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EDITORIAL

EVEN GRANTED THE WORST.

By DANIEL DE LEON

MOYER, Haywood and Pettibone have now been incarcerated nearly five months on the charge of murder of ex-Gov. Steunenberg of Idaho—and yet they have not been tried.

Let us disregard for a moment the manner of arrest. Let us leave for future settlement, and certainly that settlement will come, that the arrests were made in defiance of the civic rights guaranteed by the constitution. Let us leave aside, for the nonce, all consideration of the pernicious effect of roughly riding over the law even in the pursuit of justice. All that will be handled in due time. At present another issue has arisen; that issue demands the right of way; that issue is the issue of PLAIN JUSTICE, the plain justice without which all social bonds are snapped and society is thrown into the chaos that calls for “Vigilant Committees.” That issue is summed up in the demand for one of two things—

Either the IMMEDIATE TRIAL OF THE THREE MEN;

Or their IMMEDIATE LIBERATION.

Let us for a moment forget that the only accuser of the prisoners is a self-confessed murderer. Let us proceed upon the extreme principle of reversing that canon of civic rights which demands that the accused shall be held innocent until his guilt be proven. Let us reverse that time-honored principle. Let us proceed upon the theory that the self-confessed scoundrel Orchard is, in this instance, telling the truth. Even then society is entitled to the cold facts; even then the fact is no warrant for establishing the pernicious principle of holding men indefinitely in duress. Even if the men are all that the Orchards and McParlands claim, infinitely greater damage than they are charged to have done to society is now being done to society by the Idaho administration in the indecent policy of delaying their trial.

If the heinous wrong of delaying the trial of Moyer, Haywood and Pettibone,

and thereby prolonging the period of their imprisonment without warrant of law—if that wrong is a deadly wound to society even in the event of the men’s guilt, how much more monstrous is not such conduct in the light of the tenets of civilization. The principle prevails that a country’s code of criminal procedure is the gauge of that country’s degree in civilization. The criminal code of procedure that is being followed in the State of Idaho, backed by the Federal Government, and both backed by the capitalist press of the land, is the criminal code of procedure known only to barbarism. The men are kidnapped and gagged; they are tried by *ex parte* evidence in the columns of the capitalist press; the witnesses, who give testimony on that unique “witness stand,” are all criminals, self-confessed criminals, exclusively; the character of the prisoners is assassinated by a press that is controlled by Wall Street gamblers, Standard Oil committers of arson, Armour poisoners of the people with rotten meat, perjury-sodden railroad magnates, brigand mine owners, and the day, the hour, the opportunity for the prisoners to be heard is delayed and delayed again. The darkest days of the Inquisition knew no worse. French feudalism at its fullest did no worse. The Czar, the type of surviving barbarism, exercised no more despotic sway to the undoing of his people.

Moyer, Haywood and Pettibone are entitled to the cold facts in the case; they are entitled to be confronted with the witnesses against them; they are entitled to the opportunity of cross-examining these witnesses; they are entitled to their “day in court” with the least possible delay. These rights are being denied them. The charge of murder is being used as pretext for keeping them in prison. If guilty the earth can not be too soon rid of them. By systematically delaying the trial, and thus putting off the day when these “guilty” men, these “dynamiters,” these “threateners of social peace” shall be deprived of life and “society be vindicated,” to use the lurid language of the *Boise Statesman*,—by such conduct the prosecution gives the lie to its claim of sincerely holding the men guilty; by such conduct the prosecution is proving that its purpose is not to “vindicate society” but to drag society down to the needs of the criminals-hiring Mine Owners’ Association, and to use the Machinery of Justice to the ends of Brigandage. The prosecution proves it knows the prisoners will mop the floor of the Court with it.

The Working Class of America not only protests, it utters an emphatic veto. It

demands IMMEDIATE TRIAL, or IMMEDIATE FREEDOM for Moyer, Haywood and Pettibone.

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