

INDUSTRIAL WORKER



Fight Assumes National Aspect

PROCEEDINGS FLYNN FILIGNO TRIAL

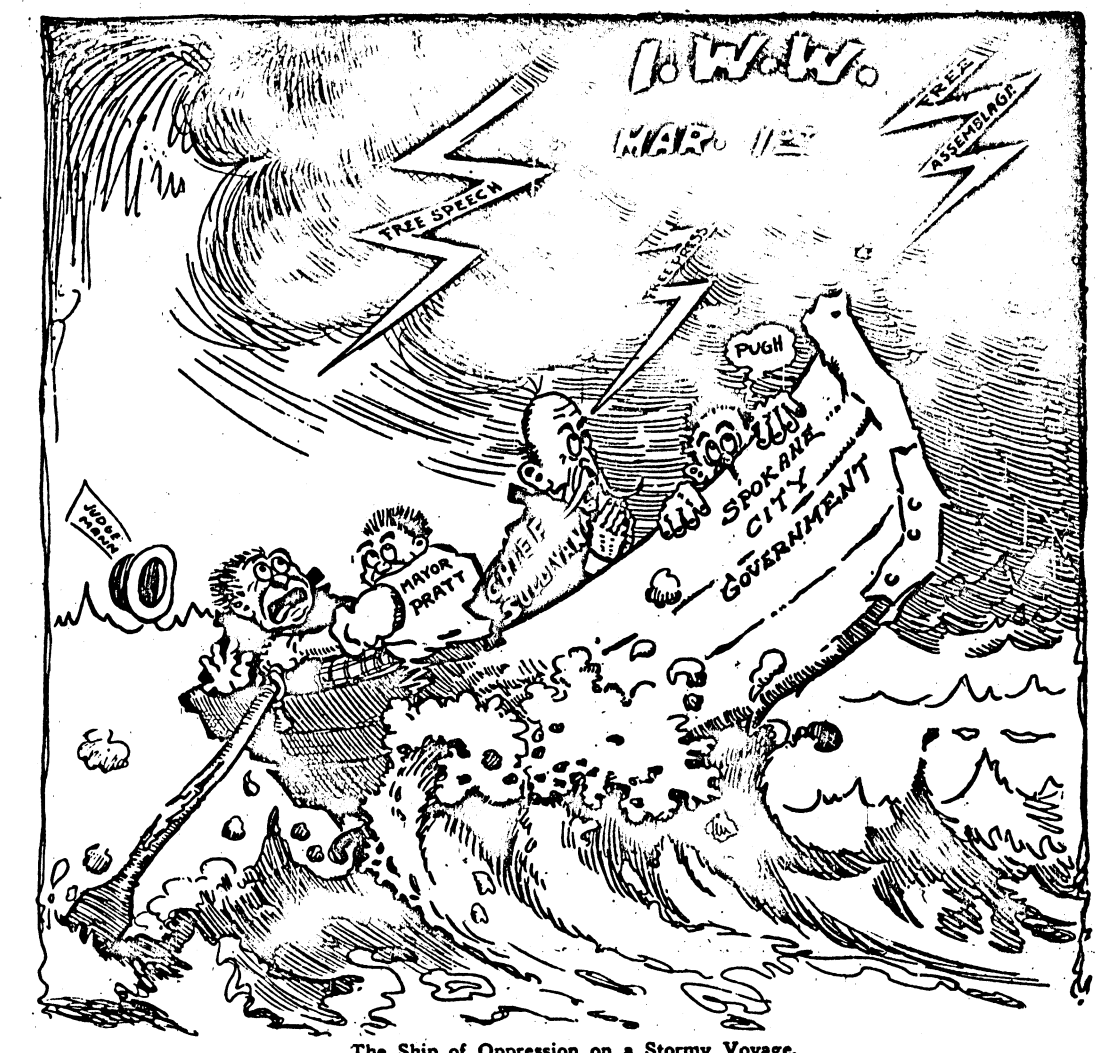
Wednesday morning, the sixth day of this famous trial opened with Judge Mann being called to the witness stand by the defense. The attorneys for the defense tried to show by this witness that Fellow Workers Thompson and Gatewood were the only ones tried for violating the second street speaking ordinance, and that these two men were both discharged and the ordinance declared unconstitutional. (It may be remarked in passing that there were two street speaking ordinances in Spokane, the first prohibiting all parties from holding street meetings, and the second repealed the first and permitted "regular religious organizations" to hold meetings on the streets. This second ordinance was declared unconstitutional by Judge Mann, in his famous decision in the Thompson case on November 2nd, in which he held that the first prohibitive ordinance came back into effect again. The second ordinance declared unconstitutional first by Judge Mann of the police court and later by Judge Webster of the Superior court is the only ordinance in evidence as the first was ruled out by Kennan.)

They also offered to produce the records of every court in Spokane County to show that there had never been a man tried for violating the first ordinance after Judge Mann had declared the second one unconstitutional, but that men arrested for speaking on the street were charged with disorderly conduct.

Mr. Pugh strenuously objected to this as being immaterial, stating that it was unnecessary for the state to prove that a single arrest had been made, let alone a conviction secured, as the commission of an overt act is not essential to a conspiracy. To prove that the ordinance is on the books, and that the defendants conspired to break it is sufficient. Whether or not the ordinance had been declared unconstitutional later on did not enter into the merits of the case. Judge Kennan sustained the objection, and Judge Mann was excused from the witness stand.

Fellow Worker Barber was the next witness, and by him the attorneys for the defense tried to prove the truth of the articles in the copies of the "Workers" that were in evidence in regard to the sweat box. Mr. Pugh objected and said it was immaterial what had been done to the prisoners unless it could be shown that Filigno himself had been tortured before the interview with Chief Sullivan in which he is alleged to have made some admissions of knowledge of the so-called "conspiracy." Mr. Pugh stated that the very existence of the sweat box was not proven "so far as this court is concerned."

Fellow Worker James P. Thompson, an alleged conspirator, now out on \$2,000 bonds, who was confined in the sweat box at the same time as Filigno, and therefore, considered a competent witness as to the conditions, that may have tended to have influenced Filigno's statements to the chief—was then called to the witness stand. Fellow Worker Thompson is one of the cleanest and most forceful speakers in the revolutionary movement, and he gave a vivid description of the well known Spokane "black hole," and told of the horrors of its overcrowded condition in his usual powerful way. Mr. Pugh was nonplussed at all these horrible details being described by such a master word painter as Thompson and strenuously objected, sarcastically asking him if he expected "all the comforts and luxuries of a modern hotel in city jail?" His objection was overruled and Thompson was



The Ship of Oppression on a Stormy Voyage.

allowed to tell his gruesome tale of mistreatment. Among other things he stated that Chief Sullivan was the only man who ever shut the outer sheet steel door on the sweat box, depriving the prisoners of all fresh air and light.

Mr. A. H. Vanell, of Jones & Dillingham, was the next witness, and by him the defense offered to show that the ordinance was unreasonable, in that it included in its prohibition large districts, the streets of which are almost destitute of traffic.

Mr. Pugh objected, as usual, and the court made the strange and unusual ruling that the attorneys for the defense would not be allowed to argue as to the reasonableness of the ordinance. Much comment was heard on this decision as it is an elementary proposition of law that the reasonableness of a city ordinance can be called in question. This seems to constitute reversible error. Mr. Vanell was then excused, and Fellow Worker Bailey—a "conspirator" who served his time, was then called.

Bailey was asked regarding Gurley Flynn's speech on a certain night—a speech that had been gone into in detail by the prosecution over objection from the defense—and Mr. Pugh immediately objected to any reference to anything said by her except that directly bearing upon the "conspiracy." The court sustained this objection over the vigorous protest of Mr. Symmes who pertinently asked if all the evidence in favor of the defendant was immaterial. The courtroom was in a buzz over this manifestly unfair ruling, as the prosecution had been allowed to introduce much testimony foreign to the issue. After the court had made its ruling that none of Gurley Flynn's speech could be introduced save that bearing upon the alleged "conspiracy," Mr. Symmes arose and moved that the famous Warner speech, introduced by the prosecution, should be stricken from the record.

This is the speech delivered at the I. W. W. hall on November 22nd, by one C. L. Warner who is falsely claimed to have

said, "We'll pull down old Glory and sling it into the sea and place the Red Flag upon the top of Pikes Peak." Judge Kennan couldn't back water, as the speech was entirely irrelevant, so it was ruled out, to the deepest chagrin of Mr. Pugh, who treasured it as one of the gems with which he was going to play on the prejudices of a patriotic jury. This was justly considered a great victory for the defense.

Fellow Worker Foster was the next witness but he was not allowed to answer more than a couple of immaterial questions and was then excused. The defendant Filigno next took the stand and stated that he sent the famous telegrams, but that he did so at the direction of the defense executive committee. Filigno's testimony was very vague and Mr. Pugh subjected him to a merciless cross-examination, forcing him to admit that he knew of the alleged "conspiracy." He still stuck to his story of the telegrams, however, and said he didn't know what was to have been done with the men he had telegraphed for. He thought they were probably to be used to take care of the hall while Spokane local asserted its right to free speech. Mr. Pugh asked him the meaning of the telegram he admitted sending to Gurley Flynn at Missoula, reading: "Speech fight on. Send men you have ready." Filigno found it very difficult to answer such questions and seemed to evade them. He also repudiated an alleged confession supposed to have been secured from him in the office of the Chief of Police November 2nd, the date of his arrest. After about two hours on the witness stand he was excused.

Fellow Worker Hartwell S. Shippey of Chicago was then called, and he proved to be a brilliant and peerless witness. Fellow Worker Shippey is the man who took the exposed position of editor of the "Industrial Worker" after Fellow Worker Wilson and Foote had been arrested, and who enriched the paper during the early part of the fight, with some of the cleverest articles that have ever appeared in it. As a consequence he is now doing six months in the county jail on a charge of "con-

spiracy." He is a young man, 24 years of age, and well educated, having spent two years at Forest Lake University, Wisconsin, studying law.

Mr. Moore questioned Shippey as to the meaning of the terms "natural law," and "might is right," as used in one of his articles in the "Worker." Mr. Pugh objected, stating that the language was plain and spoke for itself. Judge Kennan sustained the objection, although but a half hour previous he had allowed Mr. Pugh to ask Filigno what was the meaning of such a simple sentence as "Send the men you have ready." Mr. Symmes openly insinuated that the court was unfair in its ruling, and the murmurs of disapproval showed that the audience was with him in his contention. Shippey was then turned over to Mr. Pugh for cross-examination and this sneering, slurring, sarcastic gentleman immediately asked him the meaning of various rich passages from his article crucifying Judge Mann for his outrageous decisions in the preliminary Filigno trial. This was done over the strenuous objection of counsel for the defense. When Shippey ventured to hazard the opinion that he knew he had some rights under the constitution, he was sneeringly asked how long he had studied constitutional law.

Shippey stated that his articles were educational in their nature, and was asked for the educational value of the following quotation: "The mask of pretense is, for many, stripped from the lowering visage of capitalism, and the law (?) is revealed in its true character—that of an instrument and tool used by the dominant class against the subservient class and in the interest of the dominant class."

Without a suggestion of bravado Shippey entered into a clean and scientific explanation of what he meant by this expression, to the amusement of the revolutionists present. He used the term "capitalist courts" and the somewhat apathetic Judge Kennan, who was keenly interested in Shippey's testimony, asked him what he meant by the term. Shippey then quietly and clearly explained why

HESELWOOD ARRESTED AT COEUR D'ALENE

A telegram from Spokane informs us that the masters in that city have felt constrained to go outside the limits of the State of Washington, in order to cope with the battle which the workers are waging at that point for the right of free speech. They have trespassed the borders of the neighboring State, Idaho, in their attempt to down the earnest aspirations of the workers in the fight for the life of the organization. They have caused the arrest of Fred W. Heselwood, a national organizer of the I. W. W.

Heselwood, well known for many years as one of the most progressive members of the Western Federation of Miners, and an active worker in the Industrial Workers' ever since its organization, had been placed in the responsible position of handling the funds and doing the publicity work in connection with the Spokane fight. While performing his duty in the City of Coeur d'Alene he was seized upon by the minions of the law and placed under arrest. The I. W. W. is fighting the extradition proceedings.

American courts are capitalistic in their nature.

Prosecutor Pugh then asked him what he meant by insinuating that the courts are corrupt and was met by the startling reply: "I mean it in the same sense that Lincoln Steffens, David Graham Phillips, Judge Lindsay and numerous others mean it when they say that the courts in certain sections of the country are rotten from start to finish."

The courtroom almost broke into cheers at this point, and cries of "good" came from various parts of the room. The attorneys for the defense entered a most vigorous objection to the manifest unfairness of the court in allowing Mr. Pugh to go into the meaning of various passages in Shippey's articles after they had been forbidden to do so but a half hour previous, and Judge Kennan reversed his previous decision and promised the defense the same privileges as the prosecution. The line of questioning unearthed by Mr. Pugh was so calculated to prejudice the middle class "law and order" loving jury against the I. W. W. that it would have been wrong to stop it, so Mr. Pugh was allowed to bring out Shippey's revolutionary ideas in full. Adjournment found Shippey still on the stand.

Thursday, seventh day of the trial. Shippey explains to jury the meaning of "An injury to one is the injury to all." Also what he meant by the term "Might is right." In answer to a question Shippey agreed with Mr. Pugh that "This court as an institution is subject to the same criticism as other courts." After being excused Shippey was taken from the courtroom to the rock pile and loaded with two heavy balls and chains, and on coming in at night he was placed in a dark cell on bread and water, where he now remains. This is the punishment for telling the truth on the witness stand in Spokane.

Fellow Worker Buchel, the man who had his jaw broken by the police during the early stages of the fight, was the next witness, but Mr. Pugh violently and successfully objected to him telling how the dastardly assault occurred.

Fellow Worker Knust, with a similar tale of brutality was also ruled out and with him 60 similar witnesses. Mrs. Fiset was the next witness, but she was barred from testifying on objection from Mr. Pugh. Then occurred one of the greatest victories of the trial, and one which the unctious Mr. Pugh and his satellite lawyers (?) will never forget. During the previous week Mr. Pugh had been so anxious to get certain articles in the "Worker" placed in evidence that he en-

LABOR EXCHANGE NEWS ITEMS



THE HORRORS AND OUTRAGES OF THE CONGO IN SPOKANE

Congoland is in Africa. Of it the world has heard. Abominable, ferocious as were the brutalities practiced by the agents of the tyrants in Belgium little did the world learn about, until the tremendous outcry of outraged humanity filled the air with terror and amazement.

The lash, the whipping post, torture and murder paid for the white merchandise that enriched the monsters in human form, gave them the wealth to live in wild orgies and appalling debaucheries.

And when at last a horrified world learned the truth, the monsters sent their emissaries everywhere to deny, to bribe, to corrupt, to falsify, in their efforts to cover up the shams of "Dark Africa."

Spokane is not in the jungles of dark Africa, it's supposed to be in the U. S. A. Its city officials are supposed to be upholders of the constitutional rights of all the people.

But Spokane, like the Congo, has had the reputation of being a good slave mart. Guggenheim and the other thieves of lumber, coal, and mine land must have cheap, submissive, cowed down labor, like the monsters of Belgium found in the jungles of Congo.

The slaves rebelled at last. They protested, they raised their voices in the streets, in the halls, against the fraud practiced upon them.

The army of unemployed brought to the slave mart by fraudulent advertisements of these sharks (See as sample the "Spokane Chronicle," January 28), the agents of Guggenheim and others of the public land robbers, these thousands had to organize themselves for protection against this swindle, these frauds, these grafts.

Then came the command of the corporation kings: Gng them, beat them, torture them, strangle their voices behind walls and prison bars.

OPEN LETTER TO REV. HINDLEY

(Continued from Page Three.)

more comfortable to look in on the suffering of the poor; to misrepresent these poor, and to denounce them for things of which they have never been guilty.

I shall expect to hear that you have rushed to the defense of the courts, for they are much in need of defense, and I presume that you will do anything that you are paid to do.

But I cannot believe that anything that you do, can be of any consequence, for it is very easy to see through your specious pleas.

TO WHOM IT MAY CONCERN. Spokane, Wash., Feb. 10, 1910.

We, the undersigned members of the auditing committee appointed by the C. E. C. of the Spokane Local of the I. W. W., having audited the books of E. O. Chinn, financial secretary, during his term of office, Feb. 9 to May 7, 1909, find as follows:

Table with columns for Receipts and Balance carried. Includes items like Cash on hand Feb. 9, 1909, Dues Stamps Sold, Hospital stamps sold, etc.

According to the present auditing of the books, Fellow-Worker S. O. Chinn should have been required to turn over to the organization the above amount (\$746.89) instead of the amount of \$775.04.

STAY AWAY. Lafayette Sawmill: The men employed in this have gone on strike for their pay.

Will Be There. Newport, Ore. Fellow-Worker:—Enclosed find money order for the amount of \$1.50 to cover the cost of two subscriptions to The Industrial Worker.

A FEW REASONS Why You Should Join the Industrial Workers of the World.

THE I. W. W. PREAMBLE. The working class and the employing class have nothing in common.

Important Notice. Until further notice The Industrial Worker will be published at Seattle, Wash. Address all communications to The Industrial Worker, P. O. Box 1443.

LOGGERS, ATTENTION! Owing to the rapidly increasing membership and necessity of being more centrally located in the Working Class District, we, the Loggers' Union No. 432, of the Industrial Workers of the World, have moved our headquarters to Room 3 Station Building, corner Second Avenue and Main street.

WM. McKENZIE, Room 3 Station Building, Seattle, Wash. Corner Second Avenue and Main Street.

Arrington, Wash. A. B. Cook & Co. Am working for this company at the Arrington, Belt cutoff. An I. W. man can get work here, but conditions are about what the average railroad camp boasts of.

Bates and Rogers Construction Co. Wages 20 cents per hour. Sleep in bunk house. Hire men from employment sharks of Spokane and Seattle. Board \$5.25 per week. Grub is poor.

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