

Injecting Labor Issue in Criminal Trials

The favorable, to the defendant, outcome of the Clarence S. Darrow trial in Los Angeles, Cal., does not call for any expression of opinion on the merits of the verdict. Indeed, at a distance from the scene of the trial and

with no opportunity to study the testimony except such part of it as was carried in the newspapers it would be idle to advance an opinion on whether the pronouncement of the twelve good men and true was justified by the evidence or whether the verdict was a miscarriage of justice.

It is, nevertheless, to be regretted that an element was introduced into the trial, only too apparent, even from the newspaper reports, which, whether it did or not, might very well have entered into the verdict, more potently than the testimony itself. Darrow's own address, one replete with emotion, the work of a master in oratory, speaks for itself along this line when reduced to cold type and divorced from Darrow's burning eloquence, his tears and his exhaustion. A brief account of this speech is to be found elsewhere in these pages.

"I am here," said Darrow, "because I have stood for labor all these years and have fought its persecution by the criminal rich." Again he said: "There are certain interests that want to get me;" and again, "I have been the victim of a conspiracy."

In another part of his address, the accused said that workmen down in the mines were offering up prayers for his deliverance and that in the mills, workshops and stores, there were thousands who looked to the jury to vindicate his name. All of this was a plea to the jury to please organized labor by acquitting him.

If Clarence Darrow is innocent, everybody ought to be glad he has been acquitted. Quite another thing is a suggestion that he ought to be acquitted to please labor, or an intimation that because he is indicted and tried on a charge, some interest is trying to "get him", and that he is the victim of a "conspiracy" on the part of the "criminal rich". This is as bad as if not worse than Lincoln Steffens' mushiness, also injected in the Darrow trial, that the murderous deed of the McNamaras was a "social crime" and that no benefit would result from punishing McNamara, whom Steffens tried to get off.

This is no complaint about the verdict. The state of California failed to convict Darrow of bribery. The jury has reached its finding and the public accepts the conclusion.

It is to the sentimental slush that we object, not so much because it is sentimental slush as because it is insidiously dangerous besides. It is a part of the same thing that impels national legislators to introduce bills including jury trials in labor contempt proceedings and providing for the curtailment of the power of courts of equity in injunction proceedings—bills putting members of labor organizations on a different legal plane from others.

Murder is murder and bribery is bribery, and any man charged with either is entitled to his day in court and ought to be convicted or acquitted on the evidence without reference to whether or not he belongs to a labor organization, or the "criminal rich", or whether somebody is trying to "get him" or whether men, women and babies will cry if anything happens to him, or any other nonsense of the sort. Did he break the law or not?

The appeal of Darrow and kindred other appeals for the exemption of the laboring element from the responsibilities imposed on other citizenship suggests an analysis of who would be responsible to the law if the exemption were fully recognized. When the American Federation of Labor man speaks of a laborer he means a member of A. F. of L. and taboos members of all other labor organizations. When Haywood, St. John, Trautman and the other Industrial Workers of the World allude to a laboring man they mean one affiliated with the I. W. W. General Master Workman Hayes, of the Knights of Labor, means a man connected with his organization when he speaks of a working-man. Ask any railroad employe belonging to one of the railroad brotherhoods if he is a union man and he will repudiate the suggestion—he is a Brotherhood man. All of them leave at one side as unworthy of consideration the un-

organized men who work, though these outnumber all the others many times.

The shortsightedness of all this is only too apparent when one considers that every man who has to earn a living works and hence is a workingman. This holds good all the way up the line of compensation either in salary or dividends. The presidents, general managers and secretaries of big businesses all work. An expert, after a careful computation, might be able to cull out 1,000 men in the civilized world outside of tramps and criminals, who live from the result of the effort of others without themselves making any effort. Shall these thousand men, more or less, be the only ones who are not to be excused from punishment for crime because they work? How absurd it all seems when a few minutes consideration is given to it.

Commenting on the acquittal of Darrow, the *Baltimore News* says:

The acquittal of Clarence S. Darrow takes the whole country by surprise. The McNamara revelations were so astounding that it was an easy matter to persuade oneself that rottenness ran through the whole story. . . . Public opinion convicted Darrow the moment he was accused. The outcome of the proceedings against him was regarded as so certain that what under other circumstances would have become a trial of nation-wide importance has failed even to awaken general interest.

Doubly gratifying to labor and to all who fear that the courts are servants of any special class must it be, therefore, that the judge's charge was distinctly in favor of the accused and a jury composed mostly of well-to-do, if not wealthy, men acquitted him at once. It is proof that the courts themselves want to be fair. . . . In this particular trial, there was once more made the familiar charge that the authorities had "framed up" a case to discredit labor and labor's representatives before the country. Once more it is refuted.