

sistency seek the aid of those now outside the fold of unionism.

It is reported from several sources that A. F. of L. organizers are at work among I. W. W. members, trying to get them into the A. F. of L.

DARROW FREED

Jury at Los Angeles Find Attorney Not Guilty

Clarence S. Darrow, Chicago attorney, counsel for the McNamaras, was acquitted at Los Angeles, Cal., Aug. 17, after a long drawn-out trial, charging an alleged attempt to bribe a McNamara juror. The trial lasted many weeks.

District Attorney Fredericks spoke bitterly of the verdict of acquittal.

"We simply could not overcome the damnable atmosphere that counsel on the other side created in the court room," he said. "As long as the court allowed them to do it, we were helpless."

The trial of Darrow was the outcome of the ending, Dec. 1, of the trial of the McNamara brothers for the dynamiting of the Los Angeles *Times* building. Darrow, chief of counsel for the McNamara brothers, was indicted for the alleged bribery of George N. Lockwood, a prospective juror in the McNamara case. On Nov. 28, 1911, Bert H. Franklin, chief of detectives of the McNamara defense, was arrested for the asserted bribery of Lockwood.

On Jan. 13, Franklin made a confession to Assistant District Attorney Ford that he had bribed Robert F. Bain, the first juror sworn to try the McNamara case, and that he had sought to bribe five other prospective jurors, including Lockwood. The latter had reported early in November to the district attorney that Franklin had approached him and from that time he acted under the instructions of the prosecutor.

On Jan. 29, two indictments were reported by the county grand jury against Darrow for the alleged bribery of Bain and Lockwood, and upon

arraignment the lawyer entered pleas of not guilty.

The trial on the Lockwood indictment was begun on May 15, and just 13 weeks and three days elapsed until the case went to the jury.

In his address to the jury, Darrow appealed for an acquittal on the ground that it would please labor.

"If you convict me, gentlemen," said Darrow, "there will be people who will applaud you for your act, but if in your judgment and your wisdom and your humanity you believe me innocent and return a verdict of not guilty in this case, thousands and thousands of thousands, and perhaps millions, of the weak and the poor and the helpless throughout the world will give thanks to this jury for protecting me. I know that deep down in the mines are workmen I have helped and I have served, who are giving their prayers today for my deliverance.

"I know that in factories and in mills and in workshops and stores are thousands of people who believe in me, and love me, and are looking to this jury to vindicate my name. I know that if you find me not guilty that over these mountain peaks and across your broad valleys and across the wide Pacific will be thousands of men and women, yea, and little children, who will give their thanks to you."

Tears streamed down Darrow's cheeks as he finished.

"I am not being tried for the attempted bribery of Lockwood," said Darrow. "I am here because I have stood for labor all these years and fought its persecution by the criminal rich. Admit, for the sake of argument, that I am guilty; is that why I am being prosecuted? No; there are certain interests that want to get me.

"I would rather live among savages with Joe Ford as chief, where I could have some chance of raising a revolt, than to be placed, as I have been, the victim of a conspiracy."

Assistant District Attorney Ford, in his address, characterized Darrow as an enemy to society, who had sought

to make "a mockery of the courts and a shame of justice," by bribing jurors and witnesses. Ford was constantly, it was reported, interrupted by Darrow and Darrow's counsel.

"When James McNamara was arrested for the murder of twenty innocent, unsuspecting men," said Ford with emphasis, "he was sure of the legal aid of Clarence Darrow, whose teachings make such misguided wretches commit such awful acts. The defendant has said in one of his lectures that there is no such thing as crime."

"Darrow boldly avowed here in court," said Ford, "that he believed he was right in trying to get the detective's operative to betray his employers. Darrow has told you his ethics in this matter."

The Los Angeles *Times*, whose plant was blown up entailing the loss of twenty lives, to which crime the brothers McNamara pleaded guilty in the progress of a trial in connection with which Darrow, their counsel, was indicted and tried on the charge of an attempt at jury bribing, comments editorially on the acquittal thus:

As fully reported in this issue, the jury in the Darrow case, in which juror-bribing was alleged, returned a verdict of "not guilty" yesterday forenoon.

Our readers will bear witness that the *Times* has scrupulously refrained from attempting to prejudice this case or to influence its result in any way, although under the well-understood circumstances it might have been excused for not being impartial in its publications. The *Times* has given fair and full reports of the long and exciting hearing, without bias, favor or fright.

A great deal might be said of the manner in which the hearing proceeded, the brawling of counsel, the conduct of laborite bosses present, the misconduct at times apparent, and which was not always confined to opposing attorneys, and how an im-

portant and solemn trial at law seemed at times to descend to the level of a rough-house.

But the case of Darrow is not over yet. Another indictment, charging that he was concerned in the attempted bribery of Juror Bain, stands against the McNamara's attorney. It is not clear how he can escape being tried on that charge.

A proper subject of comment at this time is furnished by the attitude of the trial judge during this just-concluded trial and his charge to the jury. The *Times* prints today a faithful summary of the charge. It speaks for itself. It is not too much to say that portions of the charge impressed many auditors as leaning towards the defendant. "I don't see how the jury could do otherwise than acquit after listening to that charge," was a frequent comment. The *Times* does not constitute itself a court of appeal; but it will carefully review all these phases of the case with fairness and fearlessness at a later date. As God lives, the persons responsible for the flagrant outrage on justice sought to be perpetrated in the McNamara case must not go uncourged.

The *Times* will quote here the following utterance of the court after the verdict:

"Now that the case is ended, I consider it entirely proper for me to congratulate Mr. Darrow upon his acquittal. I know that millions of hallelujahs will go up through the length and breadth of this land."

As the *Times* has often said, its only wish is that justice be done under the forms of law. Let no innocent man be punished and let no guilty man avoid the consequences of his villainy.

A recent dispatch from Los Angeles said that all the judges in that city declined to try Darrow on the remaining indictment, and a still later one contained the information that Darrow would be tried on the Bain indictment shortly by a judge from another jurisdiction.