

The Trial at Los Angeles

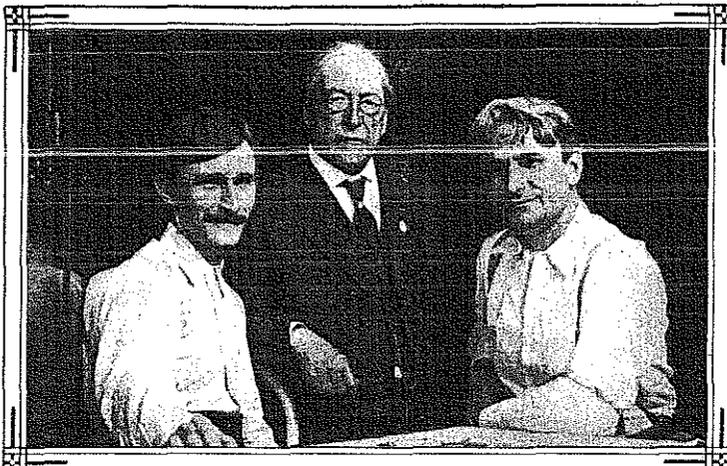
Some of the Questions and Personalities in the McNamara Case

By CHRISTOPHER P. CONNOLLY

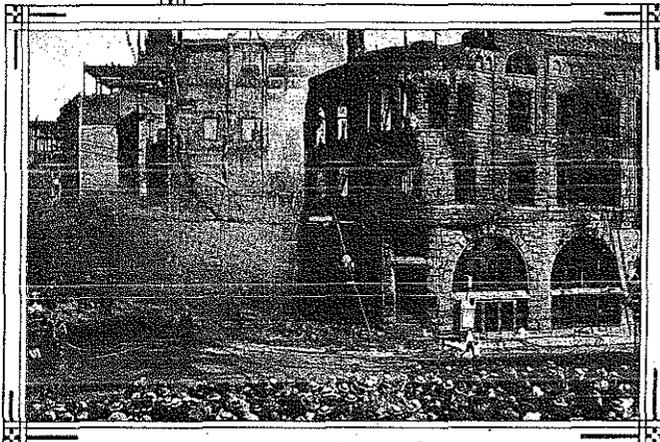
QBACK IN 1907, when Moyer, Haywood, and Pettibone were about to be tried in Idaho, we spent most of our nights awake and tossing about trying to decide who was the best man in the country to report those cases for us. We needed a man of absolute impartiality and absolute fearlessness, but also a man who understood the background; that is to say, who knew the country and the past history of the mine owners and the mine workers, and was familiar with the leading personalities on both sides. Our choice fell upon Christopher P. Connolly. In a few days another great case begins in Los Angeles, involving dynamite and the relations between capital and labor. This time we had no doubt whom we ought to send. Our past experience had made us certain. The only question was whether Mr. Connolly would be free to do the work. He has been able to arrange to close up a series of investigations he was making on another subject in time to go to Los Angeles before the beginning of the trial, and we can therefore assure our readers that we shall come as near giving them the truth about what happens there as is humanly possible. This introductory article maps out the preliminary situation and fixes attention on certain of the leading aspects

IN THE city of Los Angeles, in southern California, home of three hundred thousand sun worshippers and flower lovers, with lawns and streets enlaced and garlanded throughout the year by flourishing palms and pepper trees, will begin on October 11 the trial of James P. McNamara, brother of John J. McNamara, secretary-treasurer of the International Association of Bridge and Structural Ironworkers. The defendants have separated for trial, and the State has elected to try James P. McNamara first. He is charged with complicity in the alleged dynamiting of the Los Angeles Times Building, which blew up at one o'clock on the morning of October 1, 1910.

It is four years since the trial of William D. Haywood, secretary of the Western Federation of Miners, in Boise, Idaho. Moyer, Haywood, and Pettibone were then charged with the murder of former Governor Steunenberg of Idaho, growing, as it was charged, out of the labor troubles of previous years in the mountain regions of the Idaho panhandle. Moyer, Haywood, and Pettibone were arrested at night in Denver, and taken by special train to Idaho. None of these men was in Idaho when the

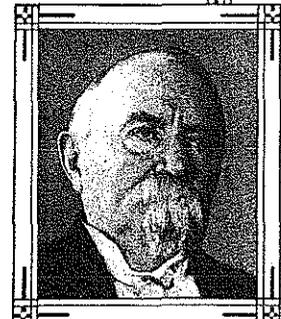


J. B. McNamara, Samuel Gompers, President of the American Federation of Labor (center), and J. J. McNamara



The wreck of the Los Angeles Times Building, Oct. 1, 1910. The explosion occurred at one o'clock in the morning while nearly one hundred people were in the building. Twenty-one bodies were taken from the ruins

Harrison Gray Otis
Publisher of the Los Angeles "Times"



Steunenberg murder was committed. At least one of the defendants in the present Los Angeles case was not in California when the Times Building was wrecked, with its toll of twenty-one human lives. It is now charged, as in the Moyer-Haywood-Pettibone case, that the extradition from the State of Indiana of John J. McNamara was irregular.



Clarence S. Darrow
Counsel for the McNamaras

Whether this charge be technically true or not—whether the present defendants were taken from their homes without warrant in law or fact, fairly or unfairly, by police officer or private citizen—California's right to try them, now that they are within her borders, cannot be denied. That has been always the law of this country, or so long at least that it cannot be successfully mooted now. Whether it should be the law raises a different question. Had John J. McNamara, after his arrest, secured from a judge in Indiana or elsewhere, before being taken within the borders of California, a writ of habeas corpus, and had he proved before this judge, as he doubtless could have proved, that he was not in California when the Times Building blew up, and had not been there since, he could not legally have been taken to California for trial, and he could not have been tried for that alleged crime anywhere else. According to the theory of the law, as according to philology, to be a fugitive from the law one must have fled from the law.

A Legal Tangle

NOT having been in California at the time of the commission of the alleged crime with which he is charged, or since, he could not have fled from California, and could not therefore have been a fugitive from California justice. This is one of those legal tangles, growing out of the early judicial construction of our Federal Constitution, which Congress has neglected to remedy, and for the neglect of which it should be held responsible. The disclosures of the Haywood and Pettibone

trials (Moyer was not put on trial) shocked the entire country. But those disclosures were looked upon indulgently by the East as the evolutionary, rather than the revolutionary, émeutes of a new and unsettled country. When the horrified Easterner recovered from his gasp, he dismissed the subject as of the West westerly. The dynamitism and assassination were all confined to the Rocky Mountain and Pacific Coast regions. Proof of these various crimes was admitted in court against Haywood and Pettibone because they were charged to be part of a general campaign of murder, and because the widely separated events of that alleged campaign all bore more or less directly upon the guilt or innocence of the alleged principals in the Steunenberg murder.

The present McNamara case will no doubt follow the same line of developing proof. The crimes, however, which will be proved in the attempt to show a general conspiracy, of which the Los Angeles "Times" explosion is alleged to have been but a detached part, will be laid in that section of the East where heretofore such crimes have been considered as of the peculiar far-Western type—as of the days in the West when crime was licensed and peace officers were road agents. The present crimes, if the story



Ortie McManigle
A confessed dynamiter—the chief witness for the State. It is said that the case against the prisoners is strong without his confession

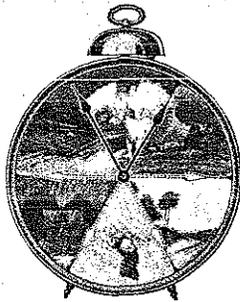
Joseph Scott
One of the attorneys for the McNamaras



Captain J. E. Fredericks
The prosecuting attorney

is proved as it has been outlined in periodicals and the public press, will appear as cold-blooded as any that have occurred in the West. They will, in fact, appear less human; since for every crime in the West there was a moving and revengeful cause. Judges and high officials in Colorado, the home of the Western Federation of Miners, were as law-

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The Trial at Los Angeles

(Continued from page 17)

less, in their way, as the labor leaders were alleged to have been.

In the present case, intimidation and crime ran riot with indiscriminate heat, and with no more justification apparently than the complaint against an open shop. I do not mean to say that these crimes have been proved, or that being proved, they were done by labor, or in the cause of labor, or with the sympathy of labor or of labor leaders. I am but asserting what the prosecution will contend as to these defendants: no more. The story will doubtless lack the murder-tracking and blood-curdling details of the confessions of Harry Orchard and Steve Adams, according to which men were lured into abandoned mining shafts, into livery stables, and even into hospitals on visits to supposed sick friends, and there, in desperate struggle, met death; or, climbing shafts, were skull-pierced by descending steel drills, sent on their erring and unerring mission by murderous hands. The McNamara case will be rather the recital of the work of mechanical bombs, lurking, time-locked instruments, exploded with the evident purpose of destroying property alone, but with utter disregard of human life. Those who, guilty or innocent of unionist feeling pro or con, were within the circle of death when destruction came, suffered the fate of brick and mortar, of tangled iron and twisted steel.

The "Times" and Its Owner

AS the clock took no note of its work, so will the law take no note of intention or lack of intention. What the deadly time-piece did, it will assume the clock setter and his confederates, if he had any, intended, whether it killed one or one hundred, and whether the clock setter and those in conspiracy with him were close by, within the venue, or a thousand miles away, in a distant State.

The story of the Los Angeles "Times" and of General Harrison Gray Otis, its owner and publisher, would be interesting even without its juxtaposition to present events. It is the story of the growth of a newspaper which caught the popular fancy, growing with the growth of a community which, next to Chicago in the years succeeding the fire, holds the American census record for rapid growth.

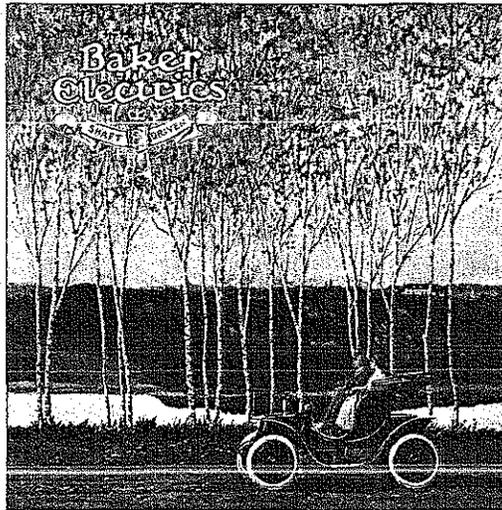
Harrison Gray Otis was an appointee to an Alaskan Federal office under President Hayes. He received his title of "General" in the Spanish-American War, serving in the Philippines. Longer than twenty years ago, he and a man named Boyce bought from its then owners what is now the Los Angeles "Times." Boyce and Otis quarreled from the day they entered upon their newspaper venture. Otis finally bought out Boyce and made a financial success of the "Times."

Otis is a fighter, quarrelsome and intolerant, choking with the spleen of his fight long after he has lost or won. He arouses all the dregs of any opposition by his unfair tactics and his vicious stabs. He is not without strong followers and powerful enemies. In a public way, he has given and taken brass-knuckled blows. He has used splendid power with utter irresponsibility. He is vain and pompous. Froth and fume, and love of epaulets and power and titles, are parts of his make-up.

Otis's Attitude Toward Labor

Otis's first encounter with labor unions left sting and scar. His force struck one night. He let them go, and with the assistance of his family and a small office contingent turned in and got out his paper. It was a prodigious task, well worth praise then and now. But that personal encounter with his newspaper force poisoned his soul. The people of Los Angeles, for a time, made common cause with Otis. They admired his spirit and pluck. He was building a great newspaper, filled with good reading matter, broad and catholic. It appealed particularly to the tastes of tourists seeking refuge from the unfriendly winds and frosts of the eastern coast in the calm and sun of southern California. These tourists and invalids were supplied in southern California with the same sort of intellectual pabulum they were accustomed to in the newspaper dailies of New York and Boston. Otis in those days fought against the attempt of the Southern Pacific to have the Federal Government build an artificial harbor at Santa Monica for the exclusive use of that corporation. When Otis won that fight, the people of Los Angeles engraved a tablet in memory of his services and embalm it in the walls of the Times Building.

When he had achieved wealth and power, Otis forgot his principles. Against the unions he was still bitter; that was a personal fight; but with the corporation against which as a popular champion he had fought as viciously, he made his peace.



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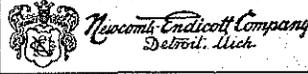
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He became interested, with E. H. Harriman, in vast concessions of land in Mexico, received from Diaz. For a financial consideration, he fought Heney, and Burns, the man who now claims to have secured the evidence against the McNamara brothers in connection with the destruction of the Times Building. He became obstreperously out of true with local public sentiment. When the National Teachers' Association met in Los Angeles some years ago, the city Superintendent of Schools asked General Otis to contribute a paper to the brochure gotten up by Los Angeles for the occasion. Otis selected his subject. It was a tirade against labor unions in general. Those in charge of the publication could not see the connection between unionism and the conclave of teachers. Besides, the paper was bitterly uncharitable. It was rejected. For this fancied slight, Otis demanded the official head of the Superintendent of Public Schools. Unsuccessful in this quest, he fought, in and out of his paper, every attempt to increase the capacity of the public schools of Los Angeles. Owing to the rapid growth of the city, school facilities were woefully inadequate. High school children stood in long lines all night at the opening of school, hoping for a chance of enrollment, hundreds doomed to disappointment. Still Otis fought the issuance of bonds for the building of new schools, while thousands of school children paraded the streets and thousands of grown-ups assembled in mass meetings demanding redress. He threatened to fight the issuance of bonds in court after he had overwhelmingly lost the election. Men read the "Times" during those and other days when the public voice was demanding relief, with disgust. They put it from their homes. It became a common saying in Los Angeles that whatever the "Times" was for, the Los Angeles public was against. Yet the "Times" prospered. Its advertising patronage was enormous. Its income from questionable matter and methods added to its legitimate revenues, which among newspaper men are considered large.

Arousing Prejudices

THESE comments are not made in malice, but in truth and in justice. In fact, it is not inconceivable that they may be part of the defense. Attempts, at least, may be made to put them in evidence. What was the motive of those who sought the destruction of the Times Building and the life of General Otis? Whom had Otis offended? Had he other enemies than the unions?

General Otis was displeased when Mayor George Alexander of Los Angeles employed W. J. Burns to investigate the Times Building explosion. When the McNamara brothers were arrested some labor leaders immediately denounced their arrest as a "frame-up"; others expressed the hope that the men were innocent. When Burns was asked why he had given out for publication in a magazine some of the facts on which he relied for proof of guilt, he said it was to meet these charges of a "frame-up" and the general campaign of slander against himself in certain newspapers which sought to arouse prejudices of the basest sort.

It is to be hoped that no such travesty on justice as was witnessed in Boise will mark the McNamara trial. In that case a former partner of the judge who tried the defendants was retained by the defense and the jury placed in charge of relatives and friends of that former partner. Every one connected with the Haywood trial, except those retained by the prosecution, who has since been a candidate for political office in Idaho, has been overwhelmingly defeated—even the judge who presided in the case. James H. Hawley, who with United States Senator William E. Borah prosecuted the case, has since been elected Governor of Idaho, the only elected candidate on his ticket. The people of Idaho may not have been convinced that the evidence in those cases justified conviction, but these political defeats undoubtedly grew out of certain facts in connection with the trials whose significance became apparent after the verdicts.

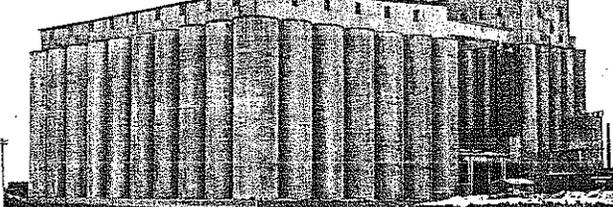
The Lawyers in the Case

HARRY ORCHARD, who turned State's evidence in those cases, is serving a life sentence in the Idaho penitentiary. By making hairbrushes and other vendible articles, he is assisting in the support of the wife and child he deserted in Canada before his escapades in Colorado and Idaho. Among the attorneys for the defense in the present case are Clarence Darrow, who successfully defended Haywood and Pettibone, and Joseph Scott, a prominent Los Angeles figure, socially and politically—an ardent follower of the Bourke Cockran type, and Job Harriman, a leading Socialist of Los Angeles.

The State of California will be represented by Captain J. D. Frederick, an able lawyer and competent prosecutor of many years' experience.

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