

1918

Shall Mooney Hang?

Robert Berkeley Minor

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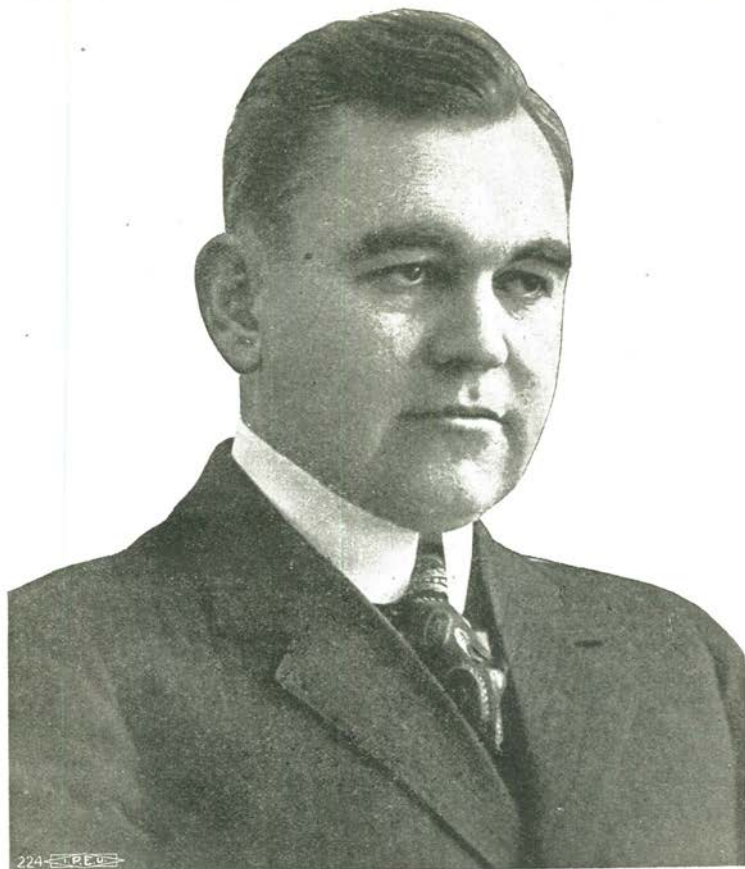
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SHALL MOONEY HANG?

JUSTICE RAPED IN CALIFORNIA



224-1111

TOM MOONEY
Now in Death Cell
Sentenced to hang December 13, 1918

FIFTEENTH
EDITION

By ROBT. MINOR
Published by the

15 CENTS
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TOM MOONEY MOLDERS DEFENSE COMMITTEE

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203

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PRESIDENT WILSON ASKS NEW TRIAL for MOONEY

Condemns Fickert's "Frame-Up"

The following are excerpts from the U. S. Mediation Commission's Report to President Wilson:



HON. WOODROW WILSON

President of the United States, who appointed a special Federal Commission to investigate the Mooney case. Upon the Commission's recommendation that Mooney was entitled to a new trial, the President sent the following letter urging Governor Stephens of California to have another trial brought about for Tom Mooney.

The White House,

Washington, January 22, 1918.

My Dear Governor Stephens:

Will you permit a suggestion from me in these troubled times, which perhaps I should feel hardly justified in other circumstances?

The suggestion is this: Would it not be possible to postpone the execution of the sentence of Mooney until he can be tried upon one of the other indictments against him, in order to give full weight and consideration to the important changes which I understand have taken place in the evidence against him?

I urge this very respectfully, indeed, but very earnestly, because the case has assumed international importance, and I feel free to make the suggestion because I am sure that you are as anxious as anyone can be to have no doubt or occasion of criticism of any sort attach itself to the case.

Cordially and sincerely yours,

WOODROW WILSON.

The utilities against which Mooney directed his agitation or who suspected him of mischievous activities undoubtedly sought "to get" Mooney. Their activities against him were directed by Swanson, private detective. It was Swanson who had engineered the investigation which resulted in Mooney's prosecution. It was Swanson who was active in the attempts to implicate Mooney in the dynamiting of electric towers in 1916, attempts which failed, it appears, because Billings and Weinberg refused offers of a "reward" by Swanson to implicate Mooney. Shortly thereafter the preparedness parade explosion occurs. Immediately Swanson takes a leading part, acting for the district attorney and the police in the investigation of the crime. Within four days, under Swanson's leadership, the arrest of Mooney and the others is made.

"The Mooney case" soon resolved itself into a new aspect of the old industrial feud, instead of a subject demanding a calm search for the truth.

Billings was tried first, undoubtedly in the hope that the pressure of his conviction would lead him to implicate Mooney. He was convicted. His conviction has been sustained. He has been sentenced to life imprisonment. He has not implicated Mooney, and he protests his innocence.

Following the trials of Billings and Mooney there was a change in the evidence, which not only resulted in the acquittal of Mrs. Mooney and Weinberg, but also cast doubt upon the prior convictions of Billings and Mooney.

Thus it is that evidence submitted on four trials, taken together, aimed as it was at the establishment of a single issue—their joint participation in the crime—leaves the mind in the greatest uncertainty as to the complicity of the accused. While each record in itself presents evidence which would justify the appellate court in sustaining the verdict of the jury, the evidence of the four cases in their entirety must shake confidence in the justice of the conviction. This is due to the dubious character of the witnesses, subsequent revelations concerning them and conflict in the testimony of the same witnesses, as the need for change in the testimony developed to fit new theories of the prosecution or new evidence by the defense.

We find in the atmosphere surrounding the prosecution and trial of the case ground for disquietude. This feeling has been reinforced by one factor of controlling importance. The most damaging testimony produced against Mooney came from a witness named Oxman. It was Oxman who testified, with convincing detail, to the presence of Mooney and Billings at the place and at the time where it was essential for them to

(Continued on page 8.)

Tom Mooney To Hang Aug. 23, 1918

"THE order of the court is that the sheriff of the City and County of San Francisco deliver to the Warden at San Quentin Prison, within ten days, the defendant Thomas J. Mooney, and the Warden proceed to execute the judgment pronounced in this case, the 23rd day of August, 1918."

Tom Mooney now languishes in a death cell at San Quentin, awaiting the hangman's snare. Unless Governor Stephens pardons him or President Wilson, as a war measure, takes the entire matter out of the hands of the California authorities, on the 23rd of August the Death March will begin. Mooney will be escorted to the gallows under heavy guard. Limbs tightly

bound, he will be placed on the center of the trap door. The black cap fitted over his head and face, the rope will be adjusted about his neck. The Warden will give the signal, the Hangman will spring the trap, and Tom Mooney will go dangling at the end of a rope into eternity, legally murdered by the Chamber - of - Commerce - controlled officials because of his loyalty to the Labor Movement. The foulest judicial assassination ever recorded in all history will have been accomplished.



WARREN K. BILLINGS,

Now in Folsom Penitentiary for life on the perjuries of the Edeau women, Estelle Smith the prostitute, John McDonald, a drug fiend and John Crowley the ex-convict and moral degenerate.

The California Supreme Court, on March 1st, in its final decision, denied Tom Mooney's appeal for a new trial, and affirmed his death sentence. This court said the Oxman perjury letters were outside of the record and could not be considered.

The Defense invoked the old Common Law writ of error, "Coram Nobis," before the trial judge, asking him to vacate and set aside the verdict, and the judgment and order denying the motion for a new trial,

on the ground and for the reason that the verdict was procured through fraud, malfeasance and misfeasance on the part of the official prosecuting the case.

Judge Griffin denied the writ of error, coram nobis, in the following language:

"In this State it is the settled law that a judgment cannot be set aside because it is predicated upon perjured testimony or because material evidence is concealed or suppressed.

"With all the harshness and severity of this rule, and with a knowledge that injustice must at times be done in its application, it is the law defined by the Supreme Court of this State, and by it this court is bound.

"Nor can it be said that the duty of a district attorney differs in the trial of criminal actions from that of counsel in civil actions. Each has an equal duty imposed upon him by the oath he has taken and by the law of the land, to present to the court and to the jury only competent and legitimate evidence from which may be determined the truth of the issues involved. If that obligation be violated and perjured evidence produced or material evidence suppressed by either, as we have seen, in so far as the judgment is concerned, the injured party is without remedy."

This law says the District Attorney can buy perjury or suppress material evidence, and the injured party is without remedy. What will be Organized Labor's answer to this law, that makes possible its members being victimized, legally murdered, or imprisoned for life, not on perjured testimony alone, but on a criminal "Frame-Up" plot by public officials controlled by the Chamber of Commerce, sworn to uphold the law, but in reality here destroying it in as dastardly a conspiracy as was ever staged in an American court? If this fiendish conspiracy against the lives of Mooney and Billings can be successfully accomplished today, who among you, we ask, will be safe from a similar outrage?

Tom Mooney's life must be snuffed out to satisfy this anti-labor, union-crushing gang, despite the release of Nolan following the Oxman perjury



MRS. RENA MOONEY, MUSIC TEACHER

Acquitted July 25th, 1917, released March 30, 1918, on \$15,000.00 cash bail, after 20 months imprisonment.

demanding that Mooney and Billings be given new trials.

Many unions all over this country, representing thousands of members, have demanded of President Wilson, Commander-in-Chief of the United States army and navy, that he take the case of Tom Mooney and Warren K. Billings out of the hands of the California authorities, as a war measure. These workers have declared that unless simple justice is accorded Mooney and Billings, they will go on strike, and stay on strike until it is forthcoming.

Seventeen thousand union men and women packed the San Francisco Civic Auditorium April 16th. The meeting was addressed by "Mother" Jones. This was the greatest labor demonstration ever held on the Pacific Coast. This meeting unanimously went on record for a new trial for Tom Mooney and Warren K. Billings.

exposures, the subsequent acquittals of Weinberg and Mrs. Mooney and their release on bail, the refusal of Fickert to try another case, the dismissal of five indictments against Weinberg, the demand of President Wilson and his investigating commission, and the statements of State's Attorney-General U. S. Webb and trial Judge Franklin Griffin that Mooney is entitled to a new trial.

Tom Mooney has filed with Governor Stephens an application for a complete, unconditional pardon, which, if granted, will give the District Attorney an opportunity, if he desires, to try Tom Mooney on one of the remaining indictments pending against him. The political powers of this State are using every coercive method in their control to prevent the Governor of California from carrying out the recommendation of President Wilson.

Tom Mooney has given out a public statement demanding LIBERTY or death, and no compromise on his victimized innocence. From the most powerful labor organizations in Great Britain and Ireland have come scores of cablegrams to President Wilson and Governor Stephens,

THE prosecutors made every imaginable effort to break down the Mooneys' alibi witnesses. Detectives were sent to visit each witness with coercive measures to make them give statements that it was 2:30 o'clock when the Mooneys reached the roof of their home, where they and a number of others viewed the Preparedness parade.

Thomas Straub, an attorney for the Pacific Gas and Electric Co., happening to be a friend of Mr. and Mrs. Hammerberg, carried a message from Fickert to Mrs. Hammerberg. It was a plain offer to allow Mrs. Mooney to live on condition that her sister, Mrs. Hammerberg, would commit perjury, thereby allowing Tom Mooney to be hanged. Attorney Straub is not to be blamed. He simply carried a message not knowing that the testimony that Fickert wanted would have been rank perjury. But as for Fickert himself, at the time that he sent Mrs. Hammerberg the offer for her to swear that the Mooneys reached the roof at 2:30, he had locked in his safe photographic films proving that the Mooneys were on the roof before 2 o'clock.

The following version of the message from Fickert is authorized by Attorney Straub:

Straub visited Mrs. Hammerberg, as requested, and said:

"I have a message for you from the district attorney. I will give it to you as he gave it to me, and you can do as you like.

"If you will change your story as to the time you got to the roof of the Eilers building, they will let Rena go free."

Mrs. Hammerberg replied: "I have told the truth. If they hang Tom they will have to hang Rena, too."

Straub answered, "Belle, I've always thought you would tell the truth; I'll take your answer back."

"Straub then took my hand," said Mrs. Hammerberg. "There were tears in his eyes. I knew by his manner he believed I was telling the truth."

WE will show you in the handwriting of the conspirator, Oxman, the plain admission of the plot to hang Tom Mooney upon bought perjury. We will tell you the names of the conspirators, THE AMOUNTS OF MONEY they were promised for their crime and how they were drilled and rehearsed in their perjury by certain officers of the law in San Francisco.

We will tell you here how Charles M. Fickert, district attorney, planned to become Governor of the State of California by the hired murder upon the gallows of Tom Mooney, and how Edward A. Cunha, his assistant, planned by the same means to become district attorney.

Fickert admitted that Ed Nolan was indicted without any evidence, upon his personal request. Captain of Detectives Matheson, Chief of the Bomb Bureau, has declared that Nolan was held under a murder charge for nine months, without any justification whatever. Nolan is released on \$2,500 cash bail.

The only evidence against Nolan is a box of Epsom salts, which detectives first swore was saltpetre. When caught in this lie, the prosecutor had a "powder expert" swear that Epsom salts could be used in a high explosive. Nolan will be tried for murder on such evidence.

Cunha admitted, as here shown, that "the matter of Tom Mooney's jury troubled his conscience" more than the proof of the hiring of Oxman's perjury.

It is now known that the foreman of Mooney's jury, Wm. V. MacNevin, is a close personal friend of Cunha, although he swore that he did not know Cunha, in order to get on the jury as a plant. It is now known that the jury foreman, MacNevin, visited a certain lawyer's office every night during Mooney's trial, to exchange messages with Assistant Prosecutor Cunha. MacNevin reported progress in winning the jury over to a hanging, and Cunha sent messages to various jurymen telling them many false stories of Mooney's alleged activities in strikes in order to inflame them against the labor organizer. MacNevin "talked contracts" (he being a real estate man) to several of the jurors, to win them over. MacNevin himself was promised reinstatement on the Real Estate Board, from which he had been expelled for an alleged fraud, as his compensation for his "work" on the jury.

Nearly all of the jurors who condemned Billings and Mooney received life jobs as professional jurors, from the day of conviction.

Then came the Oxman exposure, involving Fickert, Cunha, and the police lieutenant, "Frame-Up Steve" Bunner.

Fickert and Cunha at first begged for mercy and a chance to save themselves. The Chamber of Commerce came to the rescue and had a Grand Jury of their tools stage a whitewash for Fickert, Cunha and Oxman.

THIS Grand Jury brazenly refused to hear some of the most damning evidence against Oxman. District Attorney Fickert himself hired an attorney to defend Oxman and keep him from confessing on the "Higher Ups" (the Chamber of Commerce paying the bill). Oxman has fought through the Police Court, the Appellate Court and the Supreme Court to avoid facing a jury, but Chief Justice Angellotti of the California Supreme Court declared the evidence against him was overwhelming and he must be prosecuted for the perjury crime.

Estelle Smith, the star witness who was discarded in favor of Oxman's story, became jealous of the cattleman's notoriety and reward and revealed in an affidavit that Oxman had offered her a bribe of "five figures" to include Weinberg in her perjury. Three days later her uncle was released from San Quentin Penitentiary, and Estelle Smith ceased to "talk." The Grand Jury in whitewashing Oxman refused to give time for Estelle Smith to testify against him.

THIS edition of the booklet tells of the breakdown and confession of the two Edeau women witnesses that they lied on the witness stand under the influence of the Frame-Up Ring. These women were two of the strongest witnesses against both Mooney and Billings. But in spite of their exposures, these two women took the stand again and fought hard to convict Mrs. Mooney. They were impeached by five witnesses including the Chief of Police of Oakland, a police inspector and three other witnesses. The jury trying Mrs. Mooney refused to believe them and acquitted Mrs. Mooney. But Tom Mooney and Billings are left on the scaffold and in prison by these women's perjury.

From this you must realize the powerful influences that are determined upon the slaughter of the five Labor prisoners regardless of these glaring exposures of fraud.

SUPERIOR JUDGE FRANKLIN A. GRIFFIN, before whom Tom Mooney was tried, sent a letter to State's Attorney General Webb, asking him to confess error before the Supreme Court in the Mooney case, and have it remanded back for re-trial. The San Francisco Labor and Building Trades Councils, the California State Federation of Labor, and the State Building Trades Council sent a joint committee to see the Attorney General in person on the matter.

THE date for Mooney's execution was set for the 17th day of May, 1917, but since the criminals were caught by the exposures here published, the date of the hanging was allowed to pass unheeded. This, however, is on a technicality because of Mooney's appeal, which automatically stays the execution. The Frame-Up Ring has gained courage from the open support of the Chamber of Commerce's millions, and not only will Mooney be hanged, but Mrs. Mooney, Weinberg and Nolan will swing from the same gallows unless powerful action of American Labor comes soon enough to prevent it.

Mooney, for sixteen years a member in good standing of the International Molders' Union, trustee of Molders' Union No. 164 and delegate to the Labor Council in 1912, and to the International Molders' Convention in Milwaukee, became organizer for the Amalgamated Association of Street and Electric Railway Employees of America.

On June 5, 1917, although under death sentence, Tom Mooney's own Local No. 164 gave him a vote of confidence by electing him overwhelmingly as a delegate to the twenty-fifth convention of the International Molders' Union, held in Rochester, N. Y., September 10, 1917.



Ed Nolan and his wife, Ada, photographed as he left the County Jail (released on bail), where he was incarcerated for nine months on eight murder charges without any evidence against him. Fickert's last spite and revenge is his bringing Ed Nolan to trial (with Epsom salts as his only evidence).

WARREN K. BILLINGS has been sentenced to life imprisonment in Folsom penitentiary for refusing to sell Mooney, by perjury, for \$5,000. Billings is past president of the Shoe Workers, and had been a delegate to the San Francisco Labor Council. He has been active in Labor Unions for years, although he is but 23 years of age.

In the shoe strike of 1812, Billings was shot in a scuffle when attacked by a gunman in the employ of the Merchants and Manufacturers' Association. Mooney was also active in this shoe strike and had his leg broken by being run down by an automobile loaded with strike breakers.

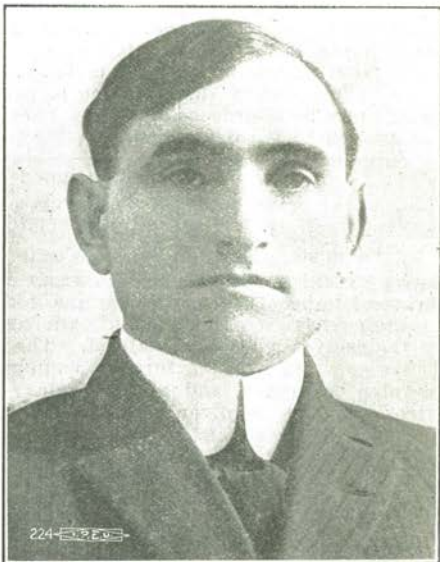
EDWARD D. NOLAN stands to be tried for his life on the charge of constructing a bomb in San Francisco at the time that he was in Baltimore, three thousand miles away, as a delegate from Lodge No. 68 to the National Convention of the International Association of Machinists. In 1904-10-11-12 he was a delegate to the Los Angeles Labor Council, in 1913-14 to the San Francisco Labor Council, and in 1914 to the San Francisco Iron Trades Council. He was captain of pickets in the Los Angeles Metal Trades strike in 1910.

Nolan had returned from the Machinists' National Convention less than four days before the Preparedness parade. He immediately joined the strike then on, as captain of pickets.

Nolan, like the other defendants, has a perfect alibi.

ISRAEL WEINBERG, jitney bus driver, is still in danger of being tried and executed because he twice refused a \$5,000 bribe to testify against Mooney in the street car strike and later refused to accept his liberty and \$5,000 to perjure away Mooney's life.

Weinberg is a member of the United Brotherhood of Carpenters and Joiners, No. 483; he is the man who organized the Jewish Carpenters' Union in Cleveland in 1902. He is also an Executive-Board member of the Jitney Bus Operators' Union, a live organization which has competed with the United Railroads street cars very successfully, taking in large amounts in 5 cent fares, the loss of which income caused the United Railroads to totter on the brink of receivership. Only a few days before, Weinberg had become really acquainted with Mooney through his son, Ernest, twelve years old, taking music lessons from Mrs. Mooney. Because of remarkable talent in the boy Mrs. Mooney was giving him more than the regular instruction without additional charge. In gratitude for this favor, Weinberg gave Mooney and his wife an occasional lift in his jitney bus. He accepted an invitation to attend Mooney's union meeting. It was through this connection that Weinberg was chosen as a convenient means of "getting" Mooney—and upon his refusal was charged with murder. Weinberg had never even met Billings or Nolan until he was introduced to them in jail as his "fellow conspirators."



MRS. MOONEY

MRS. RENA HERMANN MOONEY is a music teacher of very excellent standing in California. Her pupils have attained high honors, some of them playing at the Panama-Pacific International Exposition with a day of the Exposition set aside in their honor. Mrs. Mooney is the idol of her many music pupils, and has no other interest in life, except a sincere love of justice that caused her to give her assistance to her husband in Labor organization work.

Because of this woman's indefatigable work as a strike organizer, she has called upon herself the utmost hatred of the System.

SOME HISTORY OF THE CALIFORNIA FRAME-UP RING

A clear understanding of the so-called bomb trials in San Francisco, the motive for the arrest of these five particular trade unionists, and their persecution, can only

WILSON'S COMMISSION'S REPORT

(Continued from page 2.)

have been if proof of their participation in the crime was to be established. After Mooney's conviction, there came to light letters confessedly written by Oxman prior to his having been called to testify. The plain import of these letters is an attempt by Oxman to suborn perjury in corroboration of vital testimony which he was to give and did give against Mooney. The fact is he did write letters which tend completely to discredit any testimony he might give and no testimony from Oxman, in the light of the letters, would receive credence necessary to lead to conviction. In fact, after the exposure of Oxman the district attorney did not call him, though available, as a witness in the trial of Mrs. Mooney. When Oxman was discredited, the verdict against Mooney was discredited. If the supreme court should find error, reverse and grant a new trial, relief the situation needs would be provided. If the court finds the record discloses no reversible error and, therefore, confirms the conviction, relief will have to be supplied through executive action of the governor of California and co-operation of the prosecuting officer.

It is now well known that the attention to the situation in the East was first aroused through meetings of protest against the Mooney conviction in Russia. From Russia and the Western States protests spread to the entire country until it has gathered momentum from many sources, sources whose opposition to violence is unquestioned, whose devotion to our cause in the war is unstinted.

The liberal sentiment of Russia was aroused, the liberal sentiment of the United States was aroused because the circumstances of Mooney's prosecution, in the light of his history, led to the belief that the terrible and sacred instruments of criminal justice were consciously or unconsciously made use of against labor by its enemies in an industrial conflict.

However strange, or however unexpected it may be, the just disposition of the Mooney case thus affects influences far beyond the confines of California, and California can be depended upon to see the wider implications of the case.

But the feeling of disquietude aroused by the case must be heeded, for if unchecked, it impairs the faith that our democracy protects the lowliest and even the unworthy against false accusations. War is fought with moral as well as material resources. We are in this war to vindicate the moral claims of unstained process of law, however slow at times such process may be. These claims must be tempered by the fire of our own devotion to them at home.

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be had by knowing some of California's recent history of organized labor struggles to protect itself against the criminal plotting employers' anti-union organizations.

It is the custom on the Pacific Coast for corporations to fight strikes by sending Labor organizers to prison. An army of private detectives, gunmen and professional witnesses has been necessarily formed. Behind the System are the corporations which, with their strike troubles, have built up the System to a point even greater than they themselves probably realized. The System has become known as the "Frame-Up" System. Its working force is composed mostly of private detectives, a sprinkling of regular policemen, and a loose galaxy of petty and great criminals who sell their services with the revolver and slung-shot in the strike line and trade their oath for cash on the witness stand in "labor trials."

The "Frame-Up" System is unconsciously supported by many well-meaning men who are imposed upon by false stories of detectives simply because they do not know what dark crimes are committed in the name of "Law and Order."

Perjury is the System's most dangerous weapon. The wages that are paid to the hirelings on the witness stand are usually covered by the respectable name of "Reward"; but cash is cash to the System, by any name.

The System works through spies, through violence instigated by detectives themselves. Its regular work is to "plant" evidence and frame-up crime.

THE STOCKTON "FRAME-UP"

In 1914, the Merchants, Manufacturers and Employers' Association undertook to exterminate the Labor Unions of Stockton, California, by forcing a lock-out. The Unions resisted so capably that the employers could not win by the so-called legitimate methods.

J. P. Emerson, a private detective working under the direction of H. C. Brokaw of the Employers' Association, haunted the scene of the Labor dispute for several weeks in the clumsy disguise of a tramp.

The M. and M. office compiled certain fake reports of supposed activities of Labor Union officials and sent them to Emerson, who copied them and mailed them back to the office in which they originated, pretending they were reports of his own activities and discoveries. In these spurious reports, which were afterwards to be used as a record for criminal prosecutions of high labor officials, a minute recital was made of alleged movements of the Unionists and their handling of explosives.

Emerson, the gunman, was assigned to the duties of "making the reports true." For instance: A letter to the Employers' Association signed by Emerson stated that a car was broken into in the Santa Fe yards at Bay Point and some dynamite stolen. Before sending in the report, Emerson himself broke open the freight car and stole the dynamite, as he afterwards confessed. One hundred and fifty pounds of dynamite was found in two sacks concealed in the tules near Bay Point. Constable Ahern went out to investigate. Upon the Constable's arrival at the Santa Fe station he noticed a stranger set down a wicker-ware suitcase and walk away from it. The Constable arrested the stranger who proved to be J. P. Emerson.

"You'd better get your suitcase and bring it along," said the Constable. "That suitcase doesn't belong to me," said Emerson. Having seen Emerson with the suitcase in his hand the Constable opened the bag and found that it contained dynamite stamped with the same markings as that which was found in the barley sacks in the tules. Emerson was taken to the jail in Martinez.

IMMEDIATELY Superintendent Cowell of a cement works in Contra Costa County, prominent in the M. and M., appeared on the scene and demanded Emerson's release. Emerson dropped dark hints about the man named Mooney, who they were going to prove was a dynamiter.

Very quickly the machinery of the Employers' Association was gotten into action and Emerson was mysteriously released, six hours after his arrest without even being charged with having committed two crimes, that of stealing and having high explosives illegally in his possession.

Four more sacks of dynamite of the same kind and markings as that in Emerson's suitcase were found underneath a railroad trestle west of Bay Point. The suspicion was too great to permit the scandal to be covered up.

EDWARD D. NOLAN and Tom Mooney were active in getting Emerson back to jail. Upon his rearrest, thinking he was double-crossed by the M. and M., he confessed to the whole dark plot of how the M. and M. had hired him to "frame-up" on union officials to discredit Organized Labor.

Sheriff Veale got hold of the original framed-up "reports" and refused to give them up for use as evidence. Veale announced that the large collection of written evidence proving the Employers' Association's connection were "confidential communications."

J. P. EMERSON was tried on the charge of having high explosives in his possession, but connivance of authorities resulted in his case being dismissed. He repudiated his confession and protected the Employers' Association.

Rena Mooney attended the farce of a trial which was staged merely to free Emerson and prevent his "squealing" and she made notes upon the testimony. It is rather ironical that Emerson, who confessed, was freed and these same notes on the testimony proving Emerson to be a confessed planter of dynamite for the Employers' Association, were used in 1916 to inflame public opinion in San Francisco by the announcement that the notes related to dynamiting "done by" Rena Mooney herself.

Hans Le Jeune was at the same time in the employ of the Merchants, Manufacturers and Employers' Association, and engaged in the same work as Emerson. Anton Johannsen, organizer for the Brotherhood of Carpenters, saw Le Jeune sneaking to the door of his hotel room and picked up a revolver, which he held in his hand as he invited Mr. Le Jeune to come in and close the door. The gunman took a seat, lost his nerve and proceeded to tell all about it. According to Le Jeune's confession, it was the intention of the Employers' Association men to utilize the quarter of a ton of dynamite that they had stolen from the freight car in this fashion: He was to hide a suitcase full of it in Johannsen's room. At the same time Emerson was to check his suitcase of the explosives in the Southern Pacific parcel check room and then manage to slip the parcel check into the pocket of Olaf A. Tveitmo, Secretary-Treasurer of the California Building Trades Council.

A FLAT bottom motor boat was to be purchased in the name of Tom Mooney, loaded with more of the dynamite, together with fuses and fulminating caps, and left in the Stockton slough, where it could then be "discovered." Emerson was to be a star witness and to testify in verification of the reports that he was supposed to have turned in. Some of the dynamite was to be planted in the Sperry Flour Mill and an Iron Foundry, and the charge was to be made that these and several other places were to have been blown up by the Unionists, who would then receive a long sentence in the penitentiary. The rearrest of Emerson and the confession of Le Jeune alone prevented the fulfillment of this criminal plan.

While a strike was in progress against the Pacific Gas and Electric Company, involving fifteen hundred union electrical workers, machinists, boiler-makers and gas and water workers, a few months previous to this occurrence, an effort had been made to fasten a dynamite crime upon Mooney by means of deposit-

ANOTHER "GENTLEMAN THUG."



CAPT. ROBT. DOLLAR,

Millionaire Ship Owner. One of Organized Labor's bitterest enemies. Speaking at the Chamber of Commerce Open Shop meeting, he said the way to settle the Longshoremen's strike is to send ambulance loads of strikers to the hospitals. Shortly after two union Longshoremen were killed by the Koster-Dollar Chamber of Commerce hired murderers. Then shortly after that Capt. Dollar endowed a Theological Seminary with \$50,000 to teach the workers more about the hereafter.

ing in a boat a large quantity of fuse and fulminating caps. Tom Mooney was tried (four times) and acquitted.

SAN FRANCISCO CHAMBER OF COMMERCE

THE "SCAB BOOK"

THE war between Capital and Labor in San Francisco is marked by the Chamber of Commerce issuing an expensive book insolently entitled "A Beginning." The book is better known in Labor Union circles as the "Scab Book." It eloquently marks the spirit of warfare actuating the most vicious element of reactionary employers. Commencing with a viciously false version of the Waterfront and Culinary Workers' Strikes, excusing with contemptuous lies the murders of two Union pickets, Olson of San Francisco, and Morey of Oakland, after Capt. Robert Dollar of their Law and Order Committee had publicly said "Break the strike by filling the hospitals with union men"—this book goes down the line of all recent labor struggles, branding as criminals all the brave men and women who have sacrificed everything to take their stand on the fighting line of Labor. Not a word does the book have to say of the numerous crimes perpetrated by hired thugs of the Chamber of Commerce; not a word have they to say of the quarter of a ton of dynamite that has been taken from employees of their own labor-fighting machines; not a word have they to say of the confessions of criminal plots by their hirelings. They ignore "Captain" Jack Thomas' confession in open court that sluggers for the Chamber of Commerce were committing crimes of violence in the Culinary strike under Thomas's own direction, paid for by Chamber of Commerce money, and that Thomas got sick of his work and confessed that he and his men caused all the violence in the Culinary strike. Nor do they speak of their being caught hiring detectives to put "odor bombs" in their own non-union restaurants to create sentiment for the anti-picketing ordinance.

The "Scab Book" is a declaration of ruthless warfare upon Labor Unions. With a brazen abandon to falsehood, the "Law and Order Committee" winds up with a claim that the Preparedness parade bomb explosion was the direct culmination of the Labor Union activities in San Francisco.

The absurdity of the charge is clearly seen when it is known that both the central Labor bodies of San Francisco took every possible means of officially warning all Labor Unionists to avoid any activities that might be construed as interference with the Preparedness parade.

When it is seen that at the time of the Preparedness parade a United States army was in occupation of a part of Mexico and that war was threatened with another foreign power; that some foreigners felt bitterly that the Preparedness program was directed against their countries; and, above all, when we note that the tools of this Law and Order Committee were the first to destroy evidence and conceal all possible information as to the explosion, thus letting its real perpetrators escape without arrest, then it could be readily seen, even did we not here give the proof, that the fastening of the crime upon their Labor enemies by means of deliberately manufactured evidence is a criminal conspiracy.

But the Chamber of Commerce, connected in a nation-wide plan to crush Unionism in favor of the open shop, hired Attorney Chas. W. Cobb to actively assist in hanging Mrs. Mooney, and put up the money.

THE UNITED RAILROADS

ONE of the corporations that has had most need for the dark and devious services of the Frame-Up System is the United Railroads of San Francisco. Corrupt to the

last cent in its treasury, this company had been in much trouble with criminal courts. The whole world knows the history of that graft scandal, involving the officials of the United Railroads for debauching the government and bribing city officials to gain illegal franchises to run scab manned street cars in San Francisco.

This corporation succeeded in completely annihilating the Carmen's Union in 1907. Eight different attempts to reorganize the carmen have been made by the ablest organizers and international officers of the Amalgamated Association of Street and Electric Railway Employees of America, without success.

LONGSHOREMEN'S STRIKE SCENE



Three San Francisco Cossacks following and guarding two Chamber of Commerce Gunmen on truck leaving the dock.

ments against the United Railroads officials. The lawyer replied to the offer: "You are mistaken in your man."

THEN Charles M. Fickert, a big hulking fellow, looking less like a lawyer than a prizefighter, was chosen as the United Railroads candidate for the office of district attorney. Fickert himself had been a strikebreaker in the San Francisco teamsters' fight of 1901. It is said that the street car company spent one hundred thousand dollars in his election alone. Fickert's charm was not that of ability. An able man was not needed—simply a messenger boy to run an errand for the United Railroads. All that the new district attorney had to do was to appear in court and say with voice now clothed with authority: "I move that indictments be dismissed." Fickert showed himself a servant so perfectly pliable that he was kept as district attorney for future dirty work for his masters.

One such job is now on: Fickert undertook **THE HANGING OF FOUR MEN AND A WOMAN FOR TRYING TO ORGANIZE STREET CAR EMPLOYEES**, expecting to get as his reward the governorship of California.

IT IS the custom of the United Railroads to discharge any man caught joining a Labor Union. In the eyes of this corporation, membership in a Labor organization is a crime; and it must be remembered that many of the tools of the United Railroads proceed, more or less conscientiously, upon the theory that a Labor organizer is a criminal. Corporation detectives have a "morality" of their own. It is that "It takes a crime to trap a crime"; and they do not hesitate to commit any lawlessness for the purpose of sending to the penitentiary or gallows any man regarded by them as a criminal. This "morality" extends to some policemen.

It was therefore necessary for Mooney, in calling a meeting of street car men, to try to keep the affair secret and save the men from being discharged from their jobs; but "stool pigeons" posed as car men and were invited to the meeting. These "stool pigeons" informed the employers of the meeting on the day it was to occur, so an army of gunmen appeared at the meeting hall and lined up outside the building.

A notice was posted in the car-barns on the day of the meeting, declaring that any man who joined the Union would be discharged, and denouncing Tom Mooney as a "dynamiter." Note that we say that this notice was posted

Never did the "Frame-Up System" have dirtier work to do than for the United Railroads. Francis J. Heney, prosecuting the grafters, was shot down in open court, and a dynamiter was hired to blow up the home of a witness, "Big Jim" Gallagher, to save United Railroads officials from the penitentiary.

The sum of \$200,000 was offered to a prominent San Francisco lawyer to accept the position of district attorney for the purpose of dismissing the indictments against the United Railroads officials. The lawyer replied to the offer: "You are mistaken in your man."

One of the Koster-Dollar Chamber of Commerce hired murderers. He killed Olson, striking Longshoreman.



Homer Waters, ex-convict, pimp, gambler, gunman and strikebreaker, pleaded guilty to shooting Olson, defended by the Chamber of Commerce Chief Counsel, was paid \$12 every week in County Jail by Chamber of Commerce, found guilty of manslaughter, sentenced to ten years, with inexperienced prosecutor and foreign judge conducting case.

before the meeting. Also, arrangements were made in advance with the Pacific Gas & Electric Co. to borrow electric power for the United Railroads, "in case of accident." In the course of the street car men's meeting, Mooney had occasion to walk from the main hall to the ante-room for a conference. One of the detectives who had sneaked into the meeting leaped from the window at this moment and ran to give the signal that Mooney had left the building. At 4 o'clock in the morning an explosion destroyed a few hundred dollars' worth of high-power towers of the United Railroads. The time of the explosion was calculated, apparently, as being an hour late enough for Mooney to have traveled by automobile the distance of fifteen miles to the scene of the explosion. The destruction of the towers was only spectacular, doing very little damage; not a street car paused in its way, nor was even the Pacific Gas & Electric Co. power needed. But the System had made a slip! The towers were blown up at an hour when it would have been impossible for Mooney to get to the scene, for Mooney did not leave the hall at the time the detectives claimed he did, and had a hundred witnesses to prove it.

Dynamite having failed, the United Railroads detectives fell back upon their old reliance, Gold.

THE street car strike was broken by the treachery of spies in the union ranks. The actual strike (July 14) endured but about one hour, when the cars were tied up on the main street and an enormous crowd gathered. A police captain was overheard in the crowd to inform a patrolman that "We are not going to get Mooney now; we will do that later."

Tom and Rena Mooney prepared to go, for the wife's benefit, on a vacation to a neighboring summer resort.

MONEY FOR EVIDENCE

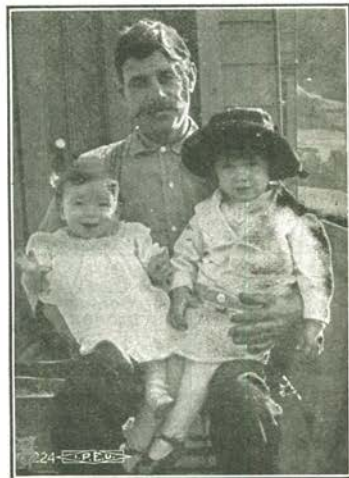
ON the 17th day of July Martin Swanson, ex-Pinkerton and chief detective for certain corporations, including the United Railroads, sought out Warren K. Billings, whom he knew to be acquainted with Mooney, and offered him \$5,000 to sell Mooney into his hands. Billings was first offered a job, and then offered the money.

Three helpless victims of so-called "Law and Order."



Three more of Brother Olsen's children. "The Gentlemen Thugs" robbed these kiddies of their father and their bread-winner.

A victim of hired murder in the guise of "Law and Order," and paid for by the Koster-Dollar gang of "Gentlemen Thugs."



Brother Olsen, striking union Longshoreman, father of thirteen children, killed by a gunman hired by the Chamber of Commerce "Law & Order" Committee while he was trying to secure a better existence for his wife and children.

Upon Swanson's offering Billings the \$5,000 bribe, Billings' first thought was to get word to Mooney. Swanson shadowed Billings to keep him from having the opportunity, but Billings met George Speed, Secretary of the I. W. W., at the corner of Fourth and Market Streets, and told him that a Pinkerton had just offered him money to frame-up Mooney, and asked Speed to take a note to Mooney's studio. Speed carried the note. (Billings was afterwards accused of having sent in this note by George Speed a message to Mooney to meet him for the purpose of planning to dynamite the Preparedness parade. The court would not allow Billings to explain what the contents of this note were.)

For refusing to sell Mooney for \$5,000, Billings is now under sentence of life imprisonment in Folsom Penitentiary upon the pretense that he caused the Preparedness parade explosion.

Swanson also found Israel Weinberg on the same 17th day of July, and rode in Weinberg's jitney bus as an excuse for conversation. The \$5,000 bribe was offered to Weinberg, who indignantly refused it. Two days later, Swanson again hailed the jitney bus and repeated his offer to Weinberg, assuring him that not much evidence was needed and that he could make the \$5,000 dead easy, and then go east and set himself up in business under another name. Weinberg wrathfully declined. Swanson

A "FRAME-UP" DETECTIVE, EMPLOYED BY THE MERCHANTS & MANUFACTURERS ASSOCIATION



J. P. Emerson, caught in a conspiracy to send Tom Mooney, O. A. Tveitmo, Sec'y Cal. Bldg. Trades, and Anton Johansson, Organizer B. of C. to prison on a dynamite frame-up.

jumped out of the automobile, snarling: "I'll get you for that!" (A week later, when Swanson arrested Weinberg on the murder charge, he growled into Weinberg's ear, "Didn't I tell you I'd get you?"")

THE PREPAREDNESS PARADE

IN THE midst of these labor troubles, the Preparedness parade was planned. The Chamber of Commerce backed the parade and insisted that all employees in San Francisco must march in it. The Labor Unions did not like to take orders of this kind, and officially refused to have anything to do with the employers' Preparedness parade.

The hatred of trade-unionism, nursed in the breast of the Chamber of Commerce, was expressed in a meeting of business men who, in fifteen minutes, subscribed three hundred thousand dollars (twenty-five thousand coming from Rockefeller's Bank of California), for the avowed purpose of establishing the open shop and death to labor unions in San Francisco. This fund quickly grew to a total of one million dollars, which is now being openly used to hang Tom Mooney, Mrs. Mooney, Weinberg and Nolan—with Billings already sent to the penitentiary for life. The so-called Law and Order Committee of the Chamber of Commerce has published big advertisements in the daily papers, announcing its deliberate determination to defend Fickert in the perjury conspiracy affair and his effort to go ahead with the hanging of the labor prisoners.

The Labor Unions' opposition to the Preparedness parade was largely due to the blatant command of this labor-hating organization that every union man must march in the parade, or be discharged from work.

San Francisco is a thoroughly Union town, and not an organized man marched. Only 22,000 employers and non-union employees, led by a body of society women, formed the parade—it having been cut down by the labor union action from an estimated 150,000. Organized Labor was perfectly satisfied with the victory, and entirely through with the affair before the day of the parade.

The campaign for military preparedness had been so hotly waged that somewhere in the city a man or men became so bitter as to conceive the idea of throwing a bomb. Or perhaps it was not an anti-militarist, but a corporation detective who conceived the diabolical scheme. We do not know—we can only say that it was the employers alone who profited by the deed—the same organizations, in effect, which fathered the dynamite frame-ups of Stockton and elsewhere.

Hundreds of warning letters were mailed to the leaders of the preparedness movement; the police and leaders of the parade and the newspapers all received many post-cards and letters declaring that a bomb would be thrown.

A newspaper reporter tipped off Labor officials, and the Unions immediately issued their warning to all Union men to remain silently inactive in order to give no possible chance for the blame to be put on Organized Labor.

The inceptors of the Preparedness parade did their best to keep these warnings from becoming public for fear that the rank and file would refuse to march.

As the parade was about to commence, Mrs. William Hinkley Taylor, a society woman, leader of the woman's division of the parade, was handed a note by a small dark foreigner, warning her of the impending disaster. The man vanished into the crowd before the note was read. **Martin Swanson had other plans, and so the note lies now, unused and unwanted evidence of the crime.**

Street Car Strike scene at Third and Market Streets, showing complete tie-up of all cars in business section of the city.



Insert showing Rena Mooney being arrested for pinning Union Button on car man during the tie-up, July 14th, eight days before parade.

Mrs. Taylor gave his description to the police. But

THE BOMB

STEUART STREET was filled with paraders waiting for the signal to march. One of these was Dr. J. Mora Moss, a prominent physician. As he wheeled about, marching out of Steuart into Market street, he happened to raise his eyes and saw a

One more union man the Koster - Dollar Chamber of Commerce hired murderers assassinated.

large black cylinder crash down into the crowd from above.

Immediately there was a tremendous explosion, and when the smoke drifted away, there lay ten men, women and children dead or mortally wounded, whilst half a hundred others were severely hurt.

Mrs. Janie Compton from her window in the Terminal Hotel saw a man climb onto the roof and walk to a spot immediately above the explosion. The man leaned out over the sidewalk and ran away as the explosion occurred.

Mrs. Fanny Dahl, a white haired woman, stood facing the scene and saw the bomb drop into the crowd. Crashing slivers of iron and broken glass wounded her.

Charles F. Hollfelder also was standing near and saw the bomb flash past.

Lewis A. Morey, killed by Chas. Berg, one of the "Law and Order" Committee's strikebreaking murderers. "The Gentlemen Thugs" commend this kind of "Law and Order."

Louis Eris was another eye-witness to the bomb throwing.

Mrs. Maude Masterson was crossing Steuart street the moment of the explosion, and saw the object falling towards the heads of the crowd. As the bomb exploded, Mrs. Masterson fainted. Upon recovering from her faint, she rushed up Sutter street, where she met Policeman Clarence Bormouth. She was in the act of telling him of seeing the bomb fall, when District Attorney Fickert and Frederick H. Colburn, President of the Bankers' Exchange and manager of the Clearing House, came by and were also told what Mrs. Masterson had seen. Policeman Bormouth took her name and address in his note book.

Most of these six eye-witnesses to the throwing of the bomb reported immediately to the police, but all of them were told that they were not wanted.

WHEN Mooney came to trial, his lawyers demanded the name and address of Mrs. Masterson. Officer Bormouth said he had lost the note book in which he had placed the address. Then he changed his mind and said, "Ask Fickert." District Attorney Fickert stubbornly refused to give the information, claiming that he did not possess it. Toward the end of the Mooney trial, so much heated argument took place in court to obtain the address of the witness that Fickert finally surrendered it. The defense investigators rushed to the address given. Mrs. Masterson had moved away a few hours before the District Attorney gave up her address and had gone to a secluded residence across the bay,

Another one of the "Law and Order" Committee's hired assassins, who did his dastardly work to suit the hearts' content of Koster and Dollar and the rest of their ilk, "The Gentlemen Thugs."



Chas. Berg, gunman, strike-breaker, who shot and killed Lewis A. Morey, striking Longshoreman. Berg was defended by able counsel hired and paid for by the Chamber of Commerce "Law & Order" "Vigilantes." He was acquitted. They need his services to murder a few more good union men, in the name of "Law and Order."

Dr. J. Mora Moss, prominent physician who testified at the Mooneys' and Billings' trial, is showing with roll of paper how he saw the bomb fall. He marched in the parade.



without giving her new address. She was finally discovered by accident, and testified for the defense.

Thus the bomb was proven to have been thrown from above, by the testimony of six eye-witnesses, to say nothing of Dr. Stafford, autopsy physician, the very first witness for the State, who said that the bomb, in his opinion, "must have exploded before it reached the ground."

FRAUDS PERPETRATED TO BUILD THE FRAME-UP STRUCTURE

STEPHEN V. BUNNER, Lieutenant of Police, has a record. He was one of the two policemen who were the only witnesses in the famous case of the frame-up of Dowdall. Dowdall was a poor fellow in whose tent policemen "planted" a stolen overcoat in order to get a conviction and save the police department from a shake-up at a time of crime epidemic. Dowdall spent years in prison on a fifty-year sentence, losing his sanity; whereupon the real hold-up man who had stolen the overcoat confessed. It was Bunner who had charge of the scene of the crime of July 22nd.

Colburn, Fickert's friend, got a sledge-hammer and beat a large hole in the sidewalk where there

had originally been a slight abrasion from the exploding bomb. Someone else, while the place was in Bunner's charge, dug out the brick wall with a crowbar. Then photographs were taken of the holes dug by the sledge-hammer and crowbar, which were kept as the record of the effect of the bomb, until six months later, when the defense of the labor men discovered a true photograph taken by a bystander immediately after the explosion. (See both photographs, on pages 16 and 17.)

This fraud was done to make it appear that the bomb was placed in a suitcase and thereby get rid of the real witnesses.

BEFORE sundown, Fickert called in Martin Swanson, who had, as said before, on the preceding Wednesday, offered Warren K. Billings \$5,000 to frame-up Mooney, and had made the same proposition twice to Israel Weinberg.

Arthur Silkwood, union electrical worker, was three times offered \$5,000 in this same week to frame-up Mooney.

This sinister detective quietly wrote out the names of the street car strike leader, his wife, and the two men who had refused to sell the strike organizer into his hands.

Fickert told the U. R. R. detective to proceed as he saw fit.

Fickert was ambitious. Every incident seemed to point to a spectacular trial with certain victory and glory for the district attorney. Fickert confided to friends, and, indiscreetly, to acquaintances, that he expected to become Governor of the State, by means of the glory won.

So was the plot formed to murder upon the gallows five human beings. Little by little, the black waters of perjury got deeper, until Fickert, not sufficiently intelligent to save himself, was at last engulfed.

FAKE DRY CELL BATTERY PART "PLANTED"

TWO days after the explosion, someone (Martin Swanson in charge) dropped a little green insulated coil of wire at the scene of the explosion, and someone else obligingly came along and "found" it. This was dramatically shown to the Mooney jury as a dry-cell battery coil to prove to the jury that the explosion was caused by a stationary bomb, until the fraud was exposed in court, that it was a retarding coil from a telephone switchboard, chosen by the "framer" by mistake.

The parts of two clocks were introduced in over-enthusiasm as proof that one clock had been used in the bomb!

Many fragments of metal were introduced as missiles from the bomb and fragments of its container. The strange part of it is, however, that everything which tended to show a stationary bomb with a time device was found, not immediately after the explosion, but days afterwards—after Martin Swanson had concocted his theory of Mooney and the suitcase.



Mrs. Fannie Dahl saw the bomb fall into the crowd. She was wounded by the bomb.



Mrs. Janie K. Compton, who saw man throw bomb from roof of building. Fickert concealed this witness.



Mrs. Maude Masterson saw bomb come through the air. As it exploded she fainted. She reported to Fickert immediately. He concealed this witness, and did everything to prevent the defense from securing her as a witness.

Colonel Arthur Isert, a veteran of the United States Army and ex-colonel and explosive expert in the Mexican Army, made two duplicates of the bomb that the prosecution's experts swore was placed in a suitcase at Steuart and Market streets. These bombs were taken and placed in suitcases on a hillside back of the town of Berkeley, the location being pointed out by the Chief of Police of Berkeley as being safe, and the explosives were detonated.

By this experiment it was proven that such an explosion could not possibly take place without leaving many fragments of the suitcase, many parts of the clocks (which the State contends were used) as well as large portions of the dry-cell batteries.

Colonel Isert demonstrated to the jury by this means that the whole theory of the United Railroads detective of a suitcase bomb was impossible, the State having not one single thing to honestly indicate any suitcase, clock or dry-cell battery. The suitcase theory is the pure product of a long newspaper campaign of falsehood conducted by Fickert to "get" Mooney, whom he had to admit could not have been present to throw the bomb.

A "FRAME-UP" BOMB?

THE theory is advanced by many that the detectives of the Frame-Up System themselves made the bomb. If they did not make it, there is at least as much reason to believe that they did as there is to believe that they did not. To those who find it hard to think such a thing possible, we wish to call to mind the Stockton frame-up, and the many, many other cases in which the criminal gang that lives upon corporation money in fighting Labor, has deliberately committed the most fiendish crimes for the purpose of trapping and convicting Labor men by "Frame-Ups" for the commission of these crimes. We want to remind you again that Martin Swanson, the detective for the utility corporations, had been desperately trying, up to the very moment of the parade, to trap Tom Mooney. We call attention to the innumerable frauds that were perpetrated to fasten the blame upon these defendants after the crime was committed, and to the bribes that were offered for Mooney's conviction during the seven days preceding the explosion by this same man who was the hidden power behind Steve Bunner when the evidence was deliberately destroyed and a fake set of evidence built up with crowbar and sledge-hammer, false photographs and a "planted" imitation dry-cell battery part.

ON "Preparedness day," Mrs. Mooney's cousin, Mrs. Timberlake, and Mrs. Hammerberg, sister of Mrs. Mooney, arrived at the music studio about noon to view the parade from its windows, which overlook Market street. An enormous flag, however, had been draped over the front of the building, which effectually covered all of the front windows of the studio, and the party decided to go to the roof. Several pupils of Mrs. Mooney dropped into the studio to bid her good-bye for vacation time. Employees of the building passed in and out of the studio, fixing the large flag. Several street car men called and talked with Mooney. All of these persons proved an unbroken alibi for the Mooneys for every minute of the time they were supposed to be committing murder a mile and a half away. About 12 minutes to 2 o'clock, the music of the parade was heard, and Tom Mooney, Rena Mooney, Mrs. Timberlake and Mrs. Hammerberg went to the roof of the building to see the parade. From this time on, he and his wife are proven to have stayed on the roof until late in the afternoon.

As the head of the procession approached, a young man on the roof of the adjoining building, by the name of Wade Hamilton, took out a Brownie camera to snap the approaching procession. (Wade Hamilton had never known any of the Mooney family.) In leaning over the edge of the wall to catch a view of the coming parade, many persons on the roof happened to appear in these photographs, including both Tom and Rena Mooney. Only their backs show, but their identity is easily recognized and not disputed. Four times young Hamilton snapped the coming parade. In three of these pictures Tom Mooney appeared, and in all of them Rena Mooney was shown. The first picture was snapped at 1:58; the second at 2:01; the third at 2:04. (The bomb explosion occurred at 2:06.)

BEFORE the "Frame-Up" Gang worked on the scene of explosion with sledge-hammer and crowbar destroying real and manufacturing false evidence.



AS IT WAS
The true scene of the explosion, introduced into evidence by the defense.

As the parade approached, about two o'clock, a spectator asked a friend: "Who is that leading the procession?" Tom Mooney turned and replied. "That is the Mayor." This incident, testified to by the man who asked the question, fixed the fact that Mooney was on the roof at ten minutes to two.

Tom and Rena Mooney took a train on Monday morning, two days after the parade, to go on their vacation to Camp Montessano, the resort having been recommended by one of Mrs. Mooney's music pupils. This vacation had been talked of by the Mooneys to their friends for some time, and many postcards signed by their full names were mailed from the resort. Nevertheless Tom Mooney was sentenced to death on the theory that he and his wife were there in hiding. At Montessano, while rowing in a boat, Mrs. Mooney noticed in the San Francisco Examiner the announcement that Thomas J. Mooney was wanted for the bomb explosion and was a "fugitive from justice." Immediately the couple returned to the camp, dressed, and caught the first train for San Francisco. Before leaving, Mooney sent the following telegram:

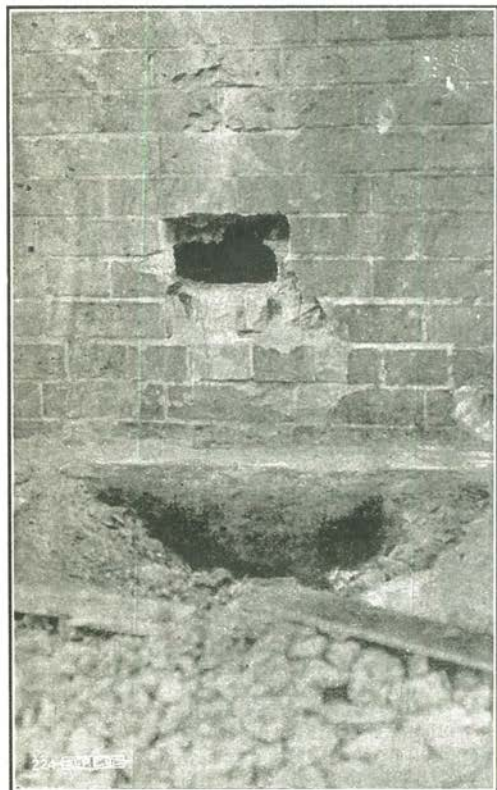
"Chief of Police White, San Francisco: Wife and I left San Francisco last Monday, 8:45 a. m., for week vacation at Montessano. See by papers I am wanted by San Francisco police. My movements are and have been an open book. Will return by next train to San Francisco. I consider this attempt to incriminate me in connection with the bomb outrage one of the most dastardly pieces of work ever attempted.

"TOM MOONEY."

The same telegram was sent to the San Francisco Bulletin.

On the train bound for San Francisco, detectives arrested Tom and Rena Mooney and took their tickets away from them. The prisoners were taken off the train at the town of Guerneville, were held some time, put

AFTER the "Frame-Up" Gang worked on the scene of the explosion with sledge-hammer and crowbar, destroying the true and manufacturing a false scene as evidence to fit "their" case.



AS THEY MADE IT.

The false scene of the explosion, introduced into evidence by the prosecution.

roundabout trip, while the newspapers fed the public mind upon exciting stories of the efforts of the Mooneys "to escape." By means of the indirect route of the automobile, the regular ferry boat was missed and a special boat chartered to carry the prisoners across the bay. With much melodramatic acting, the detectives turned Mooney and his wife over to newspaper photographers at the ferry landing as their captured prize. The Mooneys showed their checks, proving that their tickets were for San Francisco (these checks are in the possession of the attorneys for the defense), but the district attorney gave out the mendacious stories just the same.

BATHROOM JAIL FOR WOMEN

RENA MOONEY was kept in a bathroom two days and nights, the prosecutor kindly allowing her a pallet of rags under the shower bath and toilet seat, for a bed. After forty-eight hours of this, the newspaper men were called in to be shown that Mrs. Mooney was "nervous and excited, just like a guilty woman."

EVEN THE DEFENSE LAWYERS WERE OFFERED MONEY

ASSISTANT DISTRICT ATTORNEY JAMES BRENNAN met John G. Lawlor, attorney for Billings, in the corridor of the fourth floor of the Hall of Justice, and said: "Jack, you're a big leaguer. If you'll get this fellow (Billings) to come through, WE'LL GIVE YOU \$15,000, and you can give him five or ten thousand, as you please, and we'll get him out of the country."

Billings was arrested by Martin Swanson at the Lane Hospital, where he was regularly enrolled as a patient for eczema.

Before being allowed to see anyone, Billings told the Chief of Police the com-

plete story of his movements, which tallied exactly with his testimony on the witness stand, as proved by the Chief of Police. Billings also drew a map of his movements.

On the afternoon of the day of tragedy, Billings overheard a conversation by a prominent business man, Bert Wertheimer, and a friend, concerning the parade, as well as the appearance and actions of certain girls in the procession. Not having met any acquaintances during that part of the afternoon, Billings was forced to rely for his alibi upon such incidents, which were afterwards proven by Wertheimer and the girls in the parade to be precisely as stated and formed an indisputable alibi.

But Billings was nevertheless convicted. The judge would not even allow him to tell of his movements before noon on that day, the jury being incited by the prosecutor to believe he was arranging for a bomb.

ON Preparedness day, Israel Weinberg drove his jitney bus over his regular route, the Fillmore-Sutter line, until 12:45 p. m. At about 1:30 o'clock a jitney bus driver named Simon Steller saw him on Golden Gate avenue, and so testified. At 1:40 o'clock Weinberg quit his route and went to the clothing store of Mrs. Esther Kaplan, to tell her of a letter received from his wife, who was at the bedside of her dying brother in Cleveland. It is proven that he was in Mrs. Kaplan's shop at about twenty minutes to two o'clock. At fifteen minutes to two, Weinberg left the shop and met David Smith, a law student, who asked about his brother-in-law's health, and introduced him to Leon Carrasso, an insurance agent. Carrasso and Smith both testified at Mooney's trial that this occurred at 1:45, the exact time that Weinberg is supposed to have been driving the "dynamite car" at Steuart and Market streets, two miles away.

WHEN Weinberg was arrested, the news was given out that immediately after the explosion one of the dynamiters had run into the back door of the Jitney Bus Operators' Union—which has no back door).

Martin Swanson took Weinberg to his home for the purpose of a search. With a grin this detective hissed in Weinberg's ear, "Didn't I tell you I'd get you?"

Weinberg had been given a long and torturing third degree by the police upon his arrest in the effort to get from him some confused statements. Weinberg first gave an open and frank statement to Detective Mike Burke. Then he was awakened from a sound sleep and a brilliant electric light was flashed into his face, while half a dozen detectives shouted and annoyed him to no avail. A slight confusion of speech in the statement made under the third degree torture was attempted to be used against Weinberg in Mrs. Mooney's trial, but the jury refused to take it seriously and demanded to know what sort of torture Weinberg was undergoing at the time of the statement. The defense demanded the other statement given by Weinberg while not under duress. The prosecution pretended to have lost the statement, saying that the last they heard of it, it was in the possession of Detective Mike Burke. Mike Burke was demanded to be sworn to tell the defense where that statement was. Mike Burke was not to be found and that statement therefore was not produced during the trial. We learned afterwards that Mike Burke was seen running away from the courtroom at the time he was being called to the stand.

In the Billings trial, Steve Bunner testified that Martin Swanson was present at the searching of Billings' house. The prosecutor quickly asked him: "Mr. Bunner, isn't it possible that you are mistaken about Swanson being there?" Bunner looked hard at Fickert's face and obediently swore: "Yes, I might be mistaken; in fact, I am sure that Swanson was not there." Thus every effort is made to protect the foul tool of the corporations from being involved and showing the corporation vengeance in its true colors.

(Before Attorney McNutt took the defense, Swanson had met him on the street and said: "Don't you think that if we can keep the private detectives and special prosecutors out of it and make the public think that the regular officers of the law have worked up this case, we can hang Billings and then get Mooney, the man we want?")

EDWARD D. NOLAN was arrested as he left the Machinists' Union hall after making his report from the National convention. It was in the basement of his home that Tom Mooney kept his motorcycle, which motorcycle had been used to trail automobiles carrying scabs, in order to find their residence and request them to join the union. His home was searched. A box of Epsom Salts and a quantity of molder's clay were discovered in his home and passed off to the Grand Jury as explosives. Upon such evidence the Grand Jury indicted Nolan, as well as the other defendants.

The famous box of Epsom salts was passed off to Mrs. Mooney's jury as saltpetre, until the prosecutors were caught in the lie. Then they had an expert swear that "Epsom salts could be used in a bomb."

Nolan also has an absolutely proven alibi.

District Attorney Fickert has since admitted: "I can handle the Grand Jury. They indicted Nolan without any evidence, at my request."

"PLANTING" DYNAMITE AS EVIDENCE TO HANG MEN

THE police raided a cabin on the Russian River, which was owned by a man named Nolan. They "discovered dynamite" in the cabin, or, to use the language of the Frame-Up System, they "found" dynamite there. A man was left to guard the house. A stranger arrived; the guard asked the stranger who he was. "I am Nolan," said he. The place belonged to William Nolan, an engineer in the government service at Mare Island—no connection or relation of Edward D. Nolan, the machinist. Quickly word was gotten to the authorities that it was a mistake, and the "found" dynamite was promptly lost and never again heard of!

Not one word of this rankly criminal episode was allowed to creep into court.

AS soon as the papers announced that a big money reward would be paid for the identification of the bomb throwers, hundreds of people came forward eager to identify the suspects and to swear they had seen them in guilty acts. (Why not? The district attorney said they were guilty, didn't he?)

THREE policemen and one special worker of Los Angeles told the jury in the trial of Mrs. Mooney, that they knew "Estelle Moore's" reputation in Los Angeles to be bad. One policeman had to comply with the judge's command and avoid saying that his acquaintance with Estelle began when he arrested her on a murder charge. Another police officer, who arrested Estelle on a prostitution charge, hemmed and hawed about and said that he last saw Estelle coming out of a "rooming house."

The real story of Estelle, freed from the restrictions of the law court, rises to the plane where truth rivals fiction. This gorgeously dressed "janitress out of a job," who is now living in a fine apartment on the north side, paid for from funds supplied to Fickert by the Chamber of Commerce, originated somewhere in the South. She has been in many cities, though probably with but one occupation. The same occupation which caused her arrest in a bawdy house in Los Angeles by one of the officers who testified, appears to have been her occupation in Jacksonville, Florida; New Orleans; El Paso, Texas; and Chicago, Ill.

In 1913, Estelle Smith, then known as Estelle Moore, was reputed to be living as the common-law wife of her half-brother Morris Bohannon. Morris appears to have become entangled with another girl by the name of Irene Smith, very much to the rage of Estelle. Estelle got her uncle, J. L. Murphy, to go with her to demand that Irene Smith give up her effort to marry Morris Bohannon. Irene refused. Estelle became enraged, a fight ensued, a shot was fired and Irene fell dead.

Both Estelle and her uncle, Murphy, were indicted for the murder. Estelle on all public appearances affected the dress of a child with her hair down her back. During the trial of her uncle, she feigned hysteria on the witness stand and complained, just as she did four years later in the trial of Mrs. Mooney, that "people were pulling faces at her."

Estelle was the daughter of Murphy's sister and he had been accustomed to protect her. Only he and Estelle had been present when the shot was fired. One of them must be held responsible. Murphy did not have very much to say. Estelle had many words and many tears, a pretty face and childish airs. Murphy went to San Quentin prison on a twelve-year sentence. Estelle "saw the District Attorney" and was released.



Estelle Smith, alias Moore, alias Starr, arrested several times as a prostitute, who was a star perjurer in Mrs. Mooney's and Billings' trial, is here shown testifying before Judge Dunne in the Billings Trial. She has since confessed that she was ordered by Fickert and Swanson to rehearse others in their perjury and was threatened with the penitentiary if she refused to testify against Billings. She said "Men Higher Up" than Fickert sent Oxman to offer her not less than \$10,000 to perjure herself against Weinberg. She was arrested for complicity in a murder for which her uncle was convicted. Judge Dunne of the "Frame-Up" gang thinks this evidence proves that all of the defendants are guilty and should be in jail.

While she was in the jail, the other women who were there thoroughly despised Estelle. The reason they gave was that in the loose living in which they had been steeped, at least they had never included their own brothers. Estelle's reputed way of living was the horror of the jail.

One of the women in the prison, an adventuress, was the principal person in whom Estelle confided. When first brought to the prison Estelle could neither sleep nor rest. After long hours of sobbing and raving Estelle was told by the older adventuress that if she would unburden what she knew, she could sleep better. The two women had a conversation, after which Estelle dropped off to peaceful slumber. The other woman said that what Estelle told her was that she herself had fired the shot. After the conviction of Murphy Estelle was released and the talk of the underworld was "Murphy took the fall for her."

About this time Estelle's step-father, J. D. Kidwell, was convicted of forgery and sent to Folsom penitentiary. Morris Bohannon left and Mrs. Kidwell and Estelle came to San Francisco. The two women went to live in the rooms back of a dental office at 721 Market street, "the dentist giving us the rooms free", as Estelle put it. Estelle and the dentist, together with Mrs. Kidwell and a friend, Louis Rominger, who keeps her company while her legal husband is in the penitentiary, were happily installed in this establishment at the time of the Preparedness parade.

A reward of \$17,000 was offered for the arrest and conviction of the perpetrators of the bomb crime. Rumors were rife of suitcases having been seen mysteriously about the railroad and ferry station where the crime occurred. A photographer had climbed to the roof of the dental office on parade day with a large camera in a case.

Estelle was quoted in the newspapers as having seen a bomb thrower come to the roof with a bomb in a camera case, which he started to throw, but changed his mind. Estelle gave many interviews. It appears that Estelle's mother, a godly woman, according to the press, was very reluctant to let her gentle daughter go out into the rough world of policemen and labor agitators to tell what she knew; but Mrs. Kidwell wrestled with her conscience and finally told her daughter, so said the papers, to "commune with God and go forth to testify." At that time the reward stood at \$8,000.

Estelle communed with Assistant District Attorney James Brennan, and came forth to testify to a story entirely different from what she had told to newspaper reporters. Billings was convicted upon her testimony predominantly. Mrs. Kidwell was also to testify. District Attorney Fickert promised to get her husband released from the penitentiary on that consideration, and Mrs. Kidwell wrote to the convict husband of the agreement. The letter fell into the possession of the defense, and Mrs. Kidwell could not be used, the Edeau women taking her place.

Louis Rominger went to see Billings and declared that Billings was not the man whom he had helped to the roof with the camera case. Then Rominger returned to the dental office and Estelle—his "daughter" as he called her—communed with him a while and he communed with Jim Brennan and he finally said "I see they will be sore at me if I don't identify this fellow"—and thereafter Rominger was a witness who swore that Billings came to the roof with a suitcase. The conviction of Billings was raw. In fact it was so raw that it stank from San Francisco to the Atlantic Ocean and it did not look safe to try to repeat it. Especially because Estelle Smith's fairy tale of Billings at the dental office was flatly contradictory of other testimony of his being at the scene of the crime many blocks away at the same time.

So Estelle, the petulant, the dramatic, the proud, who had seen her photograph in the papers many times and been promised \$8000, was dropped from the list of witnesses, and one Frank C. Oxman (about whom we'll tell you more later) was obtained as a sort of "omnibus" witness to take the place of Estelle Smith and several other witnesses whose records had been discovered and necessitated their discharge.

Estelle was furious. True she had been living well, comfortably located in a house on Van Ness avenue, the rent paid by the police, and with Louis Rominger commissioned as a special policeman to "guard Mrs. Kidwell," but actual large sums of cash Estelle had not yet seen according to her expectations. So when Frank C. Oxman was caught in the most astonishing perjury fraud that ever graced American history, Estelle had a lot of spleen to vent. She rushed into print with a voluntary affidavit that Oxman had offered her a large bribe for perjury. She said that Oxman had mentioned "men higher-up" who were to pay the bribe. The Chamber of Commerce was paying for the prosecution of the labor unionists who had been active in calling the street-car strike. The men in control of the Chamber of Commerce are the "men higher-up" in these prosecutions.

Estelle communed with some sort of powers or politicians, played sick and did not appear as a witness. Her Uncle Murphy was immediately released from the penitentiary. Estelle was promised to be restored to the job of star witness and reward-winner, and she told the attorneys for the defense, over the telephone, "I'm sorry, but I can't see you any more."

After Billings was convicted and sentenced to life in the penitentiary, Police Officer Billy Harrison told Defense Attorney McNutt that he was present when Rominger looked Billings over to see if he was the man he had helped to the roof of the dental office at 721 Market street, July 22nd. Rominger said Billings was not the man as

he was too small. Harrison refused to testify to this fact, because the "Frame-Up System" would get his job; as he put it, "I have one of the softest snaps in the Department."

The prosecutors did not dare use Rominger in the cases of Tom and Rena Mooney.

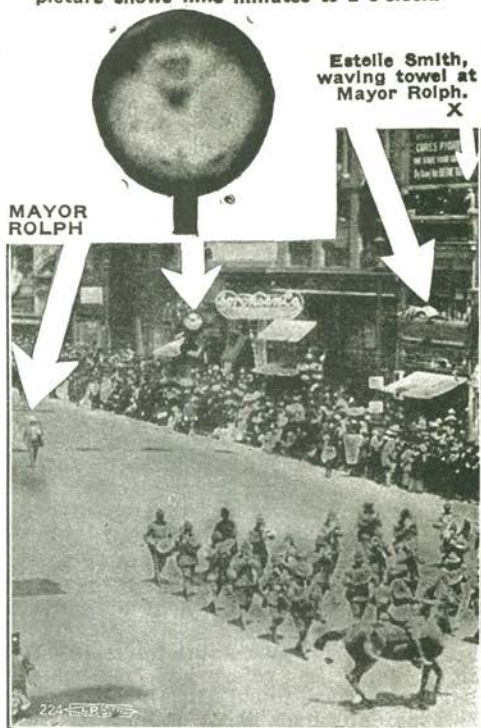
WHEN the golden call for witnesses went out, one Crockett, strike-breaking gunman and detective for the United Railroads, and the Pacific Gas & Electric Co., announced that he had seen Billings on the roof of the Ferry Building about the time of the explosion. Crockett was engaged in herding a horde of thugs from Paterson, N. J., and Ludlow, Colo., and the slums of New York for the breaking of the Longshoremen's strike at the time of the bomb explosion. (The thugs under his command disappeared almost immediately after the explosion.) Crockett was to be a witness against Billings, but before his time to testify arrived, he decided that a dollar in hand was worth two in prospect and walked away with the Chamber of Commerce "Law and Order" Committee's week's payroll for the gunmen under his charge. Crockett's job was then turned over to a detective named Patterson.

WHILE Patterson took Crockett's job as Detective, one John Crowley was selected as his successor to the witness job. Crowley was gotten in this way: being a relative of a former police officer, he was leniently dealt with when arrested for two crimes. Crowley first got in trouble by marrying a seventeen-year-old girl and giving her the syphilis. The police helped him out of this trouble by getting him paroled from the two-year sentence.

Crowley then stole a watch. The authorities had him picked up on a charge of petty larceny, instead of burglary, for this theft, and let him out on probation. So, upon Crockett skipping out, Crowley was informed that he must take the job as witness to corroborate John McDonald; whereupon Crowley swore that he had seen Warren K. Billings near the scene of the crime in the act of "insulting the flag." The prosecutor made great effect upon the jury by waving the flag that Crowley said Billings insulted.

Crowley has recently been living in a San Francisco house with five men known as "female impersonators," who wore women's clothes and had other men come to spend the night in their apartments. Another watch-stealing took place in their apartments with a

Enlargement of the street clock dial in same picture shows nine minutes to 2 o'clock.



Mayor Rolph in parade passing the dental office at 721 Market Street. Arrow indicating Estelle Smith waving towel at the Mayor. Note clock dial enlargement showing nine minutes to two o'clock. Small arrow marked (X) indicates camera man on roof identified as Billings by Louis Rominger and Estelle Smith. Later pictures show him on this roof as late as four o'clock. This photograph was introduced in evidence by the defense.

John H. Walker, Member of Advisory Board, Illinois State Council of Defense, President Illinois State Federation of Labor, and member of President's Commission that investigated the Mooney case, says:

"My judgment is that the men who committed the Preparedness Day crime are among those most active in trying to hang Tom Mooney for it."



House of prostitution, 300 1/2 South Los Angeles Street, Los Angeles, Cal., in which Estelle Smith was arrested as an inmate. A negro customer was arrested with her.

strange man visitor as the victim. The "female impersonators" were ejected from the house and Crowley went with them. Pardon the frankness of this story, but, when the scum of society is used to work with corporation tools in hanging innocent men, the truth must be told, be it ever so disagreeable.

WITNESSES SWORE BILLINGS WAS IN THREE PLACES AT ONE TIME

THE conviction of Warren K. Billings was accomplished by the testimony of Estelle Smith, who said that he was at 721 Market street after nine minutes to two o'clock; the testimony of John McDonald, alias McDaniels, who said that he was at Steuart and Market streets, a mile away from 721 Market street, at eight minutes of two o'clock until four minutes after two o'clock, and the testimony of John Crowley that he was a block away from Steuart and Market streets, and walking in the opposite direction, at five minutes before two o'clock, "positive sure."

ESTELLE SMITH has from the start been Fickert's chief reliance for dishonest testimony. He has tried to palm her off on the public as a "Southern belle" of very gentle and timid respectability—while he was frantically covering up her prostitution record in Los Angeles.

Is it not a remarkable thing that NO HUMAN BEING

except prostitutes or criminals should have seen the defendants in any suspicious place or act? Why is it that Fickert has had to cover up something ugly in the record of EVERY witness of material importance?

The answer comes in one word: "Reward."

Every witness has been recruited by means of offering MONEY for a certain kind of testimony and no other.

John McDonald boasted of the bribe he expected to receive. Estelle Smith, in Mrs. Mooney's trial, admitted that she had been discussing the money she might receive for her oath. She referred to "my share of the reward," claiming that she would "give it to the orphans"—although she apparently lives like a millionaire, without any visible means of support except "her share" of the blood money.

"NEVER MIND THE TIME," SAYS FICKERT

BEFORE the Grand Jury, Estelle Smith swore that Billings was a mile away from Steuart and Market streets, at 721 Market street, for the purpose of throwing the bomb from the roof, although they claimed that it was detonated by a clock and thus could not be exploded by throwing. This is her testimony:

"Well, when my mother called me and said that the parade was starting I waited for about fifteen minutes, I should say.—I can't say exactly the time. * * * Then as Mayor Rolph passed in the parade (which was nine minutes to two o'clock), I was watching the parade. I told mama to call me when the Mayor passes. My mother called me that part of the parade. I took a towel and waved it out the window. I said, 'Hello, Mayor Rolph,' as loud as I could. The doctor says to me, 'Gracious me, you have such a mouth—'

"Q. (Int'g.) Never mind what the doctor said.

"A. After the doctor said that I had such a mouth—

"Q. Never mind that.

"A. Doctor Shane says, 'You have such a mouth. Don't holler so loud.' When I walked from the front window to the reception room this gentleman, Mr. Billings, I had let on the roof—

"Q. (Int'g.) Did he take his case on the roof with him?

"A. Yes, sir. We helped him on the roof with the case. He was coming down."

As it is proven by the parade photograph on page 21 that Mayor Rolph passed that point at nine minutes to two o'clock, Estelle Smith's story would show that Billings was at that point about eight minutes to two, exactly when McDonald said he was a mile away.

Estelle Smith's uncle. She was jointly charged with him for complicity in this murder.



Jas. L. Murphy, convicted of murder, sentenced to 12 years. Underworld rumor says he "Took the Fall" for her. Murphy's sentence was commuted to time served, 3 years 6 months 17 days. He was released from San Quentin Prison three days after Estelle Smith made an affidavit that "Higher Ups" had Oxman offer her not less than \$10,000 to give perjury against Weinberg.

Through the mass of contradictions imposed upon Estelle Smith by the district attorney's changing theories there appears a clear statement. "I NEVER SEEN MR. BILLINGS BEFORE THE MAYOR PASSED. I explained that to the police when I gave the statement to them."

(After serving to convict Billings, Estelle Smith was dropped as a witness before the Mooney trial, for the reason that she placed him at 721 Market street at nine minutes to two o'clock, whereas a later witness, Oxman, swore that the defendants arrived at Steuart and Market streets—a mile away—at fifteen or twenty minutes to two, after leaving 721 Market street.)

Allie Kidwell, Estelle Smith's mother, had Billings along with Mrs. Mooney at 721 Market street, as late as five minutes past two. John McDonald testified before the Grand Jury five days after Billings' arrest that Billings appeared at Steuart and Market streets with a suitcase about three minutes after two o'clock.

ALLIE KIDWELL testified before the Grand Jury as follows:

"Q. (Fickert) You say you saw Mrs. Mooney waving to somebody on the roof?

"A (Mrs. Kidwell) Yes, sir.

"Q. That was before this man came down off the roof?

"A. Yes, sir.

"Q. Did they speak after he came down off the roof?

"A. They spoke, but I didn't pay no attention to them—just for a minute or two. I KEPT WATCHING THE PARADE, and he went on."

Thus Mrs. Kidwell swore that Mr. and Mrs. Mooney and Billings were in front of 721 Market street until five minutes past two. This covers the entire period during which they were supposed to be a mile away, placing the bomb. (For this reason, as well as another, Mrs. Kidwell was not used in any of the actual trials.)

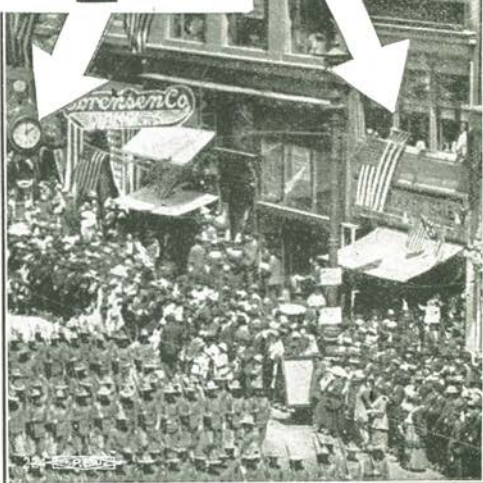
A grand juror, noticing the absurd contradiction as to time, asked Mrs. Kidwell:

"Was the parade passing when this man who was supposed to be Billings came downstairs with the suitcase, was the parade passing then?"

Enlargement of dial of street clock in this photo shows two o'clock.

Allie Kidwell waving flag at soldiers.

Note small flag above larger one. X



Soldiers in parade passing dental office at 721 Market Street, at two o'clock (the only time soldiers passed there that day). Allie Kidwell is waving a small flag at the soldiers from window of dental office. Note enlargement of street clock dial in same picture showing two o'clock. Arrow marked (X) indicates Alphonse De Caccia, also identified as Billings by reward-hungry witnesses. Allie Kidwell testified that Billings, Tom and Rena Mooney were in front of 721 Market Street when the soldiers were passing. This photograph was introduced into evidence by the defense.

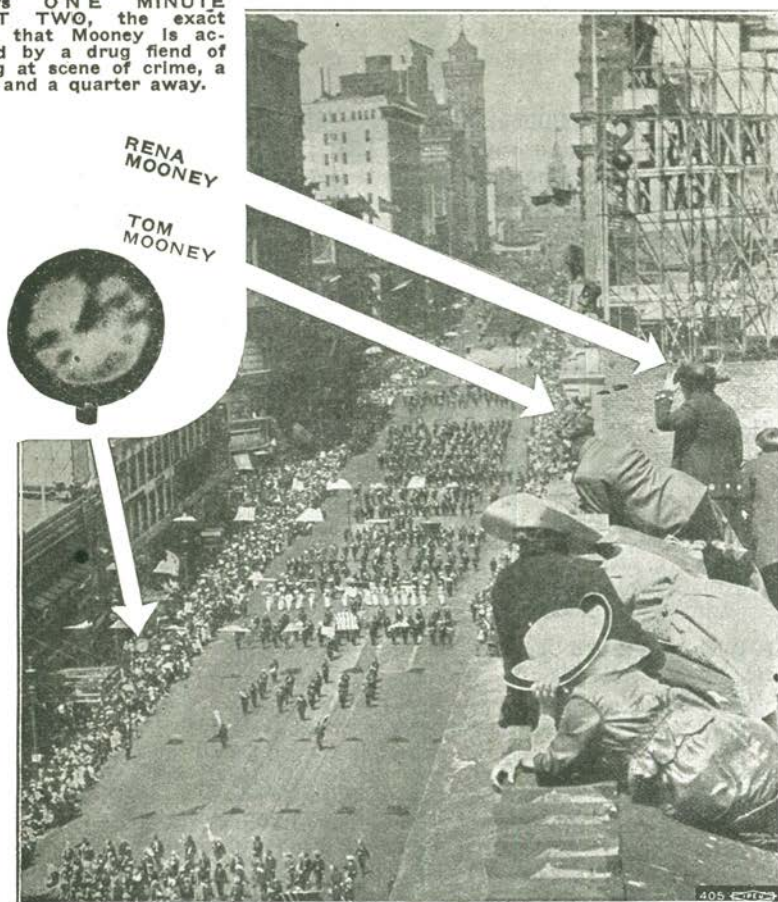
THE POWERFUL BRITISH LABOR PARTY DEMANDS NEW TRIAL

Resolved, That the National Executive of the British Labor Party desires to associate itself with the 37th convention of the American Federation of Labor in its urgent request that new trials be given to Thomas J. Mooney and others accused in connection with the San Francisco bomb outrage as, in our opinion, unless new trials are granted multitudes of our fellow trades unionists in America and in Great Britain must feel convinced that a grave miscarriage of justice has taken place.

ARTHUR HENDERSON,
Secretary.

BEFORE THE "FRAME-UP" CREW WORKED ON THIS PICTURE.

Tom Mooney with his wife on the roof of their home. The street clock in the same picture, here enlarged by Theodore Kytka, world famous expert on hand writing, shows ONE MINUTE PAST TWO, the exact time that Mooney is accused by a drug fiend of being at scene of crime, a mile and a quarter away.



Hamilton photographed the parade four times from the roof of the Eilers Music Co. Building, where he was employed. He did not know Tom or Rena Mooney, Rena Mooney's music studio has been located in this same building for eight years. Upon discovering that Hamilton made photographs that showed Tom and Rena Mooney on the roof, the defense made several attempts to persuade Hamilton to let

One of Estelle Smith's police court records of prostitution that was suppressed record and was denied to attorneys for Tom Mooney when they asked to see it.

H. C. Wilson, a negro. This house was largely patronized by Japanese, Chinese

POLICE COURT RECORDS Saturday, 1

Name	Age	Offense	Time	Location	By Whom	Remark
4133 Smith, Mrs. Estella	25	Vagrancy	11:05	300 1/2 So. L. A. St.	Kirby & McAfee	\$100
4134 Jones " Maud	22	"	"	"	"	\$100
4135 Helmrick Mrs. Minnie	23	26540	"	"	"	\$100
4136 Morgan, Miss Alma	23	"	"	"	"	\$100
4137 Wilson, H. C.	27	"	"	"	"	\$10

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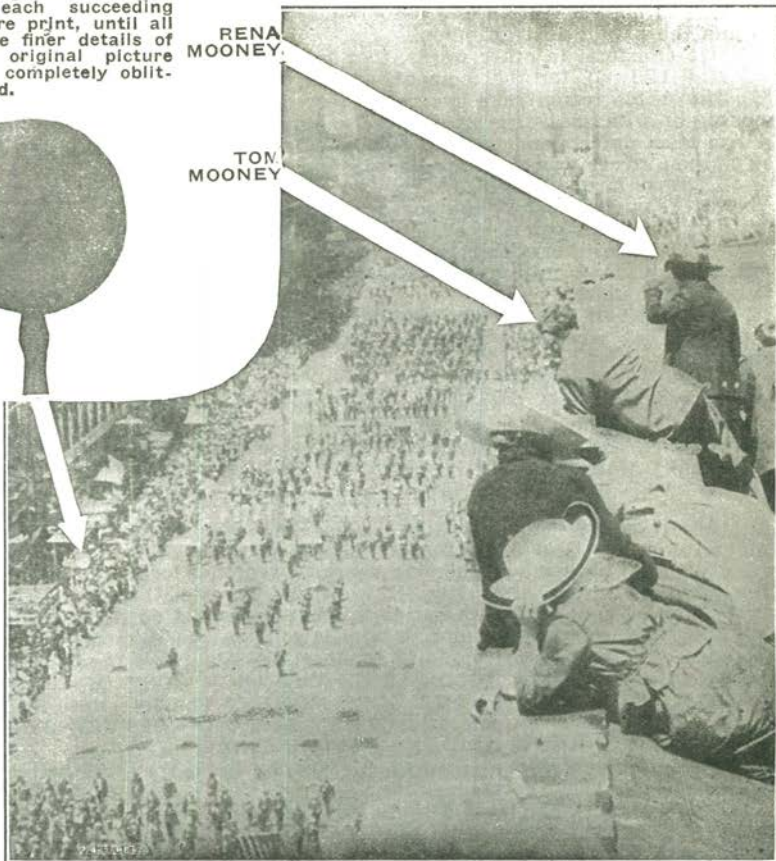
This is the fraudulent copy of the same photograph turned over to Billings' lawyers by District Attorney Fickert. Note enlargement of clock dial, on which the time could not be seen. This fraud was produced by the police photographer copying and re-copying each succeeding picture print, until all of the finer details of the original picture were completely obliterated.

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the defense see the one set of pictures he kept himself and each time he refused. Finally he said he destroyed his set. His employer is a member of the Chamber of Commerce. Hamilton rooms at the Y. M. C. A. with an employee of the Pacific Gas and Electric Co., for which Swanson works. The original film, from which the true photographs shown on the left was made, was obtained on a written court order, after several other legal attempts to secure them failed.

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ote the only customer arrested from the house of prostitution with Estelle was one
and negroes.

RD, LOS ANGELES, CAL.
ay 30, 1914.

Cash on Person	Race	Occupation	Place of Birth	Length	Time	Court	
\$10.00	American	Housewife	Kentucky	4	4	425	Fredks. Released
\$16.48	"	Chambermaid	Wisconsin	2	2	22	"
\$10.27	"	"	Texas	1½	1½	23	"
\$1.00	"	Dressmaker	Tenn.	9	9	23	"
\$4.70	Negro	Waiter	Louisiana	1	1	27	" Bail Forfeited

BEFORE THE "FRAME-UP" CREW WORKED ON THIS PICTURE.

Tom Mooney with his wife on the roof of their home. The street clock in the background is enlarged by Theodore Kytka, world famous expert on hand writing. **ONE MINUTE PAST TWO**, the exact time that Mooney is accused by a drug fiend of being at scene of crime, a mile and a quarter away.



Hamilton photographed the parade four times from the roof of the Ellers Music Co. Building, where he was employed. He did not know Tom or Rena Mooney, Rena Mooney's music studio has been located in this same building for eight years. Upon discovering that Hamilton made photographs that showed Tom and Rena Mooney on the roof, the defense made several attempts to persuade Hamilton to let

THE FRAUD OF THE ALIBI PHOTOGRAPHS.

On the left is a true copy of the photograph which was confiscated along with the original films by the district attorney and locked in his safe until after Billings' conviction. The picture would have proven Billings innocent.

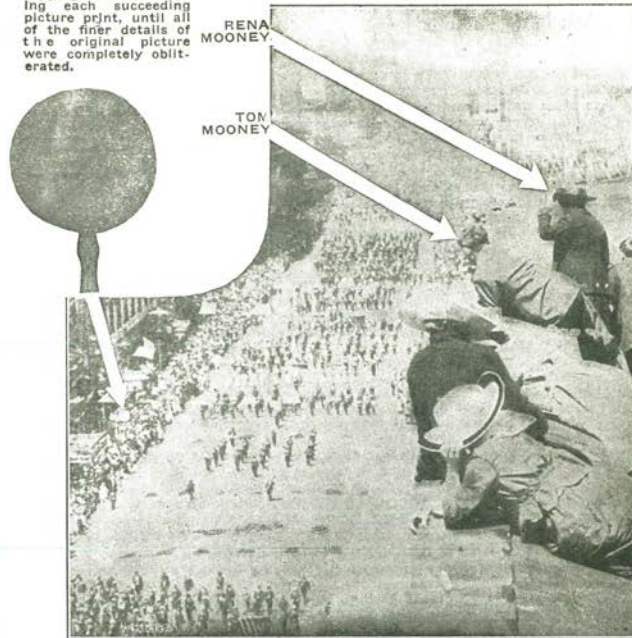
When the true copy was obtained, the prosecutors dropped some of their underworld witnesses and had the others change their testimony for Tom Mooney's trial.



Wade Hamilton of the Y. M. C. A. and his camera with which he made the now famous alibi photographs.

AFTER THE "FRAME-UP" CREW WORKED ON THE SAME PICTURE.

This is the fraudulent copy of the same photograph turned over to Billings' lawyers by District Attorney Fickert. Note enlargement of clock dial, on which the time could not be seen. This fraud was produced by the police photographer copying and re-copying each succeeding picture print, until all of the finer details of the original picture were completely obliterated.



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One of Estelle Smith's police court records of prostitution that was suppressed by District Attorney Fickert going to Los Angeles for that purpose. This is a public record and was denied to attorneys for Tom Mooney when they asked to see it. Note the only customer arrested from the house of prostitution with Estelle was one H. C. Wilson, a negro. This house was largely patronized by Japanese, Chinese and negroes.

POLICE COURT RECORD, LOS ANGELES, CAL. Saturday, May 30, 1914.

Name	Age	Offense	Time	Location	By Whom	Remarks	Cash	On Person	Race	Occupation	Place of Birth	Length	Time	Court	
4133 Smith, Mrs. Estelle	25	Vagrancy	11:05	300 1/2 So. L. A. St.	Kirby & McAfee	\$100	\$10.00		American	Housewife	Kentucky	4	4	425	Released
4124 Jones " Maud	22	"	"	"	"	\$100	\$16.48		"	Chambermaid	Wisconsin	2	2	22	"
4185 Helmrick Mrs. Minnie	23	26540	"	"	"	\$100	\$10.27		"	"	Texas	1 1/2	1 1/2	23	"
4136 Morgan, Miss Alma	23	"	"	"	"	\$100	\$1.00		"	Dressmaker	Tenn.	9	9	23	"
4137 Wilson, H. C.	27	"	"	"	"	\$10	\$4.70		Negro	Waiter	Louisiana	1	1	27	Bail Forfeited

"A. It was just commencing; there was some soldiers had passed, some few men. I think it just commenced.

"Q. (Fickert) The parade was passing 721 Market street when Billings and the man supposed to be Mooney and Mrs. Mooney had this conference?

"A. I think it just commenced because I know I seen some of the soldiers, and I waved my flag at them." (See parade photograph on page 23.)

But Mr. Fickert very carefully coached Mrs. Kidwell into the inference that the parade had not yet started, the soldiers merely passing at that time down Market street to join the parade instead of up.

"Q (Fickert) In other words, they might have been going to form in the parade?" Mrs. Kidwell, for the moment, agreed to this.

The whole rotten case has been steered and coached with testimony put into the mouths of witnesses, the prosecutors asking them: "In other words," etc. However, it has been ascertained that no soldier at any time during the day passed that point on Market street except in the parade formation.

A grand juror asked:

"Q. That was before the parade proper began?

"A. Before it commenced to go.

"Q. (Fickert, breaking in to coach) Before Mayor Rolph came along? Mayor Rolph came along quite awhile after that, didn't he? Do you remember when Mayor Rolph came along?

"A. Yes, sir, my daughter hollered out the window at him.

"Q. That was some time after you saw the men down on the sidewalk standing there?

"A. Oh, those men had been there quite awhile before that. This Mexican-looking fellow—When I went into that office I seen those two standing there." (But poor Mrs. Kidwell failed to comply with the hint to get the Mooneys away from there before the parade started.) **"IT WAS QUITE AWHILE AFTER THAT MR. MOONEY CAME UP."**

EVEN THE WITNESSES STRIKE ON THE U. R. R.!

AT ONE time Mrs. Kidwell went on strike against the witness job and left the city, going to Shasta, California. She went to work in a hotel with Louis Rominger, her affinity while her husband was serving a sentence for forgery in Folsom Penitentiary. The authorities sent after Mrs. Kidwell and arrested her, bringing her back. Mrs. Kidwell made some sort of threat as to what she would do if the authorities didn't treat her a certain way; whereupon Mrs. Kidwell was paid money by detectives in the presence of a number of people at number 3525 Van Ness Avenue. Mrs. Kidwell told the detectives that **"ON ACCOUNT OF THE HIGH COST OF LIVING THIS IS NOT ENOUGH AND I GOT TO HAVE MORE MONEY."** The detectives replied: "We will see about it." Mrs. Kidwell said: **"IF THEY DON'T DO BETTER BY ME THAN THEY HAVE, I WON'T KNOW NOTHING AT THE TRIAL."**

Louis Rominger spoke up, saying: "Yes, by heck, they had better do better by me, too, or I won't know nothing either."

The "family" was placated by Louis Rominger being appointed a special policeman and paid \$3.00 a day to guard Mrs. Kidwell; and the family settled down to happiness unbroken except by the news that Mr. Fickert could not get her husband or brother out of the penitentiary because Mrs. Kidwell had been so indiscreet as to write the following letter, which fell into the possession of the defense:

"San Francisco, Sept. 2.

"D. J. Kidwell, Folsom Prison, Calif.:

"My dear hubby: I arrived here this a. m. The officers subpoenaed me for the trial and sent for me. I am very tired. Now, sweetheart, as soon as you read this put your name on the calendar; do it right away. The authorities are going to get you out—maybe in a few days—and maybe by the 16th; have got work for you in the Union Iron Works anyway at \$4.00 a day—maybe more. Captain Matterson and the District Attorney went to see two of the board this a. m. and will see the others at Sacramento. * * I KNOW I AM NEEDED AS A WITNESS, AND THEY ARE HELPING ME BY GETTING YOU OUT; they told me to write this to you and you put your name on the calendar just as soon as you get this and you will be home in a few days. Now, sweetheart, I want you to do this at once. With love and kisses.

"I will soon have my darling man.

"Address 2551 Van Ness Ave. Do not delay for we expect to have a private meeting to get you out. Go, Go, my darling, I'm so glad. ,

"Your wife,

ALLIE KIDWELL."

"And Mr. Fickert says to me, 'Mrs. Kidwell, if you can be quite sure you seen Tom Mooney, you get a pardon for your husband.'"

ESTELLE WANTS \$8,000

ESTELLE SMITH and Mrs. Kidwell quarreled over the amount of money they were to receive for hanging "them agitators." Estelle demanded \$8,000 as her share. Estelle told the wife of her half-brother, Morris Bohannon, who is now in the Coast Artillery, that she would buy Morris out of the army when she got her part of the reward money.

The way in which the prosecutors got hold of persons who had seen nothing and persuaded them that they had seen everything, is one of the most remarkable psychological studies. A photographer climbed to the roof of 721 Market street with a large camera case. A patient, Dan. D. Donaldson, came to the same office to be treated by the dentist, bringing a traveling bag, which was placed in the waiting room. Donaldson proves his visit by a receipt signed by Estelle Smith under date of July 22nd. The prosecutors persuaded Estelle that the two incidents were one and the same; and under promise of great financial reward she was induced to identify Warren K. Billings as having performed both acts.

Note, also, how two other women, weak of character and in extreme poverty, were caused to change an original tale of being at the scene of the crime, into an altogether different happening.

The power of men in official positions to reconcile weak persons' consciences to false testimony is shown below in startling light.

THE EDEAU WOMEN

MR. MELLIE EDEAU was working as a seamstress in the store of Foreman & Clark of Oakland. When the announcements were published promising many thousands of dollars reward, Mrs. Edeau told Thomas Stout, William H. Burgess and Mrs. Muriel Stewart, all employed in the same store, and who afterwards swore to these facts, that she, Mrs. Edeau, was at the corner of Steuart and Market streets just before the disaster and there saw two old men carrying a black suitcase. Mrs. Edeau said that her attention was attracted to them by their extreme age and the heaviness of the suitcase. But in the excitement attendant upon the explosion, nearly every person in the neighborhood at the time could recollect having seen men with suitcases and many reported such fact to the police. Mrs. Edeau read in the newspaper of some of the rumors of persons with suitcases and rushed to San Francisco from Oakland, escorted by Inspector of Police Wm. H. Smith, to tell her story in the hope of reward. She was informed by the prosecutor's office that her testimony about old men with a black suitcase was not wanted. Mrs. Edeau went to look at the defendants in jail.

Officer Smith declares that Mrs. Edeau immediately said, "Those are not the men. I cannot identify them." The official diary and reports of the officer are on hand to prove this. The Oakland Police Department requires all officers to keep a diary.

Daniel J. Kidwell, forger, who was to be paroled from Folsom Prison if Mrs. Kidwell could be "quite sure you seen Tom Mooney." But the Parole Board refused, because he had a previous prison record in Colorado. (See letter on page 26.)

Police Inspector Smith returned to Oakland and made his official report from his diary, which read as follows:

"July 28, '16.

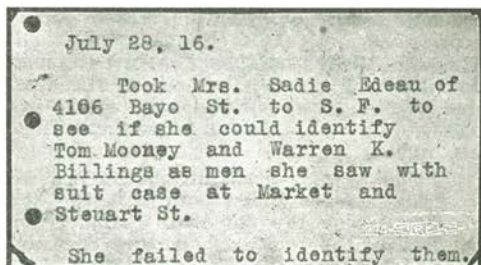
"Took Mrs. Sadie Edeau of 4106 Bayo street to San Francisco to see if she could identify Tom Mooney and Warren K. Billings as men she saw with suitcase at Market and Steuart streets. She failed to identify them."

Chief of Police Peterson of Oakland verified in detail all of these facts.

Mrs. Edeau returned to Oakland and told Stout, Burgess and Mrs. Stewart that she had seen the Labor prisoners and they did not look anything like the men with the suitcase. "Those are young boys over there in jail, nothing like the fellows I saw."

The newspapers announced from day to day ever-increasing golden reward for testimony against the defendants, and Estelle

A DOCUMENT SHOWING THE EDEAU'S PERJURY.



Copy of one page of Police Inspector (Oakland, Cal.) Smith's daily Diary. Flickert told him to **KEEP HIS MOUTH SHUT.**

Smith was hailed as the star witness who would receive the glittering compensation for "hanging the agitators"—Estelle Smith, who said she saw them at 721 Market street.

Mrs. Edeau was brought back to San Francisco, and, after consultation with District Attorney Fickert and Policeman Draper Hand, reconstructed her story entirely. It was decided that Mrs. Edeau would swear not that she was at the scene of the crime, as she had first reported, but that she would help out Estelle Smith's testimony by swearing that she was a mile further up Market street, in front of the dental office, and there saw not two old feeble men with a black suitcase, but Warren K. Billings with a brown suitcase. In this way Mrs. Edeau mended a break in the case by taking the place of Mrs. Kidwell, who had been caught telling of compensation she was to receive for her testimony. It became doubly necessary to have Mrs. Edeau change her location and swear that she was in front of the dental office, because Officer Earl Moore's testimony had also been destroyed by Thomas Doidge, who proved to be the man to whom Officer Moore had spoken, claiming later that it was Billings.

TWO BLOOD-HUNTING VULTURES.



FOR good measure, Mrs. Edeau's daughter Sadie came along with her as corroborating witness and progressively testified to whatever was wanted, increasing her story whenever a new need developed.

Mellie Edeau and Sadie Edeau, self-confessed perjurers. When asked why they swore innocent lives away so recklessly, they said, "What difference does it make so long as you get paid for it? They are only working people. There are too many working people now," and "My soul told me they were guilty."

Before seeing any of the prisoners she made a written and sworn statement to Martin Swanson and Fickert, declaring that she had seen and identified the defendants. She admitted this on the stand and explained that she did it because "Mama told her."

Policeman Hand showed the women a parade photograph of the front of the dental office and pointed out two indistinct figures which they were to identify as themselves.

Mrs. Edeau returned to the store and intimated to her fellow employes that she intended to testify.

Stout said: "I think you would like to be a witness." Mrs. Edeau replied: "I seen a good deal and I think I would be a good witness. I have already sent three men to the penitentiary."

"Don't you think it kind of mean to identify people unless you are positive of the identification?" asked Stout.

"What difference does it make?" said Mrs. Edeau. "They are only workingmen. Besides, there are too many working people in the world."

"I think you would hang a man for fifty cents," said Stout.

"Well," said Mrs. Edeau, "what difference does it make so long as you get paid for it?"

Fickert then sent for Police Inspector Smith, and asked him to corroborate Mrs. Edeau's testimony. Smith refused point blank, and told Fickert that if the Edeau women were to take the stand to tell such a story they would be perjuring themselves. He said plainly that they were not the men she had seen. Furthermore that Mrs. Edeau told him she was not in front of the dental office, but down at the corner of Steuart and Market streets at the scene of the explosion—a mile away—and that the men she saw were very old, feeble fellows, carrying a black suitcase. To which information Fickert replied:

"You keep your mouth shut! You would be a good witness for the defense"

The Edeau women both took the stand with braggadocio eagerly declaring that they had seen the defendants, and grinning with delight as they pointed out their victims for the gallows. Attorney Cockran suddenly held before the face of Mrs. Edeau newspaper headlines in big red type announcing the reward for the conviction. Mrs. Edeau trembled and paled and declared that she didn't "want no blood money"; that she told her story first to "an elder of the church." Mrs. Edeau let her imagination ramble to the point of practically swearing that she saw Mrs. Mooney sitting on a

suitcase of dynamite to watch the parade that she intended to blow up with the suitcase—and the clock supposed to be ticking away inside within a few minutes of the time it was set to go off.

In the Billings case the Edeau women told one story, and in each successive case they told another. Sadie Edeau smiled, smirked and grinned on the witness stand as she swore away three lives, and claimed to have seen a great many things for evidence in each new case that she had not mentioned before. She "hadn't time to tell the detective [the new version of the tale] because it was so near church time when they called." This new perjury was carefully arranged to fit a new story and avoid the alibi clocks.

The Edeau women "identified" Weinberg, Billings and Tom Mooney in the same manner as Mrs. Mooney. They were brought into the County Jail and seated. The four prisoners were brought out and stood up against the wall. Officer Hand stood in a position just opposite the Edeau women, who were seated on a bench at a distance of about fifteen feet away from the prisoners. Hand beckoned and called out, "Weinberg, come over here." Weinberg approached the Edeaus alone. The policeman reached up and took Weinberg's hat off saying, "Where's your cap, Weinberg?" Each of the other prisoners were called by their name in the same manner in the presence and hearing of the Edeau women with the knowledge that the two women who had been sitting listening to the calling of their names and memorizing their faces, were later to take the stand to swear their lives away, on the claim of having recognized them.

A deputy sheriff, who witnessed this disgracefully fraudulent "identification," commented, "Talk about Russia! I've never seen anything like that pulled off here before!"

And even before this fraudulent "identification," Sadie Edeau had already taken oath that she had identified the prisoners!

It will be noted later in this story that without a single exception every prosecution witness identified the prisoners in the same way and never once did any witness honestly identify them as men they had seen in connection with the crime.

BREAKING A WEAK LINK IN THE FRAME-UP CHAIN

AFTER Mooney had been put into the shadow of the gallows his attorneys learned from Inspector Smith and Chief Peterson of the Oakland Police Department, that Mrs. Edeau had been juggling different versions of her story, and decided to ask Mrs. Edeau personally about it. Together with the police chief, an inspector, and a newspaper editor the attorneys went to Mrs. Edeau's residence. The woman's first answer to questions was to take a revolver and try to kill Attorney Tom O'Connor. After being calmed by Police Chief Peterson Mrs. Edeau admitted the whole story.

Astonished at the frankness of the woman's confession, the attorneys asked her why she had done such a thing as to swear away lives in such reckless fashion. Mrs. Edeau mumbled that "her soul told her" that the men were guilty. "When I saw the brown eyes of my dear, dead husband looking at me," said Mrs. Edeau and then lapsed into incoherent mumbling as the attorneys and policemen left.

As most of the proof of perjury applied technically to Mrs. Edeau only the prosecutors simply switched her daughter onto the stand in her place, to testify to what her "mama told her." Then Mrs. Edeau had to be put on the stand and was impeached.

He went to prison a third time in preference to perjuring Tom Mooney's life away. He was also promised part of that \$17,000.

A GHASTLY ATTEMPT TO PROCURE PERJURY

CHARLES ORGAN, a colored man who had been convicted three times of forgery, was heralded as a witness to prove that Tom Mooney gave him \$500 "to blow up the Liberty Bell." Organ, despite his three convictions for forgery, has a spark of honesty in him and he became ashamed of the despicable work. Despite the efforts of detectives who stole his letters Organ succeeded in communicating to an attorney for Mooney the following confession:

"When I was arrested in Los Angeles two detectives came to me and asked if I knew Mooney. I said 'No.' They said, 'Oh, yes, you do; he's the preparedness parade bomb man.' They then dictated the Liberty Bell story—how Mooney had given me \$500 to blow up the relic, how I had got scared, dumped the explosives out of a suitcase at the beach and left the suitcase in Market street filled with bricks. The detectives told me they'd see I got off light on the check charge if I stuck to the bell story, and they said I'd get a piece of the \$17,000 reward in the



Chas. Organ, who confessed that he was to be paid to frame-up Mooney.

bomb case. In San Francisco I refused to identify Mooney. I'd never seen him. They brought him out alone, and detectives prompted me, but I wouldn't identify him."

TRAFFIC POLICEMAN EARL R. MOORE (strikebreaker for the United Railroads) swore to the Grand Jury that he saw a Ford automobile which looked like Israel Weinberg's jitney bus, although he did not notice the number, in front of 721 Market street "up to about 1:45," when he had a conversation with Thomas Doidge, whom he identified as Warren K. Billings. Later, in the Billings trial, Moore testified:

"When I was talking to Billings (Doidge) while this automobile was standing before the dental office, the parade had reached the point about Montgomery street," which definitely fixes the automobile at the dental office (721 Market street) at exactly the time that witness Oxman swore it was far away, at the scene of the crime.

THE witnesses who caused the indictment of the defendants testified to things exactly opposite and contradictory to the testimony which was finally used to convict them. The State simply reconstructs its case at will, changing everything about to a new set of "facts" whenever the need requires. For instance: Mrs. Kidwell swore to the Grand Jury:

"Q. HE (BILLINGS) CAME DOWN TOWARD THE FERRY? "A, YES, SIR."

"Q. THE MOONEYS WENT THE OTHER DIRECTION? "A. YES, SIR."

Mrs. Edeau and her daughter testified to the opposite effect in the Mooney trial that Billings and Mr. and Mrs. Mooney **ALL THREE LEFT TOGETHER GOING TOWARD THE FERRY.**

All these poor and crippled relics of humanity who can be induced by bribery and fear of prosecution for their own crimes to testify against a Labor man are held secretly under guard so that they cannot be approached by anyone desiring to get them to retract their falsehoods and tell the truth. It is possible that many of them would, like Charles Organ and the two Edeau women, confess the Frame-Up if they could only be communicated with.

Mayor James Rolph, Jr., has been pressed by public opinion into ordering an investigation of the recruiting of perjurers by the police. The vigorous prosecution of the guilty parties is promised. That looks very well, but—

Chief of Police White ordered the investigation put into the hands of Police Captain Duncan Mathewson! In other words the investigation will be made by the very persons to be investigated!

To show Duncan Mathewson's attitude in the matter, we will remind you that he has already played into the hands of the Frame-Up Ring by helping to conceal an admission of the Chamber of Commerce's detective, Peterson, that he had been framed by Fickert as a witness against Mooney. Mathewson has already shown his zeal in running down perjury crimes by keeping a dark secret the sensational fact that Estelle Smith admitted that Frank C. Oxman offered her an enormous bribe for perjury against Israel Weinberg. Mathewson tried to evade prosecution of Oxman by stating that he had positive information that Rigall would not testify unless he was paid \$30,000. The absurdity of this childish lie indicates the desperate measures which will be taken to prevent the truth being known.

When he heard of Mathewson's charge, Rigall immediately wired to San Francisco: "I will come and testify as before. Require only expense for myself and my attorney, Claude O. Ellis, when wanted."

It is very clear that there will be no justice done unless the public rises in its might to insist upon a genuine overthrow of the Perjury Ring.



Earl Moore, Traffic Police Officer, formerly a United Railroads scab, another one of the "Frame-Up" crew.

OF THE many suitcases in the neighborhood upon that afternoon, at least one seems to have been placed on the sidewalk so close to the scene of the explosion as to be destroyed. It was assumed, upon the insistence of Swanson, that one of these suitcases contained the bomb. An old, one-legged sailor by the name of William H. Taylor reported on the spot that he had seen a suitcase placed there. Taylor gave an accurate description of the man who left the suitcase, having had a conversation with him. Taylor was sent out to the Richmond Street Police Station to identify Warren K. Billings as the man who had placed the suitcase. He promptly said that it was not Billings; so Taylor was put on a boat and shipped away to Stockton by the police.

JOHN McDONALD, DOPE VICTIM, WANTS TO "GO EAST ON CUSHIONS"

AMONG the thousands of persons who came to the police and the district attorney was John McDonald, alias John McDaniels, a victim of the drug habit, who called himself a waiter. He said that he had seen a suitcase placed at the corner of Stuart and Market streets. Upon being shown Mooney and

Billings, John McDonald agreed to swear that he had seen them with the suitcase at that corner a few seconds before the explosion and had seen them walk away from the scene across Market street through the parade in different directions. Then McDonald went out and talked to friends. Four witnesses swore that McDonald had boasted to them that "the Chief said, 'Mac, if you stick to this story, you can go back to Baltimore on the cushions with a nice piece of change in your pockets,'" and like stories. He bragged repeatedly that he was "getting paid for his work" as star witness and that he "would get a large portion of the reward." He also told one man that "it seems like a dream, I saw a man walk out and set down a suitcase." He declared that he would "get his divvy" as soon as the men are convicted, and go away. All of the other principal witnesses and nine photographs of the parade contradict McDonald in a manner to leave no room for doubt. McDonald voted from a false address in the last primary election, which is a felony under California law. But he is not prosecuted.

The prosecution did not offer any testimony to disprove that its sole "eye-witness" was testifying for money reward.

MCDONALD swore that he saw Mooney and

Billings at Steuart and Market streets, the scene of the crime, a mile away from 721 Market street at exactly the same moment that Estelle Smith placed Billings at 721 Market street and that Mooney was proven to have been on top of the Eilers Building. At the Billings trial, McDonald swore that he first saw Billings at eight or ten minutes to two at that corner, and that thereafter he saw Billings and Mooney at that corner until within a few seconds of the explosion, which occurred at six minutes after two.

The State's case was thrown into great confusion by the discovery of Wade Hamilton's photographs of the parade, which showed Mooney and Mrs. Mooney on the roof of their home, a mile and a quarter away, at two minutes to two o'clock, one minute past two, and four minutes past two, during all of which time he is supposed to be at the scene of the crime. Oh, well, what's the difference? The district attorney merely confiscated the photographs.

WHEN the existence of the photographs was discovered, the prosecutor turned over to the court **FADED COPIES** so that the time could not be seen on the street clocks. Billings was convicted by the fading out of the photographs. Assistant District Attorney Brennan, seeing the whole thing in the ghastly light of truth, at the last minute asked the jury not to hang Billings, but to give him a life sentence in prison. This probably saved the life of Billings, for the "professional jury" always in a labor case brings in any verdict the prosecutors ask for, regardless of evidence.

Mysteriously, Brennan then resigned.

When the falsification of the time was discovered, Fickert decided to get someone to swear that it all occurred fifteen minutes earlier and that the men left in an automobile, and McDonald had to change his testimony to fit!

McDonald's first testimony had been:

"Billings took a cut right through the parade towards the other side of Market street as though he was going down to the Ferry Building. * * * Then Mooney took a cut across the street this way through the parade as though he was going across to Drumm street—I think it is Drumm—it is over on this side. Then I lost sight of him when he went across the street."

Note that this star witness, on whose word one man has been sent to the penitentiary for life and another condemned to be hanged, first swore clearly and maintained under long examination:

That he saw the two men, Mooney and Billings, at the crime scene at a certain time and positively **SAW THEM LEAVE SEPARATELY ON FOOT, BREAKING THEIR**

A DRUG FIEND
Who "Seen 'em as in a dream."



John McDonald, alias McDaniels, who swore to one story before the Grand Jury, a different story at Billings' trial, and still a different story at Tom Mooney's trial. He has not worked one day since becoming a witness. The State has been keeping him for the past year.

**THE KING OF PERJURERS—LANDED IN JAIL
FOR "FRAMING" TOM MOONEY FOR
THE GALLOWS.**



Frank C. Oxman, "Honest Cattleman" from Durkee, Ore., formerly of Grayville, Ill., land fraud fame. He is here shown entering his cell in the city prison. Chamber of Commerce ("Law and Order") interests bailed him out in fifteen minutes for \$1,000, and hired one of the ablest attorneys in San Francisco to defend him for the neat sum of \$10,000.

their case against Mooney. Having failed to keep the photographs secret and having been detected in what amounted to the forgery of the faded copies, they saw that the photographs promised their undoing unless they could get another set of testimony that would fit the time and facts as thus revealed.

FICKERT heard of a cattleman who had been the principal in two notorious land fraud deals in Princeton, Ind., in 1901, and was indicted by the Grand Jury. He had left Grayville, Ill., his home, deserting his wife and children, going to Durkee, Ore., where according to his boast, he remarried before obtaining a divorce. This man would probably be willing to perjure himself in any way instructed.

WHO PRODUCED OXMAN?

HOW Oxman was produced is an unsolved mystery. Fickert first claimed that the perjurer was delivered to him by the Burns Detective Agency. Afterward, he said it was the station agent at Durkee, Oregon. Cunha said that a prominent business man supplied the cattleman. The conspirators have told many conflicting stories in their confusion to save themselves. But it was Steve Bunner who was chosen to go to Durkee, Oregon, to bring Oxman to San Francisco.

Closeted with Fickert and Cunha, Oxman was bluntly told what he was to testify, and carefully rehearsed in his lines. It was decided to have Oxman swear to everything required and drop Crowley, whose crime record had been discovered by the defense.

"Can't you get some friend or other who could say that he was in town that day and saw you on that corner?"

WAY THROUGH THE PARADE, AND THAT HE SAW THEM ON THE OPPOSITE SIDE OF THE STREET AFTER THEY HAD CROSSED. When photographs were forced from the district attorney's possession which showed Mooney a mile and a half away at this time, McDonald not only changed his testimony as to the time it happened, but—

HE SWORE THAT MOONEY AND BILLINGS DID NOT CROSS THE STREET THROUGH THE PARADE.

MCDONALD swore to the Grand Jury that he first saw Billings at about two o'clock.

He swore in the Billings case that he first saw Billings at about eight or ten minutes to two.

He swore in Tom Mooney's trial that he first saw Billings shortly after twenty minutes to 2 o'clock.

Later, in Mrs. Mooney's trial, he swore that it was sometime still earlier.

But McDonald, changing his testimony and already impeached by many witnesses, was not enough.

Fickert and Cunha still saw, overshadowing their political ambitions, the positive proof of the falsity of

A self-confessed low degenerate, who pleaded guilty to a heinous crime.



John Crowley, star perjurer against Billings. Defense exposed his past bad record. Fickert dropped him for Oxman.

asked Fickert. Oxman thought it over and wrote to a young man in Grayville, Illinois (where Oxman formerly lived and where his deserted family still resides). The young man's name was F. E. Rigall. Oxman wrote:

Mr. Ed Riggall Grayville Ill

Dear Ed has ben a Long time sence I hurd from you I have a chance for you to cum to San Frisco as a Expurt Wittness in a very important case you will only hafto anseur 3 & 4 questiones and I will Post you on them you will get mileage and all that a witness can draw proply 100 in the clearr so if you will come ans me quick in care of this Hotel and I will mänge the Balance it is all ok but I need a wittness. Let mi no if you can come Jan 3 is the dait set for trile Pleas keep this confidential Answer hear

Yours Truly F. C. OXMAN

(See facsimile of the above letter on page 34.)

RIGALL had known him as "Cliff" Oxman, and when he received a letter signed "F. C. Oxman," thought it was written by Oxman's son Frank, whose record is not so replete with fraud as that of the father. Rigall telegraphed his willingness to come. Under the direction of Fickert, Oxman sent transportation expenses to Rigall and a telegram urging him to come, which telegram was sent at the expense of Fickert and was endorsed, "Charge to District Attorney Fickert. Edward A. Cunha, Ass't District Attorney."

Mr. F. E. Rigall Grayville Ill

Dear Ed Your Telegram Recived I will wire you Transportation in Plenty of time also Expcie money will Route you by Chicago Omaha U. P. Ogden S. P. to San Frisco I thought you can make the Trip and see California and save a litle money As you will Be alowed to collect 10c Per mile from the state which will Be about 200 Besids I can get your Expences and you will only hafto Say you seen

Dec 18, 1916

me on July 22 in San Frisco and that will Be Easay dun. I will try and meet you on the wa out and tolk it over the state of California will Pay you but I will attend to the Expces The case wont come up untill Jan 3 or 4 1917 so start about 29 of this month.

you know that the silent Road is the one and say nothing to any Body the fewer People no it the Better when you ariv Registure as Evansville Ind little more millege

Yours truly F. C. OXMAN

Will you want to Return by Los Angeles can Route you that way

(See facsimile of this letter also on page 34.)

To make his testimony as damning as possible, Oxman conceived the brilliant idea of also having Rigall's mother, Mrs. J. D. Rigall, come to clinch the proof. He wrote to Mrs. Rigall:

Mrs. J. D. Rigall Grayville 12-25-1916.
Dear Mrs Rigall

As I am sending Ed Transpertation to morrow 26 it might be that I can use you also about the 10. if so I can obtain you a ticket that you can see California if you would like the Trip Adress me care this Hotell tell F. E. to see nuthing untill he see me can probly use a Extry witness Been a long time I dont see you.

Yours Truly F. C. OXMAN

(See facsimile of the above letter on this page.)



Mrs. Rena Mooney's Charming Studio. Fickert, "The Scoundrel," called it a "Den."



Facsimile of Oxman's letter to Rigall's mother, as an "extry" witness to help in the hanging of Tom Mooney.



HOTEL TERMINAL

JAMES H. HOYLE, MANAGER
60 MARKET STREET
SAN FRANCISCO

OFFICIAL HOTEL AMERICAN AUTOMOBILE
ASSOCIATION

Dear Ed Rigall
Grayville Tex

Dear Ed has been a long
time since I heard from
you I have a chance for
you to come to San Francisco
as a Expert witness
in a very important case
you will only have to answer
3 or 4 questions and I
will post you on them
you will get mileage
and all that a witness
can draw Profly 100 in the
clear so if you will
come ans me quick

in Conn of this Hotel
and I will make the
Balance it is all ok
but I need a witness
let me no if you can
come from 3 in the dist
set for trial Please keep
this Confidential

Answer him
Sincerely
J. H. O'Connell

Facsimile of Oxman's first letter (on
right) and second letter suborning
perjury with which to hang Tom
Mooney.



HOTEL TERMINAL

JAMES H. HOYLE, MANAGER
60 MARKET STREET
SAN FRANCISCO

OFFICIAL HOTEL AMERICAN AUTOMOBILE
ASSOCIATION

Dec 18, 1916
Dear J. H. O'Connell
Grayville Tex
Dear Ed
your telegram
Received I will wire
you transportation in
Plenty of time and
Expense money will
Route you by Chicago,
Omaha N.P. ofdm S.P. to
San Francisco I thought
you can make the
trip and see California
and save a little money

As you will be bound to
collect 10¢ per mile from
the state which will
be about 200 besides I
can get your expenses
and you will only have
to pay your own on July
22. I found that will be
easy done I will try and
meet you on the way out
and look over the state
of California with you but
I will attend to the
exp of the case want
come up until Jan 3 or 4
1917 so start about 27 of
the month

you know that the shortest
road is the best and say
nothing to any body the
fewer people the better
when you are
expensive as you will save
little more money
Yours truly
J. H. O'Connell

will you want
to return by Los Angeles
can Route you there

Rigall arrived in the city and registered at the Terminal Hotel under the name of L. O. Charles, as per instructions. Oxman visited him in his room and told Rigall that he was expected to swear to a lie for the purpose of hanging a man for money reward.

Rigall was so astonished by the colossal significance of it that he decided to go through with the thing to the point of disclosing the whole affair. As he says, he would "string 'em along a while."

Oxman introduced Rigall to Bunner, Fickert and Cunha, and the four of them went down to the corner of Steuart and Market streets. Fickert pointed out to Rigall a spot where they told him he must swear he saw an automobile which they would let him examine later. He was carefully instructed that the automobile came down Market street, stopped at the corner for a few minutes, that two men (who would be shown to him later so he could identify them) got out of this automobile and compared their watches with the Ferry clock.

THEN Bunner, Cunha and Fickert disputed for quite a while, in the presence of Rigall and Oxman, as to what time they wanted the two witnesses to swear that this all happened. It was finally decided that they would put it at fifteen or twenty minutes to two o'clock, make McDonald change his testimony enough to fit, and drop Estelle Smith, Crowley, and such other witnesses as had sworn Billings to be elsewhere at that time.

So Rigall was instructed to make it fifteen or twenty minutes to two o'clock.

Rigall complained that he was unwilling to go under a false name, so Fickert had the hotel proprietor change the register.

Oxman asked Rigall to get a man to swear he saw the defendants drive from Steuart street up Mission street towards Mooney's home. "He would be worth \$5,000," said Oxman. Rigall said he knew someone in Chicago who might do so, but the fellow was a union painter. "He won't do," said Oxman.

Oxman was taken to see the prisoners and "identified them," so he said. This is the way in which it was done: Detective Sergeant Wm. Proll took the cattleman to the corridor of the jail and asked a jailer which was the number of Tom Mooney's cell; they were told that it was number 29, and shown the register hanging on the wall in the jail corridor with this inscription upon it: "T. J. Mooney, No. 29."

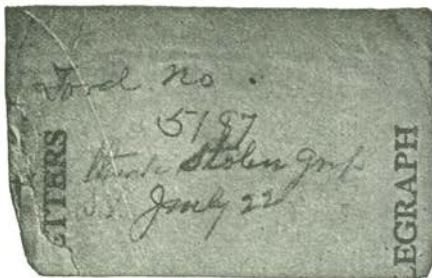
THEN Oxman walked down the tier of cells, glanced casually into Mooney's cell, as he testified, and walked on, writing upon an envelope: "Cell No. 29." It was in the same manner that Oxman identified Mrs. Mooney, Weinberg and Billings, later to take the stand and swear that he positively knew their identity from having taken in their faces in one glance six months before.

Rigall and Oxman were instructed by Cunha to sit in the court room while the jurors were being examined and memorize the faces of the prisoners.

They were taken by Steve Bunner to see Israel Weinberg's jitney bus. Rigall was told to sit down on a box and look at the jitney bus at his leisure, to memorize its every detail. The number plate had been taken off the car; Bunner asked for it, and it was brought out and shown to Oxman. It is believed that at this moment Oxman wrote upon a telegraph envelope the number of Weinberg's jitney, as is here shown.



Ernest Weinberg, son of Israel Weinberg, and music pupil of Rena Mooney.



Telegram envelope with notation of Weinberg's automobile number, which Oxman claims to have written in July. But apparently he started to write "January" and then changed to "Janly."

in repeating his lines would make it the "twenty minutes past three" instead of "twenty minutes past two." Cunha would become very angry and carefully instruct him again, explaining how important it was to get it right.

RIGALL heard Oxman one day ask Fickert: "If all of the witnesses are framed up, what will the people think about it when you get through with this?" Fickert replied: "The people will be glad to get rid of Mooney at any cost."

"This will make Fickert governor and put me into a high State office," said Cunha.

The subject of money was carefully explained to the two future witnesses. They were assured that \$16,000 would be split between Oxman, Rigall, Estelle Smith and "the man from Honolulu." Rigall was promised "three or four thousand dollars, according to the value of his testimony." Rigall at one time said:

"Don't forget, Oxman, that the American Federation of Labor is behind these men. They'll get us when we 'frame-up' on them."

"The State will take care of all its witnesses. They'll protect us," replied Oxman.

Toward the end Rigall became so disgusted with the affair that he could not pretend any longer. Oxman thought he was weakening, and assured him that he would give him \$250 out of his own pocket.

MOONEY was put on trial with a great hullabaloo in the newspapers about how very respectable the State's new witnesses were. "A millionaire cattleman and a prominent business man" were going to hang Mooney. Oxman even carried his acting so far as to interrupt the court proceedings to tell the judge how much he loved his "poor sick wife in Oregon."

At this very time Oxman was writing letters to his wife at a Chicago address.

Oxman more than fulfilled his orders. Even Fickert and Cunha seem not to have known that he was going to bring out the telegraph envelope notation, it being apparently a little secret between "Frame-Up Steve" and the cattleman.

OXMAN swore that Tom Mooney came down Market street while the parade was in full swing and the whole city looking on, brushing aside the parade in violation of police orders—Tom Mooney sitting on the front seat of the automobile with a suitcase of dynamite on the running board!

Every policeman (lined up one every hundred feet) on that main street knew Tom Mooney as the leader of the car strike of a week before. And nobody saw him dislocate the procession but one drunken cattleman from Oregon!

Oxman's story was the most ridiculously impossible thing that could have been introduced. But it was "believed" by the business man jury that wanted to believe anything on earth to hang the Labor agitator. Oxman was contradicted by twenty-six witnesses and nine photographs, but his story, nevertheless, settled Mooney's conviction.

RIGALL was to have testified the next day. Instead, he refused and quietly took a train back to Grayville, Illinois, where he told the whole amazing story to his attorney, Claude Ellis, delivering to him the letters and telegrams that were exchanged between himself, Oxman and Cunha.

As Oxman sat in the court room for the purpose of familiarizing himself with the faces of the prisoners so that he could dramatically "identify" them from the

HOWEVER, it is not certain that Bunner did not take a memorandum of the number with him to Oregon and have Oxman make the notation there.

There followed many gay nights; joy rides, wine suppers and general rejoicing were on the program constantly, with only the slight duty of daily rehearsals of testimony.

According to Rigall's later testimony in Police Court, when asked whether he became intoxicated, they did drink too much on several occasions, and he himself "got just about as drunk as District Attorney Fickert did."

Rigall was playing a game; having gotten started, he didn't know when to stop. In a spirit of sport, Rigall pretended to forget and

wrong corner on Market street and say "twenty minutes past two." Cunha would become very angry and carefully instruct him again, explaining how important it was to get it right.

witness stand, he was seen and recognized by a young woman from Portland, Oregon, a city close to Oxman's home, Durkee, Oregon. This woman was Mrs. Charlotte La Posee.

OXMAN took the stand, and, to her surprise, testified that he stood at the corner of Steuart and Market streets at 1:40 while the parade was passing. Her surprise was caused by the fact that she herself had seen Oxman and stood by his side and Oxman had lifted her little boy to see the parade, at a point fully a mile away at 1:45 on that afternoon.



Mrs. Charlotte La Posee and her baby that Oxman held up to see the parade at a point one mile away from the scene of the explosion, and at the exact time that he claims he saw Billings, Tom and Rena Mooney, Israel Weinberg and his auto at the crime scene.

Mrs. La Posee went home to wait, thinking that no jury on earth would believe Oxman's story; but the "business man" jury would believe anything to justify its hanging the "labor agitator," and so the verdict was "guilty." But Mrs. La Posee's husband's employer promised that he would not lose his position for her telling the truth; and then she made affidavit that Oxman stood a mile away from the scene of the crime at the specified time.

WHEN this affidavit was filed the court was considering a motion for new trial for Mooney. The assistant district attorney, Cunha, announced that if a new trial were given, he would have a prominent business man named "Regal" to corroborate Oxman's testimony. This was after Rigall had flatly refused to perjure himself and had left the city. Cunha admits now that he knew perfectly well at the time

he made this announcement that Rigall could not honestly corroborate Oxman.

When caught in this contradiction, Fickert and Cunha both stated that Rigall was a scoundrel who wanted to perjure himself for the money there was in it, and that they knew it all the time (including the time that they said they would put him on the stand).

DURING the time that Fickert claims he knew that Rigall was a would-be perjurer, Rigall was the feted guest of Fickert at the luxurious Olympic Club, as is proven by the guest's card, of which we here reproduce a photograph. Confronted with this evidence, Fickert's answer is complete silence. (See facsimile of guest card on page 42.)

But developments prove that Rigall is an honest man, whose courage in facing danger of death is all that gave five innocent persons a chance for life.

Mrs. La Posee also swore that the way she came to know Oxman was this;

Working as a saleswoman in a Portland cloak and suit store, she had had occasion to sell a dress to a woman who brought Oxman into the store to pay for the dress with his money. The woman winked at Mrs. La Posee and asked her to bring out the best she had, for Oxman was a "live one" and she wanted to get all the money out of him that she could.

Later, Mrs. La Posee and her husband, while dining one evening in a cafe in Portland, noticed a man, who proved to be Oxman, hailing a female entertainer by holding up five fingers twice. The amount being satisfactory to the female entertainer, Oxman and she left together. Mrs. La Posee remarked to her husband, "There is the 'live one' again; the one who paid for the dress I got an extra dollar for selling."

THE MOONEY VERDICT

AT nine o'clock in the evening the court room was packed with friends and relatives of Tom Mooney waiting for the verdict. His old mother sat near the prisoners' dock, swaying back and forth, eyes closed, and moaning; Rena Mooney's sister sat up-right, silently crying; across the room Jim Brennan was lolling in a juryman's chair; detectives who had worked on the case and attaches of the district attorney's office gathered about with smiles upon their faces.

All got their first news of what the verdict was from Brennan's laugh and Fickert's grin. From some channel the prosecution had the news before the jury announced it. Judge and attorneys filed into the room. The juryman entered.

William V. McNevin, real estate man, foreman of the jury, rose and said: "We, the jury, find the defendant, Thomas J. Mooney, guilty of murder in the first degree." An instant of silence, and then a terrible shriek from Annie Mooney: "Oh, my brother, my brother; Tom, Tom!" Mrs. Weinberg arose, swaying, and fell to the floor. Old Mrs. Mooney threw back her head and gasped, then shrieked: "My boy, my boy!"

The only calm man in the room was Tom Mooney. He stood eyeing the jurymen for thirty seconds, and then smiled scornfully at them. Then he turned and said: "Don't cry, sis. It's all right. Don't cry, mother." Tom patted his mother's hand, was handcuffed and led away. The judge left the bench. Instantly a charge was made upon the crowd by twenty detectives and plain-clothes policemen. Fickert shouted: "Get them all out of here!" Mrs. Mooney, Annie Mooney and Mrs. Weinberg were dragged from the court room, their shrieks echoing through the corridors and dying out in the distance as William McNevin, the real estate man, rose and posed for his picture before a newspaper camera. Roughly the crowd was thrown from the court room; even the lawyers for the defense were roughly handled. There was no disorder but that of the police.

CHARLES M. FICKERT laughed in the face of the mother of Tom Mooney when he heard that Mooney was condemned to die; and the next morning Fickert announced in the newspapers that seventy-two other crimes were now discovered to be blamable upon Mooney; that there was a nationwide criminal conspiracy in which the defendants were involved; that plots to do a thousand impossible absurdities were soon to be turned up. Shortly afterward he got more enthusiastic and announced that "now ninety-four crimes were discovered to be laid at the door of Mooney"—amongst other things, that a conspiracy to capture San Francisco had been hatched by Mooney, and that the night after the explosion of the parade bomb a truckload of rifles was seen to be hauled through the streets by the criminal gang.



Mother and Sister of Tom Mooney.

W. BOURKE COCKRAN, the famous orator and statesman who defended Mooney, wrote after the conviction:

"En Route, Overland Limited, Feb. 11, 1917.

"Mr. Thomas J. Mooney, County Jail, San Francisco, Cal.:

"My Dear Mooney: I have pondered carefully what you said during our last interview and with the result that I accept your view unreservedly.

"Refreshed with a long sleep and with all my intellectual faculties restored to normal conditions, I have reached the deliberate conclusion that the appalling judicial crime committed against you will never be allowed to reach the consummation which induced its perpetrators to plan it.

"I think it can be shown clearly to all reasonable men that we are in the presence of another Dreyfuss case. The only difference being that the object of the French perversion of legal procedure to perpetration of the very crimes which courts are organized to prevent, was exclusion (by force and threats of force) of Jews from the army, while the object of your prosecution for a crime repugnant to every element of your nature, is to drive laborers from organizing by killing a man who has had the temerity to urge some of his fellows to form unions for their own protection.

"If we can succeed in making this clear to the public mind I have no doubt that the popular conscience of America will prove itself as capable and as eager to override the plans of the men who are conspiring to encompass the destruction of your life, as the conscience of France showed itself to defeat the men, who adjudging Dreyfuss guilty of treason had succeeded in perverting to destruction of liberty and character the very agencies organized to defend them.

"Depressed as I was when met by a sense of utter helplessness to avert a calamity



Hon. W. Bourke Cockran, many times Congressman, conspicuous as an orator in National life, and great battler for Irish freedom, volunteered his services free to come from New York City to defend Tom Mooney because he was convinced the whole case was a "Frame-Up."

as bad. They delayed their verdict two hours in order to get a free meal at the expense of the county. They have no other occupation than serving upon juries at \$2.00 per day, and bringing in such verdicts as please the district attorney, who controls their livelihood.

The hideous injustice of this manner of "convicting" Billings was so apparent that when Mooney came to trial the jury system was slightly changed. Instead of a professional jury, the prosecution obtained a jury of business men.

The prosecution was caught actually trying to "plant" a strikebreaker on the jury. Billings recognized the fellow as a gunman from the Machinists' strike, and he was thrown off the jury.

William V. McNevin was the foreman of the jury. He had been brought before the Grand Jury for a real estate deal some years ago, in which an old woman claimed to have been defrauded. As a result of this McNevin had been expelled from the Real Estate Board.

McNevin answered every question in a manner to please the defense attorneys, and was accepted as a jurymen. When the trial was over, McNevin was congratulated on all sides by his business friends for having "helped hang the agitator." The day following the verdict of the death penalty, McNevin was in a saloon on Montgomery street when a friend cordially shook his hand, saying: "Mac, good for you; you done your duty; we will get you back on the Real Estate Board." Later McNevin was heard to say, apparently referring to the subject of his reinstatement on the Real Estate Board: "Well, I don't know whether I will make as much money out of it as I have lost by serving on the jury."

A juror in Tom Mooney's case, John W. Miller, hardware man, told John P. Lofthouse, President of Millmen's Union No. 42: "I don't know whether Mooney is guilty or not; but he was found guilty on his alleged past." (As a militant strike leader.)

Lofthouse asked Miller how he knew about Mooney's Labor record, as there was no evidence of it in the trial. "Oh, Fickert TOLD US ABOUT IT," he answered.

CALIFORNIA'S DEGENERATED JURY SYSTEM

JUROR WELBY, 79 years old, sat throughout Rena Mooney's trial, lasting ten weeks, except the last few days, when he was dismissed and an alternate juror took his place for the remainder of the trial.

While the jury was visiting the scenes of importance that most of the testimony revolved around, he walked away from the jury and went back to his hotel, saying his feet were sore. It then became known that one of the other younger jurors had to dress

which threatens not merely your life, but the whole fabric of civilization, for the whole purpose of civilization is protection of life, which the agencies of civilization are here conspiring to destroy. I probably failed to appreciate the force of your suggestion when it was made yesterday but now I am convinced that the justice which appears to have fled from the California courts will be found to have taken refuge in the bosoms of the men and women who constitute the masses of our population and their decision will be enforced against the officials who have foresworn their oaths to satisfy the malice and cupidity of corporation employers.

"I was anxious to let you know the result of my first reflections on your case.

"So be of good cheer; your conviction may yet prove to be source of such judicial reforms as will prevent forever repetition of the conspiracies which have had you for their object, but which have not yet succeeded (and please God they never will succeed) in making you their victim.

"Pray give my cordial regards to your companions in persecution and also to the splendid woman, whose devotion and self-renunciation have given me new and higher regard for our common humanity.

Yours faithfully,

"W. BOURKE COCKRAN."

WHAT THE JURYMEN GET FOR THEIR WORK

BY MEANS of agitation in the city, the public had been aroused because of the vicious conviction of Billings before a "professional jury." The professional jury has long been an institution in San Francisco. One man has served on 500 juries in eleven years, and he has no other occupation. The twelve who tried Billings were almost

Juror Welby every day for street appearance. The jury was locked up during the entire trial. Welby was so feeble and helpless he was unable to dress himself. Cast aside in life so far as any useful work is concerned, but the degenerated jury system of California used that sort of man in determining the most sacred of all things, Human Life and Liberty.

The Foreman of Billings' jury, Hugh Frazer, was four years older than Welby (83 years). Juror Shepler, in Tom Mooney's trial, said he was 27 years of age when he fought in the Civil War, but refused to say how old he was now.

PROSECUTOR SIGNALS ANSWERS TO WITNESSES ON STAND

JOHN McDONALD and the two Edeau women had a difficult role to play in changing their testimony. Their testimony was given in the most cautious manner. Sadie Edeau particularly kept her eyes fastened upon the face of Prosecutor Cunha at all times. Whenever Cunha wanted her to say "yes," he nodded his head vigorously in the affirmative; when he wanted her to say "no," he held his head rigid.

Throughout the examination of all of the principal witnesses for the prosecution, Cunha used this code: nodding boldly and openly to signal the required answers to the witnesses.

ANOTHER instance of the cold-blooded dishonesty of this murderous frame-up is supplied by the testimony of one "Professor" Wade of Honolulu. This fellow was willing to swear to the identity of Billings for the purpose of hanging him (\$17,000 reward), from one look at Billings' back as Billings, so he said, passed him at the entrance of 721 Market street. One look at the boy's back, and many days later he was willing to stand up and swear the boy's life away! (\$17,000 reward.)

One Peter Vidovich, from Fairbanks, Alaska, corroborated Wade by saying that he saw Billings go up the same stairway three-quarters of an hour earlier, and that Billings was at that time five inches taller than he now is.

Vidovich is known in Alaska as "Ten Per Cent Pete," having made much money as a loan shark in Dawson, lending at the rate of 10 per cent per month. At a time when "Ten Per Cent Pete" held a mortgage for \$85,000 on the Fairbanks Block, the biggest building in Fairbanks, he went to Mrs. Card's restaurant to buy stale bread (as was his habit) at half price. As Vidovich walked out of the restaurant the cook missed several cans of clams and ran after Pete to catch him. The cans were found in Vidovich's pockets and he was arrested for larceny, convicted and sent to jail.

Vidovich became proprietor of a notorious gambling house in Fairbanks, where he cleaned up enough money to classify himself as a "retired mining man."

WEINBERG had made a statement to the police upon his arrest. In cross-examining him, Prosecutor Cunha took out the statement and pretended to read it. Cunha's version of it read, "My jitney bus was standing at the curb all the time; I was standing around my jitney bus,"—to prove that Weinberg was not inside the hall as he had sworn. Attorney Cockran angrily arose and demanded to see the statement from which the prosecutor pretended to be reading. Cunha would not surrender that statement until forced to do so, and it was proven that Cunha had been falsely reading it. For the statement really read: "My automobile was at the curb. I was inside the hall all the time; I was standing around WATCHING my automobile." (Through the window.)

CERTAIN complimentary tickets to a picnic were found in the house of Weinberg. These tickets announced an "International" picnic to celebrate the 4th of July, and that "twenty volumes of Nietzsche" would be given as a prize. One of the points upon which Mooney was condemned was that Weinberg "insulted the flag by attending an INTERNATIONAL PICNIC on our national holiday, the 4th of July," and that a dangerous explosive, the name of which the prosecutor could not pronounce but which was spelled N-I-E-T-Z-S-C-H-E, was to be given as a prize. Attorney Cockran interrupted to say: "Nietzsche is the name of a book. The district attorney thinks Nietzsche is a bomb." Later District Attorney Fickert looked in an encyclopaedia and explained to the jury that Mooney ought to hang anyway because "Nietzsche, the writer, was a bad man who associated with Richard Wagner"—(the great opera composer).

OXMAN OFFERS BRIBE TO ESTELLE SMITH

OXMAN was introduced to Estelle Smith in Fickert's office by Fickert, and insisted on making a date. He went to Estelle's home and met her, telling her that he came to offer her "a sum of five figures" if she would swear that she saw Weinberg at 721 Market street.

"Did Mr. Fickert sent you to me?" she asked.

"No," said Oxman. "The men higher up [Chamber of Commerce] than Fickert sent me to you."

Estelle Smith made an affidavit to this effect, and three days later her uncle, serving twelve years for murder, was released from prison. Estelle then ceased to talk. She was jointly charged with complicity in this same murder and underworld rumors say the uncle "took the fall" for Estelle. She is repaying the debt by getting him out of prison.

Frank Edward Rigall, of Grayville, Ill., whose refusal to commit perjury resulted in the detection of the biggest criminal conspiracy of American history, conducted by public officials to hang upon the gallows five innocent trade unionists.



Oxman said to Rigall, "You will only have to say you saw me in San Francisco July 22." Rigall told Oxman he was in Niagara Falls on July 22. Oxman said, "Hell, you were there as much as I was."

THE defense immediately wired to Ed. Nockels, Secretary of the Chicago Federation of Labor. Nockels sent a representative to Grayville to investigate Oxman's past. This representative found Claude Ellis, ex-mayor of Grayville, who had been Oxman's attorney to defend him in the land fraud case. Mr. Ellis informed the labor man of E. Rigall's refusal to perjure himself against Mooney, and Oxman's offer of bribe. Mr. Ellis remarked that he had the letters in which Oxman had written the bribery proposal. Telegrams were exchanged between Ed. Nockels and Ed. Nolan, which mentioned the letters being in the possession of Claude Ellis in Grayville. The spy system of the frame-up ring is so complete that they got copies of telegrams sent by their opponents. In this way apparently the prosecution learned of Attorney Ellis' possession of the incriminating letters. Within a few hours of the dispatch of this information over the wire, Claude Ellis' office in Grayville was burglarized. The letters happened to be in a safe deposit vault and were saved.

Ed. Nolan wired Frank C. Mulholland of Toledo, Ohio, chief counsel for the International Association of Machinists, who went to Grayville and found Rigall, who explained that he did not testify for the reason that the case was "too rotten for him."

DISCOVERY OF THE CONSPIRACY

EDWIN V. McKENZIE, attorney and member of the Law and Legislative Committee of the San Francisco Building Trades Council, hastened to Chicago and conferred with Nockels, Mulholland, Rigall and Ellis. The letters and telegrams were obtained by the defense. On April 11th the San Francisco Bulletin printed an extra at ten o'clock announcing the uncovering of the colossal perjury plot. The following day photographs of the letters were published.

Captain Duncan Matheson, chief of the Bomb Bureau, and Chief of Detectives, issued the following statement:

"I WENT TO DISTRICT ATTORNEY FICKERT AND WARNED HIM THAT IF ANYTHING CROOKED WAS BEING HATCHED UP, I WOULD HAVE NOTHING TO DO WITH IT. FICKERT LISTENED TO WHAT I SAID, BUT SAID NOTHING IN REPLY.

WHEN Ed Rigall read of Mooney's conviction, he sent the following telegram to Cunha:

"Congratulations on your victory. I believe my testimony will secure Mooney a new trial.

"F. E. RIGALL."

Cunha was worried. He knew that Rigall had letters from Oxman, and that he (Cunha) would never be safe until he got the letters into his hands. He carefully worded a telegram for the purpose of getting possession of the correspondence that would mean his destruction if revealed. Cleverly he made the effort to get the evidence that would save Mooney's life turned over, not to Mooney's attorneys, but to him, Cunha, of the gang that had already destroyed all possible evidence and ordered witnesses to keep silent with the truth that would save human life.

LUKE HILE Oxman was at the Terminal Hotel, a bell boy became interested in the affair and saw there was something dishonest about it. Hanging about when Oxman wrote letters the bell boy managed to get every scrap of the witness' writing that was thrown into the wastebasket. Through these scraps of paper, which he brought to Attorney Maxwell McNutt, the defense began to solve the terrible mystery. Shortly after the death sentence, the bell boy appeared at the office of McNutt and said: "Take it from me, this guy Oxman is a framed witness; I don't know anything about this case, but I got a line on Oxman from that man Rigall."

Desperate in the shadow of the gallows, the defense determined to run down every possible clue. This man Rigall, who had been announced as a witness—why didn't he testify?

At this time an anonymous letter was received by Attorney McNutt, in which a woman said that she did not know whether Mooney was guilty and did not want to help him, if he was, but that she knew Oxman was a scoundrel not to be believed under any circumstances and that he had deserted a wife and family in Grayville, Illinois, and later came to Oregon and married again, before he was legally divorced from his first wife.

"IF THE CHARGES AGAINST OXMAN BE TRUE AND THAT NOT ALONE DID HE PERJURE HIMSELF, BUT THAT HE ALSO PROCURED OTHER PERJURED TESTIMONY AGAINST MOONEY, THEN NONE OF THE DEFENDANTS SHOULD BE BROUGHT TO TRIAL. ALL OF THEM SHOULD BE DISCHARGED FROM CUSTODY."

ED. D. NOLAN was brought into court on a motion for bail, and Captain Matheson testified that there was not sufficient evidence to hold him and had never been any during all of the nine months that his home has been broken up and he has been lying in jail under eight murder charges.

District Attorney Fickert and his assistant, Cunha, desperate to cover up, declared their faith that Oxman was an honest cattleman who wouldn't lie and that he could explain the letters. Oxman has merely explained himself into jail.

But an unknown agent of the Frame-Up System tried the next afternoon to rob the safe deposit vault in the Crocker Bank, where the letters were kept!

Cunha hastened to declare that he and Fickert knew all along that Rigall was "the bunk" and that they never had intended to use him as a witness. Whereupon they were confronted with the "guest's card," extending the courtesies of the Olympic Club to Mr. F. E. Rigall at the request of Mr. Charles M. Fickert, thereby branding the prosecutors with their lie.

YOU will note that the card is dated January 17th, which was eleven days after the date on which Cunha and Fickert claimed to have discovered that Rigall was a fraud. Thus the prosecutors are put in the position of having entertained Rigall as their guest in a most luxurious club eleven days after they claim that they discovered "that he was willing to perjure away a man's life for money." This proves that Rigall told the truth and that Fickert and Cunha were lying to save their faces.

And seventeen days after Cunha claimed that Rigall had confessed to him that he had not been in San Francisco on the day of the explosion, the prosecution published the statement that they were going to use Rigall as a witness against Mooney if Mooney obtained a new trial.



District Attorney Fickert's guest card, extending all privileges of the luxurious Olympic Club to F. E. Rigall when he knew Rigall was not in San Francisco July 22, and could not be a witness without committing perjury.

"SAVE OURSELVES, THROW OXMAN TO THE DOGS"

FRANK C. OXMAN had been persuaded to come to San Francisco on the assurance of Fickert that he would be protected. Oxman arrived, and, dodging the police who were looking for him, had a secret conference with Fickert. Frantic to save themselves, Fickert and Cunha "played double" with Oxman, promising to protect him from harm until they got a statement from Oxman which they claim exonerates them from blame in the perjury conspiracy. Then, to use the words of Cunha, they intended to "throw Oxman to the dogs" and take to cover themselves.

Under the published accusation of subornation of perjury, District Attorney Fickert struggled to obtain immunity. He and Cunha had a conference with the defendants' attorneys and agreed to confess error and grant Mooney a new trial which would result, as they admitted, in an acquittal, and that they would then release all of the defendants as innocent. Fickert and Cunha solemnly agreed that they would not appear before the Grand Jury, which would give them a chance to whitewash themselves. Taking their promise for it, the defense attorneys were caught off their guard, and Fickert appeared flushed and excited before the Grand Jury after midnight to ask that they allow him "who knew all the facts to conduct an investigation against Oxman." The Grand Jury dared not let this chief conspirator conduct his own examination and thereby whitewash himself.

The Attorney General had to appoint his deputy, Judge Robert M. Clarke, to conduct the Grand Jury proceedings as prosecutor.

**SAN FRANCISCO'S UNCROWNED
TYRANT,
"A GENTLEMAN THUG"**



FREDERICK J. KOSTER,
President of the Chamber of Commerce "Law and Order" Committee, and chief spokesman for all assaults on Organized Labor.

DEPUTY ATTORNEY GENERAL ROBERT M. CLARKE pleaded with the Grand Jury to indict Oxman on this clear evidence, or at least to wait until they could hear the testimony of Estelle Smith, who had made affidavit that Oxman offered her a bribe for perjury. Judge Clarke stated to the Grand Jury, and later to the press, that there was ample evidence to indict Oxman, even when the Grand Jury refused to hear the Smith testimony.

The Chamber of Commerce's Grand Jury were eminently satisfied with his highly intellectual explanation and happily exonerated Oxman, only four of them being ashamed of the farce and refusing to join in it.

The Grand Jury then hastened to douse Fickert with their whitewash, and issued a statement of their intention to protect him from prosecution.

BUT while such things can go on in the secret chambers of the Grand Jury of big business men, who are only too glad to hang labor men without any evidence and exonerate perjurers who lend a hand in the hanging—such things are harder to stage in court where the public is looking on. Complaint was made to Police Judge Mathew Brady, and Oxman was arrested and brought in for preliminary hearing. The evidence was unanswerable and Judge Brady held the cattleman to answer the felony charge.

Meanwhile District Attorney Fickert, instead of prosecuting Oxman, hired a very expensive lawyer to defend him, the Chamber of Commerce paying the bills. Fickert's private secretary, Lydon, brought messages to Oxman's at-

OXMAN was called and given an opportunity to explain the letters. He first said that there was a page missing from between the two pages of the first letter which were on exhibit, and that on the missing page he had written, "Don't come unless you were in San Francisco on July 22nd." This explanation seemed about to satisfy the Grand Jury of Fickert's own political allies, but one of them commented that there could not be any page missing from between the two on hand, because they were connected in the middle of a sentence.

Oxman was given a second chance to explain and this time he said, "Oh, well, you see it was not a page from between that was missing; it was a separate sheet on which I had written a 'P. S.'" which contradicted his palpable solicitation of perjury, contained in the letter. All but four of the Grand Jury men were contented to let this idiotic lie serve as a whitewash for Oxman and he was allowed to go.

THE next day the newspapers called attention to the fact that there was a large blank space below Oxman's signature on the last page of the letter and that Oxman could easily have written the "P. S." in that space, if he had written it at all.

Being brought under fire in this way for their shameless whitewashing of the perjurer, the Grand Jury called Oxman back and gave him a third opportunity to explain. In this instance Oxman said, "Yes," but that he did not know how much space his "P. S." would take, and so he had gotten a separate sheet to write it on, and that after he had finished it he discovered, "by Jo! that there would have been plenty of room."

The slimiest one of them all, and one who has not accounted for his movements on the parade day, "The King of Framers."



Martin Swanson, Ex-Pinkerton Detective, now private detective for United Railroads, Gas & Electric Co., and the Chamber of Commerce. He twice offered \$5,000 to Billings and Weinberg one week before the explosion to perjure away Tom Mooney's life. He now works out of Fickert's office for the U. R. R.



Secretary of Labor Wm. B. Wilson, Chairman of U. S. Mediation Commission that investigated the San Francisco "Frame-Up," and as a result thereof requested a new trial for Tom Mooney and Warren K. Billings.

torney in court, and the assistant prosecutors did their very best to fail in the prosecution. The rich cattleman struggled desperately on a writ of habeas corpus, carrying his appeal to the appellate Court and thence to the Supreme Court of California, but lost in both cases, and now is booked for trial in the Superior Court for feloniously attempting to procure perjury.

BEFORE the Grand Jury met the defense attorneys applied for a warrant for Oxman; the district attorney secretly attempted to prevent the warrants being served, but failed. Oxman was arrested, taken to jail and released on bond.

On Friday, April 13th, Cunha called up Fremont Older, Editor of the Bulletin, and made an engagement. The next day Cunha, O'Connor, McKenzie and Older met. McKenzie refused to shake hands with Cunha, saying, "I won't shake hands with you because you knowingly, by perjured testimony, attempted to hang an innocent man."

Cunha denied any such intention; and after some discussion, said that he was willing to give Mooney a new trial and would get Fickert to consent to it and that Mooney would again be tried, and if he was acquitted, which Cunha said was a certainty, he would agree to dismiss all of the other cases, including that of Warren K. Billings.

CUNHA ADMITS THERE WAS SOMETHING CROOKED ABOUT THE JURY

CUNHA told McKenzie that the Rigall-Oxman incident did not worry him nearly as much as the "jury situation in Tom Mooney's case." Cunha said that that situation was "the thing that troubled his conscience."

THE same afternoon, Cunha and McKenzie met again in O'Connor's office, and Cunha explained that there was only one drawback to keeping his agreement; that he was afraid of Oxman; that he wanted public announcement withheld until he could obtain from Oxman a statement freeing the district attorney's office from any knowledge or blame, and that he would then "throw Oxman to the dogs." Cunha said that during the trial of Mooney he didn't know that Oxman was a perjurer, though he was suspicious of him at the time he used him as a witness to hang Mooney.

Fickert and Cunha met Older, O'Connor and McKenzie at the Olympic Club, and Fickert agreed to give a statement to the morning papers that night to the following effect: "That he had waited the coming of Oxman to explain the letters; that Oxman had admitted writing the letters, but had failed and refused to offer any explanation therefor; that if he (Fickert) sat as a trial judge with the matter as it then stood before him, with a motion for a new trial pending before him, that he would grant a new trial, and that in fairness to the defendant, Thomas Mooney, he would request the Attorney-General to confess error and grant Mooney a new trial."

Cunha, in great distress, said: "I know I am in the dump heap for the rest of my life, but if you think you are going to get me in jail you are mistaken." Fremont Older replied: "Cunha, I don't want to get anybody; my position is just this: Here is the evidence that these men were the victims of a perjury conspiracy; all I want to see is that they get a square deal."

Fickert assured the defense attorney that he could easily manage to get whatever he wanted out of the Grand Jury, for "I got 'em to indict Nolan upon my personal request without any evidence."

After Fickert left the conference room, Cunha, grateful for what seemed to be, he said, a way out of his situation, extended his hand to Fremont Older and with tears in his eyes said: "Mr. Older, you are a great big fine fellow; you are the biggest man in San Francisco, and you are doing a generous, kindly and decent act for us."

FICKERT BETRAYS

AFTER making the solemn agreement, Fickert went into a long seance with Frank Drew, chief attorney for the Chamber of Commerce. The two had a long discussion of the struggle between Capital and Labor on the Pacific Coast and decided that at any cost the Labor men must suffer the penalty and the moral effect of the exposure wiped out. Fickert regained his courage and issued a statement late at night to a

morning paper, in which he made the most frenzied attacks upon Fremont Older, editor of The Bulletin, for the exposure of the perjury plot.

In view of this breach of confidence, Older felt justified in exposing the whole affair, and did so. Now there can be no leniency with Fickert, who must reap the result of his despicable act.

Instead of prosecuting Oxman, the District Attorney hired a noted lawyer to defend him. Samuel Shortridge is the lawyer.

Attorney Shortridge immediately got busy to save Oxman at Fickert's request. Oxman boasted to newspaper men that he had paid Shortridge \$10,000. After a few days Shortridge ventured to ask the supposed millionaire cattleman "What about my fee?" Oxman, knowing that Fickert and the Law and Order Committee of the Chamber of Commerce were caught in a tight place and couldn't let him be convicted, refused point-blank to pay one cent for the expenses of his defense.

"Oh, I can go to jail at any time; that's all right," said Oxman with a grin. Shortridge worked harder than ever at the defense and Oxman paid not one cent.

The final farce was staged when Fickert APPOINTED HIS BROTHER-IN-LAW, BIANCHI, to "prosecute" Fickert's accomplice, Oxman, and had the case set before JUDGE FRANK DUNNE! Dunne is the man who was barred from trying Mrs. Mooney by his violent expression of hatred and prejudice, and who has always declared virtually that Oxman is innocent, despite the proof of his guilt. When the Oxman letters were discovered, the defense attorneys attempted to procure a warrant for Oxman's arrest from Judge Frank Dunne. Judge Dunne examined the letters. He could see nothing incriminating in a witness offering another man to come to San Francisco as an "expert witness." He was quite sure that Oxman must have some explanation of such statements as, "You will only have to answer three or four questions. I will tell you what to say and that will be easy done. You will only have to say you seen me in San Francisco July 22."

In Judge Dunne's opinion, these were merely casual pleasantries of friendly intercourse. He refused to issue the warrant.

When the warrant finally was obtained from Judge Brady, and the "frame-up" became the center of a public controversy, Judge Dunne, in a violent statement in court, denounced the defense attorneys as blacklegs, referred to the Oxman exposures as the spreading of "poison gas," and revealed prejudice so strong that he effectually removed himself from the approaching trial of Rena Mooney.

With Organized Labor from the State of California to the interior of Europe attacking Fickert for his murderous scheme and contributing funds to save the Labor prisoners, Fickert made one last desperate effort to scare the Labor Unions away from the defense. It was by the indictment of Alexander Berkman. In the belief that the fact that Berkman is known as an anarchist would cause the Unions to drop the case, Berkman was indicted WITHOUT EVIDENCE.

Fickert merely called the treasurer of the Defense League as a witness before his puppet grand jury and made a vicious attack upon the character of THE WIVES OF THE DEFENDANTS and presented a few checks for money that Berkman had collected from Unions to send to the defense; and the grand jury thereupon helped Fickert out by indicting the new victim.

After a disgusting orgy of the vilest of filthy jokes and insinuations against the wife of one of the unionists who has angered him by refusing a bribe to commit perjury against Mooney, Fickert resorts to this attempt to SCARE LABOR OFF FROM THE FIGHT.

But Labor will not drop this fight. It shall be won. Berkman will receive the

THE KOSTER-DOLLAR-FICKERT CHAMBER OF COMMERCE "LAW AND ORDER" COMMITTEE'S GANG OF PERJURERS FROM THE UNDERWORLD.



Gazing on "their" reward. \$5,000 was contributed by the Chamber of Commerce "Law and Order Gentlemen Thugs." No. 1, Frank C. Oxman; No. 2, Mellie Edeau; No. 3, John McDonald; No. 4, Louis Rominger; No. 5, Estelle Smith; No. 6, Sadie Edeau; No. 7, Huburd Wade; No. 8, John Crowley; No. 9, Ailie Kidwell.

same defense in the struggle to escape the Frame-Up System as any of the other Labor defendants.

But Fickert knew full well that the chance is very slight that he can ever extricate Berkman without any evidence whatever.

THERE is great danger that the public may get the impression that these exposures have saved the Labor prisoners. Such an idea can only come from ignorance of the intensity of the struggle. The chances are that all of the five defendants will be hanged.

The Chamber of Commerce has hired one of the ablest attorneys to act as a special prosecutor against Rena Mooney. This ought to be sufficient to convince any person of what is going on in California in the name of "Law and Order." District Attorney Fickert and his assistant, Cunha, the biggest scoundrels outside of a prison, are also taking an active part in prosecuting Mrs. Mooney after being caught red-handed in a conspiracy to hang Tom Mooney by perjury.

It is true that Judge Griffin, before whom Mooney was convicted, has demanded that the crime of fraudulent conviction be undone by District Attorney Fickert arranging for a confession of error in Mooney's appeal. Fickert has brazenly refused.

The matter was then brought up to Attorney General Webb, first by Judge Griffin, who angrily demands that murder by perjury be not consummated through his court. The San Francisco Labor and Building Trades Councils, the California State Federation of Labor, the Chicago Federation of Labor, and the United Mine Workers of America have appealed to the governor and to the attorney general to undo the wrong.

The attorney general only consented to ask a new trial after Mrs. Mooney's acquittal. He says there is no "error" in the record. Oxman did not commit error, he simply committed perjury, and attempted to get at least three others to do the same.

THE letter from Judge Franklin K. Griffin, who presided at the Mooney trial, to State Attorney General U. S. Webb, is one of the greatest and most remarkable documents in the history of California. It reads:

"April 25, 1917.

"HONORABLE U. S. WEBB,

"Attorney General of the State of California, San Francisco, Cal.

"My dear General: On the 9th day of February, 1917, in the case of 'The People vs. Thomas J. Mooney' then pending in my department of the Superior Court, there was rendered against the defendant Mooney a verdict of guilty of murder of the first degree without recommendation. Subsequently a motion for new trial was made by the defendant which was, in due time, denied; judgment was thereupon pronounced, and from such judgment and the order denying defendant's motion for a new trial an appeal to the Supreme Court has been taken and is now pending. It seems unnecessary to tell you that Mooney is one of those indicted for participation in the bomb outrage of July 22, 1916.

"In the trial of Mooney, there was called as a witness by the People one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant. Indeed, in my opinion, the testimony of this witness was by far the most important adduced by the People at the trial of Mooney. In confirmation of these statements, I would respectfully call your attention to the transcript filed on the appeal.

"Within the past week there have been brought to my attention certain letters written by Oxman prior to his having been called to testify, which have come to the knowledge and into the possession of defendant's counsel since the determination of the motion for new trial. The authorship and authenticity of these letters, photographic copies of which I transmit herewith, are undenied and undisputed. As you will at once see, they bear directly upon the credibility of the witness and go to the very foundation of the truth of the story told by Oxman on the witness stand. Had they been



Hon. Judge Franklin K. Griffin, after testing her qualifications to serve as a witness, is here shown swearing Rea Kirsch (eight years old) as a witness in Tom Mooney's trial. She said she saw Tom Mooney and talked with Mrs. Mooney in a vacant office adjoining Mrs. Mooney's studio that her father formerly occupied. It was about 1:20 in the afternoon of the parade.

before me at the time of the hearing of the motion for new trial, I would unhesitatingly have granted it. Unfortunately the matter is now out of my hands jurisdictionally, and I am, therefore, addressing you, as the representative of such action on your part as will result in returning the case to this court for retrial.

"The letters of Oxman undoubtedly require explanation, and, so far as Mooney is concerned, unquestionably the explanation should be heard by a jury which passes upon the question of his guilt or innocence.

"I fully appreciate the unusual character of such a request coming from the trial court in any case and I know of no precedent therefor. In the circumstances of this case, I believe that all of us who were participants in the trial concur that right and justice demand that a new trial of Mooney should be had in order that no possible mistake shall be made in a case where a human life is at stake. Respectfully yours,

"FRANKLIN K. GRIFFIN."



C. M. FICKERT
District Attorney.

E. A. CUNHA
Assistant District Attorney.

THESE SCOUNDRELS have brought the fair name of California and San Francisco into shame and disgrace by their foul methods. They have raked its dens and dives of the notorious "Barbary Coast" for perjurers and with bribery secured the conviction of two innocent men, one to the gallows and the other life imprisonment. They are still holding public office. How much longer will the clean and decent element tolerate such Fraud?

WHAT THE "FRAME-UP" GANG THINK OF PRESIDENT WILSON'S COMMISSION'S REPORT

DISTRICT ATTORNEY FICKERT—"I will not become a party to turning loose upon the community in this crisis a band of guilty murderers, anarchists and traitors on the recommendations of any commission."

JUDGE DUNNE—"It was not necessary for me to read far down into the report to see that it was just what I expected from Bolsheviki Frankfurter. We shall now see whether the officials of the law in California have the courage to hold fast and 'stay on the job.'"

Comment of Hon. Franklin A. Griffin, Tom Mooney's Trial Judge

"The report of the President's Commission confirms the opinion that I have often expressed, that the disclosures following the conviction of Mooney entitled him to a new trial."

"IF I KNEW THAT EVERY SINGLE WITNESS THAT TESTIFIED AGAINST MOONEY HAD PERJURED HIMSELF IN HIS TESTIMONY I WOULDN'T LIFT A FINGER TO GET HIM A NEW TRIAL."

"IF THE THING WERE DONE THAT OUGHT TO BE DONE, THE WHOLE DIRTY LOW-DOWN BUNCH WOULD BE TAKEN OUT AND STRUNG UP WITHOUT CEREMONY."—Edward A. Cunha, Assistant District Attorney, who was caught red-handed in the perjury plot to hang Tom Mooney.—"The Survey."

AMERICAN FEDERATION OF LABOR RESOLUTION

Adopted Unanimously at the St. Paul Convention

"RESOLVED, That we give expression to our strong and earnest desire that the governor of California should act favorably upon the request which has been made by the President of the United States:

"RESOLVED, That we request the President of the United States to exercise such power as is vested in him to prevent the execution of Thomas J. Mooney, so that the wide-spread suspicion that a gross and flagrant miscarriage of justice has occurred with the knowledge of the authorities may be allayed; and be it further

"RESOLVED, That a copy of these resolutions be forwarded to the President of the United States and to the governor of California."

EIGHTY-FIVE UNIONS OF THE ITALIAN "GENERALE CONFEDERAZION OF LABOR" ASK JUSTICE FOR TOM MOONEY

Samuel Gompers, President American Federation of Labor, Washington, D. C.:

"Very conscious of the duty imposed by international solidarity, the Italian proletariat could not remain deaf to the appeal issued by the American unions in favor of Tom Mooney. It would be impossible for me to enumerate for you all the demonstrations that have taken place in Italy since we took the initiative. I send you herewith, however, a first list of the organizations which have passed resolutions of sympathy with the condemned man, while expressing our most ardent wish that justice may be re-vindicated.

Fraternally yours, Confederazione Generale de Lavoro,
Signed, Rinaldo Rigola, Secretary, Milan, Italy."

BRITISH TRADES UNION CONGRESS, DERBY, 1918 ADOPTED THE FOLLOWING RESOLUTION UNANIMOUSLY

"That this Conference, representing four-and-a-half million workers in Great Britain, desires to associate itself with the 37th Convention of the American Federation of Labour in its urgent request that new trials be given to Thomas J. Mooney and others accused in connection with the San Francisco bomb outrages in order to avoid a grave miscarriage of justice; and, further, respectfully requests the active and immediate intervention of the President of the United States and Governor Stephens in giving effect to this resolution; and that a cable-gram be sent to the President of the United States of America."

Mover: Mr. JOHN E. DAVISON.

Seconder: Mr. R. SMILLIE.

HOW TO HELP WIN THIS GREAT STRUGGLE

Organize mass protest meetings and demonstrations. Demand of the daily and weekly papers in your city that they publish the facts about this case. Write your protest to President Wilson, your Congressmen, and Governor Stephens of Sacramento, Cal. Have your organization write a protest to these officials demanding an immediate unconditional pardon for these labor prisoners.

Every organization should buy a copy of this booklet for each of its members. It is your duty to bring this matter before your own local and urge favorable action immediately. When you have finished reading this pamphlet pass it on to a friend or fellow unionist. Keep it in circulation.

This pamphlet is a recital of the way the "Gentlemen Thugs" of the San Francisco Chamber of Commerce administer their own "Law and Order" by raping Justice with wholesale perjury.

If you are in sympathy with our struggle for justice, and wish to help us publish and circulate (2,000,000) Two Million of these pamphlets, any financial assistance can give in this direction will be greatly appreciated. Forward all funds for pamphlet to the Tom Mooney Molders Defense Committee, P. O. BOX 894, San Francisco, Cal.