the Chicago man argued was personified by William D. Haywood.

"Class war, the oppressors against the poor man, capital against the laborers organization," he shouted, "is this justice? Does my learned friend want this jury to say that the assassination of Frank Steunenberg was justified because he had put down insurrection, had protected property and lives? Is the cause of the poor and weak, is the cause of labor based upon murder, assassination, pillage and destruction of property?"

"To maintain the cause of the weak, my friend from Chicago would have you believe it necessary to dynamite a railroad station and kill 14 innocent miners, to plant a bomb and kill ineffective mine superintendents; to murder a man as he enters his home. That may be the method of human progress in Chicago, but not yet has it been recognized in Idaho."

**Law of Conspiracy Strong.**

While Senator Bush's reply to the class war proclamation of Mr Darrow was striking, the striking feature of his argument was the legitimacy of his construction, his analysis of the evidence within the definition of the law of conspiracy. In the statute defining conspiracy the prosecution has a great advantage, and the senator seized every benefit it gave him.

Under the Idaho law of conspiracy, the act of any member of the alleged party is the act of all, and each is bound by the act of every other. This is the law under which Haywood is indicted with Moyer, Pettibone, Jack Simpkins and Harry Orchard. Moreover, Senator Bush's construction of this law is the one Judge Wood will give the jury, because each lawyer had been apprised of the court's views before the arguments were begun.

As the senator reasoned the statute, it is only necessary to offer evidence other than Orchard's which tends to show the existence of a conspiracy and which independently tends to connect William D. Haywood with it as one of the group.

**Seeking Direct Connection.**

That accomplished, when Harry Orchard killed Steunenberg, it was the act of Haywood; when Jack Simpkins and Orchard trained the governor in Caldwell a month before the crime and planted a bomb which the intended vic-

tim missed, Haywood was legally present; when Simpkins fled, Haywood was legally responsible for such assumption of guilt; when Pettibone wrote to Orchard at Caldwell that something had been sent to him through Simpkins, Haywood became legally responsible for it; when Simpkins engaged Fred Miller in Spokane to defend Orchard at Caldwell, after the crime, it was an admission of Haywood's knowledge of the murder and of his part in it. So did Senator Bush line the evidence up for scrutiny in the light of the conspiracy statute.

As the senator judiciously heaped epithets upon Harry Orchard, denied him with all of the mire he could spread out in his illuminating phrases, so with equal wisdom he condemned the mine owners, the capitalists of Colorado whom the defense had reviled as oppressors and conspirators.

The mine owners of Colorado had been lawless, they had persecuted the miners without authority, without reason, and the union might have reason for their hatred of the employers. But what had the conflict between mine owners and miners have to do with the killing of a ranchman in Idaho, the senator asked.

**Where Conspiracy Lay.**

With that he plunged into the discussion of the murder of Ex-Gov Steunenberg, holding that here was a crime in which mine owners, doubtless, some of the haters of the Western federation, could have had any interest or any concern.

"Harry Orchard may have acted with the mine owners, may have carried information to detectives, but none of that body sent him to Caldwell to slay Gov Steunenberg," Bush exclaimed. "Only one body of men had a motive for the assassination of Gov Steunenberg, and that was the Western federation of miners represented by its officers."

Senator Bush traced Orchard and Simpkins through Idaho to Caldwell, declaring that Orchard upon the testimony of the defendant had started for Caldwell from Denver, had started from Pettibone's house.

"Orchard and Jack Simpkins, then and now a member of the executive board of this organization, were together in Caldwell, both under assumed names," said he, "neither was there for any ostensible purpose, these crimes, for Jack Simpkins knew Orchard's mission. Every act of one conspirator is the act of all, gentlemen, and remember that we have these five men together."

**Suspicious Intimacy.**

"Watch them, watch how they act," the senator shouted, as he shook his hand toward Haywood and the defendant. "One is a self-confessed murderer, another is a fugitive from justice and another is downstairs in jail, afraid to come before you and tell his story. Watch them, now we are hearing the scene."

"It is November 17 or 18 and Simpkins and Orchard have planted a bomb in Caldwell to kill Steunenberg. It was not their fault that his life was saved. At that time, with two of the conspira-

tors tracking the governor, another, Haywood, in Denver, is writing to Mrs Harry Orchard to tell her a falsehood, to tell her that her husband, whom she knows to contemplating a foul murder in Idaho, was last heard from in Alaska. Don't forget that in these conspiracies an alibi is a prominent feature. Don't forget that there are brains behind this murder," the senator roared. "Simpkins, having been in Caldwell, goes to Denver, gets in touch with Haywood and the other coconspirators. There he gets 225 and they tell us he leaves Job with Haywood to be sent to him. Why does he leave NY? Is it because 225 is too much for a member of the Western federation to have at one time? I'll tell you why they say he left NY. It is because Pettibone wrote to Orchard at Caldwell saying it had been given to Simpkins on Dec 2."

### Incriminating Knowledge.

"How did Pettibone know Orchard was in Caldwell under the name of Thomas Brown? Who was money sent to Jack? Because Jack Simpkins had told Haywood and Pettibone he had left Orchard in Caldwell and because Orchard had written for Lisa. The letter itself showed that the man who wrote it in Denver was connected with the man about to commit a crime. That is a letter which called for the testimony of Pettibone, whose acts had Haywood as much as himself. Pettibone has not testified and his silence proved that he wrote it.

"Is this not the strongest kind of corroborative evidence? Orchard did not get that \$200 from Simpkins because the money was pulled off another than was expected. Guy Steuenberg was killed by an experienced hand, by a man who had employed himself before, by the bodyguard of Charles H. Meyer, by the companion of Haywood, by the man who leaving Denver after a month in Pettibone's house, started for Caldwell with the godspeed of George A. Pettibone, by the man who traveled through Idaho with Jack Simpkins."

### Defence of Orchard.

Senator Borah discussed the acts of Haywood, Meyer and Pettibone after the homicide, the telegram from Simpkins, saying he could not get a lawyer, which followed Fred Miller's start for Caldwell and return to Spokane and Walla Walla. This showed, he said, how they got busy at Denver, the moment they heard of the arrest of Orchard.

When they applied to John Nugent of Chicago to undertake the defense of Orchard that attorney very promptly inquired why the Western Federation should become involved in the homicide, the senator said. "But they did not need an investigation, they have all the facts; they got them from Jack Simpkins. So they issued a check for \$100 to Fred Miller to defend the man whom Haywood knew, whom Pettibone knew and whom Meyer had gone there to look out for.

Senator Borah said it did not matter if the jury were doubtful of the complicity of the officers of the Western Federation in the tragedy of Independence railroad station, the Yuma mine explosion, the killing of Lyde Gregory or the explosion at the Bradley house in San Francisco. Evidence as to these crimes was introduced, he said, only to demonstrate that the conspiracy which resulted in the murder of Steuenberg had been in existence for other similar purposes.

### Respectful to Haywood.

Considering the explosion at the Bradley house, Mr Borah said it was strange if there was a gas explosion there, it had come after Orchard because acquainted with the worst girl had come during a time when Orchard had no other purpose and came last before Orchard disguised himself to get out of San Francisco.

After volubility on the story of innocence those he tried.

Pettibone did not come before you and explain the transmission of that money to Orchard by telegram, because he knew while they were talking up here about gas explosion the fact why that a crime had been committed."

Senator Borah had intended to analyze the evidence of the Chinese miners at the evening session, but his voice was yielding to the strain, and instead of the courtroom was an intense heat of the courtroom was so shocking that he closed his address in less than an hour. His final words

jury were just as telling as any. The argument had been and as well seen.

From the opening sentence the attitude of the senator toward Haywood had been respectful and the big crowd that filled the courtroom and thronged the lawn outside, catching the sound through the windows, heard him clear without one stigmatization of the prisoner as a "murderer." Not once did Mr Borah refer to the accused man as other than "Mr Haywood." He never omitted the respectful prefix.

### Final Appeal Quiet but Strong.

When near the end of his argument the senator drew the attention of the jury to the reminder by the defence that the state had expended much money for the trial.

"No appeal to a jury on the questions of taxes will satisfy their minds as to who killed Frank Steuenberg," said he; "If money has to be spent to find the author of this crime the people of Idaho are willing to spend it. When the accounts are all in I will audit the bills with Mr Darrow, and I would like to compare my fee with his.

The prosecuting attorney asked why Steve Adams was not called to the stand by the defence to contradict Orchard and to show the main featured evidence, if there were any, as counsel had wanted.

Mr Borah's final appeal was simple and direct.

"Tonight you men command the souls of an entire people," he said. "There is not a home in Idaho where they are not thinking of you and hoping you will uphold the law that made that home possible. Never again will you occupy a position so important as this. There are many things I have not discussed with you, but I am thinking of the cold night of Dec 20, 1905, a night that added 10 years to the life of some of our people in this courtroom. A terrible night as I went to the home of my best friend I saw him disarmed. When I saw his life blood upon the white carpet I saw the first blood of anybody shed in Idaho."

Throughout Senator Borah's arraignment today Haywood was perhaps the one man in the room who showed the least emotion. At times his face flushed and more than once did he pale under the attack, as Borah, reaching the climax of the conspiracy, pointed an accusing finger at the man who he said, "was the criminal force behind the Western Federation of miners."

Mrs Steuenberg, widow of the murdered ex-governor, attended the morning session, but left early, almost prostrated by emotion awakened by Borah's vivid oratory.

Caldwell's mother also left the court



## WONDERFUL PLEADING FOR JUST VERDICT

Senator Borah Draws Compliments From Haywood, His Attorneys and Great Mass of Auditors.

BOISE, July 26.—Clarence Darrow said tonight:

"Senator Borah's speech to the jury was the fairest and the ablest I have ever heard from counsel in a great murder trial.

"Mr. Borah might have said more without going outside the record, but it was noticeable that he omitted some things in order to avoid the slightest tinge of unfairness."

Mr. Darrow also paid a tribute to the conduct of the case throughout.

When Haywood reached his cell at the county jail after the adjournment of court, he said, speaking to the deputy sheriff in charge of the jail:

"Well, I have heard the best of them in the country, but Borah beats them all."

University of Idaho Library

♦ ♦ ♦

### ALL INDICTMENTS THROWN OUT.

Judge Whitson, of the Federal court, last week decided that all the so-called land fraud indictments found in Boise a year ago are invalid, and he goes on to say that the one case which was tried—that of Senator Borah—was a perversion of justice, in that it was shown in the trial that there could have been no evidence presented, even to an ex-parte grand jury, to warrant indictment. He does not say so much for all the other defendants—but all the indictments are dismissed.

The principal basis for dismissal is the violent, insistent participation of the state's attorney in the grand jury deliberations, which is altogether illegal. The intimidation of witnesses and the finding of indictments without foundation is criticised, though the judge commends the prosecuting attorney's zeal and industry.

It will be remembered that a horde of special agents infested Idaho last spring, gun-shoing through the silent woods and through every class of society to find "evidence." They claimed to have special orders from Washington. All the hodge-podge and gall which they collected was cast into the witches' cauldron and then sent out as indictments. Senator Borah and former Governor Steunenberg, the latter long dead and in his grave for trying to do his duty to Idaho, were the main targets; the others were apparently of little account, mere dummies in the chorus. The indictments were found, all right. But in the light of the Borah trial and the dismissal of the rest of the indictments it looks as if the special agents had inferred their instructions from Washington, they might have been mixed with somebody's instructions from the headquarters of the Federation legal department in the Haywood case. The judicial department, as represented by Judges Whitson and Dietrich, had no orders to indict dead men or persecute the living, or to browbeat witnesses or to find illegal indictments.

The state of Idaho is finding itself, thank you.

### Borah Answers Darrow, Demanding Law Be Upheld and Prisoner Convicted.

### HOT ATTACK ON CHICAGOAN

### Both Lawyers Make Eloquent Appeals and Case Is to Go to Jury Saturday.

BY LUKE GRANT.

[SPECIAL TO THE RECORD-HERALD.]

BOISE, Idaho, July 22.—With a plea to the jury to do its whole duty and uphold the laws of the state, Senator Borah to-

night began the final argument in the Haywood trial. The courtroom presented a strange scene for a trial where the life of a human being is at stake. It had many of the aspects of a social function, for society turned out en masse to listen to the young attorney who was especially engaged to prosecute this case, Senator Borah, while maintaining the dignity which has marked his conduct throughout the trial, went at the arguments of Attorney Darrow in a merciless fashion.

"If the doctrine we have heard preached here for the last two days is true," he said, "no wonder that murder was committed."

#### DEcries APPEAL TO CLASS.

"If I were a friend of organized labor I would not seek to array class against class. I would not inveigh against law and order. I would not inveigh against Christianity.

"You have been told by the eminent counsel that the mob which blew up the Hunker Hill mine must have had good reason for doing it, because a thousand men never gather for any purpose unless it be a fundamentally good one. That may be true in Chicago, but it is not true in Idaho."

In reply to Attorney Darrow's plea that the trial is a conspiracy against organized labor, Senator Borah said it was simply a trial for a revolting murder, but that organized labor should not be used as a shield for crime.

"This trial," he said, "is not a class war. It is not a fight of the rich against the poor. It is a trial to uphold the laws of Idaho and punish the murderers of one of its most prominent citizens."

#### MURDERS ARE UNAVENGED.

"During the last five years some twenty murders have been committed in this intermountain country and the perpetrators have gone free. We don't want any vindictive punishment in this trial. We don't want this defendant punished for the crimes committed by some other man."

"We have been accused by the common crowd from Chicago of thirsting for the blood of this defendant. You have seen nothing of the kind. Whether Haywood is acquitted or convicted no one will doubt that this trial has been a fair one. But it is your duty to determine from the evidence if we have shown you the sources of these crimes, and if you are an satisfied you should vote to uphold the laws of the land and protect its citizens."

In a dramatic flight of oratory Senator Borah declared there would be no compromise with Orchard, that the man who fired the bomb which killed Steunenberg would suffer for his crimes. He took issue with Darrow's remarks regarding Orchard's conversion and said it was too late in the history of civilization to write "Imperator" on the forehead of Him who died on Calvary and who said to the thief on the cross: "This night thou shalt be with me in paradise."

## HAYWOOD'S GUILT URGED BY BORAH.

Senator in Last Word for the  
State Declares Conspira-  
cy Has Been Shown  
Clearly.

### NO PARDON FOR ORCHARD

Whatever Happens in This Trial  
Murderer Never Will Go  
Free, Is Prosecutor's  
Pledge.

BY O. K. DAVIS.

Boise, Idaho, July 25.—[Special].—Senator Borah began his closing argument in the Haywood trial at 7 o'clock this evening. Despite the heat, which rendered the place almost unbearably warm at that hour, the courtroom was crowded, and there was a crowd on the lawn of those who were unable to secure admission even to hall or corridor.

Senator Borah wasted no time in preliminaries.

"There is no graver or greater responsibility resting upon the state," he said, "than

that of enforcing the law and affording protection to the lives and the property of its citizens."

Adverting to the attack on Prosecutor Van Duzan of Cameron county, and on Hawley, by Richardson and Darrow, Borah said that it might be there was some reason why the defense should attack the men who had had the courage to bring to the bar the men charged with these crimes.

#### Says Testimony Is Enough.

"There seems to be running through this case an attack on every one connected with the prosecution of the awful crime of Dec. 30, 1905. If the facts warranted by the returns of the state are true there could be no plea so strong and eloquent for the full discharge of their duty by the jurors as that testimony."

There was no attempt at oratorical display by Borah. He stood away from the jury and talked in a deliberate fashion, scarcely even raising his voice.

"One thing is true," he said, "that for the last few years a terrible condition has prevailed in this mountain country, where twenty or more murders have gone unpunished by justice."

"We don't want any one to suffer for the crimes of Harry Orchard if he was not aiding and abetting them. We don't want him committed for the crime of Pettibone if he was not a co-conspirator."

#### Denies Attack on Labor.

"Much has been said about this being a partisan indignity crying for the blood of Haywood. Have you heard of any such facts? Is there any poison in your hearts? There is not any one who does not believe that if Haywood is sent back to Denver or if he is sent to the penitentiary for this crime it will be because a fair and impartial jury has passed on his case."

"Now, we are not fighting organized labor, nor are we fighting the poor and the weak. This is simply a trial for murder. Frank Steunenberg has been murdered and the integrity and the manhood of Idaho wants to know why. An offense has been committed that shocked the civilized world and we would not be fitted for membership in the community of states if we did not want to know."

"It does not mean war. It is not class against class. It is not faction against faction. It is justice and fairness and honesty and right. When the verdict is arrived at it will be in accordance with that situation. But if I were to contend that it was a case of class against class, I would not march against law, I would not rail against government, or sneer at the Christian religion."

#### Takes Up Steunenberg Crime.

With that response to Darrow, Borah took up the Steunenberg case.

"If you stand," he said, "at the yard gate of Frank Steunenberg, spattered with the blood of your dead governor, and examine the trail of his murderer, you will find that every track leads up those stairs in Denver up which Harry Orchard went to get Haywood to look at the rig he bought from the dorky. From the hour he arrived in Colorado Orchard never went forth to crime but that he started from Denver and returned to Denver after the crime was committed."

The defense would have you believe that, notwithstanding what Meyer may have done, what Pettibone may have done, what Simpkins may have done, or what Orchard may have done, Haywood is not guilty. But the law, gentlemen of the jury, says when men knowingly join together to commit a crime the act of one is the act of the other, no matter where that other may be at the time of the commission of the crime.

"It is not an answer to our charge for the attorneys for the defense to say: 'We care nothing for Jack Simpkins; let him go overboard. We care nothing for what Pettibone may have done; we will take care of him later.' I tell you, and I think the court will instruct you, that in a case of this character the acts of Pettibone are the acts of Haywood; the unexplained letters and telegrams of George Pettibone and Jack Simpkins are the unexplained letters and telegrams of William D. Haywood.

LEADVILLE COLORADO, FRIDAY, JULY 26, 1907

# WITHERING SCORN OF BORAH DRIVES DARROW TO DEFENSE

Blazing Eyes and Hot Words Silence Chicago Attorney Who Writhe Under  
Awful Denunciation---"If Immunity Is Orchard's Lot May My Right  
Arm Wither in Its Socket," Cried the Senator With Emotion,  
His Voice Quivering---Holds Audience Spellbound.

Boise, Idaho, July 25.—The case of the state of Idaho against William D. Haywood, charged with the murder of Frank Steinhilber, a former governor, will rest with the jury by tomorrow night. Clarence Darrow, after speaking for eleven hours, concluded the final plea for Haywood's life at 4:20 P. M. and at 7 o'clock United States Senator Borah opened the closing argument in the prosecution. He will speak for three sessions, or about seven hours. Judge Freeman Wood will instruct and charge the jury on Saturday morning.

At least 1,400 people were unable to find seats in the court room tonight. Two hours before the hour set for the third session of the day, crowds began to assemble and within an hour the doors were closed to all but court officials and newspaper men.

It was an audience composed almost entirely of Boise people gathered to hear the speech of the young man who was recently elected by the people of Idaho to represent them in the senate. It has been the favorite counsel of the prosecution. Aside from the crowd in the court room and the large number of women present, the scene was much as it has been at each of the previous sittings the last three days. Mrs. Steinhilber, the widow of the murdered governor, appeared for the first time since the trial opened. She occupied a seat inside the railing beside her young son, Julian, Governor Gooding, with a number of the executive staff and a large representation of the state judiciary and bar, were among the audience. Haywood was surrounded by seven of his counsel and his wife in her ornate chair was as usual by his side. At the prosecution's table, United States Senator Borah rose to speak, seated just west of the prosecuting counsel, Judge Hawley being seated owing to previous illness.

Senator Borah's speech was a sensation. From time to time he turned on his heel to the defense with fierce de-

claration coming from his face that at times brought applause from Richardson and Darrow, but with blazing eyes and hot words he silenced every effort to break the rush of words. The climax was reached when he said the state of Idaho and its people disclaimed all desire to give immunity to Orchard. Finally his face pale and voice quivering with emotion the senator raised his arm and said:

"If I should ever join in or give approval of immunity to this man, I hope the great God may wither my right arm in the socket."

Boise, July 25.—Clarence Darrow continued to plead this morning for the life of his client, William D. Haywood.

Darrow confined himself closely to a review of the evidence, but through the means there was a continual note almost to the point of monotony of blame of Orchard and condemnation of the Pickering. Extreme language interfered with the speaker during his flight of fancy, but a liberal use of metaphors was resorted to, and by the time Darrow reached the later incident at Orchard he threw all restraint to the winds and in spite of the caution of the court rose to even greater heights in his denials on the existing order of things past and present. He spoke of the deportations with man's freedom.

He defended Jack Simpson in making his escape. He argued that at the time of Steinhilber's death no man accused of the murder would have been given a fair trial in Idaho. He condemned Simpson for remaining in hiding. He brought a bold accusation to the jury who had tried him, when he said:

"Possibly a year hence every man who hasn't been hanged can get a fair trial in Idaho."

He explained the action of the Western Federation of Miners in re-electing Simpson a member of the executive board on the ground that "we have men and brothers we should stand by him until he is tried and convicted."

Court immediately adjourned until 7 p. m., when Senator Borah resumes his final argument for the state.

Senator Borah began his argument shortly after 1 o'clock. He said he anticipated that the jurors were satisfied and that they would soon be released and he said he would be as brief as possible. Much of his speech, he declared would be an answer to the arguments of the opposition.

"I am not in the case as a special counsel. The learned counsel on the other side has supposed that fact upon you. Let us see the state which does not protect its citizens or punish wrong doers, it would not have the respect of its people if it did not. Not counsel has gone far. Why they should attack Mr. Hawley, who went fearlessly into the investigation of this matter, why they should assail his personal ways, the man who has been practicing forty years in the state, whose honesty has never been questioned, I cannot see. Running through this case is an attack upon every one, be he high or low, who has anything to do with the case."

Senator Borah said the state did not want Haywood convicted of any crime for which Orchard or Pettibone or Mayer or Simpkins or anybody else was responsible and desired a verdict on the evidence only of guilty; if the evidence was deemed sufficient to warrant this conclusion. He denounced Clarence Darrow's statement that the jurors would be poisoned against the defend-

ent.

"No white, he declared, could a fair trial have been held than in Idaho, we defendant ever sit in a court room where there was a great desire for an absolutely impartial trial.

"Have you men heard anybody asking for the blood of William D. Haywood in Boise regardless of his guilt? No and it is to the everlasting credit of the people of Idaho that despite the fact that one of our most distinguished citizens was faultily murdered, nowhere has there been an outcry for anything but justice, and justice after an absolutely fair and impartial trial. You men know it and by now I think the world knows it. You know it when you lift your hands to high heaven and take your oath of service and it is all that the state asks of you in this, its closing hour.

"We are not here fighting organized labor. We are not here fighting the weak or poor. Neither are we here to consent that organized labor shall be a shield to crime. This is not an industrial war, as my eloquent friend of the defense would have you believe. We are not arraying society against one another. This is not a battle of the rich against the poor, or the poor against the rich. We are here in the interest of the law, of justice, and fairness. That is all."

Senator Borah here plunged directly into the assassination of Governor Steunenberg. He declared Orchard had planted a bomb as he had done many times before. He was an old and experienced criminal and that he was not alone in the campaign of crime.

"If you stand at that gate of Frank Steunenberg, broken and stained with his own blood, and if you follow the way of Harry Orchard, you will find that the trail of blood passes up the

sidewalk in Denver, up which Steunenberg that day while the darkey held his horse at the curb below.

"The defense would have you believe that notwithstanding what Mayer may have done, what Pettibone may have done, Haywood is not guilty. Should the Idaho gentlemen, just as Orchard" that the law, gentlemen of the jury, says that when men knowingly join together to commit a crime, the act of one is the act of the other, no matter where that other may be at the time of the commission of the crime. It is not an answer to Orchard for the attorneys for the defense to say 'we care nothing for Jack Simpkins, let him go overboard; we care nothing for what Pettibone may have done, we will take care of him later.' I tell you, and I think the court will instruct you, that in a case of this kind, the acts of Pettibone are the acts of Haywood, and the unexplained letters and the giving of money to Simpkins explain the letters written by Haywood.

"The only question here is as to whether or not the evidence has been adduced to satisfy you that there was a conspiracy. Counsel for the defense has said we have not shown an 'inner circle' or an organized bureau for crime. Well could I test the proof of that proposition with the argument of Mr. Darrow.

"The evidence in this case shows that where in the federation there is a power which controlled, there is a power which commits crime—it is proved as clearly as the fact that Frank Steunenberg is dead. Take the 26th of April, 1904, when the members of the Western Federation of Miners walked away from their work and went to Wardner and then blew up the Bunker Hill and Sullivan mill. Mr. Darrow tells you himself that the miners went back the same day to their work. Why did they? Because they believed there was no such thing as law and order in the state of Idaho. Oh, no, gentlemen, this was not a criminal act, this was not the Federation of Miners. What was it? Was it an accident? Jim Shann was killed. Oh, yes, but he was a weak Darrow tells you. The Bunker Hill was blown up? Oh, yes, but it employed non-union men. Darrow says that when you get a thousand men together to go and do a thing, it is something that ought to be done. That may be the rule in Chicago, but it does not go in Idaho.

"Darrow has painted Harry Orchard to you as a veritable devil and I agree with him."

He declared that Attorney Darrow, in his address to the jury, had offered justification for everything charged against the defense. He set himself up in defiance of all laws of public decency.

"If the doctrine that Darrow preaches to you be true, I am not surprised that these men committed murder," said the senator, who then turned upon Attorney Richardson, and declared that if Harry Orchard is crazy it was no compensation to one of the greatest lawyers in the west that the maniac did not disclose any of his insanity in a cross examination.

"The counsel for the defense," said Senator Borah, "tell you that Orchard was caught red handed in the

act of Louis Bienenberg, that he con-  
fessed to save his own neck, and that  
if he had not confessed, the dales would  
have been blooming on his grave for  
a year past. (Oh, no, gentlemen, if  
Orchard had not confessed, the at-  
torneys for the Western Federation would  
be in this court room defending and  
solacing him as a brave man, a





FROM BORAH'S ADDRESS,

"Harry Orchard left Denver with crime in his heart and he went armed like a Cuban major general. He had a bomb, a sword-off shotgun and heaven knows what else. He did not get his inspiration of murder in the Cœur d'Alenes where he associated with his old partners who had become rich. The impelling, compelling force came from Denver. Pettibone helped Orchard pack his stenols of murder in his trunk. Why is Pettibone not here to deny it? His silence is a confession of his guilt and is the sort of corroborative evidence court will allow you to take into consideration."