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## Jury To Suit Burns

### Judge Uses his Judicial Power to Secure Jury Prejudiced to Defense

(By National Socialist Press)

Los Angeles, Cal., Oct. 14—"We'll get the right jury," said William J. Burns' chief operative McLaren at the end of the second days session of the court in the McNamara case. The knowing leer on the face of the brutal detective spoke louder than his words.

The conclusion of the sluetz was undoubtedly based up on the rulings of Judge Bordwell on the objections of the prosecution to questions propounded by the attorneys for the defense to prospective jurors.

Z. T. Nelson, a retired merchant living at Long Beach was evidently anxious to serve on the jury. The prosecution was equally anxious to have him. Burns men wanted him. Judge Bordwell made rulings that can best be interpreted by the reader.

The first important question that was asked was put by Lecompte Davis of the defense:

"Have you an opinion, Mr. Nelson," asked Mr. Davis, "Whether labor unions, as they exist today in this country, are proper, or are they inimical to society and a menace to the welfare of the community?"

Then arose a terrific objection on the part of the prosecution. Nelson said he was not prejudiced against labor unions. His apparent mental reservation caused attorney Davis to say: "This defendant is a member of organized labor, and I presume the motive they will claim—and I do not think your honor can have any doubt of that, that the motive which actuated the commission of the crime was to avenge what they claim was the attitude and the conduct of the Times toward organized labor. Now we have got to meet that. There is no question about it and that matter has been discussed since long before this crime was committed and the question now presents itself to your honors mind."

"Should a man who is absolutely opposed to organized labor, who is biased and prejudiced against organized labor, sit on this jury?"

Davis argued that bias and prejudice were elusive quantities and that he sought the develop the real state of Nelson's mind. The prosecutors wildly objected and Nelson, the prospective juror, in his eagerness, volunteered the information that he was a reader of the Times.

Then Job Harriman quickly asked: "Does the use of the strike by the unions in conflict with the employers prejudice you against them?"

"As far as the strike is concerned, no," replied the taxsman. "But in the way they are carried on."

"Never mind, that will do! Said Judge Bordwell with great haste.

Clarence Darrow sprang to his feet and said in loud, clear tones "I submit that the court interrupted this taxsman as he was about to explain his state of mind. It is plain this man has a prejudice and was about to state it when the court stopped him."

The court ruled that the question had been properly answered and Darrow made an exception, Darrows quick action nonplussed the court and the defense quickly took up its advantage.

"But as strikes are carried on?" queried the defense.

"I was about to say," said the taxsman, taking his cue from the judge, "that—that—I know nothing of how they are carried on."

This weak and shifty statement caused a ripple of amusement to run through the courtroom.

Burns men, who are virtually in charge of the prosecution, were elated over the rulings of Judge Bordwell and it was upon these rulings and his interruption and guidance of Nelson

that they based their hope of getting "the right jury."

"We've got them here and we'll hang them," has been the oft repeated statement of Burns and his operatives.

Now they have changed it to: "We will get the right jury and we'll hang the McNamaras."

Hearst's Los Angeles Examiner played up the most vicious story that has been printed since the arrest of the McNamara boys. Coming out with a first page flare on the opening day of the trial the yellow sheet repeatedly spoke of the younger McNamara as "James Bryce". The whole intent, seemingly, was to prejudice the public against the prisoner on the day he was to be tried for his life.

This following the persistent campaign of the Times in circulating its infamous pamphlet to every jurymen of the county was a particularly vicious procedure.

Clarence Darrow attempted to nullify some of the bad effects of the Examiner story by moving to correct the records and fill in the full names of the McNamara brothers as John Joseph McNamara and James Barnabas McNamara but Prosecutor Ford made a vigorous protest showing that he will late try to prove Jim McNamara's name is James Bryce. This the defense will readily disprove.

Sheff William Hummell is giving his personal attention to the case but McLaren, the Burns bloodhound slips around issuing his orders to prosecutors and sheriff. Burns still occupies the leading position in the case and his operatives are doubling their efforts to keep the professional confessor, Ortie McManigal up to the mark. McManigal is coddled, humored and petted by the Burns men. He goes unshackled on his daily walk on the street, smokes his good cigar and enjoys the sunshine.

In taking the McNamara boys to and from the jails the sheriff heavily manacles them.

On the first day of the trial only did John J. get a breath of fresh air and a look at the green lawns and trees on the court house grounds while the long hours Jim is in the court he enjoyed a moment in the sunshine. Now John sits alone in his cell during room.

Without the slightest hesitation Judge Bordwell ruled that he was a proper person to try the case and he overruled a motion for a change of venue. This apparently disposes of that feature of the case that the filling of affidavits may be looked on as a move on the part of the defense to establish records.

When the time came for the actual beginning of the trial the indictment against John J. and James B. McNamara charging them with the murder of Charles Haggerty, was read and the trial had begun.

Clarence Darrow elected to try the men separately and the District Attorney disclosed his falsehood by selecting James McNamara for the victim. He had declared John would be tried first but he did not deceive the defense and all preparations were made to defend James B. McNamara. The defense well know that the case against John is of an extremely flimsy character and that there was no chance of his trial until after the trial of James B. is ended. The entire frameup so far as the Los Angeles end is concerned is against James B.

The steel trusts case against John J. McNamara is not considered here at this time and it is not even speculated upon as to how much of the evidence they have will be admitted

if John J. is ever placed on trial.

Of course the shadow of John J. will at all times be in the background for it is against him that capitalism's conspiracy is aimed.

The fact that jurors who shall be finally chosen to serve will be virtually prisoners for several months will make it difficult to get a jury. Professional jurors by the score are on the venire and they will be on other venires that follow. Eleven men were held the first three days of the trial but several of them had expressed opinions on the case and not a single juror came out of the first crowd that were subpoenaed.

Despite all newspaper reports to the contrary the Taft tour of the Pacific coast was a frost from start to finish. Little attention was paid to him in Oregon and only the circus parade crowds turned out. The day before he reached California he was met with the news that that state had adopted the recall of ad state officials,

including the judiciary. This was a cruel slap at the President who has been making speeches in favor of the judiciary.

In addition to the recall the Socialists are rejoicing that they got through by an overwhelming vote the initiative referendum and other excellent amendments to the constitution.

In Los Angeles and San Francisco all the powers a labor hating capitalism were thrown against these measures and against woman's suffrage. The Socialists everywhere stood firm for all the progressive measures and are now jubilant over their success.

Job Harriman, candidate for mayor of Los Angeles, ran away with a big suffrage meeting at which his only competitor was to be the star speaker. It was an unintentional stampede and at the overflow meeting in the city had gave it a "good government" political party a terrible scare.

The chances of the election of Harriman and the entire Socialist ticket grows brighter every day.

## Harriman Lines Crippled.

A complete tie up of all the railroads in the country is seen as a possibility in the next few weeks by Louis Preseuble, head of the North Western system federation, as a result of the present strike of the shopmen on the Illinois Central and Harriman lines.

"The American Railway Association including practically all the railroad companies in the United States, is standing solidly behind the Illinois Central and the Harriman lines in their fight, and is giving them all the help they can to defeat the strikers," says Preseuble.

**Railroads Fear Shopmen.**

"They realize that if the shopmen on the Illinois Central and the Harriman lines win out the shopmen on other roads will shortly demand and win the same concessions now demanded by the striking shopmen.

"Even the Hill lines in the northwest, though they are bitter foes of the Harriman roads, are laying off men now, partly, of course, because they need fewer men in the autumn and winter, but chiefly, I think, in the hope that this will enable the Illinois Central and the Pacific to get experienced shopmen for service during the strike.

**Will Grant Demands.**

"So far as financial resources go, the railroad corporations has us hopelessly swamped; but if we stick together through thick and thin with a firm determination to win out in the end, there can be absolutely no doubt they will have to grant our demands.

"If the strike on the Illinois Central and Harriman lines is prolonged on account of the assistance the other roads are giving them, the shopmen on all roads will be compelled to make common cause with our brother already out and completely tie up the entire country."

**More Workers Pledge Aid.**

Secretary Treasurer Carr of the Rock Island system federation, as well as Preseuble, assured the strikers of the moral and financial support of the organizations they represented in case they themselves were not called out on strike in the near future.

A report that Northwestern engines were being used on the Illinois Central was denied by Mr. Preseuble. He said:

"I want to assure you that no Northwestern engines have been or will be used on the Illinois Central during the present strike. They can't spare an engine themselves now, and if they should send even one engine over to help out the Illinois Central, it would be the last they'd send before the Northwestern shopmen would walk out in a body."

**Outlines Shopmen's Fight.**

Preseuble outlined the fight made by the shopmen on the Northwestern for a recognition of their federation and stated that it is now up to the international officers of the crafts represented in the federation to determine what the next step will be, now that General Manager Cantillon has at least tentatively refused to recognize the federation.

If the international officers are unable to obtain a recognition of the federation from the Northwestern railroad they will call for a strike vote

on the system, and if the men then elect to walk out the international officers will recommend a strike, which would tie up the Northwestern system as tightly as the Illinois Central is now.

There are no new developments in the big railroad strike on the Harriman lines. The strike has developed into an endurance contest.

The capitalist press are printing great stories about the strikers wanting to return to work and that he men went on strike against their will. All this is misrepresentation on the part of the capitalist press.

The constitution of the unions involved in the strike read that no strike can be called unless two-thirds of the men involved vote in favor of a strike.

Nearly percent of the men on the Harriman lines who are now on strike voted in favor of the strike. With this number of men desiring to strike, there was nothing left for the officials of the unions to do, but to call the strike.

James O'Connell, national president of the Machinists' union opposed the strike, and the local lodges of machinists along the Harriman lines sent delegates to the grand lodge convention last month, in Davenport, Iowa with instructions to make a fight on the floor of the convention to have the Grand Lodge of Machinists to order the strike.

The convention after listening to the arguments of the delegates from off the Harriman lines, ordered the grand lodge officers to sanction the strike of the machinists on the Harriman lines.

The whole talk about the men on strike being dissatisfied with the union is all talk, started by the capitalist press at the instigation of the railroad magnates.

Reports reaching this office from men on strike inform us that there are very few practical, or experienced men among the strike breakers, and that those who are acting as strike breakers are only dummy workers put in the shops, who make a pretense at working in hopes that the strikers may become discouraged through the display of numbers in the shops, and declare the strike off.

The railroads are gradually becoming crippled, and it is only a matter of time, until they will be compelled to settle with the men. The strikers expect that the strike will be of two months duration.

The Grand Lodge of Machinists recently in convention, voted to assess each machinist \$2.50 per month for the benefit of the strikers on the Harriman and Illinois Central lines.

The shop foremen who were not called out when the strike took place have been ordered by the unions to cease work, this will have the effect of further demoralizing the working of the shops, as the foremen are the executive heads of the shops and it will be a hard proposition for the scabs or scallies to reorganize the working force.

The machinist union has \$400,000 in U. S. government bonds, but the other crafts are not so well fixed financially and a call has been issued from the strikers for financial assistance to carry on the strike

## Big Trial Has Began

### Labor Hating Plutes do Their Best to Create Sentiment Against Labor

(By National Socialist Press.)

Los Angeles, Cal. Oct. 13—James B. McNamara was put on trial for his life before Judge Walter Bordwell in department eleven of the superior court charged with the murder of 19 men in connection with the fire which destroyed the Los Angeles Times on October 1, 1910.

John J. McNamara will probably not be placed on trial for several months.

The first action was toward selection of the jury, which is to sit in the case.

Attorney Clarence Darrow's predictions were fulfilled when the first of the proposed jurors were placed on their examination.

The effect of the constant campaign of prejudicing the public mind was immediately apparent. In the venire is scarcely a man who is not known as having a prejudice against labor organizations. Members of the M. & M. are on the list and real estate men and merchants make up a large portion of the venire.

Harry Chandler, son-in-law of Otis and general manager of the Times is on the venire as is Baker of the Baker Iron works, and two of the Lewellyns, where strikes have been in progress for over a year. Of course there is not a chance that these men will be called, but it shows that the type of men who have been selected to serve on such juries.

"We don't care what the defense says or does, we've got the upper hand just now and we will put the McNamaras over. Everything is coming our way these days and there's nothing lacking," said a Burns operative to a newspaper man yesterday.

"Not even the jury lacking?" was asked.

"That's all right," replied the detective with a laugh, "we are not at all worried about that."

This seems to sum up the whole situation from the point of the prosecution—for Burns is the prosecution, the sheriff's office, the jailer and, if the present trend continues he will try to be the judge and the jury.

**Infamous Pamphlet Sent to Taxpayers.**

Determined that an unprejudiced jury shall not be secured, the Times has sent a copy of its infamous pamphlet to every taxpayer in Los Angeles county. This pamphlet is calculated to prove the dynamite theory and to still further prejudice the readers against the McNamaras and against all labor.

Judge Bordwell has taken no steps towards stopping this action but has gone calmly about his work of selecting a venire of 150 names.

Among those placed on the list by Bordwell, were the names of a number of bankers, members of the M. & M., reactionary politicians, wealthy ranchers of the Times class and, in fact, every thing but members of the working class. The list of names reads like a group selected to attend ten-dollar-a-plate banquet given to President Taft.

**VENUE Change Denied.**

As soon as court opened the roll of the remaining 54 veniremen was called. The defense then presented affidavits supporting its formal action, davits were sworn to by both McNamara brothers and alleged bias and prejudice on the part of Judge Bordwell. The court immediately denied the motion. The defense excepted the ruling and alleges that Bordwell's action is certain ground for reversal in case of conviction.

These affidavits recited at great length

the means to which Los Angeles newspapers, especially the Times, have resorted to inflame and prejudice the public mind. They reflect the manifest unfairness of the methods adopted by the labor baiting organizations and the extent to which the Times has gone to prevent a jury being selected which might give a fair trial to the accused workers. The affidavits dwell upon the infamous Times pamphlet which declares that "John J. McNamara was the author and director of the plan for blowing up the Times building and murdering its occupants and that he supplied the money for that and other 'jobs'."

The pamphlet is kept moving every hour of the day and the defense has found no way to counteract its evil effects.

**Chances for a Fair Trial Slim.**

"With this sort of thing going on and the unlimited time and opportunity to make 'plants' and manufacture evidence, there is every reason to believe the Burns' bunch has every thing nicely framed and there is little hope for a square deal for the McNamaras," said a prominent attorney, who is not allied with or particularly interested in the defense of the imprisoned iron workers.

Loud and long are the protestations that a fair trial is assured. The district attorney grows indignant at any mention of a prejudiced public or a biased judge or jury.

Among the men who are mentioned as likely to be associated with the prosecution are former U. S. District Attorney Oscar Lawler, who was Ballinger's friend and who succeeded in getting Taft in such horrible muddle just previous to his dismissal by Taft; Former Senator Frank P. Flint, who was for years a henchman of the Western Pacific political machine and Earl Rogers, attorney for the M. & M., who took such a prominent part in the first days of the grand jury investigation of the Times disaster. The alliance with these men is a confession of the complete surrender to the powers that are leading the labor war on the coast.

**SUFFRAGE WINS.**

The amendment to the state constitution of California giving women the suffrage has been adopted by the people of California by referendum vote.

This makes six states in which women have equal suffrage with men.

The next state to vote on the question of giving the ballot to the women is Wisconsin, when the people of that state will vote on an amendment to the state constitution at the November election in 1912.

The cause of Woman's suffrage is making great headway in this country and it is only a question of a few years until the women of the United States will have equal suffrage with the men in every state in the union.

The dues received at the National Headquarters of the Socialist Party, during the month of September were \$5,042.35. This represents a membership of 98,862. Upon first sight it would seem to represent a membership of over one hundred thousand, but a portion of the dues came from unorganized states and territories and members at large, who pay ten cents per month instead of five. The next highest month was March, 1911, when the amount received was \$4,212.55. The average membership for the first nine months of 1911 is 79,494. All party members should get in line and boost for the hundred thousand mark.