

CHAPTER 2. “The Wrath of Man”: Anarchism Comes to the United States

While the battle between labor and capital seemed to be boiling over, one further, and at times complementary, leftist movement was the arrival of European anarchism in the United States, and this development was exceptionally important to July 22, 1916, and the broader undercurrent of radicalism at the time. After all, Berkman had clearly walked this line: on the one hand, a labor cause, the Homestead Strike, had inspired him to commit an anarchist act, an ideology he simultaneously espoused and grew associated with, demonstrating the often blurred lines between the labor and anarchist movements during the period.

As an ideology, which took—and continues to take—many forms, anarchism saw a proliferation after the French Revolution. Following the conservative crackdowns on the revolutionary spirit and the perversion of the Revolution’s ideals with the Reign of Terror, many began to worry about the possibilities of despotism in the early nineteenth century, and particularly how quickly the reestablishment of state power seemed the top postrevolution priority. Out of this fear came anarchism.

The 1905 edition of the *Encyclopedia Britannica* called it “a principle or theory of life and conduct which society is conceived without government – harmony in such a society being obtained, not by submission to law, or by obedience to any authority, but by free agreements.” At its core, anarchism seeks to identify hierarchical

The 1916 Preparedness Day Bombing

Anarchy and Terrorism in Progressive Era America

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2018

the penitentiary in Allegheny, Pennsylvania. He left prison ready to embark on more anarchist causes.²⁶

The Frick/Berkman affair, Haymarket bombing, Pullman Strike, and more all showed just how the relationship between “the interests” and “the people” grew so strained during the late nineteenth and early twentieth century. This ever-unsettled relationship came as the wealth gap widened and war approached. Clearly, as the nation moved into the early twentieth century, it entered one of the most turbulent eras in its history, already a swirl of organizing, agitation, and, increasingly, violence. The later San Francisco events of 1916 were a clear part of this ongoing struggle. “For this war is essentially labor’s war,” one of the defense attorneys of the case in 1918 would say, “a conflict between two systems of civilization.”²⁷

²⁶ *New York Times*, September 20, 1892.

²⁷ “The Mooney Case,” An Address by Hon. W. Bourke Cockran, July 28, 1918. MICH, 13.

nity remained convinced that the company’s president Patrick Calhoun purposefully began the 1907 strike to cause distraction from ongoing investigations, yet the strike became much more than he and the company planned for. United Railroads also found help in Charles Fickert, described as a “big, hulking fellow with the face of a prize fighter.” It was no wonder he cut an imposing figure: he graduated from Stanford University, where he also served as captain of the football team. Fickert proceeded to work his way up the legal ladder. In 1904, he received a special appointment as a special assistant U.S. District Attorney for the Northern District in California. United Railroads reportedly spent \$100,000 on his campaign for District Attorney. Neither wanted nor able, labor leaders sneered that Fickert was “simply a messenger boy to run an errand.” As D.A., Fickert stood poised to articulate the goals of the city’s business interests and work against organized labor.²⁵

The company’s past, according to labor, was marked with “plunder and blood,” even purposefully dynamiting the home of witness James “Big Jim” Gallagher to gain support and prevent testimony against them.

When a Pennsylvania criminal court sentenced Alexander Berkman on September 19, 1892, he looked “as cool as anyone present” and matter-of-factly pled “not guilty” to the six charges of felonious assault and battery. At the sentencing, he took the opportunity to explain his motives and indict capital: “I know an example will be made of me for my act. The injustice of the ruling class is to blame for this,” he said. In a clear reference to Haymarket, he recalled, “I belong to those who were murdered at Chicago.” There was little defense to be made, and the state sentenced Berkman to 22 years in jail. He would serve just less than 14 years of the sentence in

²⁵ Josh Sides, *Erotic City: Sexual Revolutions and the Making of Modern San Francisco* (New York: Oxford University Press, 2009), 18; *San Francisco Call*, March 8, 1904; Minor, “Frame-Up System,” 4.

Contents

Preface	7
Acknowledgments	9
Timeline	11
Introduction	13
CHAPTER 1. “Perpetuated Hatred and Suspicion”: Labor and Capital at Odds	17
Edward Bellamy	29
Marx and Engels	34
CHAPTER 2. “The Wrath of Man”: Anarchism Comes to the United States	44
Shusui Kotuku	54
CHAPTER 3. “Assassins, Murderers, Conspirators”: The March of Progressive Era Radicalism and Violence	64
Caldwell, Idaho, in 1905	70
CHAPTER 4. “The Road to Universal Slaughter” and “This Dastardly Act”: The Preparedness Debate and Bombing	89
Arsenic as a Weapon	95

CHAPTER 5. “The Fanatic Demon”: The Manhunt	115
Anarchism and Socialism	132
CHAPTER 6. “The Act of One Is the Act of All”: The Trials	135
Mysterious Suitcases	141
The Mooney Case Abroad	158
CHAPTER 7. “Fighting Anarchists of America”: The Attacks of 1919 and 1920, and the Mooney Defense Onward	171
The Dreyfus Affair	206
Famous Supporters	211
Epilogue	213
Documents	219
DOCUMENT 1. The “Pittsburgh Proclamation”	219
DOCUMENT 2. Preparedness Parades	225
DOCUMENT 3. “Preparedness, the Road to Universal Slaughter,” by Emma Goldman	227
DOCUMENT 4. Tom Mooney, a Miner’s Son	236
DOCUMENT 5. U.S. Espionage Act, 15 June 1917 and The U.S. Sedition Act, 16 May, 1918	244
Section 1	244
Section 2	246
Section 3	247
Section 4	248
Section 5	248
Section 6	248
Section 7	249
Section 8	249
Section 9	249

workers ended their efforts only when the railway owners agreed to favorable arbitration.²³

As the twentieth century moved ahead, San Francisco enjoyed a renaissance of sorts. It was a far cry from the devastation of the famous earthquake a decade earlier, which shook the city in the early hours of April 18, 1906, destroying 28,000 buildings and claiming the lives of around 700 people. Fires raged for three days, but San Francisco proved a resilient city. A newspaper in New York received this report from the city: “She’s crippled, thirsty, hungry, and broke; she has a few whole churches, only half her school-houses; not one French restaurant, not a theatre; she is full of people without homes, jobs, or clothes; she is [the] worst bungled-up town that ever was. But the spirit of her is something to bring tears to an American’s eyes.”²⁴

While this post-earthquake revival all appeared optimistic and perhaps a bit idyllic, a radical undercurrent festered in San Francisco. In many ways, San Francisco in the early twentieth century had not strayed far from its Gold Rush roots. Political corruption, “the skullduggery of mining camp life,” and a “carousing culture” still persisted in what became known as “The Paris of the West.” Yet, labor leaders long thought of corporations like United Railroads of San Francisco as “the cruelest beast in the jungle of unorganized labor,” and a fight against it seemed to typify the struggle between capital and labor in the West. The company even succeeded in breaking up the carmen’s union in 1907. The unions lost the strike. Despite eight attempts at reorganizing over the next nine years, they were unable to. The skeptical among the labor commu-

²³ Richard White, “It’s Your Misfortune and None of My Own”: *A New History of the American West* (Norman: University of Oklahoma Press, 1993), 290, 380–381; *San Francisco Call*, September 5, 1906.

²⁴ “San Francisco,” in *The New Encyclopedia of the American West*, ed. Howard R. Lamar (New Haven, CT: Yale University Press, 1998), 1009; Seth Dennis Cashman, *America in the Age of the Titans: The Progressive Era and World War I* (New York: New York University Press, 1988), 72.

witness its own event of radicalism and violence in coming years. San Francisco, since the mid-nineteenth century, had functioned as the center of a large economic network that extended in all directions. A timber terminus and city with a huge demand for lumber as it transitioned from a temporary to permanent city, according to historian William Robbins, San Francisco “was an entrepreneur’s dream.” For those involved in the logistical matters and for those hoping to strike it rich looking for gold, money could be made in the town as well. The city had also served as a mining supply center for the Intermountain West or as a sales point for thousands of barrels of wheat grown along the Columbia River Valley.²²

This economic growth and expansion, of course, necessitated a workforce, and the labor climate in San Francisco had long been one that favored workers. While obviously not the choice of business interests, a number of factors (notably geography, specific and limiting industry, and job availability) allowed the working class to take an active hand in asserting its power in the city. Unions dominated in common industries such as shipping and construction. The notion of the “closed shop,” the system where businesses pledged to hire only union workers, reigned in most of the San Francisco job market, as the city’s business owners, albeit reluctantly, accepted this arrangement. San Francisco’s union presence, according to historian Richard White, “created an even playing field” there and “businessmen were too bitterly divided among themselves to make common cause against the unions.” Even the city’s iconic streetcars had seen labor unrest. In 1906, railroad car men working for United Railroads of San Francisco went on strike, forcing the intervention of the national Association of Street Railway Employees. Striking

²² William G. Robbins, *Hard Times in Paradise: Coos Bay, Oregon, 1850–1986* (Seattle: University of Washington Press, 1988), 12; Donald W. Meinig, *The Great Colombia Plain: A Historical Geography, 1805–1910* (Seattle: University of Washington Press, 1995), 218, 226.

Bibliography	251
ARCHIVAL MATERIALS	251
ABBREVIATIONS	251
SELECTED PAMPHLETS	252
LEGAL PROCEEDINGS	252
NEWSPAPERS AND PERIODICALS	253
BOOKS, ESSAYS, AND JOURNAL ARTICLES	254

against William McKinley in the 1896 election, a contest Clarence Darrow called “the greatest battle of modern times.”²⁰

The labor climate grew so volatile that a number of other eruptions occurred throughout the period. The 1894 Pullman Strike sent a young Debs to jail and demonstrated the power of the federal government to quell labor action. In 1884, Debs had won a seat, as a Democrat, in the Indiana State Assembly. He later served as a leader in the Brotherhood of Locomotive Firemen, which raised his profile on the national labor organizing scene, where he eventually helped found and then led the American Railway Union (ARU). In the Illinois company town for workers crafting his luxurious railcars, George Pullman simultaneously raised rents and lowered wages. Debs and the ARU got involved and the resulting strike initially stopped trains in 27 states. It also increased ARU’s role and propelled him to national prominence. President Cleveland’s famous mail injunction reaffirmed the necessity of the U.S. mail moving unencumbered on American trains, and proved a powerful tactic that could get the trains moving again. “If it takes the entire army and navy of the United States to deliver a post card in Chicago,” he declared, “that card will be delivered.” He was right; the injunction, cited by railroad companies, meant the end of the strike. For Debs, the strike meant prison time. While incarcerated, though, he read widely and found himself increasingly radicalized, ultimately emerging from jail a committed socialist and a perennial SPA candidate; he ran as their nominee for President five times (once while incarcerated).²¹

Around the time of Pullman, labor versus capital had come to the American West, too. If there was one city that offered a window into these tensions, it was San Francisco, a city that would

²⁰ Alan Dawley, *Struggles for Justice: Social Responsibility and the Liberal State* (Cambridge, MA: Harvard University Press, 1991), 1; McGerr, *A Fierce Discontent*, 24.

²¹ www.whitehouse.gov/1600/presidents/grovercleveland24; Johnson, “Why Is There No Socialism,” 1–16.

optimism, echoed by the *Appeal to Reason*, that were predicted in 1909, “Socialism is coming.”¹⁹

Debs decided not to run for the presidency in 1916; instead, he tried—unsuccessfully—for a congressional seat in his home state of Indiana.

Undeniably, the period from the end of Reconstruction to the New Deal stands as one of the nation’s most turbulent eras. As historian Alan Dawley has remarked, “Everything was in flux.” As the unstable 1890s illustrated, all was not well in this unsettled era, not only with the economy but also, and especially, for rank-and-file wage earners. The economic tumult of 1893 and a series of events, such as the rise of Populism, the Pullman Strike, and Coxey’s Army, all appeared as a reaction to this state of uncertainty and changing world. In the American heartland and elsewhere, the Panic of 1893 helped spur another protest movement—the rise of the People’s (or Populist) Party. Born out of the Grange movement and Farmer’s Alliances of earlier decades, by the 1890s, farmers felt at the mercy of grain elevator costs and the railroads, among other things. Agrarian protest typified the reaction to eastern financiers’ corporate control. The Populists outlined their goals at the famed Omaha Convention and stressed limiting monopolistic privilege and expanding direct democracy, for example, calling for the direct election of U.S. Senators and the right of Americans for initiative and referendum. Populists seemed to speak for the nation’s farmers and rural areas, where even by 1910 a farmer’s annual income was approximately \$652. They also offered solutions to a sluggish economy, specifically bimetallism as a path to fiduciary reform, the Populist call for “free silver” and the coinage of silver (at a 16:1 ratio to gold) to stimulate currency and spending. They nominated, along with the Democrats (the famous political “fusion” moment), William Jennings Bryan for President. The young Nebraskan squared off

¹⁹ *Commonwealth* (Everett, WA), 19 July 1912; *Appeal to Reason* (Girard, KS), February 6, 1909; Johnson, “Why Is There No Socialism?”, 1–16.

Preface

This book places the 1916 San Francisco Preparedness Day Bombing within the broader context of American radicalism and isolationism during the Progressive Era. A concise narrative and key primary documents offer readers an introduction to this episode of domestic violence and the subsequent, sensationalized trial that followed. The dubious conviction of a local labor organizer raised serious questions about political extremism, pluralistic ideals, and liberty in the United States that continue to resonate in the twenty-first century.

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Welcome to the Routledge *Critical Moments in American History* series. The purpose of this new series is to give students a window into the historian’s craft through concise, readable books by leading scholars, who bring together the best scholarship and engaging primary sources to explore a critical moment in the American past. In discovering the principal points of the story in these books, gaining a sense of historiography, following a fresh trail of primary documents, and exploring suggested readings, students can then set out on their own journey, to debate the ideas presented, interpret primary sources, and reach their own conclusions—just like the historian.

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William Thomas Allison
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ister and a Shakespeare tutor, he received the largest plurality ever in a Butte mayoral election. Duncan became a national figure for the party, and wins followed elsewhere. In 1910, in Wisconsin, a state with an important and vocal labor voice, voters elected Socialist Victor Berger to the state’s fifth congressional district. Now, the SPA was sending party regulars to Washington D.C. to take seats in Congress, no small achievement.

SPA partisans were perpetually optimistic, often writing and saying that the next election would bring the sweeping socialist victories they always expected. “Socialists,” the *Appeal to Reason* declared, “are not pessimists.” Believing that victories were around the next corner fueled activism, and many party partisans believed in “municipal socialism” strategies, meaning that smaller local victories would gather momentum toward larger and more significant ones. Party propaganda and the socialist press played a particularly strong role in the optimism surrounding party growth, and publications like the *International Socialist Review* and *Appeal to Reason* dutifully tracked labor issues, party organizing, and campaigns. “Subscription hustlers,” as papers called them, worked tirelessly to increase subscribers.

On the national stage, momentum seemed with the SPA, as they worked tirelessly at national elections. One of the political advantages the SPA enjoyed was leadership; Eugene V. Debs emerged as the party’s perennial presidential candidate. Each time they selected Debs as their nominee, and in every election cycle, he garnered more votes. Debs received approximately 86,000 in 1900, 402,000 in 1904, and 420,000 in 1908; Debs’ candidacy reached its apex in 1912, when he received over 900,000 votes. Displaying the characteristically exuberant enthusiasm of party regulars, the Socialist *Commonwealth* in Everett, Washington, proclaimed, “this is our year,” and the upward voting trends reinforced party

Politically, socialism effectively began in 1877 with the foundation of the Socialist Labor Party (SLP) in the United States. The SLP was an unwavering and radical party. While it struggled for members and mass appeal, it had the fiery Daniel DeLeon at its helm. The largest challenges for the SLP and its possibilities for a wider appeal were a dogmatic and unwavering view of Marxism and its primarily Bohemian/European membership. Most of the SLP's meetings, for example, were held entirely in German.

In 1901, socialists gathered from across the country and from many various factions to form a new, cohesive socialist party. They came from a number of various socialist organizations, but in particular DeLeon's SLP, the Social Democratic Party of Eugene Debs (which had focused some of its work on colonies in the West), and radical-minded trade unionists. Billed as the "unity convention," delegates descended upon Indianapolis and founded the "Socialist Party of America" (SPA).

From the start, and as intended, the new SPA represented a singular, strong voice for American Marxism and presented itself as a "typically American party." While other socialist voices like the more radical SLP persisted, it provided the political "harmony" many wished for, finally bringing together a variety of socialist voices. Now, chapters (as the party called them, in the familiar language and in clear reference to union organizations), formed under the auspices of the national party organization, flowered. Organizers optimistically hoped that the SPA would prove a legitimate, permanent, and radical alternative to the Democratic and Republican (and, they said, capitalist) party stronghold on U.S. politics. Steady and increasing success from 1901 to 1918 encouraged this hopefulness.

Indeed, and with the combination of an increasingly organized, optimistic, and professional party, and the favorable labor conditions for such a movement, the SPA began to experience electoral wins. In Butte, Montana, the predominately miner-heavy electorate voted Lewis J. Duncan their mayor in 1911. A former Unitarian min-

Acknowledgments

Research and writing can be a lonely pursuit, but many colleagues, family members, and friends were instrumental in this happening. My only fear here is mistakenly forgetting anyone who was helpful along the way.

In early 2015, I was invited to share early and brief parts of this work at the Newberry Library's Seminar in labor history. The chair of the session Liesl Orenic, the attendees, and certainly the two commentators, Peter Cole and Kevin Boyle, all offered friendly and useful observations. That feedback and conversation were simply invaluable to the way I thought about the project.

I had the great fortune of being able, in part due to financial support, to visit a number of archives to explore this story. Thanks to the gracious support of a James and Sylvia Thayer Fellowship at UCLA, I worked closely with materials at the Charles Young Research Library. The collections and the staff there as well as at the University of California's Bancroft Library, the International Institute of Social History in Amsterdam, and the Labadie Collection at the University of Michigan all provided critical materials.

Providence College was very supportive of my research, financially and otherwise. I received funding from its Committee on Aid to Faculty Research to travel to the three aforementioned archives and the Faculty Conference Fund to support the project. My Dean Sheila Adamus Liotta and Provost Hugh Lena both kindly supported this research and project. Thanks also to my Providence history colleagues Steve Smith for looking at the early book proposal and Jen Illuzzi for her translation assistance. Finally, during this project, two department chairs, Margaret Manchester

and Ray Sickinger, have afforded me teaching schedules that allowed time for writing, and I am grateful.

I shared early versions of this work on a number of panels at various conferences over the past few years, and I am thankful for the feedback I received from the academic community at meetings like the American Studies Association, Organization of American Historians (OAH), the Center for Western Studies' Dakota Conference, Southwest Popular/American Culture Association (SWPACA), Western History Association, Historians of the Twentieth Century United States (HOTCUS), and American Historical Association (AHA), Pacific Coast Branch.

The wonderful folks at Routledge who have supported this book along the way with professionalism and encouragement have included Genevieve Aoki, Margo Irvin, Daniel Finaldi, Rebecca Dunn, and Eve Mayer. I am especially indebted, though, to the series editor Bill Allison and editorial assistant Ted Meyer, who have both been a tremendous help and I am incredibly grateful.

Finally, and most significantly, I want to thank my wife Dena. She patiently listened to stories of word counts and chapter editing, over many months reassuring me and providing unflappable love and encouragement.

determined all social life, an idea called Historical Materialism. For Marx and Engels, class struggle (which was historical and inevitable) meant that capitalism, sooner or later, would be forced to give way to socialism, his fifth mode of production. His historically minded modes of production were as follows: Primitive Communities, Slave States, Feudal States, and Capitalism. Eventually he thought that Communism (an economic and political stage following socialism, where social class ceases to exist) would come, with the abolition of private property central to this revolution in state and society. Workers, unified as unions and as a worker's party, could bring the revolution that seized both the government and production.¹⁷

By the late nineteenth century, "socialism," as a radical social and political alternative, enjoyed a growing prominence in the United States. On Puget Sound and in the Midwest, some socialists ventured into separatist and utopian colonies, often drawing inspiration from some of the utopian theorists of the age like Charles Fourier and Edward Bellamy. Plagued by logistical, leadership, and membership problems, however, few of these nineteenth-century colony experiments saw any long-term permanency. It is also important to differentiate between anarchism and socialism, though critics of the radical left were quick to equate the two. Many of the uninformed, often sitting in jury boxes, might have thought they were one and the same. Still, cooperative colonies offered socialism in practice, whatever their success.¹⁸

¹⁷ McGerr, *A Fierce Discontent*, 32; Howard R. Lamar, "Western Federation of Miners," in *The New Encyclopedia of the American West*, ed. Howard R. Lamar (New Haven, CT: Yale University Press, 1998), 1196–1197; The Farmer-Labor Party and Nonpartisan League are also important to these intersections of labor and politics. See, for example, Michael Lansing, *Insurgent Democracy: The Nonpartisan League in North American Politics* (Chicago, IL: University of Chicago Press, 2015).

¹⁸ W. Bourke Cockran, *A Heinous Plot: An Expose of the Frame-Up System in the San Francisco Bomb Cases Against Billings, Mooney, Mrs. Mooney, Weinberg and Nolan* (Chicago, IL: Chicago Federation of Labor, 1917).

labor battles in Cripple Creek, Colorado, in 1894 and Telluride, Colorado, in 1901.

Politically, however, both the Knights of Labor and the AFL did their best to stay out of the explicitly political fray. An AFL foray into running union candidates in 1906, which proved a failure, was an isolated exception. Instead, American unions and their leaders elected to endorse, across party lines, “pro-labor” nominees for office. Indeed, as Democrats and Republicans both wooed labor voters, political opportunities emerged by the turn of the twentieth century.¹⁶

While they failed to gain much traction during his life (he died penniless) and the mid-nineteenth century, the ideas of Karl Marx on collective ownership, state socialism, and necessity of emancipating an alienated working class steadily gained particular traction in Europe, and Russia’s 1917 Revolution would embody Marxist teaching. For some on the political left and keen to the interests of labor, Marx had political possibilities on American shores, too.

Marx and Engels

In 1848, Karl Marx and his collaborator Friedrich Engels had famously penned *The Communist Manifesto*. A direct appeal to all workers, this polemical document called for the emancipation of the working class, as a movement coming from workers themselves. They believed that capitalism and its prejudiced division of wealth contradicted decency. Capitalism, not surpassingly, they thought, was on its way to collapse. Marx believed, as a historian, philosopher, and economist, in his worldview that “The history of all hitherto existing society is the history of class struggle.” He thought that material goods were necessary to human life and

¹⁶ Timothy Messer-Kruse, *The Haymarket Conspiracy: Transatlantic Anarchist Networks* (Urbana: University of Illinois Press, 2012), 1; Kahan, *The Homestead Strike*, 38–39.

Timeline

1886	Haymarket Affair
1892	Homestead Strike
1892	Frick assassination attempt
1894	Pullman Strike
1895	Bliss arsenic poisoning
1901	William McKinley assassination
1901	Socialist Party of America established
1905	Steunenberg murder in Idaho
1905	Industrial Workers of the World (IWW) founded
1910	L.A. Times bombing
1913	Pacific Gas & Electric Strike
1914	World War I erupts
1914	Stockton, California, MM&E Strike
1915	Panama-Pacific Exposition
1916 (July 22)	Preparedness Day bombing in San Francisco
1916	Chicago soup plot
1916 (Dec.)	Billings conviction
1917 (Feb.)	Mooney conviction
1917	United States declaration of war
1917	Espionage Act
1917	Red Scare begins
1918	Sedition Act
1918	Wilson Commission report released
1932	Wickersham Commission report released
1939	Tom Mooney released

the jury to levy and retain life sentences upon Parsons, Spies, George Engel, and Adolph Fischer. On November 11, 1887, all four were executed. Louis Lingg, another convicted anarchist, committed suicide in jail. Many others served years behind bars.¹⁵

The Knights of Labor had their moment on the American labor scene, but Haymarket had left open the opportunity for another large unionization effort. Organizers created the American Federation of Labor (AFL) in 1881, a larger and more permanent trade union that took on only those deemed as skilled workers. Various trade unions became affiliated with the AFL, from blacksmiths to glove workers to railway clerks. The consummate face of the AFL, Samuel Gompers (he headed the organization from 1886 to 1924) preached his philosophy of “more”: better wages, favorable work conditions, and agreeable work hours, especially the dream of an eight-hour workday. In 1890, when the government first began monitoring workers’ hours, the average workweek for full-time manufacturing and those working in skill trades exceeded 100 hours. A key part of Gompers’s plan was to harness the power of labor’s most effective tool, the strike. The AFL organized 1 million workers by 1900. Their brand of “bread and butter unionism” typified labor’s demands for more than a generation. While unions only accounted for approximately less than 10 percent of the workforce, by 1901, 1,125,000 American workers belonged to a union, a marked increase from 447,000 only four years earlier. Outside of more traditional union activity, further radical labor forces also organized during the Progressive Era. The Western Federation of Miners (WFM), established in 1893 after recent tensions in Northern Idaho, and its founders envisioned the new miner’s union as a western, and radical, alternative to the AFL. The WFM had key

¹⁵ Jeffrey A. Johnson, “Why Is There No Socialism in the U.S.? – 100 Years Later,” in *U.S. History in Global Perspective*, ed. Cathy Gorn (Santa Barbara, CA: ABC-Clio, 2013), 1–16.

of Chicago's laborers also coincided with and continued an almost three-month-old, largely peaceful, strike against the McCormick Harvesting Machine Company, who had been employing scabs to keep its doors open. On May 3, as replacement workers came off of their shifts, strikers challenged them. The police intervened, however, killing two workers. The deaths at the McCormick Reaper Works obviously brought indignation from the city's populace, especially among workers.

Capitalizing on the tragedy, Chicago's radicals planned their response. Helping to incite tension was the *Arbeiter-Zeitung* (*Workers' Times*), a daily Chicago newspaper published only in German and also known for its anarchist leanings. The paper reprinted many of the varied calls to arms, some of which included appeals to workers to "arm themselves" and "appear in full force." In the basement of Greif's Hall, a saloon in the city, plans to strike back at the city's police and fire departments were hatched for a mass response protest the next day, and by the evening of Tuesday, May 4, 1886, a number of speeches occurred without incident (and interestingly, not actually in the Haymarket; instead, it occurred just off Randolph Street). However, almost 200 police officers arrived on the scene as Samuel Fielden, an English-born minister, socialist, and anarchist, was finishing his remarks to the gathered workers. At around 10:30 pm, Captain William Ward of the Chicago police commanded the crowd to disband. At that moment, a homemade bomb was thrown, though it remained a mystery by *whom*, toward his officers, creating chaos and ultimately killing 5 men in uniform and injuring approximately 60 others.

In a common Gilded Age refrain, the Chicago press casted blame upon the city's "radicals," but especially the city's immigrant-heavy, socialist, anarchist elements. In response, police rounded up all of the city's known anarchists, notably Albert Parsons, an anarchist and socialist from Texas, and August Spies, a labor organizer who had spoken at the rally not long before the blast. Not surprisingly, the city prosecutor successfully argued before

Introduction

On the morning of July 22, 1916, Mrs. Cecil Wymore, a young mother in Oakland, California, made her way to downtown San Francisco. She took the journey with her husband Lloyd and two young children, Virginia, age four, and Billy, age two. They left their 53rd Avenue home in Oakland across the Bay for a trip that was really for the young children, so that they could marvel in the spectacle of the city's much anticipated Preparedness Day Parade. By this point, war in Europe had raged for two years and in the United States, with involvement a real possibility, parades like this hoped to generate patriotism and enthusiasm for the cause. Newspaper reports estimated that 50,000 parade-goers would be in attendance, and on the surface, the parade seemed to symbolize a patriotic and harmonious American moment. One Oregon paper called the San Francisco Preparedness Day Parade, "the greatest demonstration in support of a national movement that the west has ever seen." Once in the city, the Wymores found a spot to view the parade along Market Street, by that point jammed shoulder to shoulder with onlookers.

What happened next the press would describe as one of the "pathetic" results of the explosion: As she held up Billy in her arms for a better look, a bomb exploded, leaving the 26-year-old mother without legs. Surgeons scrambled to help Mrs. Wymore, but the wounds would prove fatal. "Dazed from the shock," her husband Lloyd stumbled away with their two children, who miraculously

survived unscathed. An overwhelmingly sunny and festive day had turned inexplicably dark.¹

The blast ultimately killed 10 parade-goers, and shrapnel wounded another 40 bystanders, including a young girl who had her legs blown completely off. The authorities immediately searched for the culprit of this heinous crime, assuming it was one of the city's known anarchists or radicals. Once police identified their suspects, the sensational trial captivated Americans paying any attention. The legal battle promised to continue for decades.

The tragedy that struck the Wymore family, and many others, at 2:06 pm on July 22, 1916, stands as an underappreciated and yet critical point in American history. Taken on the whole, the 1916 Preparedness Day Bombing in San Francisco marked a bookend of 30 years of conflict between capital and labor.

The day's events in 1916 certainly exposed the strained relationship between capital and labor during the early twentieth century and how it could become violent. Called "a dastardly act," the explosion cost lives. Since Chicago's Haymarket bombing in 1886 (and certainly before), industrialists and workers had stood at odds and, at times, openly fought in the nation's mines, newspapers, ballot boxes, and streets. This event typified the wider march of labor versus capital and emerging radicalism and a series of unsettling events on the road to 1916. On the surface, the explosion offered a window into the real America, where income inequality had left a country much more divided than it first seemed.

This moment also revealed a great deal about how the nation might respond to an unsettling event such as this one. Indeed, the reaction(s) to the bombing revealed something different altogether. They first seemed to show a nation struggling with not just

¹ An earlier version of this story appeared in the Winter 2014 issue of *The Journal of the West*. *Mail Tribune* (Medford, OR), July 24, 1916; *New York Times*, July 24, 1916; *Daily Capital Journal* (Salem, OR) July 22, 1916; *Ontario Argus* (Ontario, OR), July 27, 1916.

Undeniably, during the late nineteenth century, American workers found themselves working long days, for low wages, and sometimes in dangerous conditions. Laborers in the United States found their strongest and most frequent response to these conditions in unionization. Powerful unions formed to represent a marginalized working class. Beginning in the late nineteenth century, the Knights of Labor emerged as the first national U.S. union power. Established in 1869 by nine Philadelphia tailors, the Knights of Labor intended to offer U.S. workers the first chance at one, great working-class brotherhood. Led by Terence V. Powderly, a former mayor of Scranton, Pennsylvania, the Knights abandoned their early days of secrecy and welcomed workers regardless of race, sex, or skill. The Knights saw their numbers swell and boasted approximately 725,000 skilled and nonskilled labor members by 1886.¹⁴

The 1886 Haymarket affair, though, tarnished the organization's reputation and in many ways labor's reputation nationally. Beginning with a planned strike on May 1, 1886, the Knights of Labor and other unions launched a new campaign to reduce the workday to eight hours, with between 250,000 and 500,000 workers participating across the country. Previous reform attempts for the eight-hour day had proved unsuccessful, and certainly radical voices began demanding more forceful approaches. Led by mostly German-American socialists and anarchists, Chicago workers held their rally on May 1, too, as part of this ongoing strike for the eight-hour workday. Chief among the organizers were Albert Parsons, August Spies, Michael Schwab, and Samuel Fielden. While initially there was a crowd of 40,000 workers, socialists, and anarchists, its ranks expanded to 80,000. Beyond the calls for an eight-hour day at the beginning of May, the gathering

¹⁴ Edward Bellamy, *Looking Backward, 2000–1887* (New York: The Modern Library, 1951), v–xxii; Cyrus Field Willard, "The Nationalist Club of Boston (A Chapter of History)," *The Nationalist* 1 (May 1889): 17; See Helena Blavatsky, *The Key to Theosophy* (London: The Theosophical Publishing Company, 1889).

organizers writing to Bellamy himself about their idea, to which he replied: “Go ahead by all means and do it if you can find anyone to associate with. No doubt eventually the formation of such Nationalist Clubs or associations among our sympathizers all over the country will be a proper measure and it is fitting that Boston should lead off in this movement.” So, a Bellamy Nationalist Club formed in 1888 and they quickly spread across the country, no greater than the original Boston club, and Bellamy himself joined them for their third meeting. About 165 clubs emerged (*The Nationalist* paper, written by and for Bellamyites, would claim 500 clubs). The ultimate goal for the clubs was to put Bellamy’s book into action, with the belief that American society could be reconstructed to conform to a new social ideal of brotherhood, cooperation, and fairness. Bellamy Club members were often middle class, reformers, and sometimes Theosophists, an earlier organization founded in New York City in 1875 to form a nucleus of the universal brotherhood of humanity (“without distinction of race, creed, sex, caste, or color”) to encourage the study of comparative religion, philosophy, and science, and to investigate the unexplained laws of nature and the powers latent in man.¹³

Around the world, a widening wealth gap, broadly, and the plight of workers, specifically, received comment and critique. Even Pope Leo XIII wrote, not accidentally given the contexts of the time, in his 1891 encyclical *Rerum Novarum* (“On the Condition of Workers”) that “the oppressed workers, above all, ought to be liberated from the savagery of greedy men, who inordinately use human beings as things for gain.” More radical observers like Karl Marx and Friedrich Engels had long noticed and they had said something altogether different about the relationship between capital and labor.

¹³ Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870–1920* (New York: Oxford, 2003), 15–16.

discontented labor, but also a country possessing shaky attitudes toward immigrants. It also signaled the high point of wartime dissent and division and revealed the difficulties surrounding United States international involvement, patriotism at home, and the “risks” of an increasingly diverse immigrant population. This decisive event showed that for one summer, and perhaps longer, the nation’s attention turned to San Francisco, as the nation teetered on the edge of war. During a war, what was known at the time as the “labor question” also became the loyalty and Americanness questions. The responses to the attack raised the larger questions as to how to proceed as participants in a war and how to handle political dissenters. It uncovered a legal system that did not function impartially. Divisions continued, as some came out in emphatic support for the suspects, and yet, conversely, many more vilified them.

We know a lot about labor violence and moments of conflict during the Gilded Age and Progressive Era. For example, skilled books like James Green’s on the Haymarket and the late J. Anthony Lukas’ vast retelling of the Frank Steunenberg murder offered windows into these times and conditions. Like these crucial moments in the American experience, we should look for similarly significant ones and reflect on how they also demonstrate these important and larger themes. Accordingly, offered here is an account of that fateful July day, the subsequent manhunt and trial, and the continually unfolding legal drama. On center stage, sparked by the attack, and in the subsequent days, months, and years of fallout, were questions of immigration, nativism, antiradicalism, dissent, and wartime patriotism.

Chapter 1 examines the conditions and realities of not only Gilded Age economic growth but also, and especially, the realities for a United States working class that found themselves overworked and underpaid. Coupling this percolating tension was the topic of Chapter 2, the rise of an American brand of anarchism, one that, like its counterparts in Europe, became increasingly

receptive to sabotage and violence as a path to change. Chapter 3 traces the widening gulf between capital and labor, increasing radicalism, and a few notable examples of these developments during the late nineteenth and early twentieth centuries. By World War I, the subject of Chapter 4, the nation stood divided on the cause and preparedness parades like the one in San Francisco hoped to create a sense of duty. The bombing that took place, however, shook San Francisco and the country. The manhunt after the blast is the topic of Chapter 5, and as the search made clear, the authorities followed a typical pattern of anti-immigrant and antiradical prejudices. When the trials of 1917 and 1918 took place, traced in Chapter 6, they came amid the war effort and the antiradical climate of the Red Scare, with disastrous results for some of the accused. The much longer legal fight unfolded for the next two decades and those battles are outlined in Chapter 7.

The stories of San Francisco in and around 1916 reveal a city, and nation, grappling with the tensions of war, patriotism, free speech, and loyalty. That summer, the nation stood in a delicate balance, as Americans were left struggling with not only discontented labor and apprehensive immigrant attitudes but also how to balance patriotism and justice. As the hundred-year anniversary of the attack has come and gone, it reminds us of the long and often unfortunate pattern of violence or domestic terrorism in the United States, from moments like the Preparedness Day Bombing to the more modern, and perhaps unnerving, examples.

Perhaps the book with the most resounding and lasting legacy on readers at the time was not a treatise on political economy or taxation, but a novel. Many were taken by Edward Bellamy's 1888 book, *Looking Backward*, a story with a much broader message of societal transformation.

The novel chronicled Boston in 1887, with the wealthy Julian West seeking help for insomnia. After hypnosis, and a fire, he sleeps for 113 years in a chamber, only to awaken in the year 2000. The worst parts of the nineteenth-century U.S. West remembered—corporate greed, disparate wealth, and working class struggles—had withered away, and instead the modern and futuristic Boston was a fairer and more just society.

Edward Bellamy

Bellamy hailed from Chicopee, Massachusetts, and came from a religious family: his father and father-in-law were both ministers. In his youth, he had studied some law but became a journalist and found himself back in Massachusetts, writing for the *Springfield Union*. He spent some time in Hawaii to help with the tuberculosis he contracted at age 25 (which ultimately killed him at age 48). To help with his stress, he decided on his return that he would take on personal writing instead of journalism. When he wrote *Looking Backward* in 1888, he thought the book more of a literary fantasy than a contribution to social reform. The book, though, had tremendous and unanticipated reach. Not since *Uncle Tom's Cabin* had a novel reached such a wide audience and been received in broader political ways. The book's reception allowed Bellamy to become a national figure and one of the prophets of a new industrial order.

Most remarkable about the book, though, was how it grew as a source of inspiration for social and political organizations. The so-called "Bellamyites" talked about the tome, inspired by its optimism. As a result, the idea of Bellamy Clubs spread, with Boston

buster,” and this credit is not unfounded; he initiated 45 antitrust cases invoking the Sherman Antitrust Act. But William Howard Taft did just as much, if not more, and later took on U.S. Steel in 1911. The government used the 1890 Sherman Antitrust Act, with varied degrees of success, to break up trust agreements. The government also regulated business with new tariffs. The graduated federal income tax, adopted as the Sixteenth Amendment in 1913, took another swipe at the unencumbered accumulation of wealth. Aimed at the wealthiest Americans, it began at 1 percent and could reach 7 percent if one’s income was above \$500,000, an exorbitant amount at the time.

Outside of regulatory reformers, a wide array of thinkers and theorists pondered the new state of the American economy, offering sometimes solutions and at other points, outward critiques in their various books. Charles Beard, arguably the most famous historian of the time, wrote a dramatic and damning reinterpretation of the nation’s economic origins. His 1913 book *An Economic Interpretation of the Constitution of the United States* contended that the framers of the Constitution, themselves landed and privileged, crafted the document to protect their economic interests. Political economist Henry George proposed the single tax idea in his book *Progress and Poverty*, and he hoped his ideas would lessen the nation’s swelling wealth inequality. He specifically suggested a tax on land values, and this tax revenue alone would be sufficient to equalize wages and profits, he said, and would stimulate industry and trade and thus relieve poverty. Finally, the famed journeyman economist Thorstein Veblen penned his famous *The Theory of the Leisure Class* in 1899. In it, he satirized America’s business moguls and accused their monopolistic methods of “capitalistic sabotage.” His ideas of pecuniary emulation and conspicuous consumption pointed out how Americans in this era were spending money to mimic the lifestyles of the wealthy and buying certain items often just for social status.

CHAPTER 1. “Perpetuated Hatred and Suspicion”: Labor and Capital at Odds

Around lunchtime on Saturday, July 23, 1892, a clean-shaven and slender young man walked into the Fifth Avenue Pittsburgh office of Henry Clay Frick, the executive head of the famed Carnegie firms. He had arrived two days earlier from the apartment he lived in on 42nd Street in New York City and registered at the Merchants Hotel under the name “Simon Bachmann.” He had already tried a number of times, unsuccessfully, to gain access and have an audience with Frick in his large private office in the Hussey Building, a workspace complete with a large bay window overlooking the avenue. The visitor, dressed in a light suit and wearing a brown derby hat, handed the office boy his card that, written in pencil, read “Alexander Berkman, Agent New York Employment Company.” Around 1:45 pm, he was allowed to see the noted executive, who was fresh from his usual lunch at the exclusive Duquesne Club. He sat at his desk in the back of the room, wearing his normal black beard and fine clothes. Berkman nervously swung open the door and walked into Frick’s office, which was washed in midday sunlight. Frick looked up from the papers that busied him on his large oak desk only to discover Berkman, who managed to say “Fr-” as his eyes met Frick’s in a moment of understanding of what was about to happen. Berkman, about 25 ft. away, then fired two shots from his pistol. The bullets

from the .38 caliber handgun struck Frick, causing him to exclaim, reportedly, “murder ... help!”

Vice chairman John Leishman, whose desk sat near Frick’s, jumped on Berkman and attempted to wrestle the assassin to the ground. Yet Berkman had already produced a dagger, surprisingly freed himself (he weighed only 114 pounds and stood 5’4”), and plunged the knife into dazed Frick’s side. The entire attack unfolded in front of Frick’s large office windows, so hundreds of shocked onlookers standing on the street below saw most of the scum. They saw police, office clerks, and workmen combine to overcome and subdue Berkman. A police officer, grabbing Berkman’s head by his hair, held his head up to face the bleeding Frick and asked “Mr. Frick, do you identify this man as your assailant?” which was met with an affirmative nod. Berkman mentioned to the officer that he had lost his glasses in the scuffle, to which the uniformed man responded, “You’ll be damn lucky if you don’t lose your head.”¹

When police officers brought Berkman outside, chants from the crowd called for his head. “Hang him to the lamp post!” yelled one onlooker. Cool and collected, though according to the press he appeared “bordering on the verge of stupidity,” the blood-covered Berkman was brought to the police station and saw several rounds of questioning. During a physical search, authorities discovered under his tongue a small copper tube containing dynamite, precisely the type of cartridge used in 1887 by Chicago anarchist Louis Lingg to kill himself the day before his execution. Berkman’s further plotting thwarted, police continued the interrogation, and he remained indifferent, refusing to mention any organizational affiliations and only calmly stating he had come to Pittsburgh with the sole intent of killing Frick.

¹ See Eduardo del Rio, *Marx for Beginners* (New York: Pantheon Books, 1976).

the doors to prevent breaks, and when a fire accidentally broke out, the flames and smoke took the lives of 146 garment workers (123 women and 23 men) trapped inside. The event accelerated the 1900 formation of the International Ladies’ Garment Workers’ Union (ILGWU) and also precipitated the founding of the New York Factory Investigating Commission (FIC). The FIC conducted inquiries in nine cities, held public hearings, and proposed 15 new laws on reform issues, such as restricting work hours for women and children, issues of work-related injuries, sanitation, and safety conditions.¹²

Unfortunately for women in the workplace, they also encountered unkind everyday work conditions. During the Progressive Era, women accounted for one-fourth of the workforce, yet earned about one-fourth of what their male counterparts earned. Children, often at work to help with family obligations, worked with only early and limited child labor laws. Their own employment “advantages” (being able to work for less pay and having the size and dexterity to work in certain trades and fix machinery) made children susceptible, too. In the absence of age requirements and prior to mandatory education rules, child labor remained a problem. In fact, the number of employed child laborers tripled during the Progressive Era. Established in 1904, the National Child Labor Committee began taking on unfair child labor practices. In 1916, they managed the passage of the Keating-Owen Child Labor Act, the first national legislation to not only limit children’s work hours but also penalize employers for the use of child labor.

Beginning in the late nineteenth century, the Progressive Era, with labor reform a piece of it, would take on this division of labor and capital and work to regulate state and society for fairness, social justice, community protection, and more. One of the central elements of the Progressive Era and its reform was a new eagerness to use government intervention as an agent for change. President Theodore Roosevelt enjoys the reputation as a boundless “trust-

¹² Johnson, *Reforming America*, 202–203.

and for some observers, this alarming and widening rich-poor gap may have signaled capitalism doing its worst.¹¹

Unregulated economic growth and exploitive business practices, of course, came with consequences and pushback. Despite the economic success of those at the top of the economic ladder, rights for workers and rank-and-file laborers left much to be desired. A turbulent relationship between capital and labor emerged, then, and laborers, leftists, and radicals began to resist this new and emerging industrial order.

By 1900, the majority of the nation's population could be considered part of the working class. The rights of workers, not surprisingly, stood as a central issue during the late nineteenth century and into the early twentieth century. Between 36 and 40 million laborers performed wage work. These workers worked long days for low wages and very poor pay. The average manufacturing salary at the turn of the century, in fact, was \$435 per year. Pay could be scantier for those in other professions. Coal miners, for example, earned around \$340 per year, domestic employees \$240, and agricultural workers only about \$178. The reality of the working class seemed a far cry from the Martins' lavish theme parties. Specifically, the typical worker could expect to work ten hours a day, six days a week, all for a wage of between \$.10 and \$.20 an hour. To make things worse, low wages and long days were coupled with very unsafe working conditions, across many professions. For example, 1-in-26 railroad workers were injured each year, and 1-in-399 were killed. The eight-hour day, a cause for progressive labor reformers, was only a scant hope during the period, so they could also work long days in these conditions. The famous 1911 Triangle Shirtwaist fire in New York City, the most notorious example of workplace abuses, meant dozens of deaths. Managers had locked

¹¹ Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge, MA: Harvard University Press, 2012), 1; *The Pittsburgh Dispatch*, July 24, 1892.

Authorities and newspapers revealed who Berkman was: a 22-year-old who had emigrated to the United States only a few years earlier, in 1888, at age 17. Berkman found early employment as a compositor in Johann Most's, an anarchist of growing fame, New York office on 167 William Street, and worked there from April 1 to July 4, 1891. Berkman then spent a stint at the Singer sewing machine factory in Elizabeth, New Jersey, and then a printing office in New Haven, Connecticut, before finding later work as a cigar maker and printer. At the time of the Frick attack, he had been living in New York City, and this young extremist had just tried to kill one of America's most famous business leaders. Miraculously, Frick survived the attack. Doctors ably removed the two bullets from the base of his skull and bandaged his wounds. Frick even dictated a telegram to Andrew Carnegie that afternoon, promising the magnate that all was well. Despite a stifling summer heat wave during those July days, doctors kept Frick comfortable, so much so that he remained restless during his recovery, even expressing regret and disappointment he could not get back to his day-to-day duties immediately.²

What did the Frick assassination attempt mean? For Berkman's part, he proudly labeled his attempt on Frick's life as "the first terrorist act in America," raising the eye, and fears, of many. Yet, others were not so celebratory. The press pointed out that Berkman seemed to be a devotee of the suspicious Johann Most, and when they dug deeper into the story, Berkman himself was "known as an anarchist tramp ... a wild and irresponsible fanatic." Yet Berkman, who would live and work in San Francisco years later, was only beginning a long career of radicalism, a reactionism endemic in the late nineteenth and early twentieth centuries.³

² Gene Fellner, ed., *Life of an Anarchist: The Alexander Berkman Reader* (New York: Seven Stories Press, 2004), 11-12; *Pittsburgh Dispatch*, July 24, 1892.

³ *Pittsburgh Dispatch*, July 24, 1892; *New York Times*, July 26, 1892.

Why did Berkman make Frick a target? The short answer was that Frick stood center stage in one of the most significant labor battles from earlier that year: the Homestead Strike. Part of the much broader struggle and fight between capital and labor at the time, it had unfolded earlier in 1892. Pennsylvania, in part because the state passed a law in 1891 safeguarding unions and permitting strikes, had been a hotbed for labor unrest during the last decades of the nineteenth century, so much so that one in four U.S. strikes happened there between 1881 and 1905. These tensions boiled over during the Homestead Strike that summer of 1892, and Frick attempted to both break the Amalgamated Association of Iron and Steel Workers (AAISW) and flatly refused to negotiate terms with the union. Many reading the newspaper accounts of the assassination attempt might have readily remembered the connection between Frick, labor, and someone like Berkman, described in the dailies as a “blood thirsty ... Russian nihilist.” Berkman’s frustration and radicalization had unquestionably stemmed, in no small part, from a seminal event that same summer.⁴

When the Homestead Affair boiled over in 1892, Berkman was working at a lunch parlor in Worcester, Massachusetts. When he was not standing over a grill or serving customers their drinks, Berkman’s thoughts drifted to the plight of the working class and his developing dreams of anarchism. In fact, he moved to Worcester with the intent of saving enough money for a return to Russia, a place where he felt his revolutionary attitudes could be best employed. For Berkman and many radicals, Homestead was nothing short of what historians Miriam Brody and Bonnie Buettner called “a call to arms,” and Berkman followed the Homestead events closely. He vividly remembered, in fact, sitting in the back of his flat on July 6, 1892, when his ideological ally and lover Emma Goldman, waving a newspaper, told him that amid the strike at Home-

⁴ *New York Times*, July 2, 1936; *The Pittsburgh Dispatch*, July 24, 1892; *The Sun*, January 6, 1918.

ers extended to combat plots, presumably by immigrants, against the government.⁹

Indeed, notable about the Frick/Berkman affair, though, was how Berkman’s ethnicity, and the subsequent fear of similarly radical and violent Jews, featured prominently. The day after the attack, *The Pittsburgh Dispatch* described Berkman, already in custody, as a “Russian Hebrew Nihilist.” The paper made important, then, the fact that Berkman was a wild-eyed Jewish radical, and its physical description mentioned that he “looked like a crank or a fanatic,” with a “dull and stolid” face. This representation is significant, in correlating Berkman’s Jewishness with radical and undesirable qualities. Criminality and radicalism intersected, too, fueling the willingness of some to further generalize about American Jews. The Berkman example came to symbolize what many presumed was a typical and widespread radical American Jewish agitator.¹⁰

By the 1890s, the United States had begun an unprecedented period of economic growth, spurred by new technology and modernization. On the one hand, the late-nineteenth-century American economy had produced unprecedented wealth and excess. Indeed, and probably much to the chagrin of America’s ordinary workers who might have struggled with a living wage (particularly amid the Depression of the 1890s), there was the extravagance openly exhibited by the nation’s elite. In 1897, in New York City, Cornelia and Bradley Martin threw a party at the Waldorf Hotel that intentionally hoped to replicate the grandeur of France’s Louis XIVth’s palace and court at Versailles. In 1902, with a similar display of overindulgence, Charles Schwab, the then-president of U.S. Steel, made a much-publicized gambling trip to Monaco. Yet, the era was simultaneously and undeniably a time of a widening wealth gap,

⁹ Norman Hopgood, “The Jews and American Democracy,” *The Menorah Journal* 2 (October 1916): 202; Randolph Bourne, “Transnational America,” *The Atlantic* (July 1916).

¹⁰ *San Francisco Call*, September 8, 1901.

cally dissimilar to the traditions of the white American Christian majority.

On the surface, the United States has long celebrated its image as a “melting pot,” where immigrants of all stripes were not only welcomed but also, in many cases, desired. Certainly, more than a few celebrated the new American immigrant and what they added to society. Norman Hopgood, writing in *The Menorah Journal* in 1916, announced, “Democracy will be more productive if it has a tendency to encourage differences. Our dream of the United States ought not to be a dream of monotony.” Similarly, essayist and social critic Randolph Bourne, in his essay on “Transnational America,” wrote “Let us make something of this trans-national spirit instead of outlawing it,” urging the citizenry to embrace the new “cosmopolitan America.”⁸

Concern, however, continued to surround the dangers of this swelling immigrant population. Certainly, after Berkman’s assassination attempt, the “typical” bomb-throwing, European, anarchist immigrant caused great concern. “Anarchists from Europe Must Be Refused Landing” read one headline, as the possibility of immigration reform saw discussion. The Commissioner of Immigration (and former Knights of Labor head) Terence Powderly asked in his annual reports for Congress to consider laws adding anarchists to those denied admission to the United States. He also proposed that anyone attending anarchist meetings be “taken out” and, if they had alien status, deported. Making plain the connection between immigrants and “troublemakers,” the Assistant Secretary of the Treasury called for more Secret Service agents and their pow-

⁸ Jeffrey A. Johnson, ed., *Reforming America: A Thematic Encyclopedia and Document Collection of the Progressive Era*, 2 vols. (Santa Barbara, CA: ABC-CLIO, 2017), 199–200.

stead, Pinkertons had shot women and children. Snatching the paper from her, he recalled, he read details of the Carnegie Company’s fight with the AAISW there, the tales of Pinkertons brought in under the cover of night, and the battles that unfolded.⁵

Alexander Berkman, then, plotting with his accomplice Emma Goldman, hoped to assassinate Frick for not only the industrialists’ role in cracking down on the Homestead Strike but also as a blow against what Berkman perceived as a broader American capitalism gone awry. Their plans were not perfect: Berkman initially thought he might use a bomb but discovered he was not equipped for bomb making and Goldman initially planned to pay for the operation through prostitution but, like Berkman’s bomb making, failed.⁶

The Frick-Berkman affair undeniably represented a wider national climate of uncertainty and distrust. The events in Pennsylvania were no different than things in the rest of the country, signaling a long and unsettled history.

Ever since the days of Adam Smith’s *The Wealth of Nations* in 1776, the U.S. economy had eased into and embraced an unregulated free market capitalistic system. On the surface, this model allowed the economy to grow unchecked for decades, with particular acceleration after the Civil War (1861–1865), bringing great industrial expansion and economic growth. Fueled by technological advance and mechanization, American industrialization quickened. Inventions like the incandescent light bulb now allowed factory work to no longer be limited by daylight, and employees could engage in shift work through the night. Originating in England, the Bessemer process—which shot a cold blast into iron and forged stronger steel—saw widespread usage, and the nation’s new skyscrapers could now rise skyward. Mechanization, standardized parts, and automation all accelerated

⁵ Paul Kahan, *The Homestead Strike: Labor, Violence, and American Industry* (New York: Routledge, 2014), 46, 94.

⁶ *Pittsburgh Dispatch*, July 24, 1892.

production. Companies looked for new and pioneering ways to govern all aspects of production, too, to save on costs and heighten production. Concepts like vertical integration allowed industries like steel and later car manufacturing to control manufacturing from start to finish, reducing overhead and increasing efficiency along the way. The American business world got smaller. Vast new transportation networks, and especially the railroads (which had over 250,000 miles of track by 1916), facilitated the shipment of goods quickly and across the country. Communication enabled quicker contact, too, and by 1900, there were 1 million miles of telegraph wire handling 63 million messages per year.⁷

Controlling much of this new Progressive Era economy were a legal reality called “trusts.” Initially the brainchild of Standard Oil lawyer Samuel Dodd, trusts (and later, a new and clever workaround called “holding companies”) allowed companies to own smaller ones. This classification made it perfectly legal for corporate behemoths to exercise monopolistic control over certain industries and commodities. Between 1897 and 1904, and certainly not only during this particularly excessive period, thousands of smaller businesses disappeared as the great merger movement created vertically and horizontally integrated corporate giants. Before long, there were the famous steel and oil trusts, but also a beef trust, a sugar trust, and more emerged on the scene. By 1904, trusts or single monopolistic companies dominated at least 50 major industries in the United States.

At the center for these corporate giants were business giants themselves. The so-called “captains of industry,” as we may know them, emerged like steel magnate Andrew Carnegie and oil tycoon John D. Rockefeller. Financiers like J.P. Morgan made fortunes purely by buying and selling other companies. He showed that

⁷ Miriam Brody and Bonnie Buettner, eds., *Prison Blossoms: Anarchist Voices from the American Past* (Cambridge, MA: Harvard University Press, 2011), xxii–xxiv; Fellner, *Life of an Anarchist*, 5; Kahan, *The Homestead Strike*, 94.

creditors and intermediaries could now flex their financial muscle in the developing climate. He famously bought Carnegie Steel in 1901, and with one exchange via telegram, created a new corporate titan: U.S. Steel, America’s first billion-dollar company. These kinds of dealings did not go unnoticed, though, and a 1912 Congressional committee study of the swelling “House of Morgan” revealed that the financial conglomerate owned stakes in a stunning 112 corporations, with total assets valued at \$22 billion. Company heads and entrepreneurs accumulated mass wealth during this period. Standard Oil’s John D. Rockefeller, for example, retired in 1897 with a fortune of \$900 million, all in an age before a federal income tax.

Still, in the age of Social Darwinism, many would not have resented the financial success of entrepreneurs and the mega wealthy. In fact, many on the lower end of the financial scale would have believed in the hopeful messages of Horatio Alger stories they may have read, tales that made clear how anyone in the United States, regardless of their current status, could “make it” if they worked hard enough. These beliefs in “rags to riches” stories and their potential were, and are, at the heart of Americanness.

Helping to push the American economy at the time was an agreeable and affordable labor force. Not only did the U.S. population double between 1870 and 1890 (from 38 to 76 million), but much of that population explosion also consisted of newcomers to the United States. Indeed, from 1871 to 1901, 11.7 million, most from Europe and Asia, came to American shores, providing ready and willing workers. The previous “old” wave immigration, with most of the newcomers arriving from Northern and Western Europe, gave way to a larger, and much more distinct, cadre of foreigners. The “new” immigrant of the late nineteenth century—unique and, for some, ominous—increasingly came from Southern and Eastern Europe. The new American immigrants of the Gilded Age and Progressive Eras brought languages, customs, and religions dramati-

justice, and the right to a fair trial, a small-town murder could offer powerful reminders of the battles that shaped modern America. Swelling and forceful alternatives exemplified an increasingly radicalized and discontented working-class left. After the 1905 Frank Steunenberg murder in Idaho, the swift blame placed on “Big Bill” Haywood and the IWW reflected the rather typical antiradical attitudes of the period. Additionally, the 1910 *L.A. Times* Building bombing that killed 21, an act of violence quickly pinned on unions, who the press labeled “anarchist scum”—the so-called “crime of the century” was again a chance to strike a serious blow to labor and radicals. Just as conservatives and the press hoped, the bombings and convictions effectively halted the labor movement in L.A., and the events exemplified the quick counteraction against labor, the left, and violent acts during the period. Undoubtedly, events in Idaho in 1905, Los Angeles in 1910, and what unfolded in San Francisco revealed that the West—and the nation—was building to 1916 as a high point of this wider atmosphere of radicalism and violence.

structures of domination and power, asks them to justify themselves, and if that case is unsatisfactory, deconstruct them from below.

Without question, American anarchism originated across the Atlantic, with a number of influential European thinkers first exploring anarchism. This transnational transmission of ideas played a key role in the radicalism of the Progressive Era. U.S. Communal anarchists of the late nineteenth and early twentieth centuries believed that the state positioned itself as a roadblock to social order. They offered criticisms of the state, though not, as often assumed, a simplistic endorsement of disorder or chaos. Often considered at the time simply as “a man who spent his time in exploding bombs,” anarchists, in actuality, called for the absence of government and did not automatically mean an embrace of violence and disorder. Instead, anarchists were fundamentally optimistic about human nature and its potential.

One central thinker was Pierre-Joseph Proudhon (1809–1865), a French theorist who, besides being the first self-labeled anarchist, laid the groundwork for its ideological underpinnings. His famous 1840 work, *What Is Property?*, established him as a prominent socialist intellectual. In it, he outlined his faith in free, self-governing communes and communities, recognizing that while “property is theft,” so too “property is freedom.” Like many of his like-minded counterparts, he opposed state-enacted law and condemned state authority.¹

Russian Michael Bakunin (1814–1876) was a key critic of Marxism and its opportunities for dictatorships. Born to a privileged, land-owning family, he abandoned a military career for a life as a revolutionary throughout Europe, especially during the great revolutions of the mid-nineteenth century. Authorities arrested him in Dresden in 1849 and he spent eight years in jail. He later es-

¹ Peter Duus, ed., *The Cambridge History of Japan*, vol. 6 (New York: Cambridge University Press, 1998), 671.

caped from a subsequent exile to Siberia to travel the world as a leading radical figure. He competed directly with Marx for control of the First International and Bakunin rightfully worried about Marxist models and their despotic potential, as “socialism without freedom is slavery and brutality.” Instead, the charismatic Bakunin remained committed to action and not philosophizing. Skeptical of theories of history and revolution, he maintained “no theory, no ready-made system, no book has ever been written that will save the world.” Marx had his “scientific socialism,” while Bakunin’s socialist sensibilities were “purely instinctive.”

In late 1870, in the wake of the Prussian defeat of France, Bakunin penned his “Letters to a Frenchman,” which articulated his belief in actions over rhetoric, as the propagandized path to recovery and regeneration:

All of us must now embark on stormy revolutionary seas, and from this very moment we must spread our principles, not with words but with deeds, for this is the most popular, the most potent, and the most irresistible form of propaganda.²

Finally, Peter Kropotkin (1842–1921), another Russian anarchist, worked to translate the natural world to societal models. During his travels in Eurasia (to Eastern Siberia and Northern Manchuria, specifically), he noticed that cattle, horses, birds, and more faced obstacles with steely resolve. Yet, as Darwinist ideas began to be applied to sociology, Kropotkin could not accept the notion that competition among men was a “law of Nature.” “No progressive evolution of the species can be based upon such periods of keen competition,” he concluded.³

² W. Bourke Cockran, *A Heinous Plot: An Expose of the Frame-Up System in the San Francisco Bomb Cases Against Billings, Mooney, Mrs. Mooney, Weinberg and Nolan* (Chicago, IL: Chicago Federation of Labor, 1917); Iain McKay, ed., *Property Is Theft! A Pierre-Joseph Proudhon Anthology* (Edinburgh, Scotland: AK Press, 2001), 2–7.

³ Paul Avrich, “Introduction to the Dover Edition,” in *God and the State*, ed. Michael Bakunin (New York: Dover, 1970), v–vi; Paul Avrich, *Anarchist Portraits*

Israel Weinberg had immigrated from Russia, with no money or English skills. In 1902, he had organized the Jewish Carpenters’ Union in Cleveland. He served as a member of Carpenters’ Union No. 483. He began driving jitney buses and eventually was in a position to purchase a bus in San Francisco. He also sat on the executive board of the Jitney Bus Operators’ Union. They claimed to take about \$3,000,000 in 5-cent fares, causing the United Railroads to lose income and “totter on the brink of receivership.” Far from a high-profile labor leader, Weinberg, certainly in comparison to Mooney and Billings, was characterized as “practically unknown.” Yet, he too found himself embroiled in this labor scene and with what some might have seen as disagreeable associations. These associations proved incriminating for Weinberg, even though he first met his alleged co-conspirators Nolan and Billings when he arrived at a jail cell with them.²⁶

So, by 1916, San Francisco’s labor climate remained a complex blend of anarchism, labor radicalism, and action. On the eve of the 1916 attack, the city boasted a myriad of fluid movements, ideas, and radicals. While some might have been card-carrying socialists, they would not have considered themselves anarchists by any stretch of the imagination. Wobblies might have approved of direct action and sabotage and many more did not. The anarchists that perpetrated the deeds of this era, like in Los Angeles, were cut from many ideological cloths.

As he lay dying, Frank Steunenberg’s last words to his wife, Belle, were “What does it all mean?” So, what does this all mean? Before the Steunenberg murder captured national attention (and for sometime after), institutions like workman’s compensation, an eight-hour day, and, yes, even a federal income tax did not exist. In addition to the obvious notions of working-class rights, social

²⁶ Minor, “Shall Mooney,” MICH, 7; Cockran, “A Heinous Plot;” Robert Minor, *The Frame up System: Story of the San Francisco Bomb* (San Francisco: International Workers Defense League, 1916), MICH; John A. Fitch, “The San Francisco Bomb Cases,” *The Survey* 38 (July 7, 1917): 305.

failed to find any explosives. Still, Mooney earned a reputation as a “dynamiter” in the press regardless.²³

By 1916, as a member of the Molders’ Union by this point for 14 years, he was, according to allies, a “marked man.” “Socialist educated and a Socialist still,” he continued to be involved in strikes in San Francisco. He caught a particularly suspicious eye for his work in the Stockton carmen’s strike. While it might have depended on the account, Mooney was most often characterized as a “labor agitator” and “radical.” An advocate for labor “of the most pronounced revolutionary type,” according to the *Chicago Sunday Tribune*, Mooney reportedly had a history of sympathizing with “extreme socialistic doctrines” that made him “a man to fear.” While precise evidence often lacked, his implication in dynamite and bombing plots cast a serious amount of suspicion toward him. These “mischievous activities” and “vague and anonymous threats” attributed to him—but not certainly so—were nonetheless incriminating for many. Writings about Mooney almost always included these matter-of-fact associations. Initially an “obscure labor organizer,” he was increasingly characterized as a known socialist and militant with “some relations” to Alexander Berkman and “other West Coast radicals.”²⁴

Also implicated in the streetcar strike and a known associate of the Mooneys was Israel Weinberg. Weinberg got to know Mooney because his 12-year-old musically inclined son, Ernest, began taking lessons from Rena. While he initially studied the piano, because the boy showed considerable talent, Mrs. Mooney offered him additional violin lessons for free. As a show of his gratitude, he occasionally gave the Mooneys free rides in his jitney bus. One of the trips he provided Mrs. Mooney was purportedly to one of the organizing meetings for the United Railway Company strike.²⁵

²³ Kipnis, *The American Socialist Movement*, 251; “Shall Mooney Hang?” 6; *Sausalito News*, June 27, 1914; *The Sun*, June 2, 1929.

²⁴ *Chicago Sunday Tribune*, September 28, 1919; *The Sun*, June 2, 1929.

²⁵ Cockran, “A Heinous Plot;” Minor, “Shall Mooney;” MICH, 7.

Kropotkin did not care for the phrase “propaganda of the deed,” did not use it, and was more interested in “stern revolutionary acts.” Kropotkin did not care for the phrase “propaganda of the deed,” did not use it, and was more interested in “stern revolutionary acts.”

Outside of a specific set of beliefs, anarchism aimed to inquire into dominant human power structures, challenge them, and then force their defense. If those in power cannot support their legitimacy, it was up to the marginalized to engage in bottom-up social re- and deconstruction.⁴ This is not an exhaustive list of influential thinkers, but these profiles certainly highlight the number of important contributors to anarchist ideology and the diversity and breadth of nineteenth-century radical thinking that informed American radicals.

Alongside the philosophical questions of anarchism’s ideology and aims were the accompanying questions of tactics. Front and center of anarchist approach was the idea of “propaganda of/by the deed.” While it is not clear who can be credited with the phrase, though the Italian Carlo Pisacane deserves some consideration, it has since dominated the thinking and approaches of anarchist actions. “The only work a citizen can do for the good of the country,” Pisacane wrote in his *Testamento politico*, “is that of cooperating with the material revolution: therefore, conspiracies, plots, attempts, etc.” At the core of this strategy was the idea that illustrative revolutionary acts could “awaken” the masses, who already had underlying disobedient predispositions. Rooted in the thoughts of Michael Bakunin and others, these revolutionary deeds, the thinking went, could lead by example.⁵

(Princeton, NJ: Princeton University Press, 1988), 5–6; Timothy Messer-Kruse, *The Haymarket Conspiracy: Transatlantic Anarchist Networks* (Urbana: University of Illinois Press, 2012), 37.

⁴ Peter Kropotkin, *Mutual Aid: A Factor of Evolution* (London: William Heinemann, 1910), ix; Colin Ward, *Anarchism: A Very Short Introduction* (New York: Oxford University Press, 2004), 1–13.

⁵ Rudolph Rocker, *Anarcho-Syndicalism* (London: Pluto Press, 1938), vi–vii.

Between 1878 and 1881, a series of acts served (though not necessarily perceived by the perpetrators) as examples of propaganda by the deed. A number of these types of acts in the form of assassination attempts (called *attentats*) included, over three years, attempts on the life of German Emperor Wilhelm I (in two separate attacks by socialists Max Hodel and Carl Nobiling within a month), King of Spain Alfonso XII, Italy's King Umberto, and Russian Tsar Alexander II. Because of these attacks, propaganda by the deed became the most favored approach to anarchist agitation, exemplified by the July 1881 meeting of the London International Social Revolutionary Congress (attended by notable anarchists such as Kropotkin and Errico Malatesta), which formally endorsed propaganda by the deed and urged activists to effectively use explosives.⁶

As a "movement," anarchism really arrived in the United States at the end of the nineteenth century. Ideologically, like its European counterparts, American anarchism took many forms and drew from many sources. In Chicago, for example, anarchists there emphasized the ideals and documents of the French Revolution, the American Revolution (Thomas Jefferson, Thomas Paine, Patrick Henry, and John Brown, specifically), Proudhon, Bakunin, and more. This was a fluid application of ideas, but anarchism, ideologically and practically, gained significant footing in the United States ever since Johann Most disembarked as an exile in New York in 1882. The former employer of Alexander Berkman became a central figure in the American anarchist movement and influenced a generation of American radicals.⁷

Born in Augsburg, Bavaria, in 1846, Most embarked on a turbulent childhood. His mother died from cholera, his new stepmother mistreated him, and he struggled with adolescent teasing due to a

⁶ Messer-Kruse, *The Haymarket Conspiracy*, 36.

⁷ George R. Esenwein, *Anarchist Ideology and the Working-Class Movement in Spain, 1868–1898* (Berkeley: University of California Press, 1989), 62; Candace Falk, ed., *Emma Goldman: Made for America, 1890–1901* (Berkeley: University of California Press, 2003), 15.

the West, often sleeping in roundhouses, barns, and at Socialist party headquarters. He estimated that he sold about \$1,000 worth of literature during two months aboard the Red Special. He made one last appeal in the pages of the *International Socialist Review* in 1910, asking for readers to send their \$.25 subscriptions to him so that he might make one final push to win the contest. Despite his persistence, Mooney finished second to George Goebel of Newark, New Jersey, a national organizer and lecturer for the Socialist Party. So, Mooney had to settle for the runner up prize: a trip to the Copenhagen Congress of the Socialist International.²²

By 1910, Tom Mooney lived at 973 Market Street, Room 301 in San Francisco. There, he continued a long history of labor activism. For many years a member in good standing in the International Molders' Union of North America, he also worked as a Trustee of Molders' Union No. 64. He served as a delegate to the Labor Council in 1912 and at the International Molders' Convention in Milwaukee. Mooney was an active organizer in San Francisco for the "Amalgamated" Association of Street Car Men, too. By many accounts, corporate interests never forgot Mooney's plans for this type of action. He had tried, with help from his wife Rena, to organize the employees of the United Railroads of San Francisco, much to the irritation of the city's business community. By the 1913 Pacific Gas and Electric Company strike, which Mooney participated in, he ended up behind bars. Police charged him, along with H.I. Hanlon and Joe Brown, with having high explosives in his possession. Investigators tried to connect Mooney to the explosives, and they did discover some in a boat said to belong to Mooney, but after three trials, Mooney received a final acquittal in June 1914. Mooney was exonerated because the police who seized the boat

²² Ira Kipnis, *The American Socialist Movement, 1897–1912* (New York: Columbia University Press, 1952), 251; Thomas J. Mooney, "Hoboed Over 8,000 Miles," *International Socialist Review* 10 (May 1910): 1052–1053.

cialist named Peter Peterson and, like Luther, listened to him but remained committed to trade unionism. While he did not consider himself a socialist, during his first time at the ballot box, he voted socialist. In 1908, in Stockton, California, he solicited at stores, saloons, boarding houses, and offices on behalf of Debs and the SPA, raising about \$75 for the campaign. He served as a delegate to the California Socialist convention in San Francisco and travelled to San Jose to meet the “Red Special” that fall. He met Debs and was able to board the campaign train. His enthusiasm earned him not only an invitation to join the train on its trip up to Portland, Oregon, but also to remain on the train on its swing back to Terre Haute before the election. Debs described their weeks on the train tour together fondly. “We ate and slept together,” he said, “everyone on the train loved him. To me he was a younger brother.” In a letter from June 28, 1909, Debs enthusiastically endorsed Mooney as “one of the most active workers in the labor movement. He is absolutely honest and trustworthy ... filled with energy and ambition to better the condition of his class.” Debs deemed him “worthy of any position he may wish to hold in the labor movement.”²¹

It was no surprise that Debs praised his enthusiasm. During 1909 and these travels, Mooney heard word of a contest offered by *Wilshire’s Magazine*, which offered a “trip around the world” to the person who could secure the most subscriptions in eleven months. The brainchild of the “millionaire socialist” Gaylord Wilshire, *Wilshire’s Magazine* emerged as one of the country’s most important leftist publications, second only to Girard, Kansas *Appeal to Reason*. *Wilshire’s* boasted a circulation of approximately 200,000 at this time during 1909 and 1910. Determined to “win that trip fair and square,” Mooney set out, without any money, and covered about 8,000 miles while he crisscrossed the country by rail. He rode in boxcars and on top of passenger trains across much of

²¹ Haldeman-Julius, “The Amazing Frameup,” *UCLA*, 27, 29–31, 34; *International Socialist Review* 17 (April 1917): 613.

deformed jaw, the result of a botched operation in his teens. While he had hoped to be an actor, his physical appearance squashed those aspirations, and Most found an early career as a bookbinder and editor, better complementing his introverted personality. Socialist workers in Switzerland accepted him socially and inspired him intellectually, it seemed, and it did not take long for him to take an interest in socialist writings. He joined the International Working Men’s Association in 1867. He lived for a time in Vienna, Austria, traveled throughout Europe, and grew into a prominent writer and lecturer on democratic socialism in these early years.

Austrian authorities jailed him three times during 1869 and 1870 for speaking against, among other things, the government and expelled him from the country in 1871. When he returned to Germany, he ran for office, winning election to the Reichstag in 1874 and reelection in 1878. Most had previously supported the Social Democratic Workers’ Party of Germany (SAPD) and believed that the ballot box held the most potential for the country’s laborers. He initially spoke out against anarchists like Proudhon, who he denounced as “the most confused among the third-rate quacks.” While initially centered on socialism, by 1880, he and his journal *Die Freiheit (Freedom)* had shifted their focus to revolutionary action and propaganda by deed, earning Most a quick expulsion from the SAPD.

Most headed to England, believing he could speak more freely, and there became further radicalized. He also brought *Freiheit* with him to England, where, upon the 1881 assassination of Tsar Alexander II in Russia, Most celebrated the moment in the pages of the paper, helping to force another banishment. He came to the United States in 1882, having been invited to the United States by like-minded anarchists, giving a rousing speech at Cooper Union not long after his arrival. He quickly followed it with a speaking tour of the United States, propagandizing anarchism his goal. His uncompromising revolutionary radicalism certainly stood at odds with American and Socialist Party of America (SPA)

“ballot-box socialists.” Instead, Most openly advocated for “The Pittsburgh Manifesto,” which called for a unification of all the country’s radical and revolutionary socialist organizations. It also endorsed propaganda by the deed, encouraging “destruction of all the existing class rule, by all means, i.e., by energetic relentless, revolutionary and international action!” Bourgeois capitalists in power, he claimed, had “reptile blood,” and were a “race of parasites.”⁸

He wrote manuals for propaganda by the deed and penned cutting pamphlets such as “The God Pestilence” and “The Social Monster.” Perhaps the best link between propaganda of the deed and his ideas on explosives came in 1885, when Most published a booklet unobtrusively titled “Revolutionary War Science: A Little Handbook of Instruction in the Use and Preparation of Nitroglycerin, Dynamite, Gun-Cotton, Fulminating Mercury, Bombs, Fuses, Poisons, Etc. Etc.” In it, he called dynamite “the proletariat’s artillery.” In recent years, the new weapon had been used with great efficiency in the assassination of political leaders, beginning with the Russian Tsar Alexander II in 1881. Indeed, the cheap new weapon (it cost \$1.75 a pound) seemed to level the battlefield in the fights of the late nineteenth century. As *The Alarm* declared, “One man armed with a dynamite bomb is equal to one regiment of militia.”

In the United States, as an offshoot of Marx’s International Workingman’s Association (which Marx led from London and Engels later moved to New York in 1872), Chicagoans established the International Working People’s Association (IWPA), purposefully avoiding gender-exclusive language and believing there were plenty of women who would like to join. Built around the unification ideas and demands of the Pittsburgh Manifesto, Most helped form the anarchist wing of the IWPA in the fall of

⁸ James Green, *Death in the Haymarket: A Story of Chicago, the First Labor Movement, and the Bombing that Divided Gilded Age America* (New York: Pantheon, 2006), 130–131.

tage of, and when he pressed ownership, the superintendent laid him off. Thus began a long history of labor work and agitation.

By 1904, having worked for a spell of six months at a foundry in Waterbury, he found himself in St. Louis. At the time, the city hosted the Louisiana Purchase Exposition, and approximately 19 million visitors visited the fair during its seven months. Much like the 1893 World’s Fair in Chicago, the Exposition once again offered an opportunity to showcase American advancement and Progressive Era prosperity. Yet jobs in the city were a bit scant, and Mooney took work in the Kansas and the Dakotas wheat fields, often traveling and looking for work, though never “on the bum,” as some at the time might have said of vagrants during the period. Back in Holyoke, he got work with the Dean Steam Pump Company, where he helped lead a strike for a shorter work day of nine hours instead of 10. In 1906, at the age of 23, he landed in Depew, New York, and was employed at the Gould Coupler Works, making bolsters for railroad trucks. There, he worked eight hour shifts for \$4 each day. He lived at the YMCA in Buffalo while working there, and remained active in union work, almost winning a bid to the International Molders’ convention in Philadelphia.

On the stump or as a young organizer, those around him might have noticed that Mooney had a square chin, a straight mouth, and hazel eyes. He also possessed muscular hands that left little doubt about his time performing manual labor. Accounts varied of Mooney’s speech, as some thought that he sounded like a longshoreman and often used grammatical errors. Yet, others noticed that he always chose his words carefully and spoke like someone well read. When interviewed in prison, one visitor placed him equal to previous interviews of “novelists, poets, publicists, statesmen – many of the first caliber” that indicated a well-educated person.

His sympathies for and connections to more radical politics grew over time. In his younger years, he certainly encountered socialism, as one of the alderman in Holyoke was David Luther, who gave talks on the subject. Similarly, in Waterbury, he met a Swedish so-

was curiously released without charge. At the center of exposing these deeds and getting Emerson back to jail were Tom Mooney and Ed Nolan. Emerson later confessed to having the case and being put by the MM&E to “discredit union labor.” Rena Mooney attended his trial, taking notes throughout, and these notes later saw use as evidence of her history with dynamite.²⁰

One of the other figures in both the 1913 Pacific Gas and Electric Company and MM&E strikes was this character Tom Mooney, increasingly an important emerging labor figure in San Francisco and California. Born in Chicago to an Irish mother and father from Indiana, when he was two the family moved to Washington, Indiana, where he lived until around 10. He grew up around the coal mines of Indiana, where his father worked. Some of Tom’s earliest memories, in fact, were the labor troubles and stories he heard from his father. Once a scab tried to beat up Mooney’s father, and he responded by shooting the scab in the leg. His father’s death, not long after this incident, meant the end of Tom Mooney’s formal education, as he needed to work in order to support his mother and two younger siblings. He found work in a foundry at the age of 15, serving four years as a molder’s apprentice. At the end of this term, around August 1902, he asked for journeymen’s wages and also joined the International Core Makers’ Union (later the International Molders’ Union). This began a long relationship with the union; he was a card-carrying member of good standing for decades. His appeal for higher wages was not met, so he went to work for a foundry in East Cambridge at the Blake Pump Works. For the union there, he became shop committeeman at age 19. He and his colleagues received \$2.55 for a nine-hour day of work; women there received \$1.10 for 10 hours on the job. Mooney rightfully believed the unionized women were being taken advan-

²⁰ Minor, “The Frame-Up System,” 3–4; Tom Mooney Molders Defense Committee, “Fickert Has Ravished Justice,” n.d.

1883, which eventually boasted approximately 5,000 members, with a stronghold in German-heavy Chicago. Most established the anarchist branch of the IWPA, proving particularly popular among recent German immigrants like Most himself. Dubbed “the prince of anarchists,” Most, and American anarchists like him, directly advocated and justified the assassination of politicians and monarchs. Obviously far from conventional politics and unionism, Most withdrew from the broader labor movement of Powderly and Gompers. Instead, Most and New York’s anarchists, like saloon keeper Justus Schwab, worked with their Social Revolutionary Club to form a “weapons committee” and fund an “action and propaganda fund.” The goals of both were clear: buying and storing explosives for revolutionary acts. The Social Revolutionary Club was, according to historian Timothy Messer-Kruse, “the first organization in America explicitly focused on arming for and provoking the coming workers’ revolution.”⁹ Not surprisingly, at a large New York meeting in April 1886, Most urged the attendees to prepare—and arm themselves—for the imminent fight ahead of them. The speech was recorded and later presented to a grand jury, and on July 2, a judge brandished him with a \$500 fine and a one-year prison sentence for his incendiary talk. He certainly emerged as one of the most iconic American anarchists and influencers.¹⁰

Yet, he was not working alone. Anarchist movements were interconnected, transnational, and fluid, and California and San Francisco did not escape their influence. Countless other figures such as Luigi Galleani, active early on in New Jersey and New England, helped spread the movement in the United States using his newsletter, the *Subversive Chronicle*, before heading to Northern California.

⁹ Messer-Kruse, *The Haymarket Conspiracy*, 53, 57.

¹⁰ Green, *Death*, 50; J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America* (New York: Simon & Schuster, 1997), 61, 64; *The Marshall Republican* (Marshall, MO), October 18, 1901. Messer-Kruse, *The Haymarket Conspiracy*, 61, 116.

Especially crucial to American anarchism, and the events that transpired in San Francisco, would be noted American agitator Emma Goldman and her longtime lover (and failed Frick assassin) Alexander Berkman. The city was no stranger to radicalism in many forms.

By the 1890s, San Francisco emerged as a full-time and part-time home for radicals and anarchists, including Berkman, Giuseppe Ciancabilla, and others. The Italian community—perhaps not surprisingly, given the prominence of Galleani and other prominent Italian anarchists—seemed to have the closest anarchist ties. The city’s anarchists often came from Europe, and exiles from France, Germany, Russia, and other European states found a safe haven in San Francisco. Others came from Chicago, where the police there had “made it too hot for them.” Over the years, these anarchists included not just residents but prominent visitors to the city.¹¹

Various levels of concern existed about anarchism’s presence in the city. One newspaper exposé observed how the city’s anarchist headquarters sat “within a stone’s throw of the City Hall,” with police officers filing past daily and paying the locale little attention. Inside the epicenter at 232 Larkin Street operated an anarchist bookstore, run by the mild-mannered Richard Rieger. A diminutive man with an orangey beard, he never attempted to deny his anarchist views, instead happy to display his varied newspapers and pamphlets. He collected anarchist papers from across the country at the modest shop, showcasing publications like Chicago’s *Free Society*, formerly the *Firebrand*, for which he served as an authorized dealer. He collected “subscriptions” from an estimated 200 people. In a newspaper article interview, Rieger was remarkably nonchalant about the ideas and organization that “makes murder its motto.” He estimated that, in San Francisco, “there are between 200 and

¹¹ Avrich, *Sasha and Emma*, 27; Candace Falk, ed., *Emma Goldman: Made for America, 1890–1901* (Berkeley: University of California Press, 2003), 15; Max Baginski, “The Pioneer of Communist Anarchism in America,” *Mother Earth* 6 (March 1911); See also: www.nytimes.com/learning/general/onthisday/harp/0522.xhtml.

quaintance, Tom Mooney, also a part of this labor action, was run down by a car full of strikebreakers, which broke his leg.¹⁸

The authorities arrested Warren K. Billings in September for his presumed role in the 1913 Pacific Gas action. Police nabbed him inside the Lycke Saloon that Saturday night. He reportedly had with him a suitcase full of dynamite. While they believed Billings carried the dynamite with the intent of more attacks on the Pacific Gas and Electric Company, the suspect remained silent. Pinkerton detectives attempted to trace the purchase and movement of the dynamite from the Hercules plant and continued their search for a second man. Strangers allegedly offered Billings, 19 years old at the time and who had found modest work as a tailor’s assistant, \$50 to transport a suitcase to a Sacramento saloon. Unemployed, he took the job, but the men in Sacramento turned out to be detectives working on a set-up for the gas company. Reportedly unbeknownst to him, the case contained dynamite, and Billings received a two-year prison sentence at Folsom Prison.¹⁹

Stockton, California, witnessed a strike the next year. There, agents working for the Merchants, Manufacturers and Employers’ Association tried to break the 1914 strike by sending labor leaders to jail. Tensions came to a head when one of the gunmen for the MM&E, a man named Hans le Jeune, visited the hotel room of Anton Johansen, one of the Carpenter Union’s organizers. Johansen, though, was ready and pulled his gun on le Jeune, who was forced to admit that he intended to plant suitcases of dynamite not only in Johansen’s room but also in the baggage check room of the Southern Pacific station and a check slip snuck into the pocket of Olaf Tveitmoe, Secretary of the California Building Trades Council. J.P. Emerson, one of the detectives for the MM&E, was caught with one of the suitcases of dynamite but

¹⁸ *The Survey* 38 (May 5, 1917): 124; Haldeman-Julius, “The Amazing Frameup,” *UCLA*, 44–45; Minor, “Shall Mooney Hang?” *MICH*, 7.

¹⁹ *Sacramento Union*, September 16, 1913; Minor, “The Frame-Up System,” 3; *The Sun* (Baltimore, MD), June 2, 1929.

“Cut Out the Dynamite.” Believing it might be used for political means, “Dynamite should not be permitted a place ... in any strike game,” it lectured. And yet, it did. On August 24, bombs blew up two of the company’s aerial transformer stations, knocking out lights for about half of Contra Costa County. Authorities searched for two men they believed responsible.¹⁷

Their attention turned to one young member of the city’s labor activists, Warren Billings, a.k.a. Tommy Harris. Raised by his German mother and Massachusetts-bred father in Brooklyn, Billings graduated from Brooklyn public school #144 and went to work as an errand boy in a print shop. By the time he was 17, he landed in the carpentry business, briefly, before another stint as a streetcar conductor. Almost by chance, he later found work in a shoe factory, which became his trade as he worked in five or six different factories. He eventually served as President of the Boot and Shoe Workers’ Union in San Francisco. He then drifted to Rochester and then Buffalo, beginning what was described as his “hobo period,” learning at the “school of hard knocks.” By age 19 and in 1912, he had other stops in Kansas City and Portland, Oregon, where he encountered the Wobblies and paid them a sympathetic ear, though did not officially join the IWW. He had been a delegate to the San Francisco Labor Council, though, and in just his early 20s, emerged as an active participant in the city’s labor circle. In this year, without work, he decided to travel to Mexico and join Pancho Villa’s army. As fate would have it, he stopped in San Francisco while en route, arriving on March 12, 1913. Visiting the Murray’s and Ready’s employment agency, he met a shoe factory striker, who in turn introduced Billings to Tom Mooney. While together during this shoe strike, amid a scuffle, a gunman employed by the Merchants and Manufacturers’ Association shot Billings. His new ac-

¹⁷ *Sacramento Union*, July 11, 1913, August 25, 1913.

500 anarchists” and how they had gathered a number of times to commemorate events like Haymarket or the visits of famed radicals like Emma Goldman or Johann Most. While the city’s anarchists did not have regular meetings, on Sunday afternoons some participated in the Independent Debating Club meeting at Pythian Castle, where, according to Reiger, “You will hear a true exposition of anarchism.” Probably, and perhaps understandably, there were not regular officers or formal organization, but the free-of-charge and open debates usually attracted between 50 and 100 individuals at their meetings. Reiger explained that the philosophies of anarchism were the focus and that the group could not be held responsible for “the actions of an insane man,” as the various crimes around the country were continually blamed on anarchists.¹²

Associations with anarchism had important consequences in the city, as one incident pointed out. In 1900, the San Francisco superior court heard the case of Frances Lemme, who filed for divorce against her husband. During the proceedings, she said that he was “crazy on socialism and anarchism,” and had neglected the family with his attention to these ideas. Mr. Lemme, described as a “well educated ... but not over industrious” architect by profession, he had damning associations. In the suit, Mrs. Lemme complained that what little money her husband did receive he gave to the socialists and anarchists, instead of supporting his family. She also claimed after the Haymarket executions, he suggested to Sacramento’s Turn Verein, a German-American club, they fly their flags at half-mast. He denied these accusations, only admitting giving \$41 to the Populist Party. After hearing the evidence, the court granted her separation and awarded her custody of their three children. Clearly, even an association with anarchism could be a legal liability.¹³

¹² Kenyon Zimmer, *Immigrants Against the State: Yiddish and Italian Anarchism in America* (Urbana: University of Illinois Press, 2015), 88; *San Francisco Call*, September 8, 1901.

¹³ *San Francisco Call*, September 8, 1901.

Shusui Kotuku

Despite its liabilities and reputation in the city, anarchist visitors filed through San Francisco. For example, Japanese anarchist Shusui Kotuku, influenced by Kropotkin, spent time in California during 1905 and 1906, mingling with militant and Industrial Workers of the World (IWW) members and enjoying the freedom to openly criticize his own imperialistic government. What he seemed to notice during his time in the United States and during his own radicalization was a pronounced shift away from electoral politics and toward anarcho-syndicalist tactics. “The revolution of the future, it goes without saying, is the socialist, the anarchist revolution,” he wrote.¹⁴

Yet, one of the most recognizable faces of the city’s radical left during the early twentieth century, and a prominent name in and around San Francisco, was Emma Goldman. The press described her as the “queen of the anarchists,” and she certainly maintained a profile keeping with this reputation. The product of a Lithuanian Orthodox Jewish family that emigrated to the United States in 1885 and a notable leftist for many years, Goldman boasted a radicalism that long extended beyond just radical talk. She began giving speeches on anarchism and revolution ever since meeting her mentor Johann Most in New York in 1889. He even did a lecture tour with her in 1890, and published, with her, a book *Anarchy Defended by Anarchists* (1896). It did not take her long to find herself in trouble with the law, seemingly wherever she traveled during these years. In October 1893, she was sentenced to a year in jail for “inciting to riot” in New York. Sent to Blackwell’s Island to serve her time, she spent 10 months incarcerated but saw her release due to good behavior. Soon after, she published an account of her time in

¹⁴ *Los Angeles Herald*, September 8, 1900.

Similarly, Emil Liess, known as a “prominent local Socialist,” staged public debates with anarchists in the community. The anarchist press particularly thrived in the city. Abe Isaak—who had edited Portland, Oregon’s *The Firebrand*, with two others, Henry Addis and Abner J. Pope—found himself in hot water for his work. Authorities arrested, tried, convicted, and imprisoned all three men in Portland for publishing an “obscene poem” the previous year (later revealed to be Walt Whitman’s “A Woman Waits for Me”). After the affair, Isaak relocated to San Francisco and revived his paper under a new title, *Free Society*. Eric Morton, a like-minded local anarchist and close friends with Matthew Schmidt of the *Los Angeles Times* conspiracy, busily edited his anarchist journal *Freedom* across town. The *Circolo Studi Sociali L’Aurora* (The Aurora Social Studies Circle) planned its first annual picnic specifically to benefit revolutionary papers. The Oakland event included “dancing and all kinds of games” and free dinner and drinks for ladies. Clearly, this was a varied and prominent cadre of radicals in San Francisco.¹⁵

During 1913, the city saw more labor-related unrest when workers went on strike against the Pacific Gas and Electric Company in San Francisco. The *Los Angeles Herald* reported the strike broken on May 23 because of a new electrical union and its agreement to terms with the company. Yet tensions surrounding the strike peaked that summer. In South San Francisco, four company poles were dynamited in the early morning hours of July 8. Violence erupted later that day at around 11 am, when 10 “strike sympathizers” allegedly attacked two nonunion employees.¹⁶

People were particularly on edge because of a huge cache of dynamite discovered near the Pacific Gas and Electric station at Sixth and H Streets, causing the *Sacramento Union* to run an editorial

¹⁵ Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge, MA: Harvard University Press, 2012), 136, 242; *The Blast*, July 15, 1916.

¹⁶ *Los Angeles Herald*, May 23, 1913; *San Francisco Call*, July 9, 1913.

Area radicalism with an address to an Oakland socialist party gathering in early 1907, speaking to the extradition and holding of the three Steunenberg suspects from Colorado. "If the work of freeing Moyer and Haywood and Pettibone is to be carried to a successful conclusion," he announced in front of the group, "we must lift not only our fingers but our fists." He also began an affair with another prominent San Francisco socialist, Anna Strunsky, not long after his first marriage. Together, they penned *The Kempton-Wace Letters*, a novel based on their romance correspondence. London later wrote the introduction to Alexander Berkman's *Prison Memoirs of an Anarchist*, causing some of his fans to refuse to purchase his own fiction. London failed to live an idyllic existence in the Bay Area, perhaps because of his political leanings. Tim Muldowney, owner of a resort in Oakland, assaulted London on June 21, 1910, and was charged with battery on the famed "author, globe troller, sailor, and journalist."¹³

Another prominent San Franciscan leftist, and friend of London's, was Lucy Robins Lang. A Jewish immigrant, she entered union activism through cigar making. She heard Emma Goldman speak while very young and became an anarchist. She eventually eloped and married another anarchist, Bob Robins, in 1904. Like their political beliefs, even their wedding vows were unconventional, allowing for reconsideration of the marriage after five years. They made a home in San Francisco and, at the encouragement of Jack London, established a vegetarian restaurant (even though London soon embraced a diet of raw meat). The city's anarchists and radicals kept the place full of customers.¹⁴

¹³ Jack Ross, *The Socialist Party of America: A Complete History* (Lincoln: University of Nebraska Press, 2015), 84. Joan London, *Jack London and His Times: An Unconventional Biography* (Seattle: University of Washington Press, 1939), 37, 318. *Los Angeles Herald*, June 22, 1910.

¹⁴ Ernest Freeberg, *Democracy's Prisoner: Eugene V. Debs, the Great War, and the Right to Dissent* (Cambridge, MA: Harvard University Press, 2008), 166.

prison and embarked on a national speaking tour. The press dubbed her "the prophetess of the Reds."¹⁵

Goldman arrived in San Francisco in early April 1908, with the police keeping a close eye on her comings and goings. At the time, the city police's captain of detectives estimated that over 500 anarchists lived there. Under supervision by police in Sacramento, she had delivered a speech to a few hundred. It did not take long for her to experience her first clash with authorities in San Francisco. At the St. Francis Hotel, one of her local supporters, by the name of Alex Horr, resentful of the police being on the scene and then following her from Sacramento, reportedly told the cops to move out of the way. As he often did on her speaking tours, Ben L. Reitman also accompanied her. Self-described as the "King of Tramps," he played a role in the argument as well. At this moment, Chief Biggy arrived at the hotel and overheard the exchange of words. He had been asked by the state department to keep "close guard" on Goldman during her visit, and he told his detectives to arrest anyone interfering with her. Horr stood down, Reitman stepped aside, and at the registration desk Goldman signed into the hotel "with a flourish" before quickly making her way upstairs in an elevator.¹⁶

Goldman had arrived in town in 1908, with this auspicious start, to deliver a number of lectures at Walton's Pavilion. There she gave one talk to about 1,000 audience members (and about 50 policemen). "I am proud I am an anarchist," she said, "a sane and philosophical anarchist." The crowd roared when she followed it with "but I deny, and would be ashamed to admit that I am a newspaper anarchist. The anarchism of the untruthful press is too much for me." Her swipe at the newspapers hoped to point out their simplistic understanding of anarchism. The *Sacramento Union* covered her address, or what they called "the anarchistic queen's vaporings."

¹⁵ *San Francisco Call*, September 8, 1901.

¹⁶ Zimmer, *Immigrants Against the State*, 88.

Goldman emphasized her belief that anarchism would grow to be more respectable in American life as trade unionism had the potential to become a tool of the rich. She spoke out against negotiation and arbitration, which she thought had failed to elevate the condition of workers. Negotiation, she thought, always favored those in power and noted how, seemingly, every important national strike during the past 15 years resulted in a victory for capitalists and a loss for workers. Another of the planned evening events was a debate with socialist Nathan Griest. Police had learned that large quantities of anarchistic literature had been sent to San Francisco in advance of Goldman's talks. Held in boxes, the material was kept at a house at 248 Bothwell Street. While police did not seize the literature, they told Goldman the materials could not be circulated there. From San Francisco, she planned to move on to Los Angeles on April 27.¹⁷

In addition to these comings and goings, local anarchists also established a group officially known as the "Gruppo Anarchio Volonta." Often referenced as simply "Volonta," its members described themselves as an "anarchist propaganda group" and provided a home for unapologetic devotees of Italian anarchist immigrant Luigi Galleani, by now a key figure in American and San Francisco anarchist circles.

Born in Vercelli, Italy, Galleani studied law at the University of Turin. Before graduation, he was banished by the Italian government to Pantelleria, a "convict settlement," but escaped under the cover of night in a small boat, due to a careless guard. He came to the United States in 1901 at around 30 years old. Galleani helped spread the anarchist movement and strategies in the United States from his home in Lynn, Massachusetts. There, he edited and published his *Cronaca Sovversiva* (*Subversive Chronicle*). His efforts were not always successful: he once made an error in an anarchist guidebook, causing followers to blow themselves up. Still,

¹⁷ *San Francisco Call*, April 18, 1908; *Sacramento Union*, April 24, 1908.

claimed, were merely "tools" used by the advocates of the closed shop and their crimes were "nominal compared to those committed by the men who send them to do these jobs and who paid for murdering men." Not surprisingly, a string of arrests aimed not only at the McNamaras and their believed accomplices but also to a "vast conspiracy" of individuals involved in funding and moving dynamite and nitroglycerin across the country. "Dynamiters by [the] score" were part of this group of over 50 implicated.¹¹

The state announced convictions in December 1913 in an Indianapolis courtroom. After 16 minutes of deliberation, the jury levied the guilty verdict upon a total of 38 men, living coast to coast, in the broader "dynamite conspiracy case." The convictions included almost the entire executive staff of the International Association of Bridge, Structural and Iron Workers (of which John had served as Secretary-Treasurer). Included among those convictions were two notable San Francisco labor activists, Olaf Tveitmoe, the Secretary of the California Building Trades Council, and a collaborator named Eugene Clancey. Their convictions came specifically for the illegal transfer of explosives. They typified the broader statewide connections of labor and the left, and San Francisco's role in it all.¹²

Not unexpectedly, and amid this climate and links to the L.A. attacks, San Francisco in the prewar years emerged as a "who's who" of notable leftists. Celebrated author Jack London, himself a known socialist, first met famed anarchist Emma Goldman in his beloved home city of San Francisco. At the age of 15, London began work at Hickett's cannery on Myrtle Street in West Oakland. His memories of the work were far from fond. His shifts were 10 hours, mind-numbingly manning a machine during his time on duty. He once worked 36 straight hours. London began his activities in Bay

¹¹ *Aberdeen Herald* (Aberdeen, WA), December 4, 1911; *Rock Island Argus*, February 14, 1912.

¹² *Weekly Journal-Miner* (Prescott, AZ), January 1, 1913.

fessed to the District Attorney on April 27 of his involvement in dynamiting plots over three years, including a March 1909 attempt to bomb the Boston Opera House. Wanting to “get it off my chest” (though probably seeking some immunity and help himself), he claimed during the three-hour confession to be a part of this and several other attacks, most of which were successful, culminating in the destruction of approximately \$4 million in property. For the L.A. bombing, he fingered the McNamara brothers as the organizers (J.J.) and executors (with J.B. actually placing the bomb).⁹

On December 1, 1911, with the hope of avoiding the death penalty, James McNamara pleaded guilty to first-degree murder (the death of machinist Charles Haggerty, specifically). At the same time, John McNamara, reportedly “pale as a ghost,” pleaded guilty to the Llewellyn Iron Works bombing. “I have very little to say,” he said when interviewed by a *San Francisco Call* reporter, only making the point that “the ends justified the means” for his actions. A delighted Charles Fickert announced that J.B. “confessed because he was guilty, and that’s all there is to it.” The District Attorney John Fredericks asked, at the December 5 sentencing, for life imprisonment for James and 14 years in jail for John. Defeated, Clarence Darrow, as counsel for the defense, sat chewing on a yellow pencil, nodding his head at the chance to avoid the trial that some projected would cost up to \$500,000. He later told the papers that he encouraged a confession because it was “the best thing” and the case “presented a stone wall.”¹⁰

Others remained defiant, including Walter Drew, who served as chief counsel for the National Erectors’ Association. The organization had hired detectives to look into the bombing and, typical of the pattern in Idaho and elsewhere, was convinced that the attack pointed to a much broader conspiracy. The McNamaras, Drew

⁹ *San Francisco Call*, April 28, 1911; *Rock Island Argus* (Rock Island, IL) February 14, 1912.

¹⁰ *San Francisco Call*, December 2, 1911.

Galleanists, like those in San Francisco, in the words of historian Paul Buhle, explicitly and romantically affirmed anarchism, resolute to “live as revolutionaries in a class society.” In San Francisco, Volonta, modeled after Galleani’s teachings, met at 1602 Stockton Street every Saturday evening, with its discussions held in English and Italian.¹⁸

As the popularity and presence of anarchist figures and groups indicated, a radical climate persisted in the city. Newspaper advertisements, albeit often in radical journals (which saw unusual proliferation in San Francisco), revealed these types of socialist and anarchist sympathies. A bookstore calling itself McDevitt’s Book Omnorium advertised as “San Francisco’s headquarters for radical literature of all kinds.” In March 1916, on the eve of the Preparedness Day attack, the city hosted an “International Commune Festival” to commemorate the 1871 Paris Commune.¹⁹

Public, and even publicized, anarchist meetings like Volonta’s might not have surprised too many at the time. During the late nineteenth century, anarchism indeed arrived, and Europe had already been a tinderbox of anarchist terror in the late nineteenth century. Anarchist victims included the French President Sadi Carnot in 1894, Spanish Premier Antonio Cánovas del Castillo in 1897, and Austrian Empress Elizabeth in 1898. There were connections to American anarchism, too. Gaetano Bresci, a silk weaver who had lived in Paterson, New Jersey, killed Italy’s King Humbert I in 1901. Anarchism’s long American history, then,

¹⁸ Galleani remained at the center of American anarchism before being deported in 1919. *New York Herald*, March 5, 1922; Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge, MA: Harvard University Press, 2012), 254; Paul Buhle, “Anarchism and American Labor,” *International Labor and Working-Class History* 23 (Spring 1983): 27, 32; Michael Gordon, “To Make a Clean Sweep,” *The Wisconsin Magazine of History* 93 (Winter 2009–2010): 10, 21; *Chicago Tribune*, February 10, 2016. Authorities later tried to link Galleani with Carlo Tresca and Errico Malatesta. *New York Herald*, March 5, 1922.

¹⁹ *The Blast* (San Francisco, CA), February 26, 1916, January 29, 1916.

seemed in step with European developments, and it had come to San Francisco.

Anarchism most visibly arrived on American shores at the end of the summer of 1901. William McKinley, it had been said, had few other attributes that made him presidential besides the fact that he looked like one. Square jawed, high cheekbones, and strong dark eyes compensated for his height (he stood 5'6") and sometimes less-than-chiseled physique; he cut a handsome figure. He famously defeated William Jennings Bryan in the 1896 election and again in 1900.

In September 1901, the 58-year-old McKinley arrived in Buffalo to address the Pan American Exposition. President McKinley had certainly helped facilitate the successes trumpeted at the Expo, allowing American business to grow unchecked (with the help of protective tariffs) and, despite the criticisms of some, expand American reach abroad. At pavilions like the Tower of Light and Temple of Music, American exceptionalism and might saw great celebration.

Around 4 pm on September 6, McKinley arrived in an open car to the Expo. Waiting for him was Leon Czolgosz. A little over a week before the President's visit to Buffalo, Czolgosz read about the Exposition and decided to head there to do something, although his plan had not been entirely clear. He stayed at 1078 Broadway in Buffalo, a combination saloon and hotel, visiting the Exposition grounds twice a day. Finally, as he told police, the resolve to shoot the President settled "in my heart," and, in his trembling hand, he had an Iver Johnson .32 caliber pistol. He shot McKinley twice.

While many probably expected to nab the typical "wild-eyed madman" responsible for this kind of attack, instead Czolgosz's appearance was that of any other visitor to the fair. He was pale and slender, but the Secret Service could report no "glint of madness." Police interrogated Czolgosz for six hours. He calmly confessed to the crime and implicated no accomplices. In his statement to police, his background became a bit clearer. Born in Detroit, his Polish par-

noting "on the subject of industrial freedom it is no exaggeration to say that General Otis is insane." As one might assume, Eugene Debs weighed in, too. He reminded readers of the *Labor Journal* that Otis and the *Times* had been very critical of him during the Pullman strike; in Debs' words, they "lied about me outrageously." He claimed that now, by 1910, the class war on the Pacific Coast "had reached its acutest stage," with organized labor and socialist politics "in full swing." As a result, he proposed, the owners and managers of the paper (who were not among the bomb's victims) might have been prepared for the attack and hoped to use it, as he quoted from "capitalist" newspapers, so that "the last vestige of union labor has been wiped off the Pacific Coast." As events unfolded, and only heightened tensions, another explosion ripped through L.A.'s Llewellyn Iron Works on Christmas Day.⁷

In April, authorities arrested James and John McNamara. Arrested in Indianapolis on April 22, John McNamara (known as "J.J.") had served as a leader for the International Structural Iron Workers. When arrested in Indiana, Detective William Burns oversaw his secret transport, without legal representation or contact with friends and colleagues, back to Los Angeles. Samuel Gompers called it a "kidnapping" that "smacks of theatricals," noting how the arrest and transport eerily resembled the Haywood arrest a few years earlier. "How long are the American people going to stand for legalized kidnapping?" he asked. Once again, he charged that not only was the extradition wrong but also that the "enemies of labor" and "huge money interests" were again hoping to strike a blow against labor unions.⁸

The suspects arrived in Pasadena and newspapers showed their arrival, with James (who went by "J.B.") shielding his face. Also arrested and brought to California was Ortie McManigal, who con-

⁷ *El Paso Herald*, October 1, 1910; *Los Angeles Herald*, October 2, 1910; *Daily Capital Journal* (Salem, OR) October 28, 1910; *The Labor Journal* (Everett, WA), October 21, 1910.

⁸ *Washington Times*, April 23, 1911.

As news trickled in, there was even a reported second attempted attack at the *Times*' auxiliary plant on College and San Fernando streets by a night watchman at the nearby Baker Iron Works. The guard, C.J. Johnson, recalled investigating noises about 20 minutes after the *Times* building explosion, and spotted two men running away, so he fired two shots. About a half hour later, police arrested (in a typically nameless manner) "a negro." More unease arrived outside of L.A. Later in the day, at the center of Riverside's town center, residents were thrown into a "near panic" at the sound of a "sharp explosion." Later, it was revealed that it was a photographer, working on some advertising work, taking photos of a storefront. He had apparently used too much powder and his flash caused the commotion. Clearly, citizens remained on edge.⁶

Union leaders were careful not only to first express their condolences to those who had perished but also to remind the public of the *L.A. Times*' antiunion positions and offer a quick denial of any union ties. James Lynch, President of the International Typographical Union, accused the paper "for many years" of being "a bitter, unrelenting, and unreasoning enemy of trade unionism" and condemned the attempts of Otis and others to pin the attack on unionism. Speaking from St. Louis, AFL President Samuel Gompers, similarly said that while "the position of the *Times* toward union labor was well known," he did not believe there was any connection to union men. After expressing regret for the loss of life, he told the press, "I see no reason for thinking that union members had anything to do with it." Andrew J. Gallagher, Secretary of the San Francisco Labor Council, upon hearing the charge that the dynamiting was the act of "industrial enemies of the paper," called it "absurd" and expressed his sympathies for the victims. The California State Federation of Labor conducted their own investigation and concluded that the blast resulted from a gas leak. The report also could not resist including in their findings a statement on Otis,

⁶ *Los Angeles Herald*, October 2, 1910.

ents had immigrated to the United States from Russia. He received his education in public school and when his family moved to Cleveland, he said, his interest and reading in socialism grew. Czolgosz worked in the Newburg wire mills outside of the city and spent his free time with anarchist friends, growing "bitter." Radicalized, he began calling himself "Fred C. Nieman" to avoid persecution during an 1893 strike at Cleveland Rolling Mill works. He attended a lecture by Emma Goldman in Cleveland, which, according to him, "set me on fire." He left the talk thinking that he would love the opportunity to do "something heroic for the cause I loved." When asked his name by authorities in Buffalo, he repeated the same name he had used years before: Fred Nieman. When pressed about his motivations, Nieman, a.k.a. Czolgosz, said "I only done my duty."²⁰

The assassination sent shockwaves across the country, and it seemed to mark a worrisome and unsettling turn. Cornelius Vanderbilt hosted a lavish costume ball at his home in Newport, Rhode Island. He heard the news that evening, removed his mask, and the band played the national anthem. Literally and perhaps for the privileged, "the party," he said, "was over." The next day, as the President recovered, Vice President Theodore Roosevelt called the assassination attempt "a crime against this republic and against free government all over the world." But Czolgosz's bullets had lodged in the President's stomach and chest, leaving a glimmer of hope. Doctors operated on McKinley that evening and they remained confident that his intestines and kidneys were untouched. Despite earlier reports of a 50 percent chance of recovery, the president died.²¹

²⁰ Scott Miller, *The President and the Assassin: McKinley, Terror, and Empire at the Dawn of the American Century* (New York: Random House, 2011), 6–7; *San Francisco Call*, September 8, 1901.

²¹ *San Francisco Call*, September 8, 1901; Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870–1920* (New York: Oxford, 2003), 39; Eric Rauchway, *Murdering McKinley: The Making of Theodore Roosevelt's America* (New York: Hill & Wang, 2003), 3, 7, 12, 16–17, 166, 168.

The McKinley assassination resonated with the wider anarchist community, and the authorities presumed a wider conspiracy that included America's most famous anarchists. On September 7, 1901, the day after President William McKinley was shot, Johann Most ran a lengthy essay in his newspaper declaring murder to be the foundation of all existing government and approving the assassination of "a professional murderer." He caught the suspicious eye of police for celebrating the assassination.

In Chicago, the police arrested Emma Goldman, by now considered "the high priestess of anarchy," for her alleged role in the assassination conspiracy. Indeed, Goldman came to symbolize the leftist dissenter in the early twentieth century. During the 1901 interrogation, where she off-puttingly refused to denounce Czolgosz's deed, the press happily reported that Goldman also showed weakness and according to them, "became a woman, pure and simple, and cried." Ultimately released because authorities could not connect her to any broader plot beyond Leon Czolgosz's actions, Goldman briefly retreated from a public life of radicalism. She founded *Mother Earth* in 1906, though, and proceeded to continue to crisscross the United States during speaking tours on behalf of anarchism and labor militancy. In each city, she took the podium only after a routine shot of whiskey to loosen her customarily unsettled nerves. Once she stepped on stage, though, anxiety quickly gave way to her rhetorical skill, espousing anarchism and other causes. Even critical journalists remarked that while it would be easy to not notice her in a crowd under normal circumstances (she was under 5 ft. tall and called an "insignificant person in appearance"), she became something altogether different at a lectern or on a dais. She quickly gained the attention of an audience, with a clear, strong, and committed voice. Her favorite targets included religion, the press, and the President. Passive workers, she said, were "fools and slaves" for failing to assert their rights.²²

²² *San Francisco Call*, September 8, 1901.

no small part due to the sentiments expressed by the paper's management like Assistant General Manager Harry Chandler. "There is no doubt that this terrible outrage can be laid to the doors of the labor unions," he said to the press, "for years we have been receiving threatening letters from people who said that the paper ought to be blown up." Proprietor of the *Los Angeles Times*, Harrison Gray Otis, who was in Mexico City, at the request of President Taft to help commemorate the Mexican centennial, hurried back to Los Angeles and quickly echoed these feelings. He issued a statement to the press, deploring the loss of life, especially of his "loyal and faithful workmen." He then turned his attention to the "conspirators and assassins." He refused to surrender the spirit of the *Times* in the face of, not just in L.A. but around the state and country, to "bomb throwers and anarchists."⁵

The Chief of Police Alexander Galloway also endorsed these beliefs, telling the press, "I do not think that the despicable outrage was committed by a Los Angeles union labor man or any of their sympathizers, but by someone from another city." So, while he made clear it was not an Angeleno, he did not deny the possibility of labor or its "sympathizers." The City Council held a special meeting, and they allocated \$25,000, to be used at the mayor's discretion, to investigate the explosion's cause. Mayor Alexander offered \$2,500 of these funds as a reward for the perpetrator. He also decided to place another watchman at city hall, especially because there was only one on duty after hours for the entire building, including the treasury.

Anxieties remained high. Organizers postponed a planned labor parade for the following Monday. Intended as a protest to recent anti-picketing legislation in the city, local union leaders met with the mayor, chief of police, and others and determined it best to put off the parade, thinking it "unwise" at the time of uncertainty.

⁵ *Wenatchee Daily World*, October 1, 1910; *Los Angeles Herald*, October 2, 1910.

The rise of this reactive American brand of labor violence and anarchism in the prewar years was certainly not surprising. At no other time in American history than the first part of the twentieth century did capital and labor come into such marked conflict. Just as Jack London's protagonist Ernest Everhard described in the 1908 novel *The Iron Heel*, "never in the history of the world was society in so terrific flux ... an unseen and fearful revolution is taking place in the fibre [sic] and structure of society." This strained relationship between "the interests" and "the people" resulted in a nation on edge. The roots of these tensions were notably long hours for low pay in often-dangerous conditions for the workers of a new industrial economy. The series of events that had already demonstrated the extent of these tensions, notably Haymarket (1886) and the Pullman Strike (1894), were only followed by these increasing violent alternatives that exemplified an increasingly radicalized and discontented working class, such as the 1905 Steunenberg murder in Idaho and the 1910 *L.A. Times* Building bombing in Los Angeles, where acts of violence (for some, propaganda of/by the deed) saw employment. The early twentieth century, without question, emerged as one of the most turbulent in our nation's history. As the wealth gap widened and war approached, the unsettled relationship between the working class and capitalists steadily intensified in a myriad of ways. The era continued as a swirl of organizing, agitation, and, at times, violence.⁴

Similar terror gripped California a few years later. In the early hours of Saturday, October 1, 1910, an explosion and then resulting fire ripped through the building, killing 21 people, mostly printers, linotype operators, and telegraph workers. The explosion, which erupted shortly after 1 am, shattered windows all along First and Broadway. "There is no other cause than dynamite," announced some sources, and blame immediately fell on organized labor, in

⁴ Jack London, *The Iron Heel*, 1908 edition (New York: Penguin Classics, 2006), 77–78.

Most died in Cincinnati in 1906. He later served as the model for the character "Yundt" in Joseph Conrad's 1907 novel *The Secret Agent*. During his life in the late nineteenth and early twentieth century, he emerged as a key part of American anarchism's rise and influence. Most died in Cincinnati in 1906. He later served as the model for the character "Yundt" in Joseph Conrad's 1907 novel *The Secret Agent*. During his life in the late nineteenth and early twentieth century, he emerged as a key part of American anarchism's rise and influence.

Goldman, the persistent agitator, also grew fond of San Francisco. "The California wines were cheap and stimulating," she recalled. During her visits, she admired the commitment of like-minded agitators there, but always appreciated how they balanced activism with "love, drink, and play." The city was a perfect and frequent stop in between lecture tours.²³

Goldman's longtime political partner, and lover, was none other than another famed anarchist and assassin, Alexander Berkman, a man who had, of course, made his radical reputation years before during the Frick affair. He was also a part of this anarchist cadre that could also trace his work to San Francisco. Born in Wilno, Poland (now Vilnius, Lithuania) on November 21, 1870, he lived for a time in St. Petersburg before attending university at Odessa. Berkman's path to anarchism began when he immigrated to the United States in 1888 at age 17. When he arrived, he found work as a printer. An early ideological disciple of Most's, they had a falling out, but not before Berkman worked as a printer for him. While accounts of his printing abilities vary, he could set type in four languages. He later found himself working at a lunch parlor in Worcester, Massachusetts, thinking about the plight of the working

²³ *San Francisco Call*, September 11, 1901; *Sasha and Emma*, 136, 252–253; Kathy Ferguson, *Emma Goldman: Political Thinking in the Streets* (Lanham, MD: Rowman & Littlefield, 2011), 291, 93; *Day Book* (Chicago, IL), July 17, 1914; Paul Kahan, *The Homestead Strike: Labor, Violence, and American Industry* (New York: Routledge, 2014), 95.

class and his dream of anarchism. Also inspiring Berkman was the Russian literature of the 1860s that seemed to demonstrate social unrest, most notably Ivan Turgenev's *Fathers and Sons* (1862) and Nikolai Chernyshevsky's *What Is to Be Done?* (1863). He hoped to save money for that return to Russia, though he found more revolutionary inspiration in *Homestead*.²⁴

We know what happened next, obviously, on that day in Pittsburgh and his failed assassination attempt. Having served his time for the Frick attack, authorities released him from jail in 1906. His activism accelerated in the years that followed, and his speaking and writing took him far and wide. He served as Treasurer of the American Federation of Anarchists. In September 1908, authorities arrested him in New York City after he addressed a meeting of the unemployed at Cooper Union. The police, the *New York Times* reported, "dealt promptly with the situation" and charged him with disorderly conduct. Berkman received a sentence to the workhouse for five days. During a spring 1914 march of 1,000 anarchists in New York, Berkman stood front and center. He led the march, along with Goldman and Carlo Tresca, down Madison Avenue and under a black banner with red letters spelling "Demolitione," a recognizable Italian anarchist slogan. According to the *New York Times*, the participants "jostled" bystanders along Fifth Avenue, sending them "scurrying" out of the way. Berkman led the chorus in singing the "Marseillaise" (according to reports, "in many tongues") and participants also shouted to servants watching from the windows of the notable homes that fronted Fifth Avenue, particularly those of Montana mining magnate William Andrews Clark and the famed steel man Andrew Carnegie. They reached Union Square for some culminating speeches, but police only allowed the addresses after famed Muckraker Lincoln Steffens, the President of the Free

²⁴ *New York Times*, July 2, 1936; Miriam Brody and Bonnie Buettner, eds., *Prison Blossoms: Anarchist Voices from the American Past* (Cambridge, MA: Harvard University Press, 2011), xxii–xxiv.

From Chicago, though, came one of the nation's notable characters to defend Haywood: Clarence Darrow. If he was not a celebrity by then, he would be after the Steunenberg defense (arguing in defense of Leopold and Loeb in 1924 and John Scopes in 1925, for example). A man described by social reformer Brand Whitlock as having a "beautiful ugliness," Darrow arrived with a self-righteous sense of justice, clad in the finest silk shirts and black silk ties from Marshall Field's back in Chicago, a far cry from the dress of the jury: all older, white, male farmers. After two months of trial, the rumpled Darrow delivered a closing argument that spanned 11 hours and 15 minutes. He finished by summarizing the stakes: "Out on our broad prairies where men toil with their hands, out on the wide oceans where men are tossed and buffeted on the waves, through our mills and factories, and down deep under the earth... the poor, the weak and the suffering of the world are stretching out their helpless hands to this jury in mute appeal for Will Haywood's life."

On July 28, 1907, driven by Darrow's eloquence, the jury acquitted Haywood and his "co-conspirators," as the prosecution failed to prove the conspiracy. Haywood, Moyer, and Pettibone escaped jail time, observed the *American Federationist*, despite "the whole power of the state" and the most "resourceful" prosecuting attorneys working for a conviction. Harry Orchard, however, received a lifetime sentence for the murder. After a conversion to Christianity, he lived out his days raising chickens and growing strawberries at the state penitentiary.³

³ *Spokesman-Review*, December 31, 1905; David Shannon, *The Socialist Party of America: A History* (Chicago: Quadrangle Books, 1955), 31; Lukas, *Big Trouble*; Dubofsky, *We Shall Be All*, 100; Carlos Schwantes, *Radical Heritage: Labor, Socialism, and Reform in Washington and British Columbia, 1885–1917* (Moscow: University of Idaho Press, 1979), 170; *International Socialist Review* 7 (May 1907): 686; Johnson, *They Are All Red Out Here*, 73–75; Dubofsky, *Hard Work: The Making of Labor History* (Urbana: University of Illinois Press, 2000), 87; *American Federationist* 14 (September 1907): 672–673; *International Socialist Review* 6 (May 1906): 647, 7 (June 1907): 750, 7 (May 1907): 686–687; *Appeal to Reason*, June 12, 1909.

of the country ... to pre-judge the case by calling our comrades 'assassins,' 'murders,' 'conspirators,' etc. before the evidence has been heard." The socialist press also supported the accused. For three months in 1906, Hermon Titus now published the *Socialist*, previously based in Seattle, Washington, and Toledo, Ohio, from Caldwell to follow the pending court proceedings. Titus distributed the *Socialist's* trial reports to every union paper in the United States and he estimated his paper's accounts reached 2 million workers weekly. The Boise trial's significance was not lost on workers and socialists everywhere. "Their battle is our battle, their cause our cause," announced the *International Socialist Review*. A death sentence for the three accused men, it wrote, "would be a deadly blow at the heart of every labor organization in America."

Caldwell, Idaho, in 1905

Caldwell seemed a "who's who" of notable Americans around the time of the trial: James McParland, the nation's "great" detective, famous for his work against the Molly McGuires in Pennsylvania, worked tirelessly (and sometimes deviously) on behalf of the prosecution. One of the nation's most beloved actresses, Ethel Barrymore came through town (and even met with Harry Orchard) with the touring production of her traveling show *Jinks*. Gifford Pinchot spoke to a capacity crowd of 800 at a local theater and warned that at the current rate of forest consumption the United States had only 20 years of timber left. Walter Johnson, one of the best baseball pitchers in history, was dazzling fans as a member of the local Weiser ("Wheezer") Kids and posted the gaudy mark of 77 consecutive scoreless innings. While the attorneys in the Haywood trial sat in the stands in stunned amazement, Johnson was only weeks from heading to the big leagues to begin a hall-of-fame career with the Washington Senators.

Speech League of America, negotiated for a mutually agreeable spot. Berkman crisscrossed the Midwest later that year for a speaking tour advertised in the pages of *Mother Earth*, with stops in Chicago, Milwaukee, Toledo, and St. Louis. He delivered speeches on a variety of topics, but among them were speeches typical of his left-leaning positions, such as "War – At Home and Abroad," "The War of the Classes," and "Is Labor Justified in Using Violence?" As the European war loomed, his announcement also made plain his hope to organize antimilitarist leagues in the cities he visited. Berkman, like Goldman, loved San Francisco and he, too, settled there in 1915. "The climate is great, the country beautiful. The bay and the ocean and the mountains – all around you," he wrote.²⁵

By the eve of the 1916 attack, then, the city had its radical and anarchist elements, many of whom operated openly and unapologetically. The themes and ideologies had been building over a couple of decades to create a climate where Goldman, Berkman, Volanta, and these other anarchist groups, individuals, and meetings had prominence. In a matter of months after his arrival, Berkman founded his own anarchist newspaper at the center of the war debate, *The Blast*, which proved a sounding beacon for the preparedness critics. Anarchism functioned as an important international and national movement and network, with San Francisco as a notable part of it. Anarchism was alive and well on the eve of the Preparedness Day bombing. Goldman and Berkman, if not directly involved in the attack of 1916, were certainly an important part of San Francisco's robust radical and anarchist community. In many ways when that bombing occurred, blame almost immediately fell on this movement, ideology, and group of radicals.

²⁵ *New York Times*, July 2, 1936, April 5, 1908, September 8, 1908, March 22, 1914; *Mother Earth* 9 (November 1914): 302–303; Gene Fellner, ed., *Life of an Anarchist: The Alexander Berkman Reader* (New York: Seven Stories Press, 2005), 115.

CHAPTER 3. “Assassins, Murderers, Conspirators”: The March of Progressive Era Radicalism and Violence

The events and emerging organizations of the 1890s clearly indicated that, at times, the nation began taking a radical turn, and acts of labor violence and anarchist terrorism grew increasingly common. More traditional approaches to reform (party politics, the traditional labor movement, and benevolent reform organizations and institutions) sometimes gave way to radical alternatives. Emerging out of labor and the left’s discontent with Gilded Age and Progressive Era disparities were explicit organizations and approaches on the left that more regularly and openly advocated violence, sabotage, and “direct action.” Certainly, the Socialist Labor Party, Socialist Party of America, and later the Industrial Workers of the World (IWW) formed a complex network of organizations, radicals, organizers, and agitators that rank-and-file Americans may have feared, and the events during the decade before the San Francisco bombing seemed to only confirm a growing discontent. If the march of labor versus capital and the rise of American anarchism were any indication, a continued advance of class tension and antiradical buildup continued toward 1916 in these preceding years. In many ways, the nation’s fears focused on, of all places, Idaho.

During a snowy Southern Idaho night on December 30, 1905, former Governor Frank Steunenberg headed home. He had retired to

with his stenographer (who was also his sister-in-law) Winnie Minor.

The three “conspirators” were brought to Idaho for trial on a secret overnight train. Working together, the governors of Idaho and Colorado had successfully arranged for the secret, and illegal, extradition. The quick arrests of Haywood, Moyer, and Pettibone, and the denial of due process of law, infuriated many. Protests surfaced among labor unions, radicals, and workers, and the radical press dubbed the forcible extradition to Idaho a “kidnapping.” For socialists, the accusations and hasty “abduction” symbolized a capitalist conspiracy, and Eugene Debs threatened an “armed revolution” in the event of a Haywood conviction. Debs even penned a polemical piece for the *International Socialist Review* titled, “Arouse Ye Slaves,” asking workers to fight against their capitalist oppressors should the verdict be unfavorable.

Even President Theodore Roosevelt (himself not shy about giving his opinion) weighed in. He grew so angry at Debs’ rhetoric that he explored legal options against the socialist leader. The president also deemed Moyer, Pettibone, Haywood, and Debs “undesirable citizens.” This curious presidential statement that so obviously challenged the presumption of innocence rallied defenders of the accused. In a New York City solidarity parade and elsewhere, buttons proclaiming “I Am an Undesirable Citizen” were ever fashionable.

Almost overnight, sleepy Caldwell, Idaho, had become the epicenter for the battle between “the interests” and “the people.” Journalists, activists, and, of course, lawyers descended upon Caldwell for the trial, while Moyer, Pettibone, and Haywood passed the months in jail. (Colorado socialists even nominated Haywood, in a Boise prison cell at the time, as their 1906 socialist gubernatorial candidate.)

Socialists quickly mobilized on behalf of the three accused men, with workers pledging \$140,000 to the defense fund. Caldwell’s socialist local formally denounced “the attempt of the Capitalist press

industries like mining and timber, were endemic in the West. A largely single, male, and underpaid set of workers fostered resentment, particularly when working conditions—often unsafe—only exacerbated other pressures. Western workers, as historian Melvyn Dubofsky once contended, were the most attracted to socialism and syndicalism—and not necessarily “murder or mayhem,” but emerged as friendly to ideas of radical and dramatic social change.²

It was clear that Idaho mine owners and other resentful capitalists saw the murder as a particularly valuable opportunity to strike back against this radical labor fringe. They were convinced that, and encouraged by Orchard’s statements, this was a conspiracy that went all the way to the top and, they thought, here finally emerged the opportunity to strike a blow against organized labor in the United States. Orchard claimed (after being threatened with hanging) that leaders of the IWW and the Western Federation of Miners hired him to commit the murder. Idaho authorities now believed three IWW/WFM figures—Charles H. Moyer, George A. Pettibone, and none other than Big Bill Haywood—were the guilty conspirators. So, authorities, and specifically the Pinkertons, executed a well-orchestrated stakeout of Moyer, Pettibone, and Haywood (and even assigned them codenames “Viper,” “Copperhead,” and “Rattler”). Agents and Colorado authorities snagged the three men in Denver. Moyer was nabbed on a train platform as he prepared to head to the Black Hills of South Dakota. He was carrying \$520.75 in cash, a .44 revolver, and a hundred rounds of ammunition, which he told his captors he always carried when “on the road.” For Haywood, capture was a bit more embarrassing. He was in bed at a place called the Granite Rooming House, stark naked,

² Paul Kahan, *The Homestead Strike: Labor, Violence, and American Industry* (New York: Routledge), 201, 449; J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America* (New York: Simon & Schuster, 1997), 191, 83; Melvyn Dubofsky, “The Origins of Western Working Class Radicalism, 1890–1905,” in *The Labor History Reader*, ed. Daniel J. Leab (Urbana: University of Illinois Press, 1985), 230–231.

Caldwell, Idaho, just west of Boise, four years earlier, had settled into business ventures with his brothers and was otherwise enjoying a normal winter evening. Because of blizzard-like conditions outside, he stopped into the Saratoga Hotel on his way for some mulled cider and perused the *Caldwell Tribune* by the barroom fireplace. On the chilly walk from the Saratoga to his home, Steunenberg looked his peculiarly disheveled self. His brown hair matted to his forehead, the tall, stocky governor looked “like a Roman senator,” according to one friend. When he arrived at his house on 16th Avenue, like he had done hundreds of times before, he walked up to his front wrought-iron gate. A hastily built trigger on the gate detonated a bomb, with the explosion taking both of his legs and throwing the governor 10 ft. With half of his clothes ripped off, he laid there with mangled legs, and the snow an ominous shade of pink. His wife thought the noise was a potbelly stove exploding but would quickly discover that it was something much more sinister. Steunenberg lived only another 20 minutes and was pronounced dead in his home at 7:10 pm that evening.

But the assassination was much more than a random violent act. Near the close of his gubernatorial term in 1899, Steunenberg had dealt with a serious crisis: a strike by the Western Federation of Miners in the Coeur d’Alene district in the northern part of the state, the epicenter of Idaho’s richest gold, lead, and silver mines. Responding to the use of violence by strikers (including the sabotage of the Bunker Hill mine), he proclaimed martial law and when he asked for federal troops, President William McKinley obliged. The soldiers were ordered to round up over 1,000 miners and placed them into detention centers—hot and cramped “bullpens,” as they were known by miners. On the one hand, validations came from those like Bartlett Sinclair, Steunenberg’s personal representative in northern Idaho during the Coeur d’Alene troubles, who spoke of Steunenberg in glowing terms, observing “a truer friend of laboring classes never lived.” Yet, Steunenberg was famous (or infamous) for the handling of that 1899 Mining War. The most radical miners

and workers of the Northwest—and elsewhere—never forgot Steunenberg’s actions.

While anarchists and those keen on “the deed” would have rejoiced, news of the 1905 Steunenberg murder shocked many others. After all, its gruesome news was coupled with it being the first time in American history that dynamite was used in an assassination. Blame quickly fell where it increasingly did: on leftist “radical” labor activists. Idaho Governor Frank Gooding issued a \$5,000 reward for the culprit(s) and Pinkerton detectives quickly received a confession from Harry Orchard, a labor spy and someone directly involved in the 1899 Coeur d’Alene violence as a labor terrorist.

Orchard seemed to represent a growing radical fringe of labor activists that many feared might cause just this kind of violence. After all, only a few months before the murder, radical American labor had in Chicago what one organizer called the “Continental Congress of the Working Class”—the 1905 founding meeting of the IWW, a mix of socialists and disgruntled trade unionists separating themselves from more traditional unions. At the center of the IWW, and messenger of the “Continental Congress” rhetoric, was a hard-drinking, Stetson-wearing, one-eyed labor organizer—standing 5’11” and 236 pounds—the menacing William “Big Bill” Haywood. He and IWW founders envisioned a union that did not discriminate on membership or tactics. Instead, the IWW—or “Wobblies,” as they became more commonly known—advocated for “one big union” and hoped that they could have a membership that did not exclude based on skill, race, or gender. A radical union with socialist leanings, they decided to abandon accommodating approaches of unions like the American Federation of Labor (AFL). Eugene Debs, the consummate face of American socialism [the SPA’s (Socialist Party of America) candidate for President five times], was at the meeting and proclaimed that if workers

continued to side with the moderate AFL, they could expect to be “puked on in return.”¹

Watching the IWW and labor organizers of other stripes very closely was the Pinkerton National Detective Agency, an important piece of labor relations in the Gilded Age and Progressive Eras. The Pinkertons, founded by Allan Pinkerton in 1850, emerged as *the* private detective agency in the country. In fact, they orchestrated the Steunenberg investigation. They had been made famous by the successful thwarting of an assassination attempt on Abraham Lincoln; over time, its agents were more commonly hired and employed by corporations looking to protect their financial interests. Outdated police forces at the time simply could not patrol urban environments effectively, and they stood ill-equipped to handle the large labor demonstrations of the late nineteenth century. By the Homestead Strike, the Pinkertons were an acceptable and employed means of handling strikes and strikebreakers (though, ironically, the detectives could usually expect a wage of only about \$1 a day). To meet the demand of labor unrest and the crime that came with westward expansion, the Pinkertons opened a new office in Denver in 1886 and had 20 offices by 1907. The business, in other words, warranted this company growth. They hired 58 new detectives in 1899 alone. The Pinkertons had clearly been anti-labor, and Samuel Gompers cited the “unscrupulousness” of the Pinkertons, saying “they have been not only private soldiers, hired by capital to commit violence, and spies in the ranks of labor, they have been and are being used ... to provoke ill-advised action, or even violence, among workingmen.”

The Pinkertons had staked a position in Denver because of the growing radicalism among the working class in the American West. Turbulent economic conditions, due in part to volatile extractive

¹ Jeffrey A. Johnson, “*They Are All Red Out Here*”: *Socialist Politics in the Pacific Northwest, 1895–1925* (Norman: The University of Oklahoma Press, 2008), 71.

reference to the threatening cards mailed to the San Francisco papers. The notes, they claimed, offered a clue into the perpetrator of the explosion, and Charles Fickert went as far as to claim that the cards and *The Blast* were penned by the same person (meaning Alexander Berkman). He also asserted that the perpetrator dropped the letters in a specific mailbox near Mooney's residence in the Eilers Building. This was not proven. Strengthening the defense's retort of these claims was the fact that the authorities did not indict Berkman with Mooney and the other defendants on August 2, 1916. Berkman was later arrested in New York under a California indictment the next summer, with Berkman by that time a long way from San Francisco. With the arrests of Berkman and Goldman, in New York, a representative from Fickert's office indicated how these arrests had bearing on determining the fate of the Preparedness suspects, given, in their mind, the obvious associations.³⁰

Anarchism and Socialism

Of course, there emerged an at times frustrating tendency by authorities and the press to conflate labor activism with anarchism. "How long," asked defender W.B. Cockran, "will it be before the words 'labor agitator' shall assume the same vicious, perverted significance that has already been fastened upon the word 'anarchist?'" Indeed, the fluidity of labor and political movements demonstrated the claims of the intersections of these ideologies and groups worked in favor of the prosecution. In the end, the cases became classic instances of "guilty by association," when sometimes there was not even an association.³¹

³⁰ McNutt, "Petition for Pardon," 5. *New York Globe* September 15, 1917.

³¹ Rosenbaum, *Cosmopolitans*, 185; Alexander Berkman, "Legal Assassination," *Mother Earth* 11 (October 1916); *Organized Labor*, July 14, 1917; McNutt, "Petition for Pardon," 57–59.

CHAPTER 4. "The Road to Universal Slaughter" and "This Dastardly Act": The Preparedness Debate and Bombing

"The coldest winter I ever spent was a summer in San Francisco," Mark Twain once reportedly quipped about the Bay City. July 1916, though, surely seemed different. In recent days, during the summer, the weather turned fair and pleasant, and local weather forecaster T.R. Reed happily reported only a light west wind for July 22.

A great deal of excitement surrounded San Francisco. A far cry from the devastation of the famous 1906 earthquake a decade earlier, the revitalized city had just hosted a world's fair. Republican presidential candidate Charles Evans Hughes visited the city that Friday, July 21, and promised party loyalists he would win in California by an "overwhelming majority." Just that weekend, the Alaska Steamship Line announced new service from San Francisco to New York, utilizing the new and revolutionary Panama Canal. As early as 1914, a quick glance would have seemed to indicate that a wartime economic boom had helped the city and its workers. The city, which had experienced labor ferment, seemed at peace, while the world was at war.¹

¹ James D. Livingston, *Arsenic and Clam Chowder: Murder in Gilded Age New York* (Albany: State University Press of New York, Albany, 2010), 101; *Chicago*

San Francisco buzzed, in no small part, because the city hosted the 1915 Panama-Pacific Exposition. Taking place out of the revitalization after the earthquake and triumph in the Spanish-American War and the recently completed Panama Canal, it was a moment of national and imperial celebration. Across 635 acres of grounds, on repurposed and previously marshy land, it offered a chance to display a national bravado. Chosen, in part, due to the endorsement of President Taft, who said, “San Francisco is the city that knows how,” organizers broke ground in 1911. It also offered a chance to claim the spotlight from Los Angeles, a rising city with a less volatile labor climate. After all, in his profile of America during the 1912–1917 era, historian Henry May dubbed San Francisco of lower culture than its neighbors in Southern California, who “looked askance at corrupt, Bohemian San Francisco.”²

The fair opened on February 20, 1915, and would welcome 19 million visitors during its 10 months. Included in the \$.50 admission (half price for children) was a Heinz condiment tower, a working model of the Panama Canal, and a living “Pueblo Village” with Zuni and Hopi families. The Tower of Jewels stretched as high as a 43-story building. Audrey Munson, considered America’s first “supermodel” (and first movie star to appear nude on film that same year, in *Inspiration*), inspired three-fourths of the statues inside the Jewel City built at the fair. Before the exposition closed in December, the fair welcomed many famous attendees, including Thomas

Tribune, February 10, 2016; *Chicago Examiner*, February 14, 1916; Thomas Haley & William Berndt, eds. *Toxicology* (Washington: Harper and Row, 1987), 12.

² *San Francisco Chronicle*, July 22, 1916; *Sausalito News* (Sausalito, CA), July 29, 1916; Robert Edward Lee Knight, *Industrial Relations in the San Francisco Bay Area, 1900–1918* (Berkeley: University of California Press, 1960), 290, 299; Earlier versions of this chapter appeared as part of Jeffrey A. Johnson, “Closed Shops and Open Anarchism: Labor, Radical San Francisco, and the Great War,” *Journal of the West* 53 (Winter 2014): 32–41.

brought him criticism from Mooney’s associates and charges that he had betrayed the labor movement. Critics charged that these defense editorials and efforts generally were the work of “agitators” and “propagandists” that aimed to foster a “spirit of unrest.” Despite the pretexts of justice and avoiding a “frame-up,” many sneered at the “selfish ambitions” of some of Mooney’s defenders who, these critics believed, hoped to use his case for their own causes.²⁸

From the start, at the center of the investigation was an eagerness to make the bombing part of a much wider radical labor conspiracy and to link those movements and groups. From the first testimony before the grand jury, the prosecution advanced through all the legal proceedings that a conspiracy existed among the defendants to detonate a bomb at the Preparedness Parade. According to the state, Billings and Mooney were responsible for planting the case at Steuart and Market Streets, while Israel Weinberg, in his jitney, served as the drop-off and getaway car. Mooney defenders readily noticed the willingness of those in power in the city, “a group of wild men, controlled by the fiercest kind of class hatred,” they said, to pin the attack on Mooney and labor more broadly.²⁹

Fickert and his colleagues doggedly advanced this idea that the five accused were part of a bigger anarchist conspiracy, with Alexander Berkman at the center. The determined D.A. ordered a search of *The Blast*’s office, doing so without a warrant. Brennan concurred, arguing in court during the Billings trial that a conviction would serve as “a stepping stone toward uncovering the greater conspiracy.” Because the pages of *The Blast* included numerous columns defending the suspects, Fickert labeled them anarchists and, if anarchists, then they could easily be, in his mind, the culprits. Further, he and the prosecution team would make

²⁸ Anton Johannen, “The Mooney Case,” IISH, Letter 1, Berkman, large file; Pollock, “Will Labor Stand,” ISR, 1916, 363.

²⁹ Pollock, “Will Labor Stand?,” 360–363; *Chicago Sunday Tribune*, September 28, 1919; Haldeman-Julius, “The Amazing Frameup,” UCLA, 22.

An international collective, from Eugene Debs to Alexander Berkman, organized defense funds and literature on behalf of Mooney, his wife, and three other “conspirators.” This outpouring of support took financial and editorial forms. Over time, millions of dollars arrived in donations and in support of the defense. In print, publications like *The Blast* mobilized on behalf of the accused. Robert Minor, the former *International Socialist Review* cartoonist and contributor for *The Blast*, volunteered his services (for \$15 a week) to take on the defense’s publicity work. Minor served as Treasurer of the International Workers’ Defense League out of San Francisco.²⁷

Other sympathetic publications took notice of the efforts to pin the attack on Mooney and company. “Scarcely a day passes now without some attack on Mooney’s case,” read an essay in the *International Socialist Review*. The “frame-up,” as Mooney allies called it, had begun. Asking if labor would stand for another Haymarket (the title of her piece), Theodora Pollock made the parallels to 1886 as the 1916 story unfolded. She wrote:

San Francisco in 1916; Chicago in 1886. The closed shop fight now; the 8-hour day fight then. In both cases, a crime of violence occurs and is tied around the necks of innocent labor men in the hope of helping to crush the spirit of labor.

Less radical publications even admitted, despite skepticism about the resulting unrest about the case, that there existed a “pretty general opinion that Mooney did not have a fair trial.” Fremont Older, the editor at the San Francisco *Call-Bulletin*, appeared from the start as an “unflinching advocate” on behalf of Mooney and Billings but tried to maintain objectivity. He told his reporters following the trial to “avoid anything that would give color to the idea of the innocence of the defendants,” which

²⁷ McNutt, “Petition for Pardon,” 3–4. Appellant’s Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), Labadie/Michigan Collections, 1–2.

Edison, Henry Ford, Buffalo Bill Cody, Theodore Roosevelt, Charlie Chaplin, Fatty Arbuckle, Helen Keller, and more.³

San Francisco, according to historian Richard Frost, had always been “cosmopolitan” with “relatively tolerant traditions.” It was, according to him, “less susceptible to hysteria” than other cities. Yet, there certainly was a festering radical climate. After all, Emma Goldman and Alexander Berkman had settled in California by the 1910s, as part of a wider cross section of anarchists, socialists, and labor organizers in the city. When a friend rented a place for Goldman and kindly volunteered that the new tenant was an anarchist, the landlady replied, “Well, as long as she does not practice it in the apartment, it’s all right.” And “practice” she did, though sometimes Goldman took to causes outside of anarchism in the city. According to one paper, she “threw a few bombs” at a meeting of the Pacific Coast Federation for Social Hygiene in San Francisco, declaring that prostitution was “the direct result” of poverty.⁴

Berkman had moved to California, too, not only because of his fondness for the natural charms but also with the hopes of helping the defense of Matthew Schmidt and David Caplan, implicated in the 1910 *LA Times* bombing. He spent time in Los Angeles, working on their defense, before moving north. He wasted no time attending to his causes, often agitating against the idea of compulsory military service. He also founded a “Current Events Club” in February 1916. Announcing “no lectures,” the club, with Berkman presiding, met Fridays at Averill Hall on Market Street and offered “discussion of the important events of the week in the political, industrial, social, educational, and literary life.”⁵

³ Sarah J. Moore, *Empire on Display, San Francisco’s Panama-Pacific International Exposition of 1915* (Norman: University of Oklahoma Press, 2013), 3–4, 9; Henry F. May *The End of American Innocence: A Study of the First Years of our Own Time, 1912–1917* (Chicago: Quadrangle Books, 1964), 89.

⁴ *San Francisco Chronicle*, February 14, 1915; *Vanity Fair*, April 13, 2016.

⁵ Fred Rosenbaum, *Cosmopolitans: A Social and Cultural History of the Jews of San Francisco* (Berkeley: University of California Press, 2009), 189; *San Francisco*

As the two most recognizable anarchists in town and with such outward activism, Berkman and Goldman, as Jewish immigrant radicals, were long the scourge of conservatives and the press. Playing on stereotypes, some newspapers were quick to paint the pair as interested only in their own financial security. For the *New York Sun*, Berkman was a “jack-in-the box ... who bobs up in every kind of radical movement that promises financial returns,” and Goldman was described as “shrewd ... who for many years has made anarchy a well-paying profession.” The article further spoke of their “money grabbing proclivities.” In 1916, Emma Goldman chaired a large gathering of what the *New York Times* dubbed “socialists, anarchists, and other ‘ists.” Words used to describe the meeting included “tumult, contentious, belligerent, and more.” The gathering, attended by “eighty organizations, representing every radical party,” featured two hours of speakers “in five different languages.” The paper, which clearly imitated anti-immigrant feelings, took special care to point out that some of the speakers, such as Bernard Seneken, “talked in Yiddish” as they spoke about and critiqued the war.⁶

Berkman always dreamed of his own radical journal, ever since assuming the editor’s chair of *Mother Earth* in 1907. He “longed for something of his own making, something that would express his own self,” Goldman recalled. By the winter of 1915, at the urging of his friend and San Franciscan Eric Morton, he acted and founded *The Blast* in San Francisco. So enthusiastic about the project, Berkman even created a masthead, which he shared with friends, well before funding or an official launch. Berkman published 29 issues

Call, September 11, 1901; *Sasha and Emma*, 136, 252–253; Kathy Ferguson, *Emma Goldman: Political Thinking in the Streets* (Lanham, MD: Rowman & Littlefield, 2011), 291, 93; *Day Book* (Chicago, IL), July 17, 1914; Paul Kahan, *The Homestead Strike: Labor, Violence, and American Industry* (New York: Routledge, 2014), 95.

⁶ Rosenbaum, *Cosmopolitans*, 189; Gene Fellner, ed. *Life of an Anarchist: The Alexander Berkman Reader* (New York: Seven Stories Press, 2005), 115; *The Blast*, January 29, 1916.

the Assistant D.A. told reporter John Fitch that the suspects “ought to be hung without ceremony,” it made clear that the prosecution was most interested in a swift conviction.²⁴

The questioning of the five began without delay. Assistant District Attorney Brennan, who Mooney defenders said was a man “whose particular temperament fits him for bulldozing women,” handled the questioning of Rena Mooney. He reportedly questioned her for two days and two nights in a bathroom. He called in newspapermen to see her after the 48 hours and show that she was in fact “all nervous and excited just like a guilty woman.” The questioning of Billings unfolded as well, and he offered the Chief of Police a thorough retelling of his comings and goings on July 22, even drawing a map of his movements that day. Lawyers on his side announced that his alibi was “one of the most perfect” they had seen. One of the strengthening parts of his recounting happened when Billings retold a conversation that he overheard by businessman Bert Wertheimer outside his store, all with no corroboration with the other defendants. After the arrests, for some, there seemed a “deliberate attempt to arouse public prejudice against them [the defendants]” to the broader public, as members of the prosecution team conducted frequent interviews with the press.²⁵

The grand jury met on August 1 to take testimony. The next day, on August 2, 1916, Warren Billings, Israel Weinberg, Tom Mooney, Rena Mooney, and Edward Nolan were jointly charged with murder. The state charged the five collectively for the, to this point, eight deaths. Formal charges rested on the specific death of Hetta Knapp, one of the bombing victims.²⁶

²⁴ *The Sun*, June 2, 1929; W. Bourke Cockran, “A Heinous Plot”; Carl Nolte, “Centennial of 1916 SF Bombing that Led to Infamous Convictions,” *San Francisco Chronicle*, July 16, 2016.

²⁵ *San Francisco Call-Bulletin*, January 8, 1932; *Organized Labor*, July 14, 1917.

²⁶ Minor, “Frame-Up,” 8–9; *San Francisco Call-Bulletin*, January 8, 1932.

brought Mooney out alone and prompted me to identify him, but I refused. I never saw Mooney in my life before.²²

While his name circulated as a suspect, Mooney and his wife Rena were out of town in the resort area of Monte Rio along the Russian River for a week's vacation. They had made plans well in advance, including informing Rena Mooney's pupils they would be away, and left San Francisco on a Monday, two days after the Saturday explosion. Then, they heard word they were wanted as outlaws. Tom Mooney, wearing his bathing suit and in a boat two miles up the river from his boarding house, found out while reading the newspaper. Mooney sent a telegram to the Chief of Police David White back in San Francisco that read, in part,

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.

The police, however, failed to let Mooney give himself up on his own terms. Instead, the authorities grabbed him and Rena at a way station and took them to the police station. The District Attorney, Fickert, claimed that he moved quickly, "in the interest of justice," and made arrests, in the cases of the Mooneys and Billings, without warrants.²³

Witnesses were brought to the police station and identified the five suspects in custody: Warren Billings, Israel Weinberg, Tom Mooney, Rena Mooney, and Edward Nolan. The accused were identified, though not picked out of a lineup. The D.A. office's management of the case already cast doubt in the minds of some, particularly as the defendants were held not only in solitary confinement but also without any contact from family, friends, or counsel. When

²² McNutt, "Petition for Pardon," 13. Minor, *The Frame-Up System*, 5, 8; Minor, "Shall Mooney Hang?" MICH, 6.

²³ Minor, "The Suitcase Ghost," 424-425; Minor, "The Frame-up," MICH; *The Sun* (Baltimore, MD), June 2, 1929.

from January 1916 until June 1917 for 5 cents an issue or \$1 for a year's subscription. The paper remained a key forum for antiwar anarchist and leftist positions. In its pages, *The Blast* centered on a number of themes outside explicit anarchism, such as women's rights and broader international revolutionary activity. Another common leftist refrain that appeared was an attempt to shift from pronouncements of radicalism and idle talk to tangible activism. "You know it is not enough to curse the capitalist ... That may be good to relieve your feelings. But it does not get you anywhere," it urged. Berkman and *The Blast* quickly enjoyed the support of anarchists far and wide, and radicals in New York, Chicago, St. Louis, and Los Angeles raised funds to support the paper.⁷

In addition to Goldman's persistent presence, Berkman surrounded himself with like-minded radicals in San Francisco. Mary Ellen Fitzgerald, known as "Fitzi," lived with Berkman at 569 Dolores Street in the city's Mission District and served as managing editor of *The Blast*. Carl Newlander, a young Swedish anarchist, served as an assistant for *The Blast*. Eric Morton worked as its Associate Editor. Finally, Robert Minor came to San Francisco, at Berkman's urging, to work on *The Blast*. Minor brought with him experience as a well-known contributing author and cartoonist for organs like the *International Socialist Review*, though he had also worked for papers with far less radical reputations like the *St. Louis Dispatch* and *The San Antonio Gazette*. The staff, calling themselves "Blasters," also ran a small bookshop out of the Dolores Street home. *The Blast* advertised a number of leftist pamphlets and books for sale, such as Theodore Schroeder's "Free Speech for Radicals," copies of *Mother Earth*, "Speeches of the Chicago Anarchists," and Berkman's own "Prison Memoirs of an Anarchist."⁸

⁷ *New York Times*, April 3, 1916.

⁸ *The Sun* (New York, NY), January 6, 1918; Berkman conceived *The Blast* as a weekly organ but it saw bi-weekly publication (on the first and 15th of the month) and more infrequently as the Red Scare blossomed; Barry Pateman, "Introduction,"

On the eve of San Francisco's famed parade, another anarchist attack had already made national headlines. On February 10, 1916, over 300 guests filed into Michigan Avenue's University Club, in the heart of downtown Chicago. They were there to celebrate George William Mundelein, who, fresh from service in Brooklyn, had just been named the city's third Archbishop. A carefully orchestrated arrival and installation in the city included several welcome receptions. Current and former governors, mayors, and other local dignitaries were in attendance for the University Club event. Inside, they dined on oysters, caviar, fish, soup, and wine.

Yet, the unsuspecting guests did not know that the assistant chef, Jean Crones, employed at the Club since September, ominously worked in the kitchen. During the dinner a number of guests fell ill with serious stomach pain. The first victim, Henry E. Legler, the librarian for the Chicago police library, fainted just after the conclusion of the soup service. A chain reaction followed, and according to accounts, as countless guests turned pale, the scene in the rooms and corridors and rooms of the University Club "resembled hospital wards." One of the guests, Dr. John Murphy, attended to the sick in the next room's impromptu hospital, administering a mixture of mustard and lukewarm water as an emetic. A number of other doctors on the scene included Dr. Howard Adler, Dr. Alanson Weeks, Dr. George Chesney, and Dr. W.C. Eidenmuller, Jr.⁹

The city breathed a sigh of relief when its citizens heard there were no fatalities and all of the poisoned guests recovered over the next few days. Mundelein gave a rousing speech just days after the attack at the Auditorium Theater, closely guarded by 150 police to

in Berkman, Alexander, *What Is Anarchism?* (Oakland, CA: AK Press, 2003), 4; *The Blast*, February 12, 1916.

⁹ *The Blast*, July 15, 1916.

were also levied against him, but the evidence appeared either missing or scant.²¹

While the police arrested Billings and Nolan early on, of particular interest to the city's police was labor organizer Thomas Mooney. Mooney, now 33, was a noted "radical agitator" and could not escape the watchful eye of detective Swanson and San Francisco newspapers. Because of his past involvement with labor, he caught a suspicious eye, indeed.

Wild rumors swiftly circulated about Mooney's supposed violent past. One tale recounted Mooney offering a "negro" \$500 to blow up the famed Liberty Bell, on tour for the 1915 Panama-Pacific International Exposition/World's Fair. The story, quickly dismissed, came from an African American on his way to jail when he confessed this and "Negroes in town say he is a well-known police tool." This individual, Charles Organ, who claimed to have been offered the \$500, wrote letters denying the Mooney plot story and claimed officers stole those letters. One article characterized him as "colored, picked up for forgery in Los Angeles and his third penitentiary sentence," though admitted that Organ seemed coached by detectives on the Liberty Bell scheme and implicating Mooney. Organ issued this statement:

When in San Francisco jail I wrote four letters denying this lie, three to local newspapers and one to Mr. McNutt, Mooney's attorney, but I guess they were suppressed. When I was arrested in Los Angeles, two detectives came to me and said 'You know Mooney, the 'bomb man.' I told them I didn't. But they dictated the whole 'story' to me, about the \$500, throwing the bomb in the bay and filling the suitcase with bricks. They told me that if I stuck to this story I'd get off with a light sentence on the check charge, and also get a piece of the \$17,000 bomb reward. In San Francisco jail they

²¹ Fitch, "The San Francisco Bomb Cases," 305; Pollock, "Will Labor Stand," *ISR*, 1916, 362; Minor, "Shall Mooney Hang?", *MICH*, 7.

was the leader of the gang” responsible, and would arrest Billings and four other suspects, without erstwhile investigation, all by July 27, based entirely on Swanson’s recommendation.¹⁹

Later that evening, at 11:30 pm, Edward Nolan, a member of Machinists’ Union #68, was also arrested at his home on Angelica Street. Nolan certainly had labor connections and a long history of labor organizing, as well. He had served as captain of pickets during the 1910 Los Angeles Metal Trades strike. In 1904, 1910, 1911, and 1912, Nolan served as a delegate to the Los Angeles Labor Council, in 1913–1914 to the San Francisco Labor Council, and in 1914 at the San Francisco Iron Trades Council. During July 1916, as defenders pointed out, he was serving as a delegate to the International Machinists’ Union convention in Baltimore during the Preparedness Day Parade. Nolan represented Lodge 68 at the national convention in Baltimore that summer.²⁰

When police searched Nolan’s house, they claimed to find bomb-making materials in the basement, specifically plaster of paris, black powder, and saltpeter. In actuality, the home they searched was the home of William Nolan, an engineer with no relation to Edward Nolan. In addition to this error, how, given that he was 3,000 miles away, supporters asked rhetorically, could Ed Nolan have also been making a bomb in the cellar of his San Francisco home? Because the items were not actually his, authorities eventually let Nolan out on bail, but nine months later. Photographers snapped a picture of a jubilant Nolan and his wife, Ada, when he finally left the county jail. Eight murder charges

¹⁹ McNutt, “Petition for Pardon”; *Chicago Sunday Tribune*, September 28, 1919. Nye, “Justice for Tom Mooney,” 4; Minor, “Frame-Up,” 10–11.

²⁰ *The Sun* (Baltimore, MD), June 2, 1929; Minor, “The Frame-Up System”; *New York Times*, July 28, 1916; Robert Minor, “The San Francisco Frame-Up,” *International Socialist Review* 17 (1916): 216–217.

“guard against cranks.” He emphasized the Church’s capacity to fight terror.¹⁰

On the scene were investigators Hinton C. Clabaugh, the FBI division chief, and Sergeant Mike Mills, a former member of Petrograd’s imperial police with “much experience” with anarchists. The authorities scrambled to look into the bizarre incident. Science—increasingly employed for investigations during the time—stepped in. Dr. John Robertson, head of Chicago’s Health Bureau, and others studied soup samples and the chemical tests determined “unmistakable” traces of arsenic in the soup stock. As the event had over 100 extra guests, it was surmised, the soup may have been diluted enough not to prove deadly.¹¹

Arsenic as a Weapon

While explosives were an obvious choice for anarchist acts, arsenic was an increasingly common tool for a subtler murder. On August 30th, 1895, Evelina Bliss was the heir to a notable New York family fortune built on generations of land acquisition in the state, was poisoned. That fateful summer day, Bliss had a bowl of clam chowder delivered to her by a pair of ten-year-olds: granddaughter Gracie and Gracie’s friend Florence King. Evelina’s daughter, Mary Alice Fleming, staying six blocks away at the Colonial Hotel, sent daughter Gracie and her friend to deliver the left over chowder. Evelina suffered much of the day and eventually died that evening. The attending physician, Dr. William Bullman, noticed a residue in the soup bowl and suspected foul play. Authorities arrested Mary Alice and it began a high profile trial. Reports quickly confirmed Dr. Bullman’s suspicions: that some kind of contaminant, probably

¹⁰ *Auckland Star* (New Zealand), April 8, 1916; *New York Times*, February 14, 1916; Appellant’s Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections, 27.

¹¹ *Chicago Tribune*, February 14, 1916.

arsenic, may have caused gastritis and was the culprit in Evelina's death. The famed chemist Dr. Walter T. Scheele emerged as one of the key witnesses for their case. Arsenic, he claimed, was at levels well beyond the lethal amount, which reinforced the testimony of Dr. Bullman, who confirmed the culprit as an "irritant poison." Another chemist testifying for the prosecution, Columbia's Dr. Henry Mott, concluded that the contents of Evelina's stomach contained three times the fatal amount of arsenic. So Crones did not take an unprecedented approach for his deed in Chicago.¹²

As it turned out later, Crones was believed to really be Nestor Dondoglio, a notoriously anticlerical anarchist. Details of his background were fuzzy, but he had been born in Cologne, Germany, to Belgian parents, and he had become a disciple of none other than Luigi Galleani. Crones disappeared the night of the poisoning around 11:20 pm, and around 400 men were part of the search. At his home on Prairie Avenue, Crones had a room filled with bottles of poison, various chemical experiments, bomb-making materials, and anarchist and Industrial Workers of the World literature. The Wobblies denied any association with him.¹³

The news out of Chicago began a national manhunt for Crones. Cleveland and St. Louis, both cities where he had lived and worked, were of particular interest, yet investigators there remained puzzled. Crones even sent taunting letters, one allegedly from New York, telling police "you're really not clever at all ... no one can catch me." Convinced that the world would be better without Church influence, Crones proudly wrote in his letters that "a good clean up" at the banquet was needed. Police even used Pathe News, visiting manager H. C. Holah of their Chicago branch film office to review clips of gatherings attended to document Crones'

¹² *Auckland Star*, April 8, 1916.

¹³ *New York Times*, February 13, 1916.

the parade route. During the parade, she watched from a window, hoping to catch a glimpse of Mayor Rolph. She swore that after she waved at the mayor, she looked away from the window, and she saw, suspiciously, Billings coming down the stairs from the roof.¹⁷

Smith, a.k.a. Moore, a.k.a. Starr, emerged as a key eyewitness against Billings, though her past seemed in question, too. Her criminal record included both "moral offenses" and complicity in a murder where she was ultimately indicted for her part in a "sordid love quarrel" involving her uncle and half-brother. Her uncle was ultimately convicted for the crime. Still, Estelle Smith's rather ignoble past, or allegations of one, continued to come out. In May 1914, police arrested her during raids of red-light houses in Los Angeles on the charge of "vagrancy." Really, though, her reputation suffered because of her life as a "woman of the underworld." During that instance, she avoided punishment for working with police and named the proprietor of the "house of ill fame." This meant she would also work with police after the 1916 bombing.¹⁸

Billings captured Swanson's initial attention after the July 22 explosion, and this was not their first encounter. Swanson had played a key role in convicting Billings in 1913 for involvement in the Pacific Gas & Electric strike, and he later visited him in jail with the purpose of having Billings finger others for a transmission tower explosion in June 1916. Ever persistent, and based on Smith's accusation, Detective Swanson confronted Billings in a hospital prescription room at Lane Hospital on July 26, four days after the parade, where Billings was having some eczema treated on his knee. According to one pro-defense source, Swanson called in an "automobile load of fat police and fatter district attorneys" and cuffed Billings. Newspapers announced the arrest "despite his efforts to escape." In the end, authorities were "certain that Billings

¹⁷ McNutt, "Petition for Pardon," 3. Nye, "Justice for Tom Mooney," 4.

¹⁸ John A. Fitch, "The San Francisco Bomb Cases," *The Survey* 38 (July 7, 1917): 306.

ilant in his hopes of implicating and imprisoning certain labor figures ever since.¹⁵

Even more resolute in the wake of the 1916 bombing, Swanson drew up a list of all those involved in recent labor altercations, including three recent battles of note: the United Railroads strike, the Pacific Gas & Electric Company strike, and the Machinists' strike. He turned the list over to police, asking for them to see who was in town during the Preparedness Day Parade bombing. In one defender's words, "the whole deal was engineered" by Swanson, who hoped for revenge against previous labor malcontents. Of the list Swanson had drawn up after the bombing, only five were in the city on July 22, 1916, though, as the defense later pointed out, no one had identified those persons or had seen any of them on the premises at 721 Market Street. Probably not coincidentally, all five seemed to have had a history with Swanson and his employers.¹⁶

Among the first on Swanson's list was William K. Billings, a 22-year-old past president of the Shoemakers Union. During the manhunt, his "radical" reputation resurfaced. As an unemployed 19-year-old, Billings, "accosted by strangers," accepted \$50 to deliver a suitcase to a saloon. According to his defense, waiting for him in the saloon were detectives, and the suitcase he carried contained dynamite, which earned Billings a two-year stint in the penitentiary. The press described Billings most often as "an ex-con," and several witnesses to the San Francisco attack fingered Billings, each colorfully referring to him as a "prostitute," a "sneak thief" and a "dope fiend."

Estelle Smith, who worked for the dentist at 721 Market Street, told authorities that Billings arrived at the building and, claiming to be a photographer, asked if he could head to the roof to take pictures. She also said Billings had his suitcase on the rooftop along

¹⁵ Minor, "Frame-Up," 12; *International Socialist Review* 17 (April 1917): 613–614; Minor, "Shall Mooney Hang?", 4.

¹⁶ Minor, "Frame-Up," 3, 12; *Sun* (Baltimore, MD), June 2, 1929.

appearances. Despite their dutiful pursuit, police never caught Crones.¹⁴

"Hatched in Chicago," as some papers put it, this was presumed, unsurprisingly, to be part of a much wider conspiracy. Clabaugh and the FBI needed no convincing of this. According to Chicago's *Day Book*, Gaetano Bresci, the anarchist responsible for killing Italy's King Humbert in 1901, was a "pal" of Crones. In Chicago, the First Deputy Superintendent of Police Herman Schuettler refused to admit Crones acted alone and was described to be "hot on the trail" of a "wholesale plot" conceived by anarchists in his city. Of particular interest, there was John Allegrini, held under a \$25,000 bond, who claimed that he and Crones went to hear Emma Goldman speak together and that Crones did not seem dangerous. Chicago police also closely watched, according to reports, "50 Reds" throughout Chicago and raided half a dozen homes, seeking to uncover a larger conspiracy, they believed, to attack countless buildings of note in Chicago and elsewhere. In the pages of *The Blast*, Alexander Berkman claimed not to know Crones or if he was even an anarchist. Yet, as he pointed out, "it is always apropos to start a man-hunt against anarchists." He concluded by praising the deed and reminding readers that, without knowing Crones' affiliations or intentions, "tyranny breeds tryannicide."¹⁵

Tensions only heightened when a couple of weeks later, at a gathering of Methodist ministers in San Francisco, a similar scene unfolded. More than 40 ministers and their wives fell ill at a President's Day banquet at the Howard Street Methodist Church. Once again, no fatalities occurred, but authorities in San Francisco,

¹⁴ *Washington Herald*, Feb. 21, 1916. *The Bendigonian* (Bendigo, Australia), April 20, 1916; *Motography*, April 22, 1916.

¹⁵ *Auckland Star*, April 1916; *Day Book*, Chicago, Feb. 14, 1916. *The Breck-enridge News* (Cloverport, KY), February 16, 2016. *New York Times*, February 16, 1916; Dominic A. Pacyga, *Chicago: A Biography* (Chicago: University of Chicago Press, 2009), 195–196.

like the Chicago events, suspected foul play, this time with the ice cream served.¹⁶

San Francisco underwent more labor tension during 1916. In April, unionized sailors, marine firemen, cooks, and stewards demanded a \$5 per month wage increase. As a condition of a wartime economic boom, the demand was met, resulting in the first victory for offshore workers since 1906. While labor peace and negotiation seemed to prevail early on during the war, the city's tensions between capital and labor remained strained as the summer of 1916 arrived. In two separate incidents, moreover, two Bay Area cops were killed eight months apart. The suspects were believed to be Russian anarchist immigrants, speaking to the tensions surrounding the assumed connections between immigrants and anarchism.¹⁷

That summer, the city's Machinists Union led a strike, when their demand of a \$4.50 wage increase fell on deaf ears. About 200 auto mechanics, disappointed by the lack of acquiescence from repair shops and car dealers to the ask, began the action on May 1. The biggest auto brokers felt the sting over the coming weeks, as work stoppages, picket lines, and even violent disruptions occurred against them. An important personality in the strike was none other than Warren Billings. Fresh out of jail after his 14-month stint in jail for his involvement in the PG&E strike, he again displayed his talent for infiltrating corporate structure and giving information back to union leaders. One of his key go-betweens was his (and Tom Mooney's) friend Ed Nolan, a former member of the Wobblies and not one to shy from direct action.

On June 1, another, and larger, walkout happened. Approximately 10,000 longshoremen walked off the job along the west coast's waterfronts, showing solidarity for around 4,000 that

¹⁶ *Los Angeles Herald*, February 29, 1916; *New York Times*, February 29, 1916; *The Blast*, February 26, 1916.

¹⁷ Rosenbaum, *Cosmopolitans*, 189.

“radicals.” Thus, the sweeping crackdown on dissent, the left, labor, and anarchists remained resolute.¹³

Labor sympathizers quickly pointed out how Koster, the Chamber of Commerce, and Fickert and the D.A.'s office not only seemed to be working together but also appeared set on a course for convictions against those with previous labor activities. They alleged that Fickert and Koster later met behind closed doors on September 15, 1916, in an unmarked room of the chamber's offices, to talk about the case. Eugene Debs, not surprisingly, was quick to vilify the forces that emerged so willing to attack labor. In one of his missives, he labeled the city's business interest and government forces “plundering plutocrats,” “hyenas,” and “blear eyed, bloated bandits.” If the Idaho Steunenberg affair demonstrated anything, it was that this kind of cooperation between local government and business interests was not uncommon. In San Francisco, friends of the defendants alleged that the Chamber spent \$1 million for the prosecution, hiring three detective agencies simply “to terrorize witnesses, fix juries, and do general gumshoe work against the accused.”¹⁴

One of these leading investigators was Martin Swanson, a former Pinkerton detective, who remained convinced, as many in business circles did, that radical laborers were behind the bombing. For working-class forces in the city, Swanson was a sinister and conniving anti-working-class figure. Both the Pacific Gas & Electric Co. and United Railroads had hired Swanson previously, and many in the labor community believed that the city's nonunionized corporations “cordially hated” those involved in prior strikes. Swanson, they alleged, met with leaders of the Pacific Gas & Electric Company and orchestrated bringing in an electrician named Leffler and allegedly promising him a “good job” if he named individuals like Tom Mooney as involved in the 1913 strike. Swanson remained vig-

¹³ Anton Johannen, “The Mooney Case,” IISH, Letter 1, Berkman, large file; Chamber of Commerce, *A Beginning*, 20–22.

¹⁴ Foreword, *Chamber of Commerce, A Beginning*, 1916; *Medford Mail Tribune*, July 24, 1916; *Bisbee Daily Review*, July 23, 1916.

the bombing. Over 6,000 attended the gathering and heard talks from representatives from the Law and Order Committee, as well as the “Committee of the One Hundred,” a group “picked from the best stock San Francisco could produce in an hour of need.” Speakers included Mayor Rolph, Chamber President Frederick Koster, Archbishop Edward Hanna, and more. Their group also passed a rhetorically clear resolution, stating:

That we voice the indignation and horror of the law-abiding elements of this community at the murderous outrage committed on the streets of San Francisco and express the deep sympathy of the community to the sufferers of the infamous crime; that we demand the relentless pursuit of those responsible; that where the people make the laws the people must enforce the laws; that civilization rests on obedience to law, without which no society can persist, or life or property be secure, and we pledge our united support to the redemption of this city from violence and intimidation and the re-establishment of a law-abiding spirit, enforced by the authorities and supported unanimously by all the people.¹²

At the head of San Francisco’s Chamber of Commerce, which had just formed an explicitly antilabor “Law and Order Committee,” was Chairman F.J. Koster. He had called for a mass meeting that Wednesday night to express the business community’s response. “The outrage is another expression of that disease our law and order committee started out to combat,” he announced, “We are bound to stamp it out.” Indeed, and even articulated in their account of events, the Chamber considered the July 22 attack “the natural, logical result of a long period of tolerance of lawlessness and intimidation, coercion and domination of courts, police, and elected officials.” Clearly, the city seemed to be moving strongly against

¹² *Sausalito News*, July 29, 1916; *Bisbee Daily Review*, July 23, 1916; *Medford Mail Tribune*, July 24, 1916; *Weekly Journal-Miner*, July 26, 1916.

struck on San Francisco Bay. Workers asked for \$.55 more per hour and an extra \$1 for shifts longer than nine hours. Led by the International Longshoreman’s Pacific Coast District, the strike debilitated local shipping. It turned tragic with the shooting of an International Longshoremen’s Association (ILA) member in Oakland on June 17, at the hands of a guard for strikebreakers. The next day, on June 18, a strikebreaker shot and killed a union man in San Francisco.¹⁸

On Monday, July 10, approximately 2,000 members of the business community gathered on the floor of the San Francisco Chamber of Commerce and organized the “Law and Order Committee.” Organized amid the longshoremen’s walkout, F.J. Koster made plain that those gathered had to rid the area of “that disease permeating this community, of which the waterfront situation is at present the most outstanding manifestation.” They claimed to have raised first \$200,000, then \$600,000, and finally \$1 million.¹⁹

At first glance, the committee’s formal written mission—in the book they published titled *Law and Order in San Francisco: A Beginning*—seemed benign, if not altruistic. It hoped to improve the overall welfare of the community, “with serious-minded determination without hostility, and free from any class spirit.” Yet, Koster and his colleagues revealed their true intentions elsewhere, when they talked of the “industrial and political disease” that must be met with “intelligent and constructive leadership”; it was clear where the lines were drawn and who was who among the “diseased” and the “intelligent.” Their mission seemed obvious: to keep the open shop, discredit labor, and run ads supporting anti-labor candidates, for example a three-quarter page ad backing the D.A. Charles Fickert.²⁰

¹⁸ Knight, *Industrial Relations*, 300–303.

¹⁹ Haldeman-Julius, “The Amazing Frameup,” UCLA, 16.

²⁰ Forward, San Francisco Chamber of Commerce. *Law and Order in San Francisco: A Beginning* (1916); Knight, *Industrial Relations*, 305.

Among labor circles, the tome was dubbed “the scab book.” Working people alleged that the book retold San Francisco’s labor past, “actuating the most vicious element of reactionary employers.” Business interests, they said, lied throughout the book, especially in their account of the Waterfront and Culinary Workers’ Strikes, where the deaths of two union picketers were curiously omitted. What was included, however, was a celebration-worthy pledge by Captain Robert Dollar of the Law and Order Committee to “break the strike by filling the hospitals with union men.” Nary a mention in the “history,” these labor critics claimed, were “the numerous crimes perpetrated by hired thugs of the Chamber of Commerce” in the city’s labor battles. Put simply, laborer representatives considered the book’s publication “a declaration of ruthless warfare upon the Labor Unions.”²¹

Certainly, labor wars continued to be a reality in San Francisco and the United States. In Europe, though, actual war raged. Since 1914, the Great War dominated headlines, as the continent witnessed horrific casualties. The United States had managed to maintain neutrality for two years. The death of 128 Americans aboard the British liner *Lusitania*, however, slowly shifted some American attitudes and U.S. involvement seemed like a more realistic possibility.

Despite the victory in the Spanish-American War, the conflict revealed that the United States had a comparatively small and ill-equipped army that needed reorganization. When the war erupted in Europe in 1914, the nation’s army remained underwhelming, ranking 19th (or worse, depending on the survey) in both size and competence among the world’s forces.²² The idea of preparedness, then, gained significant momentum during the 1910s, heeding the sentiment of individuals like ex-President Theodore Roosevelt

²¹ Minor, “Shall Mooney Hang?” MICH, 10; “Fickert Ravished,” 9.

²² Robert H. Ziegler, *America’s Great War: World War I and the American Experience*. (New York: Rowman & Littlefield, 2000), 37.

ner of Steuart and Market Streets, only a few feet from the site of the explosion. He claimed that he noticed a man standing up from a suitcase laying on the sidewalk next to the saloon. The man, he said, wore a dark suit, black fedora, and had a “very dark complexion.” After the man went into the saloon’s side door, he said, the explosion rang out. When he viewed the defendants in jail, however, none of them resembled the man he had seen above with the suitcase.¹⁰

Relief set in for many when authorities finally made an arrest two days after the attack. One man who had reportedly been “acting queerly” attracted attention. He had reportedly said publicly about the bombing, “That’s what they get for talking preparedness too much.” The suspect, Finnish immigrant Frank W. Josefson, was nabbed by police in the sailor’s boarding house he lived in on Drumm Street. “I didn’t do it, I didn’t do it!” is all he could exclaim as they arrested him. When he arrived at the station house, he sat trembling. While the arrest certainly typified anti-immigrant sentiments of the day (newspapers had quickly called the bombing the “act of some Foreigner”), the police ultimately believed Josefson’s nervous and scared pleas. Josefson, police admitted, had no connections to the bombing and was released. Two days later, authorities in nearby Fresno apprehended another suspect named Osmond Jacobs. The authorities acted on a tip alleging Jacobs had remarked that the bombing was a “damned good thing.” The promise of this arrest, though, came and went as quickly as the Josefson case.¹¹

The Chamber of Commerce called a public meeting for the night of Wednesday, July 26, at the Civic Auditorium, the city’s largest meeting place. As the planning unfolded, more threats arrived promising an attack on the attendees, purportedly in the same handwriting as the letters that arrived to newspapers before

¹⁰ *New York Times*, July 24, 1916; Minor, “Frame Up,” 13.

¹¹ Maxwell McNutt, “Petition for Pardon for Thomas Mooney. Before the Governor of California,” April 8, 1918, MICH, 79–80. *Chicago Sunday Tribune*, September 28, 1919.

reward for information leading to an arrest and conviction reached \$14,000, the largest sum ever offered in California.

When the reward funds totaled \$17,500 for the apprehension of the perpetrators, according to one paper, "San Francisco frothed at the mouth in an orgy of fright, hatred and desire for vengeance." Some expected the amount to reach \$20,000. When the reward funds totaled \$17,500 for the apprehension of the perpetrators, according to one paper, "San Francisco frothed at the mouth in an orgy of fright, hatred and desire for vengeance." Some expected the amount to reach \$20,000.

A few witnesses, and a myriad of conflicting stories, emerged. As early as Sunday, Police Headquarters received a call from a witness claiming that he saw a man place the suitcase on the sidewalk and walk away. The witness recalled telling the man that the spot was "not a safe place to leave it," and the mysterious figure replied, "Attend to your own business; it's my suitcase, and you let it alone." Defense witness Jane K. Compton, visiting from Chicago, watched the parade from her hotel window across the street. She maintained that she saw a man crawling on the roof of the building across from her and remembered seeing the man "intently watching" in the moments before the blast. She recalled him leaning over the edge of the building, running back away from the edge, and then the explosion occurred. The defense tried to establish that the bomb might have been thrown from the roof. The police clearly had many leads but few definitive answers.⁹

M.T. Pendergast, a Spanish-American War veteran and member of the First California Volunteers from Oakland, who was within 8 ft. of the bomb, claimed to see *two* men leave a black suitcase. Pendergast had been living at 1923 E. 17th Street in Oakland and worked at the Home of Eternity Cemetery there. He arrived in San Francisco around 1:15 on July 22, and went to the southwest cor-

⁹ *New York Times*, July 24, 1916; *Medford Mail Tribune*, July 24, 1916; *Weekly Journal-Miner* (Prescott, AZ), July 26, 1916.

that a large and ready military remained critical to international prowess.

Early on, Elihu Root, who served as the Secretary of War from 1899 to 1904 under Presidents McKinley and Roosevelt, emerged as a leading advocate of preparedness and led the way in these early efforts to maintain a larger and better-trained military. Also at the center of the preparedness movement was former President Theodore Roosevelt, himself a proponent of a strong military and veteran of the Spanish-American War. T.R. famously, or infamously, "won" the battle of San Juan Hill in Cuba with his regiment of "Rough Riders," though later accounts made clear that he had considerable help from African-American troops, a.k.a. the "Buffalo Soldiers" in the battle, who, according to some accounts, actually "saved the day" for T.R. Still, military record in tow, Roosevelt, as both a former President and soldier, carried considerable clout and after his time in the White House, he remained active in advocating for a strong military and a draft.²³

According to historian John Barsness, the Rough Riders were actually in a supportive role for the black cavalry units like the 9th and 10th Cavalry, who led the charge. The 10th was "frequently credited with having 'saved Teddy's bacon' at the battle of Las Guasimas." It was reported that the 10th "saved the day on San Juan Hill, at a time when the rough riders under Roosevelt were about to be chopped to pieces The rough riders got the glory; the regulars of the Tenth the danger and the brunt of the battle." According to historian John Barsness, the Rough Riders were actually in a supportive role for the black cavalry units like the 9th and 10th Cavalry, who led the charge. The 10th was "frequently credited with having 'saved Teddy's bacon' at the battle of Las Guasimas." It was reported that the 10th "saved the day on San Juan Hill, at a time when the

²³ John A. Barsness, "Theodore Roosevelt as Cowboy: The Virginian as Jacksonian Man," *American Quarterly* 21 (1969): 616; *The Park County News*, April 18, 1930; *Great Falls Daily Tribune*, August 6, 1909.

rough riders under Roosevelt were about to be chopped to pieces The rough riders got the glory; the regulars of the Tenth the danger and the brunt of the battle.”

Another architect of the idea of preparedness was General Leonard Wood. A Medal of Honor winner for his service against Geronimo, his military record also included co-commanding the “Rough Riders” with Roosevelt. A persuasive and intelligent person (he was also a Harvard-trained physician), Wood emerged as one of President Wilson’s closest military advisors. He advocated military reform and universal male suffrage. His most lasting legacy, though, was as the “prophet of preparedness,” and he advocated it in speeches and writings like his 1916 book *Our Military History: Its Facts and Fallacies*, where he said the nation needed to “appreciate the defects of our military organization” or the result would be “unnecessarily costly.” As early as the Taft Administration, Wood partnered with Secretary of War Henry Stimson to advance the idea that the army was too small and ill-equipped to defend the nation. They pointed out that the country only had about 100,000 soldiers and those troops were strewn across the globe.²⁴

Wood, Roosevelt, and Elihu Root, Jr. were particularly miffed by what they perceived as an inadequate response from President Wilson in the wake of the *Lusitania* sinking in 1915. They gathered many Ivy League and other well-off young businessmen and professionals in New York for a new and distinctive civilian training camp. In the summer of 1915, they found a site to begin training approximately 1,300 for military life in Plattsburg, New York, beginning what became known as the “Plattsburg movement.” Similar camps sprung up elsewhere, and about 16,000 participated by the next fall.

²⁴ Leonard Wood, *Our Military History: Its Facts and Fallacies* (Chicago: The Reilly & Britton Co., 1916), 9–10; Nancy Gentile Ford, *The Great War and America: Civil-Military Relations during World War I* (New York: Praeger, 2008), 2–3.

that the way to restore order in San Francisco was to send a few ambulances of union men to the hospitals with broken heads.⁷

Yet San Francisco Police mobilized speedily. In a meeting late on Sunday, city and state police held a conference to outline search plans. Police Chief D.A. White organized two special bureaus, one with detectives asked to bring “quick retribution” and a second “secret bureau” made up of detectives experienced in dealing with “bomb plots and outrages in eastern cities.” Still, newspapers revealed a surprising amount of detail about the membership and mission of the “secret” bureau. About 15 of the city’s “best criminal hunters,” they announced, planned to “keep on file” the name of every known “anarchist and dynamiter.” The bureau also intended to attend all public anarchist meetings, as well as infiltrate their “secret conclaves.” Clearly, this demonstrated the broader national fears of radicalism, and the bombing fueled paranoia for some and offered a chance for retribution for others.⁸

The police reconstructed the explosive device and concluded that it contained a 6–8-in. diameter iron pipe, charged with nitro-tulol, nitroglycerine, or “some similar high explosive,” set to detonate by a clock. The “death dealing missiles,” they decided, must have been the various scrap metals and bullets that sprayed into the crowd. The police investigation focused its initial attention on plumbing shops and metal supply companies, hoping to find out the source of the bomb’s deadly shrapnel. As they pieced together clues, police also found the handle to the suitcase near the scene, together with other pieces of the lock and clockwork. Within four days, the

⁷ Fred Rosenbaum, *Cosmopolitans: A Social and Cultural History of the Jews of San Francisco* (Berkeley: University of California Press, 2009), 184; *San Francisco Call*, October 29, 1909; Robert Minor, “The Frame-Up System: Story of the San Francisco Bomb.” San Francisco: International Workers’ Defense League, 1916. MICH, 7, 11.

⁸ Theodora Pollock, “Will Labor Stand for Another Haymarket?,” *International Socialist Review* (1916): 362; Foreword, *Chamber of Commerce, A Beginning*, 1916.

Corporation-Tool District Attorney Chooses to Take the Opportunity to Crush the Labor Enemies of His Masters.”⁵

Mooney defenders alleged that Fickert’s own ambitions drove, in part, his handling of the bombing. They charged that he had told family and friends he might find himself in the governor’s office someday and in part because of the fame the case might bring him. Not surprisingly, by 1916, then, Fickert looked to employ the attack to weaken labor in the city. He was not alone. Captain Robert Dollar, of the antilabor Dollar Steamship Company, was, labor sources claimed, overheard saying after the bombing, “this is a fine chance for the open shop.”⁶

This all was becoming an investigation about labor, then. In Theodora Pollock’s essay she said, “anyone who really knows the labor game in San Francisco (and not merely its political dickering) knows that these are labor cases and nothing but labor cases, and that they constitute an early assault in the ‘open shop’ was now on in this city.” In the November after the attack, business interests rejoiced when the city voted in a statute forbidding picketing. According to the Chamber of Commerce, this new legislation set upon the business of “relieving the city for all time of an instrument of violence, intimidation, and crime.” Pollock, in her critique of business tactics, further identified it all this way:

The same kind [of] providence seems to be have been with the Chamber of Commerce on Preparedness Day. For, blocked in their war shipments by the strike on the water front, the Chamber of Commerce had, with insane ravings, declared its now historic ‘open shop’ war appointed its Law and Order Committee to usurp the government of the city of San Francisco, pledged within fifteen minutes \$300,000 of a million dollar labor-breaking fund. A white haired shipping magnate, Captain Dollar, had shouted

⁵ *Evening Herald*, July 24, 1916; *Bisbee Daily Review*, July 23, 1916.

⁶ Fremont Older, *My Own Story* (San Francisco: The Call Publishing Company, 1919), 120; “Fickert Has Ravished Justice,” n.d. 11; Minor, “Shall Mooney Hang?” 15.

The 1912 Presidential campaign had not highlighted military issues and neither the new President Wilson nor the Democrat-controlled Congress were overly interested in preparedness initiatives. Yet, a series of events, such as the 1913 Mexican insurgency and the 1914 assassination of Archduke Franz Ferdinand, began creating new unease and further discussion of military readiness. During the middle of 1916, an alarmingly unimpressive military campaign, ordered by Wilson to protect U.S. citizens from raids by Pancho Villa, showed the inadequacy of National Guard units.²⁵ Powerful voices like Senator Henry Cabot Lodge of Massachusetts and Admiral Fiske now joined the preparedness chorus. Leading the way, again, was Theodore Roosevelt, who, in the summer of 1915, gave a talk that was “vigorous in tone on military preparedness.” Even Woodrow Wilson swayed to this attitude. Isolationism was a long-standing, valued American tradition, and while European war in 1914 hardly meant automatic U.S. involvement, the preparedness movement swelled. Indeed, the war in Europe seemed to signal an uncharacteristic departure from a long isolationist mindset for the United States. By early 1916, though, Wilson seemed to arrive at a preparedness position, saying that the United States needed a revamped presence on the high seas, in his words, “incomparably the greatest navy in the world.” He meant business; later that year, in August 1916, Congress earmarked the money for three new—and expensive—battleships.²⁶

A key component of preparedness, and a simultaneous sticking point for leftists, was the idea of conscription. Wood and others, who even cited Ralph Waldo Emerson’s assertion that “Our culture must, therefore, not omit the arming of men” maintained the need of a draft. Wood and others, in line with the Progressive ideas of societal reform of the time, also thought “military discipline would develop citizens morally, physically, and politically.” Indeed,

²⁵ Ziegler, *America’s Great War*, 35, 38.

²⁶ Ford, *The Great War*, 5, 9, 10; Ziegler, *America’s Great War*, 37.

supporters said that military service and conscription would bring swift Americanization and even “yank the hyphen out of America,” according to one supporter, and bring societal advantages. The *Chicago Tribune* went as far as to say how service would “reduce the criminal rate, produce a higher type of manhood, and level class distinction.” The road to war for the United States and the path to U.S. intervention was a rocky one, sometimes with serious consequences for civil liberties.²⁷

Yet preparedness seemed to take hold legislatively and culturally. The 1916 National Defense Act and organizations like the Navy League and the National Security League institutionalized military and national readiness. Local branches of the Chamber of Commerce also supported preparedness in many communities. In the pages of the *Los Angeles Herald*, E. D. Horkheimer, secretary and treasurer of the Balboa Amusement Producing Company, announced, “Preparedness is in the air.” He had just returned from the east coast and could not believe the momentum preparedness seemed to be gaining, particularly after being in New York during its preparedness parade. A witness to the McKinley funeral, the declaration of war against Spain, and world’s fairs, he believed “nothing to date in our country has caused the people to rally like these preparedness demonstrations.” To him, they showed the American people were “awake” and the movement stood for “protection ... not ... militarism.” Preparedness parades sprung up across the nation. In May 1916, 135,000 marched down Fifth Avenue in New York City as part of a 12-hour demonstration of preparedness. In Chicago the next month, on June 3, 130,000 took to the streets.²⁸

²⁷ Ford, *The Great War*, 8–9; Ziegler, *America’s Great War*, 34; See also David Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 2004).

²⁸ *Los Angeles Herald*, June 12, 1916. Ziegler, *America’s Great War*, 34; See also: Norman Angell, *The Dangers of Half-Preparedness: A Plea for a Declaration of American Policy* (New York: G.P. Putnam’s Sons, 1916).

have pointed toward the “Jean Cronos Gang,” with their boasts of “destructive purposes,” being somehow involved in San Francisco.³

The bombing, and the hunt for the radicals responsible, made national news, too. “All known anarchists are under close surveillance,” reported the *New York Times*. The national attention on San Francisco surprised few, but especially those across the country skeptical of labor and the left. City officials swiftly alleged a much larger conspiracy. The District Attorney, Charles M. Fickert, typified this mindset and remained convinced that a “nationwide organization perpetrated the outrage.” Clearly, he claimed, this attack was the work of a “fanatic,” and the speeches of those so ardently opposed to the preparedness parade had found a receptive, radical audience.⁴

Fickert, described as a “big hulking fellow,” was said to look “less like a lawyer than a prizefighter.” He worked in 1901 as a strike-breaker during a teamsters strike and later ran for the office in 1909 against Francis Heney. In a speech to about 150 workers gathered at Fifth and Bryant streets, Heney accused Fickert of being “the candidate of the corporations” and that United Railroads, who Fickert had worked for during the 1907 strike, funded Fickert’s literature. Speculation arose that the street car company contributed around \$100,000 to his campaign. With the support of two dozen of the city’s business leaders, including banking mogul I.W. Hellman, and in many ways in line with what Heney and his supporters alleged, Fickert won the election. Charles Fickert’s election, according to Fremont Older, “was really the end of our hopes of convicting the men who had debauched San Francisco.” As the large type read in “Frame Up” pamphlets, the case could be summarized with “The Real Perpetrators Have Never Even Been Looked For, Because a

³ *Evening Herald*, July 24, 1916; *Ontario Argus*, July 27, 1916.

⁴ *New York Times*, July 24, 1916; *Evening Herald*, July 24, 1916; *Toronto World*, February 15, 1916; *Grey River Argus*, April 10, 1916; *New York Times*, July 25, 1916.

of due process. In the end, those arrested would be vilified for their radical pasts and associations, and pay a heavy legal price.¹

Almost immediately, though, precise blame landed on “radicals.” San Francisco Mayor James Rolph declared, “All agitators will be driven from the city.” One paper did not hesitate to specify the source of the attack: “The I.W.W., anarchists, and socialists have been very strong in denouncing the preparedness campaign ... and some of these people are no doubt responsible for this dastardly act.” Similarly, the furious editors at Ontario, Oregon’s newspaper, described cold-blooded Industrial Workers of the World, anarchists, and socialists they felt clearly responsible. “They claim to be opposed to war, but they have no objection to murdering women and children when they think there is a chance to escape the punishment due, it wrote.”²

Other cities felt the shockwaves of the attack and had possible connections. In Chicago, Chief of Police Charles Healy ordered “strict surveillance” in the city by a special “anarchy squad.” He hoped that the ramped up measures might “pick up clews [sic] on the San Francisco tragedy.” Healy’s vigilance stood in line with early speculation that the bombing was “hatched” in a Chicago anarchist colony. Healy and police launched their own investigation accordingly, paying particular attention to the usual or supposedly known “haunts” of Chicago anarchists. Fueling this hunch, in part, was the Mundelein banquet poisoning the past winter, the case where Chicago Club assistant chef Jean Crones (a.k.a. Nestor Don-doglio) had been suspected of poisoning soup at a banquet for the Archbishop. The possible Crones connection swelled into a hunt for a gang of 15 like-minded anarchists whose main targets were the church, its clergy, and European monarchs and statesmen. Authorities arrested Crones that spring, but all of this, authorities felt, may

¹ Cockran, “A Heinous Plot.”

² *Los Angeles Herald*, August 10, 1916; *Medford Mail Tribune* (OR), July 24, 1916; *Tacoma Times*, July 25, 1916; *Bisbee Daily Review*, July 23, 1916; *New York Times*, July 24, 1916; *Sausalito News*, July 29, 1916.

This swelling movement became a national reality, much to the chagrin of many on the political left. For them, “preparedness” represented something much different than patriotism—it displayed militarism run amok. The march to war, they claimed, had come far too quickly, and in the end, war would mean the working class in the trenches. A broad coalition of reform voices from labor, women’s groups, and religious groups viewed preparedness with mistrust, sensing that the idea represented a menacing and overreaching government.

Randolph Bourne, one of the country’s most prominent young progressive intellectuals, busily outlined his antiwar positions in the pages of the *New Republic* and elsewhere. Bourne had been involved in the Intercollegiate Socialist Society and attended the mass meeting at Madison Square Garden. While many of his essays had to be published posthumously (he died of flu, as did many Americans during 1918), he offered a strong intellectual critique of the war. None of his phrases voiced stronger concern than the statement “war is the health of the state.”²⁹

During 1916, the American Union Against Militarism (AUAM) also mobilized against preparedness. Speakers and pamphlets addressed the nation and warned against militarism. AUAM members even had an audience with Wilson in May 1916, though they left disappointed. The WWI debate raised issues surrounding conscription, the meaning of “loyalty,” and the later ability of government to restrict speech.³⁰

Wartime dissent certainly came to San Francisco, as Berkman’s *Blast* ran a flurry of editorials lambasting the thought of American involvement or conscription. *The Blast* cautioned against the drumbeat of “preparedness” and what it would mean for the working class in the city. The paper instead appealed to workers and what it

²⁹ Henry F. May, *The End of American Innocence: A Study of the First Years of our Own Time, 1912–1917* (Chicago: Quadrangle Books, 1964), 327.

³⁰ Ziegler, *America’s Great War*, 36; *San Francisco Chronicle*, July 22, 1916; *Bisbee Daily Review*, July 23, 1916.

called “Labor Preparedness”—“to prepare the workers against their real and only enemy: the capitalist vampire.” So, for its editors, and Berkman, preparedness was flipped to mean a prolabor exercise and to rally against militarism and eventually take charge of industries. That was the “right” kind of preparedness, he argued.

Conscription remained a frequent topic in *The Blast*’s pages, too, exemplified by its celebration of recent action by the Butchers’ Union of San Francisco condemning enlistment of union men in the militia. Berkman even began a group along with Goldman called the No Conscription League to fight the draft idea. At the time of the “selective draft law” and its passage, Goldman predicted an uprising. According to the *Sun*, she appeared at many meetings “where she did much talking ... Berkman was her ever present satellite.” The paper skeptically claimed that donations to the No Conscription League were used to pay bills, cover lodging for Berkman and others, and even summer rentals.

Berkman urged those eligible for conscription not to register with the government in an issue of *The Blast*:

The war shouters and their prostitute press, bent on snaring you into the army, tell you that registration has nothing to do with conscription. They lie. Without registration, conscription is impossible ... to register is to acknowledge the right of the Government to conscript.

New York’s *Sun* reprinted his pleas and observed that the comments “may interest the government.”³¹

Indeed, the government was very interested in just this kind of leftist and “disloyal” speech. The *Labor World* cited seven attacks in 90 days on the “liberty of the working class press” during early 1916. Authorities arrested Margaret Sanger for “misuse

³¹ Assistant U.S. Attorney Harold A. Content, in an interview with *The Sun*, traced Berkman and Goldman’s past, as they awaited, under “heavy bail” to hear if they would serve the two-year prison sentence mandated by Judge Mayer. *The Sun*, January 6, 1918; *The Sun*, June 3, 1917; Avrich and Avrich, *Sasha and Emma*, 253.

CHAPTER 5. “The Fanatic Demon”: The Manhunt

From the first moments after the blast on July 22, 1916, news and condemnation of the attack came quickly. *The Los Angeles Herald* said the “Diabolical crime ... in San Francisco has disturbed the equilibrium of entire California.” The authorities vowed to swiftly bring the “swarthy man” they believed responsible to justice. As the police and investigators scrambled, most of them assumed, as the canvassing of the city began, that the perpetrator(s) must have come from one of the city’s poorer sections, particularly its primarily transient “lodging houses,” as they were known. Residents were told to remain vigilant. The attack, according to an agreeable press, was the work of a “fanatic demon.”

This enthusiasm for finding a culprit quickly reflected broader antilabor and anti-immigrant attitudes of the era. Authorities briefly detained, for example, a transient immigrant who, understandably terrified, was eventually allowed to go free. Just as in American history previously, like the Steunenberg manhunt and aftermath of the *L.A. Times* bombing, the “powers that be” (the San Francisco Chamber of Commerce, a hastily formed “anarchy squad,” and others) hoped to use the bombing as an opportunity to smash not only labor but also perceived “radicals,” often, of course, immigrants. The manhunt spoke to the weaknesses of criminal investigation and the immediate reaction led by a determined district attorney to radicalism at the time, sometimes at the expense

Authorities immediately scrambled in search of those responsible. Residents were told to remain vigilant despite the rising climate of fear. The day after the attack, a Sunday, many “sermons were preached” to the city’s population about the tragedy, and the threat of anarchy within the city, which now demanded “the strictest sort of preparedness.”⁴⁷

In the years immediately before and after U.S. entry into World War I in 1916, the city, with a long tradition of trade unionism, labor extremism, and anarchist agitation, stood at the center of western, and American, radicalism. As the events of July 22, 1916 sharply demonstrated, that confluence of radical forces could hold disastrous results. The press described it as a “dastardly act,” and the carnage certainly incited an immediate desire to place blame and seek retribution, with chilling effects.

⁴⁷ *Medford Mail Tribune*, July 24, 1916; *Tacoma Times*, July 25, 1916; *Bisbee Daily Review*, July 23, 1916; *New York Times*, July 24, 1916; *Sausalito News*, July 29, 1916.

of the mails,” and the arrests of Elizabeth Gurley Flynn and Emma Goldman quickly followed. The government crackdown included suppression of three papers: *Revolt*, *The Alarm*, and a spring 1916 issue of Berkman’s *Blast*. For Berkman, this marked “an era of commercial imperialism backed by the bayonets of ‘preparedness.’” *The Blast* could never boast a large circulation, but authorities certainly kept a watchful eye on the paper. After only three months, the U.S. Post Office halted its authorization for second-class mailing status.³²

Across the country, and especially in California, as colleges and universities became *de facto* housing for the imminently conscripted, many young men waited for their number to be called. Part of this government plan was the expectation that a “War Issues Course” would be offered at institutions of higher learning. Without a proscribed curriculum, many professors took it upon themselves to emphasize the importance of the war effort. At nearby Stanford University, noted Civil War historian and head of the history department Ephraim Adams devised his “indirect treason” theory, where he concluded that through their varied resistance, “Socialists, the Land Tax reformers, and Pacifists” stand guilty of disloyalty. Adams, never shy about his support of the war, also published articles on its behalf. In a piece titled, “Why We Are at War with Germany,” Adams contended that “the German military autocracy” was “afraid of the spread of democracy” and determined to “conquer the world.”³³

Preparedness and patriotism came to San Francisco, too, and the city’s inhabitants busily prepared for its own preparedness parade, which was being dubbed a “patriot’s pageant.” There was a Preparedness Day committee that planned the event, and they did their work in an office on the north side of Market Street. The *San Francisco Chronicle* published the planned July 22, 1916, parade

³² *Labor World* (Duluth, MN), April 22, 1916; Rosenbaum, *Cosmopolitans*, 189.

³³ Kennedy, *Over Here*, 57–58; *Pullman Herald* (Pullman, WA), April 26, 1918.

route that was to run from the Ferry Building up Market Street before turning to the west toward Van Ness. Those planning to attend bought flags and buttons, items readily available in city shops along Market Street.³⁴

It was a scene that had already played out in dozens of American cities. Thousands marched that summer at Seattle's 1916 Preparedness Day Parade, for example. On June 14, 1916, President Wilson headed Washington D.C.'s Preparedness Parade in front of an estimated 60,000 men, women, and children. Papers billed it "the most remarkable patriotic spectacle the capital has ever seen." By his order, all federal offices closed for the day, allowing a wide array of individuals to join the march, including Cabinet officials, members of Congress, scientists, suffragists, boy scouts, and more. At the front sauntered Wilson, confidently marching with his head erect, shoulders back, and donning a straw hat. The President even carried an American flag over his shoulder. He smiled broadly and often raised his hat to the cheers from the crowd before stopping and reviewing the rest of the parade from a grandstand. At one point, handlers released several hundred carrier pigeons into the air in front of the President—"to take the message of preparedness all over the capital." In February, Wilson had asked the crowd of 18,000 at Convention Hall in Kansas City to join him in a singing of "America."³⁵

The increasingly common patriotic parades also became a target of war objectors. Advocates of preparedness parades, for *The Blast*, were "shrewd psychologists," well aware of the influence held by a marching mass. "Size, large bulk, great numbers are imposing, convincing arguments to the average individual," wrote *The Blast*. In the same way that Randolph Bourne issued warnings against the swift patriotic march to war, *The Blast*, too, pointed to the "mob psychology" afoot. The journal *The Advocate of Peace* echoed this

³⁴ McNutt, "Petition for Pardon," 61.

³⁵ *New York Times*, June 15, 1916, February 3, 1916.

Mora Moss, who marched with the Spanish-American War veterans, jumped into action to help the wounded. He later thought he had seen something cylindrical, seconds before the blast, fall from above, and he phoned police to tell them. He never heard back.⁴⁴

The initial reports were 6 dead and 44 injured. The victims included Thomas H. Turnbull, the former manager of the Family Club. The bomb fractured his skull and responders sent him to Central Emergency Hospital, though there was little hope for him. Others killed included Adam A. Fox, a 78-year-old Civil War veteran, and O.H. Lambert, a printer from nearby Alameda. The blast also claimed the lives of others, like local lumber salesman George Lawler of Mill Valley and Dr. George Painter of Berkeley. Described in the press as one of the most "pathetic" results of the explosion was the fate of Oakland's Mrs. Wymore. Eight died before August 1 and 10 perished in total.⁴⁵

The next day, investigators exposed ominous signs of the destruction. The explosion tore a hole more than 1 ft. deep in the concrete sidewalk in front of the saloon. It also gashed a hole in a nearby wall and left ominous white powdery burn marks on the building. Macabre souvenir hunters collected handfuls of pistol shells, scattered by the blast, from the street. They also grabbed fragments of glass, marble, pipe, rocks, and nails. Also complicating things during the cleanup and in the immediate hours after the attack, was that police or workers washed the street, possibly destroying valuable evidence.⁴⁶

⁴⁴ Appellant's Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections. 24–5; Cockran, "A Heinous Plot"; *New York Times*, July 23, 1916; *Sausalito News*, July 29, 1916; *Evening Herald* (Klamath Falls, OR), July 24, 1916.

⁴⁵ *Medford Mail Tribune* (Medford, OR), July 24, 1916; *Evening Herald*, July 24, 1916; *New York Times*, July 24, 1916; *Bisbee Daily Review*, July 23, 1916; *Ontario Argus* (Ontario, OR), July 27, 1916; *Tacoma Times* (Tacoma, WA), July 25, 1916; Maxwell McNutt, "Petition for Pardon for Thomas Mooney. Before the Governor of California." April 8, 1918, MICH, 2.

⁴⁶ *San Francisco Call-Bulletin*, January 8, 1932.

walk broke with such force that it looked “as though pounded by a hammer.” Other startling reports of the explosion’s power surfaced. One piece of the bomb settled two blocks away in the waiting room of the Northwestern Pacific Railroad. Bystanders even discovered a gold woman’s watch, presumably from a blast victim, in a fruit stand a block and a half away.⁴³

The precise timing of the bomb was purportedly 2:06 pm. Some witnesses spotted a white vapor rising into the skies. Others said they saw a large cloud of black smoke. The precise timing of the bomb was purportedly 2:06 pm. Some witnesses spotted a white vapor rising into the skies. Others said they saw a large cloud of black smoke.

An immediate and understandable panic occurred in the seconds after the explosion, as the authorities scrambled to recover and one police officer was thrown from his horse. The bomb, it was discovered, was a 4-inch pipe stuffed with various “missiles”: steel rivets, sections of steel auto tire, and .22 and .33 caliber bullets. The pipe fragments and bullets that shot around caused the casualties that came quickly. The case that housed the bomb, which experts later discovered, partially destroyed on the sidewalk, was of the “cheap leatherette” variety. It had contained clock materials and metal pieces, and police discovered these remnants 400–500 ft. from the explosion.

The carnage, as the guilty party or parties intended, spread to bystanders near and wide. Still, many showed remarkable poise. A group of graying Civil War veterans—from the battlefields of Vicksburg, Mississippi, and Gettysburg—helped restore order after the blast. One aged commander called for “attention,” and the Civil War veterans marched stoically ahead. Also, approximately 100 nurses marching in the parade rushed to the aid of victims. Dr.

⁴³ *Sausalito News*, July 29, 1916; *Bisbee Daily Review*, July 23, 1916. Appellant’s Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections. 21, 26.

critique in its pages the very month of the San Francisco parade. Parade attendees, it argued, endorsed militarism by default and with little real sense of war’s human and financial cost (the magazine cited, for example, a \$240 million naval bill alone). Patriotism, its editors stated, during these kinds of marches was as “artificial as it is ineffective.”³⁶

As a similar spectacle in San Francisco was imminent for July 22, objections to this new brand of hyper-patriotism and heightened militarism increasingly appeared in the city. On July 20, the city’s leftists held a meeting of approximately 4,000 unionists and war critics at the Fillmore’s Dreamland Rink. The very night of San Francisco’s parade on July 22, Emma Goldman prepared to deliver an antiwar address across town. For \$.25, the interested could hear Goldman deliver a talk at Averill Hall on Fillmore Street titled: “Preparedness: The Road to Universal Slaughter.”³⁷

More threatening than rallies and rhetoric, though, were outward threats. The city’s major newspapers all received ominous anonymous postcards that read:

Editors:

Our protests have been in vain in regard to this preparedness propaganda, so we are going to use a little direct action on the 22nd, which will echo around the earth and show that Frisco really knows how and that militarism cannot be forced on us and our children without a violent protest.

Things are going to happen to show that we will go to any extreme, the same as the controlling classes, to preserve what little democracy we still have. Don’t take this as a joke or you will be rudely awakened. Awaken! We have sworn to do our duty to the masses, and only send warnings to those who are wise but who are forced to march to hold their jobs, as we want to give only the

³⁶ *The Blast*, March 15, 1916, June 1, 1916; *The Advocate of Peace* 78 (July 1916): 192–193.

³⁷ Rosenbaum, *Cosmopolitans*, 184; *San Francisco Chronicle*, July 22, 1916; *Bisbee Daily Review*, July 23, 1916.

hypocritical patriots who shout for war, but never go, a real taste of war. Kindly ask the Chamber of Commerce to march in a solid body, if they want to prove they are no cowards. A copy has been sent to all papers. Our duty has been done so far.

The determined Exiles from Militaristic government. Italy, Germany, United States, Russia.³⁸

Police Commissioner James Woods received one of the warnings and a personalized note. Poisoned soup, the letter promised, would kill him for his role in organizing the parade. The St. Francis Hotel's headwaiter, M. Lee, received a note begging him to do the deed, particularly saying how easy it would be, given his position.³⁹

Still, these types of threats from disgruntled labor radicals and/or anarchists remained a rather common occurrence in American cities during this period and failed to halt the preparedness celebration or dampen spirits. Instead, thousands (anywhere between 25,000 and 50,000) gathered during the day on Saturday, July 22, determined to march in the parade and celebrate American readiness for war. Among the participants were 52 bands and 2,134 different groups. And the day began benignly enough, as all former members of the National Guard were invited to participate in a watermelon-eating contest prior to the parade's official start.⁴⁰

While San Francisco remained unquestionably a union town, labor participation was curiously absent in the day's events. In response to the Chamber of Commerce and its fundraising on behalf of the open shop and fighting unionism, labor boycotted the event. While the parade could have had around 150,000 laborers in its ranks, instead only about 22,000 employers and nonunion workers

³⁸ *New York Times*, July 23, 1916; *Bisbee Daily Review*, July 23, 1916.

³⁹ *Medford Mail Tribune* (Medford, OR), July 24, 1916; *New York Times*, July 26, 1916.

⁴⁰ Carl Nolte, "Centennial of 1916 SF Bombing that Led to Infamous Convictions," *San Francisco Chronicle*, July 16, 2016.

participated. Organized labor considered this a victory. The parade did not include a single union.⁴¹

Organizers cleared the length of Market Street for the planned columns of marchers, dubbed a "human river" by the *San Francisco Chronicle*. Set to begin at the Embarcadero at 1:30 that afternoon, organizers expected the parade to take up to six hours. There would be a climactic moment, the parade's arrangers hoped. When Grand Marshal Thornwell Mullally reached the viewing stand the parade would pause, ominously, at "the crash of a bomb." At that instant sirens would ring out, all of the bands were to play the "Star Spangled Banner," and whistles across the city would create a demonstrative din.

With the parade crawling westward, exultant participants filed up Market Street, the famed San Francisco boulevard. Billed as a "tremendous demonstration of San Francisco's interest in preparedness for the Nation," it was to be a patriotic affair, indeed, as representatives of First California Volunteers brought their tattered battle flag from the Philippines campaign of the Spanish-American War all the way from display cases in Sacramento to fly during the march. The "official" count of participants was 51,319.⁴²

But shortly after 2 pm, just as the First California Infantry, a group of veterans of the Spanish-American War, filed past spectators standing in front of the Ferry Exchange Saloon, a bomb ripped through the crowd. The devastation was horrifying. The blast took the foot of one child completely off and body parts were said to have scattered at least 100 ft. A marcher carrying a "big" American flag saw the explosion throw it from his grip and drive it into his leg. "It looked as if the sidewalk went straight up in the air," said Colonel Thomas Neill, the former Sheriff of San Francisco. "There was a loud noise," he recalled, "lots of smoke and dust, and cries of the wounded and shouts." The top of the side-

⁴¹ "Fickert Has Ravished Justice," n.d. 13.

⁴² *The New York Times*, July 23, 1916; *San Francisco Chronicle*, July 22, 1916.

At the same time that McNutt drafted his petition for a pardon and Judge Griffin and U.S. Webb made their appeals, Charles Fickert penned a forceful response to these efforts and the Federal Mediation Commission, naturally strongly opposing the idea of a new trial. In its first paragraph, he alleged that the Commissioners hoped only to appease the “Liberal element” in Russia, which Fickert said could really be called “the anarchist element.” The one-sided report, he claimed, was exactly what Berkman and the “Blasters” hoped for and aimed only to reverse a “judgment legally and justly obtained.” Fickert continued to believe in Mooney’s guilt and the broader conspiracy, and rejected the Commission’s finding in his reply. He asked rhetorically, “Who, then besides Mooney, Berkman, and their followers were the anarchists, the dynamiters, and the believers in direct action in San Francisco?” Fickert could not believe that the Commission failed to make mention of *The Blast’s* threatening articles prior to July 22. A deliberate choice, he claimed, the editorials were purposefully overlooked and their connections diminished. He continued to provide more details of the guilt of Mooney “and his codefendants,” still linking all of the defendants together. Fickert used the language of “groups” and the suspicious associations in and around San Francisco to help his case, even claiming Mooney had Industrial Workers of the World membership. He cited “the circle of Russian workers,” “the black hundred,” and the “Volonta anarchist” group as complicit parties. Though, as the defense later asked, “What they may be or what they had to do with the matter of Mooney’s trial, is not disclosed.” These musings and associations, in other words, were often made, but not linked to Mooney, his associates, or the actual crime. “Making the world safe for Mooney and his ilk will not

For their part, the city’s labor interests and unions varied in their careful distance from the attack and the accused. On the one hand, countless unions joined in the International Workers’ Defense League’s support of Mooney. By December 1916, unionized carpenters, painters, butchers, cigar makers, milk wagon drivers, and even salesmen of bakery goods backed the cause of the five accused.³²

The State Federation of Labor, though, was slower in taking any action and, according to some of the San Francisco Labor Council, “stood aloof.” At the American Federation of Labor national convention in Baltimore, in November 1916, labor men looking to protect their interests told reporter John Fitch, “This is not a labor case.” While some of the accused “happen to be trade unionists,” they said, “their plight has nothing to do with that fact.” These attitudes changed, however. By the next summer, trade unionists and leaders in San Francisco did not shy from the labor connections. The San Francisco Labor Council now spoke out against the prosecution and maintained the innocence of the accused. They finally acted and issued resolutions of protest, adopted on July 27, 1917, demanding the immediate release of Rena Mooney and Israel Weinberg. Impeachable testimony and other perjuries drove them to act.³³

Around this time, and even before the trials began, newspapers like the *Philadelphia Public Ledger* observed the potential for a miscarriage of justice. “If Mooney should be hanged,” its editors wrote, the result would surely be, to any open-minded observers, the “judicial murder of an innocent man.” It all might have seemed a bit sinister. Maxwell McNutt, one of Mooney’s lawyers, later recounted a

³² Robert Minor, “The Frame-Up System: Story of the San Francisco Bomb,” (San Francisco: International Workers Defense League), 1916, MICH, 2.

³³ John A. Fitch, “The San Francisco Bomb Cases,” *The Survey* 38 (July 7, 1917): 305; Tom Mooney Molders Defense Committee, “Fickert Has Ravished Justice,” n.d.

conversation he had on the street with Martin Swanson, where the old Pinkerton man made clear the role of detectives in this case:

Don't you think that if we can keep the private detectives in the background and make it appear that the regular officers of the law worked up the case we can convict Billings and then get Mooney, the man we want?

The stage was set for a trial of the five accused, with much on the line.³⁴

³⁴ *Philadelphia Public Ledger*, September 25, 1917; Fitch, "The San Francisco Bomb Cases," 306.

evidence" needed to convict someone of life imprisonment. McNutt asked for a pardon and a retrial, not commutation of this sentence. The only option was a pardon, so that Mooney may have the "benefit of a trial by a jury who may know all of the facts bearing upon his case."⁵

Powerful changes of heart, in light of shifts surrounding the case and the Commission, came from a number of individuals closely connected to the trial. The Oxman revelations, for example, compelled Judge Griffin to write to longtime Attorney General Ulysses S. Webb, asking him to work with the Mooney defense team to ask that the judgment be set aside and/or back to Griffin's court for a new trial. For his part, the Attorney General, meanwhile, had already filed paperwork on July 30, 1917, asking for a new trial with a document titled "Consent that judgment and order be reversed." He asked in the paper, "I hereby stipulate and consent that the judgment and order heretofore entered in this case by the trial court be reversed and the cause remanded for a new trial." The court did not read the document as an application for a new trial, but simply as recognition that a reversal "could be had." Attorney General Webb had resisted, it was reported, a completely new trial "on technical grounds," but seemed to favor a recognition of a new trial's possibility, given the developing testimony situations. This was, indeed, according to the court, a "novel" suggestion; it could not grant a new trial without errors in the proceedings of the trial court or a more formal application or motion. The court believed that the evidence offered during the trial was sufficient for a guilty verdict. Mooney stood sentenced to death with evidence, according to Griffin, "concerning the truth of which, to say the least, there has arisen very grave doubt ... right and justice demand a new trial."⁶

⁵ Pamphlet, "'The Mooney Case,' An Address by Hon. W. Bourke Cockran." July 28, 1918. Michigan/Labadie Collection, 6, 7, 23.

⁶ Nye, "Justice for Tom Mooney," 15; Maxwell McNutt. "Petition for Pardon for Thomas Mooney. Before the Governor of California." April 8, 1918, MICH, 91-92.

promoting the organization of unions among laborers.” Mooney’s work among the working class, and especially the previously unorganized, offered the powers that be an opportunity to find revenge. He also said that he believed the Mooney conviction—the consequence of conspiracy and perjury—“has already wrought grave injury to our country.”

Cockran even placed his case and legal battles in the broader context of Civil Rights (though, sometimes in sinister ways, particularly during a violent and discriminatory time of Jim Crow). The previous Friday before this address, President Wilson had published an address where he denounced lynching of African Americans as offenses to justice and civilization. Wilson also pointed to involvement in the Great War as a cause for justice, too. But, for Cockran, “This attempt to destroy Mooney is worse than any lynching that has ever discredited justice and civilization in the United States.” “So far as I know there has never been a case of lynching where the man lynched was not believed to have been guilty of the crime for which that summary execution was done,” he continued.⁴

It had not taken long for the Commission’s findings to propel Maxwell McNutt and John Lawlor, Mooney’s attorneys, into action. Mooney’s defenders similarly cited the Commission’s damning legal revelation that “the verdict against Mooney is discredited” as evidence of the need for a pardon. McNutt drafted a 92-page “Petition for Pardon” to Governor William D. Stephens. In its introduction, he wrote plainly of Mooney’s case, “He is innocent of the crime of which he stands convicted, which conviction resulted from perjured testimony,” and the brief cited the timeline that worked against Mooney and he was unable to establish the falsity of the testimony and move for a new trial. He offered, as a reminder, that in murder cases, guilt must be proved beyond a reasonable doubt. Because of the problems with evidence and testimony, the defense maintained, the case failed to offer the “credible

⁴ Constantine, *Letters of Eugene V. Debs*, 319, 420–422.

CHAPTER 6. “The Act of One Is the Act of All”: The Trials

From the start, the authorities considered the five suspects in the 1916 Preparedness Day Bombing part of a collected conspiracy. The Mooneys, Billings, Weinberg, and Nolan, they alleged, worked together on the bombing and, as a result, should be tried together. Indeed, the prosecution considered all of the defendants “indissolubly linked,” and “the act of one is the act of all.” The prosecution never strayed from this idea throughout and made the argument repeatedly in opening statements and questioning. During the period of late 1916 to mid-1918, a series of trials and appeals unfolded that demonstrated not only the legal complexities surrounding the case(s) but also the determination on both sides to convict or exonerate the group we may call the “San Francisco Five.”

The Warren Billings trial was the first on the docket, slated to begin in October 1916. Spectators crowded the courtroom and struggled to find seats, with some grabbing a spot in front of the jury box. Accounts of the room’s atmosphere described it simply as “tense.” Billings reportedly sat with countless eyes on him, and his expression seemed frank. He looked—not surprisingly, given his age—young. The sun peeked through shaded windows, and his hair was a yellowish-brown, with a glint from the bright sun.¹

The jury in the Billings trial consisted of 12 men, described on the whole simply as “old”; it was a fair characterization. The members of the jury included “eight acknowledged ‘retired’ men – the

¹ Robert Minor, “The Suitcase Ghost,” *International Socialist Review*, 1916, 424–425.

trade name for professional jurymen.” Its foreman was 83-year-old Hugh Fraser, who some said was completely deaf. He had in some ways made a career of being a juror, for 11 years according to one account. Some alleged that the jury as a whole could be working in this way as “daily servants.” Another juror was William Humbert, who Billings advocates alleged had pocketed \$1,048 serving as a juror in recent years. F.W. Meinhardt earned \$616 and Charles Dobler took \$702. It was asserted that 8 of the 12 jurors held no job, except hoping and angling for jury service to make money. “Half of the dozen are peddlers of lottery tickets,” and now as jurors, critics charged, they “obeyed the voice of their master, and employer, the District Attorney, who has the power to starve them.” These defenders alleged that the jury worked for the prosecution for the \$2 a day fee.

Besides their age, the jurors possessed some less than scrupulous associations. Foreman Fraser had served on the jury during the “Dowdall Frame-up,” a case where police allegedly planted a stolen coat in his tent to get a conviction during a crime wave. Dowdall received a 50-year sentence. Given his antilabor leanings, Fraser apparently paid no attention to Billings’ alibi, given during the questioning. He seemed dismissive of Billings overall. Many on the jury also seemed to have a familiarity with the prosecution team. During his initial arguments, the Assistant District Attorney Brennan said to them, “Many of you know me.” While jury members denied knowing him, Billings’ defenders claimed years of relationships, some up to nine years. They also claimed to see knowing glances and smiles between those in the jury box and the Assistant District Attorney.²

Noted San Francisco anarchist and attempted Frick assassin Alexander Berkman came and sat in the courtroom to watch the proceedings. He noticed how the prosecution had members of the

² *The Sun* (Baltimore, MD), June 2, 1929; *The Survey* 38 (May 5, 1917), 124; *Philadelphia Public Ledger*, September 25, 1917.

ask for the President to take the matter out of state control and get a new trial, Mooney believed, was “the only possible solution.” A new trial, in the hands of the President, he thought, might “straighten out this whole, reeking, Chamber-of-Commerce mess.” For his part, Debs penned an essay a couple of weeks later titled “Tom Mooney’s Appeal” in the Socialist Party’s *Eye-Opener*. In the piece, Debs demanded not only Mooney’s release but also asked his readers to write to Governor Stephens directly. In England that June, the London Central Labor Council appealed to Walter Page, the U.S. Ambassador in London, President Wilson, and Governor Stephens with resolutions objecting to the imprisonment of Mooney and Billings and a demand for a new and fair trial. The Labor Council represented over 100,000 union workers and was working with the AFL for these calls for “fair play” and a new trial. The cables sent to Governor Stephens were reprinted in the *San Francisco Daily Bulletin* and elsewhere. Despite all of these ongoing efforts, Tom Mooney formally entered San Quentin Prison on July 17, 1918, set to live out the rest of his days.³

Later that month, in Washington, D.C. on July 28, 1918, W. Bourke Cockran gave an address titled “The Mooney Case.” He claimed, “No such spectacle has ever before discredited the administration of justice in any other country claiming to be civilized.” He argued there was not a person alive in California who believed Mooney had anything to do with the explosion, and that the execution was delayed because of the possibility of public indignation. Cockran also believed, as did many Mooney defenders, that Mooney’s labor history was at the center of the story. “The real reason for his prosecution,” he said, “... [is] because he was known to have been active – very active – to a degree that many prosperous citizens considered dangerous to public order – in

³ J. Robert Constantine, *Letters of Eugene V. Debs*, vol. 2 (Urbana: University of Illinois Press, 1990, 389–391; *Los Angeles Herald*, April 13, 1918, October 21, 1918.

cution for August 23, 1918. A few weeks after the Supreme Court's ruling, Mooney penned a letter to Eugene Debs, first thanking him for his work over the previous 20 months on his behalf. He then asked for more help. Mooney owed approximately \$3,000 to his printer for the production of 10,000 copies of the free pamphlet, "Justice Raped in California." Mooney hoped Debs could ask friends and fellow socialists to contribute to a fund to help. Debs obliged, writing pieces for the *International Socialist Review* seeking financial aid for Mooney.

A week after Tom's letter to Debs, Rena Mooney posted \$15,000 cash bail and was released on March 30, 1918. She took on her husband's cause from the start, and traveled, with Weinberg, to Los Angeles in April 1918 to arrange for meetings in L.A. on behalf of Mooney's defense. Reports said that she promised a general strike if her husband was not retried or released immediately. Appealing to American labor circles, she distributed circulars said to potentially reach 7 million workers.²

The summer of 1918 saw other continued efforts on Tom Mooney's behalf. Mooney again wrote to Eugene Debs on June 4, 1918, with a skeptical tone, doubting that Governor William Stephens would do anything, even at the suggestion of the President, for a new trial. Mooney pointed out the connections between those in power in San Francisco and claimed that one of the grand jury members in the Oxman case had said that "nobody with any sense believed Mooney guilty, but that the 's-o-b--should get it, anyway.'" He called on Debs to use his position and notoriety to bring attention to his case. With Fickert, the Chamber of Commerce, and other interests "determined" against him, Mooney felt as if broad labor statements were his only hope. The work of the International Workers' Defense League and the plan to have the American Federation of Labor (AFL) and its affiliated bodies

² "The President and Tom Mooney," *The Literary Digest* 57 (April 13, 1918): 14-15.

Sons of Veterans and Grand Army men prepared to testify, men considered patriots who might cast doubt on anyone opposed to preparedness. Among the jury, he described one man looking "heavy, coarse, and red-faced ... next to him was a pale, anemic man that looked half wolf, half fox."³

When witnesses began taking the stand, a mother and daughter, Nellie and Sadie Edeau, testified to seeing Billings at 721 Market, though they did not mention spotting Weinberg or the Mooneys. Two other witnesses, Peter Vidovich and Herbert Wade, corroborated the Edeaus' story, and also claimed to have seen Billings at 721 Market, though they placed him at the building between one and two and half hours before the times mentioned by the other witnesses. In addition, Vidovich said Billings was about 5'9" when in actuality he stood about 5'4".

In his own defense, Billings claimed that he left his house between 1:30 and 2:00 in the afternoon and took a jitney bus and rode to 11th and Market. Because police had modified the bus schedule in light of the parade planning on Market, he testified that he got off the bus and walked north on Market, up Grant Avenue, and then down Union Square Avenue. There, he spotted the Reception Saloon and grabbed a glass of beer. Walking around downtown, he ended up on Turk and Taylor, where he went into another saloon and had another glass of beer, afterward helping the drivers of a Cadillac and Ford navigate backing out and avoiding a collision.⁴

Yet, a particularly key witness in his trial, and in subsequent ones, ended up being one Estelle Smith. Smith undeniably had a dubious past as a "woman of the underworld" and a "morphine addict ... taking dope at intervals while on the witness stand." Other descriptions were more explicit, such as in Theodora Pollock's es-

³ Maxwell McNutt. "Petition for Pardon for Thomas Mooney. Before the Governor of California," April 8, 1918, MICH, 46; Alexander Berkman, "Legal Assassination," *Mother Earth* 11 (October 1916).

⁴ Theodora Pollock, "Will Labor Stand," *International Socialist Review*, 1916, 362; Minor, "Frame Up," 8-13.

say on the trial, that summarized her as “a prostitute, Estelle Smith, once indicted for murder in an incestuous ‘love’ shooting and later dragged into the police net in a red light raid along with a negro.” According to Congressman Gerald Nye’s retelling of the Billings proceedings, she was forced to falsely identify Billings only after authorities threatened her and promised jail time if she did not identify him. Interestingly, and suspicious observers suspected it was because of her possible impeachment, Charles Fickert chose not to use her as a witness against Mooney. Yet, he employed her testimony against Billings during this first trial.⁵

The last significant prosecution witness to testify was John McDonald. Papers sympathetic to Billings described him as “a dope fiend ... who boasted to responsible people of the money he was to receive for his testimony,” who had “seen Billings” as “in a dream” deposit the fatal suitcase. He had also “seen” Mooney with Billings until the prosecution was shown a picture, accidentally taken, which proved Mooney to have been a mile and a half away, when the prosecution admitted that he didn’t see Mooney but asked the jury to convict Billings on this same man’s “seeing.” As the *International Socialist Review* summarized, the case against Billings seemed to rest on the testimony of people like Smith and McDonald, individuals thought of as either “criminals or underworld ‘stools.’”

By the time the prosecution rested its case against Billings, three separate witnesses had testified to Billings’ location between 1:55 and 2:00 that afternoon, and all had him at different places. McDonald said he was at the explosion site on the corner of Market and Steuart. John Crowley said he saw Billings one block away and headed away from Market. Finally, Estelle Smith swore she saw him three-quarters of a mile away at 721 Market. According to Pollock, “Against them stood the twenty witnesses for the de-

⁵ Alexander Berkman, “Legal Assassination,” *Mother Earth* 11 (October 1916); McNutt, “Petition for Pardon,” 15–16.

CHAPTER 7. “Fighting Anarchists of America”: The Attacks of 1919 and 1920, and the Mooney Defense Onward

The Wilson Commission’s review of what had now become known as “the Mooney Case” raised serious questions about the entire affair. Getting this “right,” legally and otherwise, would continue to play out for years, and much seemed to hang in the balance. The radical and labor press cited the Commission’s findings and heightened their appeals for Mooney’s freedom. The socialist paper *Appeal to Reason* asked, given the recent revelations, if California’s courts were purposefully hoping to “create class warfare” as the nation built ships to fight the Central Powers. Mooney’s death, the *Detroit News* observed, would mean “the relations between labor and capital will be further complicated.” Meanwhile, with the stakes high, Tom Mooney returned to his cell as the legal wrangling continued into 1918. From the latter part of 1918, and really for the next 20 years, the battle over his fate raged, all the while amid a national climate of fear and distrust that only encouraged delay.¹

On March 1, 1918, the California Supreme Court affirmed the Mooney conviction and his pending death sentence. Mooney’s official death warrant was carried out in early June and set the exe-

¹ Bertrand Russell to Tom Mooney, December 22, 1931, IISH, 153; Albert Einstein to Tom Mooney, March 18, 1931, IISH, Berkman, 367.

States, with the firm belief of many that the criminal justice system was intentionally or unintentionally working against the cause of labor “by its enemies in an industrial conflict.” The Commission certainly realized in their report that the case and its influence extended well beyond California and, if not handled well, could prove disastrous in a myriad of ways.

As 1918 began, the Wilson Commission made a number of recommendations. They asked that if the Supreme Court found it necessary, because of the jurisdictional limitations, to uphold the Mooney conviction, that the Governor of California, working with the prosecution, consider a path to a new trial. They also suggested postponing Mooney’s execution until a new trial could be considered. Wilson’s Commission warned “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,” which served as a strong warning to get the process right, so as to not shake confidence in “the system.” On the heels of the Commission’s findings, President Wilson personally asked Governor Stephens to grant Mooney clemency.⁵⁷

Tom Mooney waited.

⁵⁷ Haldeman-Julius, “The Amazing Frameup,” *UCLA*, 13; “The President and Tom Mooney,” *The Literary Digest* 57 (April 13, 1918): 14–15.

fense, entirely reputable people, unknown to and without friendly feeling for the defendant – working people, store-keeping people and professional people.” Yet, “over-zealous for their masters, the Chamber of Commerce and the public utilities, the District Attorney’s office proved Billings in three places at the same time.” After all, he wore a “light-dark” suit, a plain suit, and a striped suit. He was 5’3” and 5’9” and he had a new black suitcase and an old yellow suitcase. Conflicting opinions abounded.⁶

While these contradictions might have helped Billings’ case, when on the stand, Israel Weinberg swore that Martin Swanson sought him out before the Preparedness Day explosion and offered him \$5,000 to testify that Mooney had dynamited the high-power electrical wire towers. Billings claimed Swanson approached him with the same proposal. With this revelation, the defense attorneys challenged the prosecution to place Swanson on the stand and defend these statements. Fickert asked for a recess, and when court resumed, he failed to call Swanson, who ultimately did not testify.⁷

More testimony supporting Billings came from a witness named Louis Rominger, a former detective and “strikebreaker” during Spokane, Washington’s labor troubles. At the police station, he said Billings was *not* the man he had helped with a suitcase. He said Billings stood 5 inches shorter than the man he saw on the day of the attack and simply was not him. After interviews with the prosecution, though, he said the man was Billings. When asked why he changed his mind and identification, he said, “They will be sore at me if I don’t identify Billings.”

⁶ Appellant’s Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections, 49–51.

⁷ Pollock, “Will Labor Stand,” 360–361. *Chicago Sunday Tribune*, September 28, 1919; Nye, “Justice for Tom Mooney,” 16. Later allegations later came out that Frank Oxman offered her “a sum of five figures” to similarly testify against Weinberg. John A. Fitch, “The San Francisco Bomb Cases,” *The Survey* 38 (July 7, 1917): 310.

In spite of it all, the jury found Billings guilty of murder in December 1916, and Judge Frank Dunne handed down the sentence: life in jail. A great deal of the trial evidence, of course, had been questionable, with much of the incriminating testimony for Billings coming from nefarious characters, indeed. His defenders summarized the conviction this way: “An ex (?) detective, an ex-strikebreaker policeman, two women dead-beats – such are the people, and practically all of the people, who sold Billings’ young life for a part of the reward of \$21,000 offered for the conviction of the bomb planter.”⁸

Billings’ defenders remained stunned and quickly rallied behind him. As one defense pamphlet noted, after all, to them, the conviction came on the word of three key witnesses: “one prostitute, one convict, and one drug victim.” Expectedly, defenders again mobilized on Billings’ behalf in print. Writing in Emma Goldman’s *Mother Earth*, Alexander Berkman called the trial, in the title to his piece, “Legal Assassination.” James Brennan, the Assistant District Attorney, handed the conviction and the sentence to life in prison. Berkman called Brennan’s work toward the conviction a “masterstroke of villainy.” After all, he claimed, the D.A. made explicit claims about the wider accusations about labor and radicalism. In court, Brennan had spoken of the “class opposed to preparedness ... the class opposed to preparedness is also opposed to our government ... such anarchist teachings are propagated by *The Blast*.”⁹

The defense made a number of discoveries between the Billings conviction and the impending Mooney trial, set to kick off the next month, in January 1917. Mooney’s lawyers first obtained an affidavit from William Kirch, whose office was next door to 721 Market and looked onto the building’s roof. Kirch testified that he did not see Billings come to the roof of the building. Moreover, when

⁸ Pollock, “Will Labor Stand,” 360–361.

⁹ Fitch, “The San Francisco Bomb Cases,” 306.

forces of wide significance,” as San Francisco was “a community long in the grip of bitter labor struggles.” As a result, public opinion easily swayed against the accused, aided by “the arts of modern journalism,” a reference to the new sensational journalistic stylings of the era. Speaking to the long and antagonistic history of labor and capital in and around San Francisco, this case reaffirmed, in the Commission’s mind, the existence of “an old industrial feud.”

They also found “ground[s] for disquietude.” Citing the Oxman testimony, they noted that his “convincing detail” placed Mooney and Billings at the right place at the right time to incriminate them for the attack. Yet, after Mooney’s conviction came a number of pre-testimony letters from Oxman that incriminated him, essentially corroboration of the testimony he was to—and did—give. After the revelation of the Oxman letters, Judge Griffin called on the state’s Attorney General U.S. Webb to begin taking steps for a retrial. In a letter to Webb, Griffin wrote: “They [the Oxman letters] bear directly upon the credibility of the truth of the story told by Oxman on the witness stand. Had they been before me at the time of the hearing of the motion for new trial, I would have unhesitatingly have granted it.” Because the trial was now beyond his control, he urged Webb to see the case back to court for retrial. He recognized the “unusual character of such a request” from a trial court (and could not think of a precedent), but saw no margin for error when “a human life is at stake.”⁵⁶

As of January 1918, the Commission outlined the “present status” of the case. The Attorney General had asked the Supreme Court, in light of the Oxman revelations, for a new trial. The Court, under law, found itself unable to “consider matters outside the record.” So, the case fettered on appeal. Meanwhile, in “the East,” they noticed, there emerged a great interest in the case and the “meetings of protest” in Russia showed its reach. So, this spirit of protest and “the liberal sentiment ... was aroused” in Russia and the United

⁵⁶ Wilson Commission Mediation Report, January 16, 1918, MICH.

Secretary of Labor Wilson appointed these members and led the committee in its fact finding.⁵⁵

The Commission made its findings public in the middle of January 1918. In its report, the Commission first offered some background observations about the case: “Without question, the explosion was murder designed on a large scale,” they admitted, and stood as a “most heinous crime.” The “threatening” pre-parade letters, moreover, “undoubtedly had a common source,” though the authorities did not find the letters “significant,” nor were they able to identify the author(s). Indeed, the Commission determined, Mooney, at the time of his arrest, was a “well-known labor radical” on the west coast, who “associated with anarchists,” and was an advocate of “direct action.” Undeniable, the Commissioners decided, was that Mooney and his wife were “leaders in a bitter and unsuccessful fight” to organize the carmen of the United Railroads of San Francisco. The connections to this labor action and the attempts to connect him to the dynamiting of the Pacific Gas & Electric Co. remained important context in considering Mooney’s case, they wrote.

The Commission also identified what they called a number of “peculiar elements” surrounding the case. For example, they admitted that the utilities Mooney had agitated against “sought ‘to get’” Mooney. Swanson, a private detective, they determined, orchestrated the investigation that fueled the prosecution, attempted to associate Mooney with the electric tower dynamiting earlier in the year, and, along the way, offered to “reward” Billings and Weinberg for implicating Mooney. He shifted from this investigation and work, once the explosion occurred, to working directly for the district attorney and police during their investigation. Mooney and the others were arrested within four days of Swanson coming on board. The Commission recognized that the case was “a clash of

⁵⁵ Nye, “Justice for Tom Mooney,” 15; Wilson Commission/Mediation Report, January 16, 1918, MICH.

the district attorney’s office brought Kirch to the Richmond police station to identify Billings, he said he was not the man he saw on the roof.

Newspaper interviews during this period also revealed that Estelle Smith began to change her retelling of the parade day’s events and now revealed she could not recognize the woman who came to 721 Market, that it was not Rena Mooney, and the man who came to the building (Warren Billings) carried not a suitcase, but a smaller black camera case. More conflicting revelations came when four defense witnesses that worked at Uhl Brothers Paper next door also testified to seeing a man with a camera and large camera box on the roof until 3:30. T.K. Statler, a general agent for Northern Pacific Railroad, busied himself at work before leaving his office in the Monadnock Building at 1:30 and walked to the corner of Steuart and Market streets to view the parade. He arrived at 1:45 and said he saw a suitcase on the street.¹⁰

Mysterious Suitcases

The role of suitcases in the dastardly deeds of radicals, interestingly, was certainly part of a pattern, at least for Robert Minor in the *International Socialist Review*. “Since the McNamara plea,” he said, referencing Los Angeles, “there has been a ghost in nearly every labor dispute. That ghost is ‘the suitcase.’” Time and again, he pointed out, corporate agents imagined a suitcase full of dynamite, and it had become “a California institution.” It happened in the *L.A. Times* case and the instance of Billings being asked to transport dynamite, for example. By the time of the San Francisco attack, Minor wrote, “The only way to scare labor off from defense of a labor case is to shout ‘SUITCASE’ at them instead of ‘Book!’” The outgrowth of this was that the “public excitement” in the state meant

¹⁰ Minor, “Frame Up,” 16; Fitch, “The San Francisco Bomb Cases,” 306.

that “everybody sees suitcases, with \$17,000 as their reward for the ‘seeing.’”¹¹

Tom Mooney’s trial got underway in the superior court on January 3, 1917, also in Judge Frank Dunne’s courtroom. William Bourke Cockran spearheaded Mooney’s defense. A New York lawyer of note, Bourke Cockran, as he was known, volunteered his services, without compensation, to help Maxwell McNutt on the defense team. Newspapers covering the trial compared Cockran’s involvement to Clarence Darrow’s similar work on behalf of the McNamara brothers years earlier. Once again, Charles Fickert handled the prosecution duties. Assistant District Attorney Edward Cunha aided him.¹²

Leading the jury as its foreman was William V. MacNevin, who, it was claimed, was a close friend of Cunha’s. Publicly, he swore to not knowing Cunha, but Mooney’s allies claimed that MacNevin visited a lawyer’s office each night to exchange messages with Cunha. The foreman, some said, updated Cunha on the progress in convincing the jury and “winning them over.” A real estate man of some note, MacNevin allegedly was offered a seat on the Real Estate Board for his work on the jury for the prosecution. For their part, Mooney defenders long alleged these kinds of dirty dealings in constituting juries. According to Cockran, none of those selected to serve had “another occupation worth pursuing,” so the jury boxes were filled in the Mooney case, and others, with “the lame, the halt, the blind, the decrepit, and the worthless.” It was charged that many were either antilabor, friends with the prosecutor, looking for spoils, or a combination of all of these.

Mooney’s family and friends filled the courtroom. Mooney’s mother reportedly sat with her eyes shut and rocking back and forth, moaning during the proceedings. Rena Mooney’s sister sat in

¹¹ Pollock, “Will Labor Stand,” 360–361; Minor, “Frame-Up,” 11; Alexander Berkman, “Legal Assassination,” *Mother Earth* 11 (October 1916).

¹² McNutt, “Petition for Pardon,” 17–18; Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections, 8.

new trials,” they declared in the statement, “there will remain the firm conviction that a grave miscarriage of justice has been allowed with the knowledge of the authorities.” State labor conventions quickly followed suit. Also, by this point, at least ten California judges had examined the case and declared there enough to warrant a new trial, particularly in light of the charges of subornation and perjury.⁵²

Those in the press that supported Mooney and his fellow defendants hoped that help and intervention might come from outside of California. For both “national and international reasons,” the *New York Globe* called upon the President to intervene, even indirectly, because of the jurisdiction of courts. If other business consumed his time, the editors called on other national leaders like Elihu Root, Theodore Roosevelt, or Samuel Gompers to look into and report on what was already known as “the Mooney case.” Many publicly echoed this sentiment and called on President Wilson to act.⁵³

Wilson heard these demands and he ordered the Federal Mediation Commission to conduct an investigation of the case. Direct presidential involvement was significant and in some ways unusual. It spoke to the importance of the case and its legal fallout for labor across the country. As the *Newark News* wrote, “Something more is at stake than one man’s life.”⁵⁴ Appointed by Wilson in late 1917, the Commission conducted an exhaustive investigation. Its Chairman was the Secretary of Labor William B. Wilson. Other members included John Spangler of Pennsylvania; E.P. Marsh of Washington; Verner Reed of Colorado; John Walker of Illinois; Felix Frankfurter of Massachusetts, who acted as Secretary and Counsel; and Max Lowenthal, who took the role of Assistant Secretary.

⁵² “The President and Tom Mooney,” *The Literary Digest* 57 (April 13, 1918): 14–15; Minor, “Shall Mooney Hang?” 48; *Philadelphia Public Ledger* (Philadelphia, PA), September 25, 1917.

⁵³ *New York Globe*, September 15, 1917.

⁵⁴ “The President and Tom Mooney,” *The Literary Digest* 57 (April 13, 1918): 14–15.

27, 1917, with an acquittal of the murder charge on the first ballot. The jury deliberated for about 20 minutes. Now, the acquittals and problems with witness testimony only complicated the logic of the prosecution's determinations to consider all of the defendants as one. The defense later pointed out the flaw in this position, of course, in light of the acquittals for Rena Mooney and Israel Weinberg.⁵⁰

Meanwhile, the California Supreme Court ordered a recall election for Charles Fickert in November 1917. It came, according to the paper, "as an outgrowth of the Mooney bomb prosecutions." Behind the scenes, Mooney supporters even claimed, Fickert offered bribes to several individuals to testify against Mooney. Fickert allegedly approached Arthur Silkwood of the Electrical Workers' Union 151 and told him to testify or he would "get his job and let his family starve." Silkwood remained resolute. Fickert supposedly contacted Warren Billings and offered him a job with the Gas Company in return for testifying against Mooney. Billings allegedly told Fickert, "Go to hell." Finally, the D.A. reached out to Israel Weinberg and promised \$5,000 to him if he helped "get" Mooney, though Weinberg refused. Yet, with the support of Theodore Roosevelt, business leaders, and the Chamber of Commerce, Fickert survived the recall easily.⁵¹

At the American Federation of Labor's (AFL) annual convention that fall, Woodrow Wilson spoke on behalf of the war effort and the helpful role labor could play. Collectively, the labor organization focused on this case, doubted the prosecution's honesty, denounced the Mooney trial (noticing the "gravest doubt" surrounding the testimony), endorsed the formation of the President's special commission, and demanded a retrial for the five accused. During the proceedings in Buffalo that November, AFL delegates adopted a lengthy formal resolution outlining these demands. "Without such

⁵⁰ Minor, "Shall Mooney Hang?" 4; Constantine, *Letters*, 390.

⁵¹ *Los Angeles Herald*, November 8, 1917; Minor, "The Frame-Up System," 5.

the courtroom, too, quietly crying. Meanwhile, Mooney's friends claimed that they could see Assistant D.A. James "Jim" Brennan in his chair, as well as the D.A. Fickert, smiling throughout.¹³

Much excitement understandably surrounded the trial. Reporter Edward O'Connor described the mood in the courtroom during the Mooney trial that January, saying the air felt "charged with electricity." "It was persecution, not prosecution that Mooney suffered when he stood trial," he would remember. It became clear to him that Fickert still hoped to pin blame on Mooney, and public sentiment had been worked up against the state's most famous suspect. The anti-Mooney crowds outside the courtroom did not help Mooney's cause. They crowded the building to such an extent that not all could squeeze inside. Those inside the building filled the halls and packed the courtroom all the way to the rails by the counsel tables. According to O'Connor, "the whole city was anti-Mooney." Cockran glibly said that if the case were tried in New York, he would have not been "one bit afraid of the verdict."

During testimony, just as they did during the earlier Billings trial, the Edeaus again maintained on the stand that they saw Billings, Weinberg, and the Mooneys at the scene that day. However, when brought in to identify Mooney and Billings in jail, they "failed to identify" the men. Mrs. Edeau said, though, that "in her heart" and with the "brown eyes" of her dead husband telling her so, she knew Mooney and Billings were the guilty parties. Remarkably, their testimony was allowed before the jury as unimpeached and genuine.¹⁴

For their part, the defense again reasserted the failure of the Edeaus, during the Billings trial, to place the Mooneys or Weinberg on the scene at 721 Market. Yet, now during the proceedings of the Mooney trial, the defense noticed, they went into "elaborate" detail when discussing the Mooneys and Weinberg at or in front of

¹³ *Red Bluff Daily News*, January 4, 1917; Theodora Pollock, "Will Labor Stand," *International Socialist Review*, 1916, 360; "A Lynch Jury in San Francisco Convicts Thomas Mooney," *Mother Earth* 12 (March 1917).

¹⁴ Minor, "Shall Mooney Hang?" 5, 37-38; Cockran, "A Heinous Plot."

the building there. Sadie Edeau now testified that she saw Billings, Tom, and Rena Mooney at the Kamm Building, half a mile from the bomb site, about 25 minutes before the blast. As she and her mother stood there to watch the parade, Sadie said she saw Billings walk, suitcase in hand, in the direction of where the explosion occurred. She also recalled a Ford car, being driven by Weinberg, arriving in front of the building a few minutes later. The Mooneys got in, she said, and drove off in the direction Billings had taken.¹⁵

Again a state witness, John McDonald, claimed to see Warren Billings walk north along Steuart Street, carrying a suitcase in his right hand, and set the case down near the saloon on the corner of Steuart and Market, taking glances at his watch. During his time on the stand, McDonald stated of Billings, “I noticed his actions right away” and paid close attention to him. McDonald claimed that he thought Billings was playing a joke on someone by grabbing the case. McDonald subsequently testified that Billings met Tom Mooney, who emerged from the saloon. Mooney, according to McDonald, also frequently checked his watch and the two had an extended conversation. Both men, according to McDonald, appeared very nervous and pulled out their watches before walking out through the parade in different directions. McDonald said he turned away and started to walk, but after about 100 ft, the explosions rang out. McDonald later identified Mooney and Billings after their arrest as the men he saw that day.¹⁶

McDonald’s past again caught some suspicion. At one point, McDonald was described as “a derelict of the San Francisco streets.” Mooney and Billings’ defenders also pointed out how McDonald, sometimes known as “McDaniels,” “was an associate of the lowest stratum of waterfront characters of the drug-using sort, living by his wits in the alleys of the city, working occasionally in five-cent

¹⁵ Fitch, “The San Francisco Bomb Cases,” 309.

¹⁶ *Chicago Sunday Tribune*, September 28, 1919.

reporters to head west and generate objective looks at the case. *The Survey*—for some, a rather conservative New York paper—sent its correspondent John Fitch to California to examine the bomb case and the Oxman perjury. His piece, which aimed to offer an unbiased review, appeared in July and found itself reprinted in labor and left papers like *Organizer Labor*. He concluded, “It’s a very strange case ... perhaps it can’t be understood.” Fitch stayed in the city for two weeks, interviewing lawyers on both sides, examining records, and speaking to citizens. He left, wondering aloud in his piece: “Are the defendants guilty ... I do not know.” While he sat in the office of Edward Cunha, the Assistant District Attorney, Cunha made the prosecution’s unyielding stance clear as he bounded from his chair and paced the room, saying to Fitch: “They’re a bunch of dirty anarchists, every one of them, and they ought to be in jail on general principles. I’m disgusted with all this outcry over Mooney – making a hero of him, when he’s an anarchist and a murderer. If he ought to be out of jail, let him get out. The courts are open to him. But I’m not going to help.” He scoffed at Judge Griffin’s call for a new trial and reminded the reporter how Griffin “almost cried” when he learned that the police searched *The Blast* offices without a warrant. Cunha could not believe that the attempted assassin of Frick and a “bunch of anarchists” would receive such sympathy.⁴⁸

Despite what the leftist press called a “farcical trial,” the California Supreme Court confirmed the death sentence for Mooney. The decision upheld, ominous possibilities circulated—including a “nation-wide upheaval of labor,” as some promised in papers like the *Philadelphia Public Ledger*—that Mooney’s execution would only “throw a match into the explosive labor situation.”⁴⁹

The next month, in October 1917, the state tried Israel Weinberg. To much less fanfare, this trial concluded quickly on November

⁴⁸ *Organized Labor*, July 14, 1917; Fitch, “The San Francisco Bomb Cases,” 305.

⁴⁹ *New York Globe*, September 15, 1917; *Philadelphia Public Ledger*, September 25, 1917.

tographic evidence being employed, as the photos employed during the trials became significant evidence. Mooney had firmly testified during the Billings trial that he and Rena were on the roof of the Eilers Building. Charles Fickert offered photos from a Brownie camera in his possession that showed the rooftop and the defense hoped Mooney would be pictured. The defense persuaded the court to order the pictures handed over, but when they arrived, they were dim and of low quality. After Billings' conviction, the defense also insisted upon new and higher quality copies of the photos in question. Wade Hamilton, who worked as a clerk for Eilers Music Company next door, took three photos of the parade on Market Street that day, and the prosecution used pictures as evidence during the Billings trial. They seemed to show in the foreground people on the roofs of the buildings watching the parade. The defense, however, asked for the films, which the prosecution could not produce, but they did provide enlargements of the photos. Prior to the Mooney trial, the defense asked Judge Griffin to order the release of the films and the police department delivered the films. Upon inspection under a microscope and magnified 25,000 times, the new prints and their view of the Market Street clock showed the three times: 1:58, 2:01, and 2:04. At the studio of Theodore Kytka, under police supervision, these enlargements showed Mrs. Mooney in the 1:58 one, and Tom and Rena (and others) in the 2:01 and 2:04 ones. Other photos produced also showed the group on the roof at 2:10 and between 2:45 and 3:00. These photos and times, with Mooney on the rooftop, already seemed to refute the assertion by the prosecution, and the McDonald testimony, that placed Mooney at or near the scene of the explosion.⁴⁷

Fascination with the unfolding events in California caught the attention of newspaper editors across the country, who asked their

⁴⁷ Fitch, "The San Francisco Bomb Cases," 308; McNutt, "Petition for Pardon," 43-45. Another account says Hamilton took four, not three photos. *Chicago Sunday Tribune*, September 28, 1919.

lunch houses." Mooney defenders later described McDonald as "a former circus acrobat ... a tramp waiter and ... also a drug addict."¹⁷

For over a year, from July 30, 1916, until around October 1917, the man who described himself as "a waiter long out of work" seemed to benefit from being a staple state witness in the Billings and Mooney trials. McDonald, the defense said, "had been nearly all the time fed, clothed, housed and supplied with money" by the San Francisco Police Department. The man who struggled to find work, they said, could now be seen "pleasure riding in the luxurious automobile of the assistant district attorney." They suggested all of this, clearly, to raise eyebrows at the treatment and possible conflicts of interest surrounding the testimony. Still, McDonald remained a perennial and important witness for the prosecution in, at minimum, the Billings, Mooney, and Weinberg cases. He had, after all, plainly testified first and said he saw Billings and Mooney together outside the saloon, moments before the blast, looking at their watches before walking away just moments ahead of the blast.¹⁸

The only person to seemingly corroborate McDonald's testimony placing Mooney and Billings at the scene was strikebreaker John Crowley. Convicted of a felony (for marrying and giving his 17-year-old wife syphilis) and out on probation for stealing a watch at the time of his testimony, his credibility certainly came under fire. Beyond this, the defense committee raised, Crowley had been living with five men known as "female impersonators," who "wore women's clothes and had other men come spend the night in their apartments." For Mooney defense committee partisans, it was "disagreeable" that "the scum of society" were employed

¹⁷ *Chicago Sunday Tribune*, September 28, 1919; McNutt, "Petition for Pardon," 6-7; Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), MICH, 8; Appellant's Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), MICH, 9.

¹⁸ *Chicago Sunday Tribune*, September 28, 1919; Minor, "Frame-Up," 10; Nye, "Justice for Tom Mooney," 13.

by the prosecution.¹⁹ Despite being dubbed as “a sneak thief ... who had been convicted of the most revolting felony ... who is a habitué of houses where male perverts pick up their companions,” Crowley emerged as another key witness for the prosecution. He testified that he spotted Billings the day of the bombing, too, and only took notice of the accused because as “the colors” was played, Billings was the only man not to remove his hat. Crowley did not mention, though, Billings carrying a suitcase or accompanied by Mooney. Instead, Crowley claimed to see Billings with a tall, slender, mustachioed man, either “a Spaniard or Mexican.” There were, of course, accounts that described things differently. While he waited to march in the parade that afternoon, Hyman Myers, a Captain in the First Regiment of California Volunteers, failed to see anyone moving back and forth on Steuart Street. In fact, Captain Myers recalled, it was a “friendly crowd, the same you might find any day.”²⁰

Yet, if the prosecution had a new star witness, it was a man named Frank Oxman. A horse dealer who had been traveling home from some business in Kansas City to Oregon, he had stopped in San Francisco. He planned to conduct some similar land dealings in the city that July and checked himself into the Terminal Hotel. The hotel happened to overlook the explosion site, and on the day of the parade, he went out onto the street to watch, crossing the street to buy some fruit before things got underway.²¹

Described as having a “sturdy frankness,” Oxman appeared disinterested on the stand, testified with an effortless simplicity, and offered remarkable detail. Even Judge Griffin commented on Ox-

¹⁹ Minor, “Frame-Up,” 10. Cockran, “A Heinous Plot;” Alexander Berkman, “Legal Assassination,” *Mother Earth* 11 (October 1916). *Chicago Sunday Tribune*, September 28, 1919; Maxwell McNutt. “Petition for Pardon for Thomas Mooney. Before the Governor of California.” April 8, 1918. MICH, 6–7.

²⁰ Minor, “Frame-Up,” 10.

²¹ Pollock, “Will Labor Stand,” 360–361; Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), MICH, 12, 17.

mental contradiction in the Oxman testimony: at the time of the crime, he had said he spotted Mooney and Billings drive down Market, get out, set down the suitcase, and then drive off. McDonald, though, had Billings walking down Steuart Street, waiting a few moments, and then walking through the crowd. McDonald did not see Mooney. So, one of them was, at best, inaccurate or, at worst, lying. As it turned out later, McDonald confessed to the California Supreme Court that he lied when he placed Mooney and Billings with a suitcase on the corner of Market and Steuart streets before the bomb went off.⁴⁵

During the proceedings, the defense called dozens of witnesses. A key point of the defense’s case lineup of witnesses was placing the Mooneys at the Eilers Building studio. This spot, it was important to establish, stood approximately a mile and a half from the explosion site. In addition, a line of witnesses was to demonstrate that the Mooneys were at the Eilers Building for both an hour before and after the blast. A number of the witnesses for the defense put Tom and Rena Mooney either at their home at 975 Market St. or on the roof of that building. Three photos, taken from the west of the Eilers Building and looking down Market, showed Mr. and Mrs. Mooney, and photographic experts confirmed that a Market Street clock showed the times as 1:58, 2:01, and 2:04. So, based purely on the photographic evidence, the Mooneys were accounted for on the building. The defense also explained the related problem with John McDonald’s testimony, where he claimed he saw Billings at “eight or ten minutes to two.”⁴⁶

After the close of the Billings trial and as the state prepared for the Mooney trial, new questions also surfaced surrounding the pho-

⁴⁵ McNutt, “Petition for Pardon,” 19–23, 31, 32; Nye, “Justice for Tom Mooney,” 12–13. TMDC Press Release, October 1931, Berkman, IISH, 367.

⁴⁶ *Chicago Sunday Tribune*, September 28, 1919; Appellant’s Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), Labadie/Michigan Collections, 12; Appellant’s Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections, 8.

evidence linking Mooney or his associates to the production and placing of the bomb. Instead, the state continued to rely on the circumstantial associations of Mooney and his colleagues as proponents of “direct action” as a tactic for labor and radical agendas. Twenty pages of one prosecution brief, for example, outlined the “History of Thomas J. Mooney, Revolutionary Anarch.” Elsewhere, it mentioned in a caption “all defendants connected with ‘Blast.’” One prosecution witness, Mrs. Kidwell, recalled sitting at the window of the dentist’s office at 721 Market, waving an American flag at the soldiers who filed past. While she patriotically waved her flag, she testified that she spotted Tom and Rena Mooney standing in front of the building and with them was a “Mexican looking man.” All three, she said on the stand, looked up at the building and also seemed angry with her for waving the flag. For the prosecution, this type of alleged behavior, and testimony, demonstrated the radical and anti-American leanings of the accused.⁴⁴

The prosecution had also relied, Mooney’s lawyers contested, on incriminatory and contradictory testimony witnesses who had raised eyebrows during the Mooney trial. Indeed, only three witnesses offered material testimony against Tom Mooney: Frank Oxman, John McDonald, and the Edeaus (really considered one in the same, as they had given similar statements). There remained significant problems with all three, the defense maintained.

The collective Edeau testimony saw impeachment because of their failure to actually identify Mooney and Billings. Attention turned to Oxman. Not only were his revealed letters to Rigall incriminating but also his testimony proved suspect, as no jitneys were allowed on the streets where he claimed to see Weinberg’s car with Mooney and Billings in it. Also, there emerged a funda-

⁴⁴ Appellant’s Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), Labadie/Michigan Collections. 2, 13–16; *Organized Labor*, July 14, 1917. *Chicago Sunday Tribune*, September 28, 1919; McNutt, 70; Maxwell McNutt. “Petition for Pardon for Thomas Mooney. Before the Governor of California.” April 8, 1918, MICH, 11–12.

man’s “unshaken” testimony. Even Oxman’s look, he said, seemed to lend to the witness’s strength. His very appearance, said Judge Griffin, “made a profound impression on the jury.” His time on the stand, in Griffin’s opinion, seemed to mark a turning point in the case. So, Oxman the Oregon cattle dealer, with the manner of a reputable and prosperous one, offered testimony inconsistent with McDonald’s that he saw Mooney riding in the front passenger seat of a Ford, driven by Israel Weinberg. In the back seat, he said, were Billings, Mrs. Mooney, and the “stubby mustached” man (presumably Ed Nolan). He claimed that, at 1:40, Mooney, Billings, and the mustachioed man jumped from the car with a tan, leather suitcase, which had been sitting on the car’s running board, and Billings “very excitedly” got out, shoved Oxman aside, and, with the mystery man (who was carrying the case), walked south on Steuart Street, eventually setting the case on the side of the building/saloon, following him close behind; then, the explosion rang out. The two men, he said, returned to the spot where Mooney was waiting. A conversation followed over the next two minutes, and Oxman reportedly heard Mooney say to Billings, “We must get away from there; the bulls will be after us.” Eventually, according to Oxman, they got back in the car and headed south. Oxman did write the number “5187,” the number of Weinberg’s car, on an envelope, as he had thought the group were thieves that had nabbed the case, rummaged through it, and then dumped it. He said he did not see the explosion, but heard it.

Oxman left town the next day, but representatives from the San Francisco District Attorney’s Office and the Police Department office came to visit him at his ranch in Oregon and ask some questions. Oxman agreed to come back to San Francisco and testify. There, he identified the jailed Mooney and Billings, with less certainty in identifying Weinberg, Nolan, and Rena Mooney. Despite a probing cross-examination from defense attorney W. Bourke Cockran about all of this, Oxman did not quiver, and it

quickly became clear that his testimony could best advance the prosecution's case.²²

Without question, the Oxman testimony levied a blow against the defense, especially because he precisely and calmly delivered it. His story allowed for the Mooneys to both be on the corner of Market and Steuart, with time to return to the roof of the Eilers Building. His time on the stand had resonated in the court, indeed. Oxman's testimony left such an impression that a *Sunset* magazine reporter confessed, "Without Oxman, had I been a juror, I might have returned a verdict of acquittal in the Mooney case; but with his testimony, under my oath, I would have been forced to convict."²³

Yet, a bit of mystery, and resulting skepticism from the defense, surrounded Oxman. Before he ever appeared on the witness stand, the defense did not know if there was a witness like him or that such a person would testify. The defense contended that his appearance and statements were "sheer invention" for two reasons. First, because he was able to specifically identify four people among "a congested mass of humanity" that the photographic evidence demonstrated. In addition, Oxman seemed a nefarious character to begin with. He had reportedly deserted his first wife and entered into a second and, as the defense charged, bigamous marriage. He had also been indicted for fraud. His neighbors in Illinois and Oregon "almost uniformly" testified to his "reputation to veracity." Defenders went as far as to claim that Oxman took the stand "under the influence of liquor." Fremont Older, who served as editor of the city's *Bulletin* since 1895, was a frequent defender of the defenseless and critic of corporate and governmental power. "Oppression beyond a certain point will always result in violence," he wrote.

²² *Chicago Sunday Tribune*, September 28, 1919; Fitch, "The San Francisco Bomb Cases," 308.

²³ Nye, "Justice for Tom Mooney," 18. Appellant's Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), MICH, 10; *Chicago Sunday Tribune*, September 28, 1919.

room sat unmarked by a number, and it was at the top of the stairs, on the right-hand side of the hall. The authorities, led by Martin Swanson "of the Gas Company," went there to search the home. Mrs. Lavin allowed them to look around and they discovered, inside a drawer, a can that contained .22 caliber bullets and one .38 caliber bullet, as well as some ball bearings. They also found a pistol wrapped in a white cloth and folded into Billings' overalls. The state further maintained that Billings (accompanied by Mooney, of course) used dynamite in the attack. Coming with the use of this explosive would surely have been a distinct odor and a cloud of smoke. As the defense pointed out with testimony from a number of individuals, however, the accounts varied widely, and they maintained the lack of certainty. The State's explosives expert, John Shaw, could only say a "high explosive" was employed but could not definitely identify its type of detonation apparatus.⁴²

The court determined that Billings' previous case had been heard "with absolute fairness and impartiality," and deemed prior proceedings "sufficient ... to support the verdict." The district court of appeal denied his petition for a rehearing.⁴³

The same month, Mooney's lawyers and defense also filed almost immediate appeals, and his formal appeal began before the California Supreme Court in September 1917. Mooney's lawyers for the proceedings were John Lawlor and Maxwell McNutt. They based their appeal and the ongoing Mooney defense on, in addition to procedural matters (notably, the denial of a motion for a new trial), what they alleged amounted to insufficient and "wholly circumstantial" evidence and the reasonable doubt surrounding the link between the explosives and Mooney or Billings. The prosecution lacked, according to one account, "one scintilla" of direct

⁴² Appellant's Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections. 52-53, 21-23.

⁴³ The California Supreme Court confirmed this decision on November 5, 1917. *The People, Respondent, v. Warren K. Billings, Appellant. Crim. No. 667*. Court of Appeal of California, First District. September 6, 1917.

to a Market Street clock. When he arrived at the building, he took a moment to look at the display case on the street level. Full of exhibited teeth, the box showcased the work of the dentist in the building he was there to see. As he prepared to head upstairs for his dental work, Wade claimed to see Warren Billings wearing a gray suit and hat and carrying a small, dark red suitcase, smaller than an ordinary one, preceding him up to the dental office. A police officer by the name of Earl Moore testified that he noticed a single Ford car, distinguishing because it had a tear or scratch on its backseat, parked in front of the building and blowing its horn. While unsure of the precise time, Officer Moore claimed to see Billings, too, but with no suitcase and his hands in his pockets and on the sidewalk. When the cop asked Billings about the driver, Billings replied, "I don't know; he will be here in a minute" and walked away. After Israel Weinberg's arrest, Officer Moore inspected his car and he claimed it was the same Ford with the marked backseat. Nellie Edeau, the dressmaker from Oakland, also claimed to see Billings on the roof of the building, spotting him high above and later in conversation with Officer Moore. She remembered Billings because of his pale face and light-colored hat. Her daughter Sadie also claimed to see Billings on the roof, and as he leaned over, she thought he might fall. In sum, conflicting reports about the whereabouts of the suspects persisted. The defense, quite simply, claimed again during appeals that the state was trying to put Billings in three places at the same time. According to the defense, the various identifications of Billings at or around 721 Market Street "would be amusing if the situation were not so serious."⁴¹

Attention also turned to Billings' alleged weaponry and preparations during his appeal. At the time of the attack, Billings lived in a rooming house run by Mrs. Belle Lavin at 2410 Mission Street. His

⁴¹ Appellant's Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections. 29–32, 34–6, 69, 72; McNutt, "Petition for Pardon," 12.

While he initially may have thought Mooney and Billings guilty, in the pages of his paper, he began to take a different tone, especially after more revelations about Oxman. Older took on the Mooney case in earnest and led the looks into Oxman's past. He discovered that Oxman had participated in a number of fraudulent land deals in Indiana. He eventually concluded simply, "None of the five people who were arrested for the crime had anything to do with the commission of it."²⁴

As the defense noted, other problems with Oxman's validity as a witness emerged under cross-examination as well. To begin, when police brought him in to identify the defendants, for each suspect, police called them in by name, essentially helping Oxman identify them. Also, as the prosecution reminded the court, organizers had diverted all jitney traffic from Market Street before 1 pm, and that afternoon the only car allowed down Market Street or to stop on Steuart Street was a police vehicle carrying Supervisor Gallagher and two newspaper reporters. During the trials of Mrs. Mooney and Weinberg, at least 18 police officers testified that no automobile could have passed down Market Street on the parade day, as Oxman claimed.²⁵

In early February, whether Mooney and his team were ready or not, it came time for the jury to levy a verdict. After deliberating for six and half hours, the jury returned to the courtroom for the big moment. At 9 pm on the evening of February 10, 1917, jury foreman and local real estate man William MacNevin stood and announced: "We the jury, find the defendant, Thomas J. Mooney, guilty of murder in the first degree." One brief flash of quiet met a yell from Mooney's sister, Annie, who exclaimed, "Oh, my brother, my brother; Tom, Tom!" His mother yelped a similar, "My boy, my boy!" Other friends and family members fell to the floor. Mooney

²⁴ Fitch, "The San Francisco Bomb Cases," 309.

²⁵ McNutt, "Petition for Pardon," 23–28; Nye, "Justice for Tom Mooney," 12; *International Socialist Review* 17 (May 1917): 677; *The Survey* 38 (May 5, 1917), 124; Older, *My Own Story*, 196–197.

stood resolute, with his eyes fixed on the jury. He reportedly stared at them for about 30 seconds before letting out a wry smile. The state sentenced Mooney to be hanged on May 17, 1917.

Even though he had a death sentence, Mooney's own union, Local No. 164 of the International Molders Union, elected him as a delegate to its 25th national convention in Rochester, New York, that year. A symbolic gesture, it demonstrated the labor community's apparent support and resolve in what had the potential to be a long fight for Mooney's freedom. Even though he had a death sentence, Mooney's own union, Local No. 164 of the International Molders Union, elected him as a delegate to its 25th national convention in Rochester, New York, that year. A symbolic gesture, it demonstrated the labor community's apparent support and resolve in what had the potential to be a long fight for Mooney's freedom.

Eugene Debs received a telegram from San Francisco on February 24, 1917, from John Snyder at the *Oakland World*. Sentenced to hang, Mooney, in Snyder's words, was "doomed" if labor organizations and the Socialist Party of America failed to rally support. "We are counting on you, Gene," the note finished. Debs followed through and emotionally put it to socialists about Mooney that "he is to hang by the neck until he is dead" on May 17. In his editorial, Debs implored labor to help Mooney: "We can save him. We have got to save him ... Every labor union and every Socialist local must swing into line," he wrote.²⁶

After the conviction, Mooney's attorney W. Bourke Cockran immediately hit the lecture circuit on Mooney's behalf. The International Workers' Defense League sponsored talks like his in New York. Speaking on March 14 at Carnegie Hall, he put forth a theory as to where blame for the bombing might really rest. A Mexican, he proposed, enraged by the recent U.S. excursions across the bor-

²⁶ Without question, many questions surrounded Oxman as a character and as a witness. McNutt, "Petition for Pardon," 29-30; Nye, "Justice for Tom Mooney," 9.

come a "cause celebre" for labor activists and others, culminating, perhaps, with the demonstrations outside the American Embassy and before the U.S. Ambassador's home in Petrograd, Russia. Many Russian exiles returned after the Revolution and brought with them tales of the unfolding Mooney case. While characterized as a "mob of radicals," the demonstrators in Petrograd hoped to show support for who they called "a Socialist named Mooney," one of their own in the United States. This mass protest certainly drew more U.S. and international attention to the Mooney case. "Our government," the *Philadelphia Public Ledger* argued, "is having enough difficulty already in convincing revolutionary Russia that we are indeed a liberal, democratic and justice-loving nation. We should not add to the burden by executing Mooney without retrial."³⁹

Retrials were certainly on the mind of Mooney and Billings supporters, and in coming months and years, a complex series of legal maneuverings, challenges, and appeals unfolded. In trial after trial, from the rulings in the Billings case to Mrs. Mooney's decision, as some in the press observed, the testimony "hopelessly contradicted each other." Often with continually new and sometimes conflicting testimony, the legal battle to exonerate the convicted drew national and international attention, and the fight for Mooney and against the state looked like it would reach the highest levels. While nothing would be solved in the short term, his longer fate appeared tenuous.⁴⁰

Billings began his formal appeal in February 1917. Much of the attention of the appeal, as it had in earlier proceedings, centered on the building at 721 Market Street, a two-story building about 4,000 ft. from the explosion site. A school principal from Hawaii named Herbert Wade arrived just after 1 pm. He had just bought a new watch at Sorenson's jewelry store a few days earlier, and took note of the time, checking how the new watch kept time compared

³⁹ *Sacramento Union*, August 5, 1917.

⁴⁰ *Organized Labor*, July 14, 1917.

of the explosion. Mrs. Fickert came to the courtroom during the trial's final days and she sat, according to Mooney's friends, with her knitting in hand and "with a happy party of friends" watching Rena Mooney's fate unfold.³⁶

While rumors circulated that the jury stood at 9 to 2 for acquittal, the jurors in the Rena Mooney trial remained deadlocked behind closed doors on July 24. Only "frequent loud talking" could be heard, indicating "serious difference of opinion." The next day, the court acquitted Rena Mooney—yet for only one of the nine indictments against her, so she remained in jail. As her defenders charged, she and Israel Weinberg were thrown back in jail, despite their acquittals, because of the "Chamber of Commerce partisan tool Judge Dunne." Some said that Fickert remained determined to try her again and again until he secured a conviction.³⁷

On August 4, 1917, approximately 150 schoolchildren, many of them her past pupils, took to the streets on behalf of Mrs. Mooney. Mary Mooney, Tom's mother and her mother-in-law, organized the boys and girls in their protest. Wearing red armbands and carrying banners reading, "We Want Mrs. Mooney Free" and "We Love Our Music Teacher: Set Her Free," the boys and girls paraded to the hall of justice. Tom Mooney reportedly waved to the children from his cell in the county jail, located next to the hall of justice.³⁸

The Mooney Case Abroad

Acts of protest to the verdicts started to occur far from San Francisco too. Certainly, in the words of the press, Tom Mooney had be-

³⁶ *Chicago Sunday Tribune*, September 28, 1919; *New York Times*, July 19, 1917. *Organized Labor*, July 14, 1917; Alexander Berkman, "Legal Assassination," *Mother Earth* 11 (October 1916).

³⁷ *Sacramento Union*, July 17, 1917; Minor, "Shall Mooney Hang?" 4.

³⁸ The charge was ostensibly for the same crime of murder. *Los Angeles Herald*, July 24, 1917; Tom Mooney Molders Defense Committee, "Fickert Has Ravished Justice," n.d. Minor, "Shall Mooney Hang?" 4.

der, might have set the bomb as retribution. He explained that this idea failed to see further inquiry because the San Francisco D.A. (Fickert) was content putting a former agent of the United Railroads of San Francisco (Swanson) in charge of the investigation and centering his attention on broader subversive elements in the United States. On Sunday, March 25, 1917, Cockran gave another address at a large mass meeting at Chicago's Coliseum. Sponsored, in part, by the Chicago Federation of Labor, his talk made plain that police and local corporate interests had matter-of-factly blackballed Mooney, because, as a labor organizer, it was assumed by so many that Mooney must also be an anarchist up to this task. In his remarks, Cockran called the Mooney conviction "an absolute travesty of justice" and demanded a federal investigation, as the case's outcome was "threatening all the state." He spoke to a captivated and receptive crowd of 10,000 in Chicago, a city that had just experienced an injunction by local Judge Jesse Baldwin against a wage increase for ladies in the garment industry. They were more than willing to hoot, jeer, and groan at the mention of Judge Baldwin's name. They applauded at Cockran's assertion that the business interests of San Francisco, should they win, would bring "good-night to the American republic." They clapped in agreement when Cockran returned to the Mooney case and Swanson's leadership in a conspiracy against one individual, Tom Mooney himself.²⁷

A small victory for the defense team came two months after Tom Mooney's conviction, in April 1917, when the state released Edward Nolan. After nine months in jail, the state decided not to bring his case to trial. Detective Duncan Matheson, who had been placed in charge of the collective "bomb cases," suggested to the court that the incriminating bomb materials found in Nolan's basement (plaster of paris, black powder, and saltpeter) turned out to be more harmless: flour, moulder's welding powder, and Epsom

²⁷ *International Socialist Review* 17 (April 1917): 613–614; Constantine, *Letters*, 288.

salts. When this revelation occurred, the prosecution brought in a “powder expert,” who testified that the salts *could* be used in a high explosive. Matheson recommended Nolan be released on bail, as the evidence did not warrant a trial. Photographers snapped pictures of him with his wife Ada as he left the county jail after those nine months. During his time in prison there, he was described “as brave and wise and true a fighter for liberty for the workers and as pure hearted an idealist as the American labor movement has ever been privileged to make a fight for.” On himself and the other defendants, he said, “They’ve got us in here now, but by God, we don’t intend to go down without making a fight out of it. That’s all we ask.”²⁸

Just as both legal teams mobilized to either challenge or support the Mooney verdict, a bombshell came to light. The defense discovered two shocking letters written on Terminal Hotel stationery and penned by Frank Oxman. An attorney for Mooney, Edwin McKenzie, traveled to Grayville, Illinois, to the home of F.E. Rigall, and returned with the letters. The *San Francisco Bulletin* published copies of the letters on April 11. In them, with promises of covered expenses, Oxman wrote how he “need[ed] a witness,” presumably to echo him, and that he will post him on the questions he’d be asked. As they appeared in the *Bulletin*, the letters read:

Mr Ed Rigall,
Grayville, Ill.

Dear Ed has ben a Long time sence I hurd from you I have a chance for you to cum to San Frico as a Expurt Wittness in a very important case you will only hafto anscur 3 & 4 questiones and I will Post you on them you will get milegaga 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 mange the Balance it is all ok but I

²⁸ *New York Times*, March 15, 1917; W. Bourke Cockran, “A Heinous Plot: An Expose of the Frame-Up System in the San Francisco Bomb Cases Against Billings, Mooney, Mrs. Mooney, Weinberg and Nolan” (Chicago, IL: Chicago Federation of Labor, 1917); *The Day Book*, March 26, 1917.

Market Street. The photo with the clock hands, as an alibi, existed, but the Mooneys did not know about it and the State only gave it up due to a court order, though the hands of the clock were attempted to be tampered with. The “clock alibi” was an important part of the case, and a photograph expert was again called in to restore the picture and reveal the hour clearly.³⁴

During the two months of the Rena Mooney trial, the prosecution called 126 witnesses to the stand. Nellie Edeau, dubbed “a dressmaker with hallucinations,” and her daughter Sadie, “who sees just what her mother sees,” again offered, as far as the defense was concerned, suspicious testimony. They claimed that the Edeaus were “fully unmasked” when brought to San Francisco, and when shown Mooney and Billings, Mrs. Edeau said she “had never seen either of them before in her life.” Edeau was later charged with perjury. Another key repeat prosecution witness, John McDonald, followed up his earlier and certain testimony that placed Mooney and Billings at the scene and then their hasty departure out into the crowd. McDonald, a witness who had great significance in convicting Billings and Tom Mooney, continued to receive sharp criticism. Alexander Berkman, far from an objective source, nevertheless continued to describe him as “a man-about-town of the lowest character, a dope fiend who would sell his mother’s womb for a smell of opium.”³⁵

When she took the stand in her own defense on July 16, Mrs. Mooney testified “with no indication of nervousness,” giving a detailed description of her movements on the previous July 22, the now-infamous bombing day. She coolly recounted being either in her apartment or on the roof that day, never going near the scene

³⁴ Minor, “Shall Mooney, MICH,” 7; “Reply to the Findings ... C.M. Fickert, April 9, 1918.”

³⁵ Tom Mooney Molders Defense Committee, “Fickert Has Ravished Justice,” n.d., 8; TMDC Press Release, October 1931, Berkman, 367, IISH; Appellant’s Opening Brief, *The People of California vs. Thomas J. Mooney* (September 1917), MICH, 7, 55–57.

this characterization, however substantiated or not, composed a key part of the prosecution's attacks on Rena Mooney.³²

In reality, Mrs. Mooney had worked as a music teacher of some note in California. Some of her pupils even performed at the Panama-Pacific Exposition, and organizers set time aside at the event in their honor. Her defenders emphasized the broader defense claim that she "has no other interest in life" than her dedication to her students. Rena Mooney was not the gentle music teacher she claimed to be, alleged Fickert, who claimed she had "almost all known books on anarchy and revolution." She was, according to him, "filled with rage and a desire to commit violence."³³

As far as her explanation for her activities on the day of the bombing, Rena Mooney claimed to have led a studio class in the Eilers Building on July 22, 1916. Her practice space for her students, which Fickert called a "den," had a piano in the center of the room and two smaller ones on one wall. Shelves of music books were stacked on the opposite wall. The studio's building, to commemorate the patriotism of the day's events, was draped in a huge American flag. Tom had run out for breakfast that morning and claimed to stay in the rest of the day. Rena had left for some shopping during the morning with one of her pupils, before returning for late morning instruction until about 12:30. At around 1:30, Mrs. Mooney's sister, Belle Hammerberg, and her cousin, a Mrs. Timberlake, arrived. When they heard the music from the parade, they headed to the roof of the building, mingling with others there for the same purpose. Subsequent photos showed her and Tom on the roof of the studio building, where they also lived on the fifth floor at the time, looking down on the parade. The prosecution, meanwhile, put them at the scene of the explosion on the lower end of

³² *Red Bluff Daily News*, May 22, 1917.

³³ Bruce Watson, *Sacco and Vanzetti: The Men, the Murders, and the Judgment of Mankind* (New York: Penguin, 2007), 91; *New York Times*, July 19, 1917; McNutt, "Petition for Pardon," 72.

need a witness Let me no if you can come Jan 3 is the dait set for trile Pleas keep this confidential Answer hear

Yours Truly

F. C. OXMAN

Mr F. E. Rigall December 18, 1916

Grayville II

Dear Ed Your Telegram Recived I will wire you Transportation in Plenty of time allso Expce 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 letle 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 hafta Say you seen me on July 22 in San Frisco and that will Be Easey dun. I will try and meet you on the wa out and Tolk it over thu 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 29off this month. yon know that the silent Road is the one and say nuthing to any Body the fewer People no it the Better when you ariv Registure as Evansville Ind little more milege.

Yours truly

F. C. OXMAN

So, according to the defense, he was asking Rigall to arrive and provide false testimony against Mooney, though Rigall would not offer the testimony. Oxman, it seems, hoped Rigall could serve as "the boy" he claimed to see on parade day. While Oxman had presented himself in court, and as the prosecution echoed, as a "rich, respectable, disinterested cattle man from Oregon," the letters proved damning.²⁹

Rigall had, in fact, come to San Francisco at Oxman's urging but quickly returned home to Illinois. He later claimed that during this

²⁹ Maxwell McNutt. "Petition for Pardon for Thomas Mooney. Before the Governor of California." April 8, 1918, MICH, 13; Minor, "Shall Mooney Hang," 4; Theodora Pollock, "Will Labor Stand," *International Socialist Review*, 1916, 363. Tom Mooney Molders Defense Committee, "Fickert Has Ravished Justice," n.d.

visit, Oxman took him to the site of the explosion and together they rehearsed the testimony Rigall might give. Oxman, of course, encouraged Rigall to testify in a manner that substantiated his own testimony. Rigall later claimed to have a problem with this, telling Oxman he had never even been to San Francisco prior to this visit and certainly not on the day of the explosion; Oxman allegedly said, "Hell, you were here as much as I was!" In fact, on the day of the Preparedness bombing, July 22, Rigall was far from the West Coast in Niagara Falls, New York. The D.A.'s office later admitted they knew him to be "the bunk," yet continued to promise that a witness named "Regal" would appear on the stand and validate Oxman's testimony.³⁰

With the Oxman letters now firmly in the public eye, Charles Fickert provided a lengthy statement to the local newspapers that they published on April 24, 1917. He began it by recounting some of the more horrific details of the attack, calling the defendants "anarchists and murderers." He also chastised Fremont Older, the editor of *The Bulletin* for demanding an acquittal of "red-handed murderers, the blood of whose innocent victims calls aloud, not for vengeance, but for the just retribution of the law." Fickert appealed to the residents of San Francisco to uphold and support the verdict, so that "San Francisco is not made the home and refuge of anarchism." The Chamber of Commerce's "Law and Order Committee," chaired by Frederick J. Koster, echoed the D.A.'s sentiments, and that weekend ran full-page ads, under the caption "Law and Order," in all of the city's newspapers. The ads aimed to remind the city of the crime committed and to keep vigilant, given the distractions of the now-prominent war cause, as radicals hoped to "take full advantage" of redirecting public attention to "spread again their doctrine of anarchy." About 25 representatives of organized labor, calling themselves a "committee of citizens," responded with a sim-

³⁰ Nye, "Justice for Tom Mooney," 10; John A. Fitch, "The San Francisco Bomb Cases," *The Survey* 38 (July 7, 1917): 310; McNutt, "Petition for Pardon," 23–28.

ilar advertisement two days later (under the same banner of "Law and Order") and asked for an investigation into the possibility of perjury. Obviously, the Oxman letters empowered labor organizers and Mooney advocates to continue to question Fickert, the prosecution, and the verdict's legitimacy.

Amid all of the swirling fallout from her husband's verdict and now the Oxman letters, Rena Mooney also got her time in court. Her trial began on May 21, 1917. Judge Seawell presided, after the voluntary withdrawal of Judge Dunne. Expected to take only a month, the trial would last twice that, moving well into July.³¹

From the outset, the prosecution attempted to portray her, like her husband and comrades, as a radical unionist. Dictaphone recordings of Charles Fickert purportedly made plain his plans to get "that son-of-a-bitch Mrs. Mooney." At the start of the proceedings, the D.A. stood before the court and asked for the death penalty in his opening statement. Rena Mooney was a "cold-blooded slaughterer of women and children," he said, involved in the explosion the previous July. He compared Mrs. Mooney to Mrs. Surratt of the Lincoln assassination conspiracy, and said that she should shed her blood for the murder, just as Surratt did. The climax of his remarks was the statement to the jury, "Either you will destroy anarchy or the anarchists will destroy the State."

Fickert hammered at this portrayal of Mrs. Mooney. The prosecution claimed that during the attempted strike of the United Railroads men, she "violently attacked" a motorman on July 14, 1916. The evidence, the defense would later counter, showed that she did in fact climb over the side of a streetcar but to pin a union button on a motorman named Peterson. During the trial, too, the district attorney further alleged that as she watched the parade file past, Mrs. Mooney said, "What a beautiful mess I could make of those marchers with a machine gun." Unsurprisingly, none of the witnesses on the roof with her made this kind of declaration. Still,

³¹ Nye, "Justice for Tom Mooney," 11; *Organized Labor*, July 14, 1917.

Our present society is founded upon the exploitation of the propertyless class by the propertied. This exploitation is such that the propertied (capitalists) buy the working force body and soul of the propertyless, for the price of the mere cost of existence (wages) and take for themselves, i.e., steal the amount of new values (products) which exceeds the price, whereby wages are made to represent the necessities instead of the earnings of the wage-laborer.

As the non-possessing classes are forced by their poverty to offer for sale to the propertied their working forces, and as our present production on a grand scale enforces technical development with immense rapidity, so that by the application of an always decreasing number of human working force, an always increasing amount of products is created; so does the supply of working force increase constantly, while the demand therefor decreases. This is the reason why the workers compete more and more intensely in selling themselves, causing their wages to sink, or at least on the average, never raising them above the margin necessary for keeping intact their working ability.

Whilst by this process the propertyless are entirely debarred from entering the ranks of the propertied, even by the most strenuous exertions, the propertied, by means of the ever-increasing plundering of the working class, are becoming richer day by day, without in any way being themselves productive.

If now and then one of the propertyless class become rich it is not by their own labor but from opportunities which they have to speculate upon, and absorb the labor-product of others.

With the accumulation of individual wealth, the greed and power of the propertied grows. They use all the means for competing among themselves for the robbery of the people. In this struggle generally the less-propertied (middle class) are overcome, while the great capitalists, par excellence, swell their wealth enormously, concentrate entire branches of production as well as trade and intercommunication into their hands and develop into monopolists. The increase of products, accompanied by simulta-

make it safer for democracy; neither will it stimulate patriotism nor inspire respect for our institutions," he concluded.⁷

The California Supreme Court, however, felt it could not grant Mooney a new trial because it had no authority to set aside a conviction because of perjury (and revelations about it after the fact) and it could not consider evidence not part of the trial's record. "The defendant in such cases is without remedy," they concluded. The state again sentenced Mooney to be hanged on August 23, 1918, later postponed to December 13, 1918. Cockran used powerful imagery of Mooney's execution, which he argued of course would be wrongful, noting how "his body [would be] strangled into a hideous, misshapen mass, swinging round and round at the end of a rope, will cast a dreadful cloud over the face of this country." The defense team also employed this type of strong emotional play during the appeal process. Getting the procedural matters of the trial correct, they argued, remained paramount, given the finality of the possibility of a death sentence. Mooney, they claimed, deserved a jury that considered matters at a "real" level, unencumbered by the problems with testimony and the like.⁸

A few months later, on November 19, 1918, an undeterred Judge Griffin penned a letter directly to Governor William Stephens in Sacramento. Still asking for a new trial, Griffin pointed out, as the defense had, that only four witnesses were able to connect Mooney to the explosion at Steuart and Market Streets. He felt Mooney deserved a new trial based on the Oxman letters *alone*, much less the other later incriminations. Moreover, and this emerged as a key statement, he said, "Since his trial facts and circumstances have come to light which seriously reflect upon the credibility of three

⁷ Cockran, "The Mooney Case," 4; *California Decisions* 33 (Recorder Printing and Publishing: March 12, 1918): 103–105, MICH; *Chicago Sunday Tribune*, September 28, 1919; *Chicago Sunday Tribune*, September 28, 1919.

⁸ McNutt, "Petition for Pardon," 53–55; Charles M. Fickert, "Reply to the Findings of the Federal Mediation Commission on the Mooney Case," April 9, 1918. Labadie/Michigan Collections.

or four witnesses who link him with the crime of the preparedness day and which shake the very foundation of the case upon which the people rely for his conviction.” In other words, the revelations about the Smith, Oxman, McDonald, and Edeau testimonies, which surfaced after the verdict, called the entire conviction into question, he said; without a particular personal interest in Mooney’s fate, he pointed out, Griffin nevertheless remained concerned, because a life remained in the balance, and “no man, whatsoever his condition, position, conviction, or belief may be, shall be denied justice.”⁹

The Mooney Case certainly steadily attracted national significance. As Americans looked back, and as papers like the *Chicago Tribune* maintained, not since the prosecution of the Molly Maguires during the 1870s or the 1857 Dred Scott decision had there been such “intense interest.” The *New York World* even sent a staff correspondent by the name of Louis Siebold to investigate the case. In his article, which reappeared in other papers, he hoped to present an “unbiased” summary of the case and happenings. Was Mooney guilty, he wondered aloud in his piece, a “martyr to the cause of labor,” or “the victim of one of most audacious ‘frame-ups’ in the history of justice?” While the paper nevertheless called Mooney, in the article’s first paragraph, a “labor agitator,” opinions swirled as to his guilt or innocence.¹⁰

A victory for the Mooney camp came on November 28, 1918, when Governor Stephens, two weeks before the scheduled execution of Mooney, commuted the sentence to life in jail. Stephens made this move, in large part due to some mounting pressures, and he might have thought this ended the Mooney controversy. But the next day, on November 29, 1918, Mooney refused to accept the commutation, instead placing his faith in “the solidarity of organized labor.” That was his plan, except that when the Workers Defense

⁹ *Chicago Sunday Tribune*, September 28, 1919; “The Mooney Case” – An Address by Hon. W. Bourke Cockran, July 28, 1918, MICH, 1, 23; McNutt, “Petition for Pardon,” 47.

¹⁰ Nye, “Justice for Tom Mooney,” 18–20.

Documents

DOCUMENT 1. The “Pittsburgh Proclamation”

Adopted by the Founding Congress of the American Federation of the International Working People’s Association, October 14, 1883.

At the core of anarchist beliefs, particularly in the United States, was this Pittsburgh Proclamation. Ascribed to Johann Most and others, it encouraged working men to arm themselves against the wealthy and privileged class. It became a central ideological document for American anarchists and Most disciples.

Comrades!

In the Declaration of Independence of the United States we read:

When a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, it is their Right, it is their Duty, to throw off such Government, and to provide new Guards for their future Security.

Has the moment not arrived to heed the advice of Thomas Jefferson, the true founder of the American Republic? Has government not become oppression?

And is our government anything but a conspiracy of the ruling classes against the people—against you?

Comrades! Hear what we have to say. Read our manifesto, written in your interest and for the welfare of your wives and children and toward the good of humanity and progress.

the attack also has clear connections to similar events of terror of its era, notably Caldwell, Idaho, in 1905; Los Angeles, California, in 1910; the mail bombs of 1919; the Sacco and Vanzetti case in 1920; and the Wall Street bombing in 1920. The Preparedness Day Bombing was not the first, nor was it the last moment of leftist terrorism and radicalism in U.S. history, but it offers us a valuable lens into quite possibly the apex moment of a much longer history, in a different America where violence was a more prevalent and oft-used tool of dissent. Ultimately, the quick and forceful governmental responses to radical and anarchist deeds rendered agitators of this ilk weak by the dawn of the 1920s. Of course, the bombings and attacks of this period also have intimate parallels with contemporary acts of domestic terrorism, such as Oklahoma City in 1995, the Atlanta Olympics in 1996, and the Boston Marathon in 2013. Key to this era is the prominence of wartime dissent, the Red Scare, and the heated isolationism debate that dominated headlines. Also shrouded in this debate were questions of “loyalty” that often revealed thinly-veiled anti-immigrant and anti-ethnic attitudes, as outsiders saw criticism for this radicalism. The era suggests a time when our criminal justice system operated perhaps swiftly but with greater fault. This story reminds us that class consciousness and the widening rich-poor gap are far from new phenomena in the American experience, and, in fact, radicalism could act on larger anxieties with disastrous results.

League and various unions called for a general strike as a show of support for Mooney, the AFL balked. Samuel Gompers opposed the strike. The nationwide “sympathetic strike” hoped for by some during October 1919 may not have materialized beyond these calls, though more “orderly mass meetings” continued to be held.

A day after his stand, Mooney received a letter from Debs, writing from Akron, Ohio, on November 30, 1918. Debs told him to remain vigilant, remembering Patrick Henry’s famous statement, “Give me liberty or give me death.” Debs offered encouragement for the country’s most famous prisoner: “There must be no compromise. You are innocent and by the eternal you shall go free. The working class is aroused as never before in history.” He mentioned the potential power of a general strike and they promised the backing of workers around the world.¹¹

The uneasy case for Mooney’s freedom came at a difficult time for labor and the left and amid a famous moment in American history, where radicals saw unprecedented suspicion and often persecution. Attorney General A. Mitchell Palmer lost his front porch to an anarchist’s bomb in June 1919, launching a federal campaign on suspected radicals. The Department of Justice arrested thousands of labor agitators, socialists, communists, and anarchists, and anti-radicalism reached a fevered pitch. Accusations of “disloyalty” now continually targeted socialists. The subsequent Red Scare meant that being part of the nation’s left or in any way associated with the “radicalism” moniker had disastrous political implications.

The anti-immigrant and antiradical climate surrounding the Red Scare particularly mattered for characters in the San Francisco story. Since 1914 and U.S. involvement in World War I, there arose a heightened sense of fear among immigrants, leftists, and radicals. Much of the 1916 presidential campaign between Woodrow Wilson and Charles Evans Hughes centered on national loyalty, or “Americanism,” as it was called during the race. Both

¹¹ *Chicago Sunday Tribune*, September 28, 1919.

Democrats and Republicans used loaded language during the campaign to hint that those people on the other side may be weak in their patriotism. The phrases “100 percent Americanism” and “disloyal Americans” were used in the campaign, complete with the connotation that being anything other than a “loyal,” patriotic American was suspect. As the United States moved from determined isolationism and neutrality to imminent involvement in the war in 1917, many Americans, according to historian Leonard Dinnerstein and other sources, grew suspicious of “anything that smacked of Germany and Germans.” Not insignificant, of course, was the fact that many German immigrants to the United States, at that time, were German Jews. America’s post-Bolshevik attitudes, according to immigration historian Roger Daniels, “helped push anti-immigrant sentiment to perhaps its highest peaks in American history.” Of course, those in the United States who supported the Russian Revolution and its ideology faced criticism and suspicion. The *New York Sun* ran a long wartime piece under the headline, “Bolsheviki Here Are Anything but American in Spirit.” Based on an extensive interview with Assistant U.S. Attorney Harold Content, the piece aimed to profile and discredit “agitators.”¹²

During these years came examples from around the country of antiradical sentiments. Senator Kenneth McKellar of Tennessee said that the United States should send all those with radical beliefs to a penal colony in Guam. A jury in Indiana deliberated for two minutes and acquitted a man for shooting and killing an immigrant for shouting “to hell with the United States.” In the pages of the *Seattle Post-Intelligencer*, the editors warned, “We must smash every un-American and anti-American organization

¹² Constantine, *Letters*, 471–472; Marcet Haldeman-Julius, *The Amazing Frameup of Mooney and Billings: How California Has Stolen Thirteen Years from These Labor Leaders* (Girard, KS: Haldeman-Julius Publications, 1931). B1F1, UCLA 224, 14; *Chicago Sunday Tribune*, September 28, 1919.

yet he frustratingly said very little (he had unequivocally denied Mooney’s guilt in an interview the previous November). In the 1960s, books by Curt Gentry (*Frame-Up*, 1967) and Richard Frost (*The Mooney Case*, 1968) offered their explanations of responsibility. Gentry posited that the attack was part of a broader campaign of German espionage. Frost concurred that this German sabotage idea (specifically, that this was a bomb intended for a waterfront munitions vessel) was “the most attractive hypothesis.” Most recently, in their book on Alexander Berkman and Emma Goldman, Paul and Karen Avrich decisively concluded that members of Volonta conducted the bombing. Any kind of certainty about the perpetrator(s) is, I believe, eager. As the 100-year anniversary of the attack has come and gone in 2016, the consensus seems clear: “It is impossible to know what really happened that day in 1916,” said Chris Carlsson, a local historian, “But, for sure, it was not Mooney and Billings who planted that bomb.”⁵

Perhaps, the “whodunit” does not hold as much significance as the why and what the events tell us. The San Francisco bombing (and “the Mooney Case,” as it became so famously known) stands as an unexplored, yet characteristic and significant, event during a decisive time in American history. Yet, it also stands as a high point for a much broader period of domestic terrorism and anarchist violence, indeed displaying the wider radical American tradition during the Progressive Era. Since at least Chicago’s Haymarket Riot in 1886, industrialists and workers had stood at odds, and

⁵ Tim Weiner, *Enemies: A History of the FBI* (New York: Random House, 2013), 22; See: William Issel, *For Both Cross and Flag: Catholic Action, Anti-Catholicism, and National Security Politics in World War II San Francisco* (Philadelphia: Temple University Press, 2009), 24–27; Curt Gentry, *Frame-Up* (New York: Norton, 1967), 477; Frost, *The Mooney Case*, 489. This conclusion is supported by “interviews with undisclosed sources.” Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge, MA, Harvard University Press, 2012), 265; Carl Nolte, “Centennial of 1916 SF Bombing that Led to Infamous Convictions,” *San Francisco Chronicle*, July 16, 2016.

ual charged with murder but symbolizes the whole economic order. That order is in a state of decay not only here but throughout the world.” The sense of disorder in the world, so apparent at the end of the nineteenth century, seemed persistent, and the bombing story reflected a world in flux and the continued perception by some of a democratic and capitalist order gone awry.

Tom Mooney walked out of prison that day, finally vindicated. He proceeded to embark on a victory tour of sorts. On the day that the governor granted him his freedom, Mooney participated in a parade in San Francisco. Accompanied by labor leader Harry Bridges, Mooney personally led the parade up Market Street. The day he received his freedom, Mooney turned to the Governor and pledged, “I intend to dedicate my life to remove the shame from the state of California by working for the release of my co-sufferer – Warren K. Billings,” who also served 23 years behind bars and saw release from Folsom Prison in 1939, 10 months after Mooney’s pardon. Billings remained an active labor advocate, ran a watch shop in California in his later years, and died in 1972.⁴ Sadly, Mooney’s absolution did not last as long; he died three years after his 1939 release.

In addition to the long and ongoing violations of civil liberties, we now know that the wrongful conviction of Mooney and Billings was a gross misappropriation of justice. Yet, definitive culpability for the bombing remained speculative for some time. Some have inferred Celsten Eklund, a San Francisco orator and anarchist agitator, may have perpetrated the attack (he attempted to bomb the Saints Peter and Paul Church in 1927). Luigi Galleani remained coy until his last days in the United States. On June 23, 1919, as he awaited deportation in a cell on Deer Island in Boston Harbor, Bureau of Investigation agents interviewed Galleani, and

⁴ Kevin Starr, *California: A History* (New York: Random House, 2007), 215; *Spokane Daily Chronicle* (Spokane, WA), January 6, 1939; Frost, *The Mooney Case*, 486.

in the land. We must put to death the leaders of this gigantic conspiracy of murder, pillage, and revolution.”¹³

The device intended for Palmer caused great damage to his home, but more importantly, led to this immediate crackdown on leftists and anarchists known as the “Palmer Raids,” employing, in part, the famed Espionage and Sedition Acts. About 400 soldiers and sailors invaded the New York City headquarters of socialist paper *New York Call*, and in one night of raids, the government arrested 4,000 alleged communists in 33 cities. The government deported 249 in late 1919, and in early 1920, another 600 immigrants saw deportation. The Red Scare of 1919–1921 used the broad powers of the 1918 Alien Act to allow the government to deport immigrants in any way associated with revolutionary organizations, culminating in hundreds of deportations. The archetypal voyage of this ilk came with the *Buford*, nicknamed “The Soviet Ark,” which left New York harbor for Europe in late 1919 with 249 leftists aboard, including Berkman and Goldman.

During this confluence of antiradicalism and World War I, the government unambiguously legislated antiradicalism to target radicals and halt antiwar politicizing. A February 1917 immigration restriction bill, despite some previous protest from President Wilson, now saw support, and the statute contained significant antiradical elements. Jewish antiwar dissent, and a broader fear of “alien radicals,” firmly met anxious citizens and lawmakers. The darkest moments came with the passage of the Espionage Act (1917), the Trading with the Enemy Act (1917), and the Sedition Act (1918), all of which drastically restricted free speech rights. Minnesota’s *Labor World* documented restrictions of speech during the war. The

¹³ David Kennedy, *Over Here: The First World War and American Society* (New York: Oxford University Press, 2004), 12; Leonard Dinnerstein, David M. Reimers, and Roger L. Nichols, *Natives and Strangers: A History of Ethnic Americans* (New York: Oxford University Press, 1996), 239; Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004), 47.

paper cited seven attacks in 90 days on the “liberty of the working class press” in the United States. Authorities arrested Margaret Sanger for “misuse of the mails.” The arrests of Elizabeth Gurley Flynn and Emma Goldman followed, as did the suppression of two radical papers, *Revolt* and *The Alarm*. Also suppressed was the necessarily “last issue” of Berkman’s *The Blast*. For *Labor World*, this period marked “an era of commercial imperialism backed by the bayonets of ‘preparedness.’” In April 1918, the secretary of the Washington state Socialist Party, Emil Herman, was arrested for sedition after police confiscated approximately 700 pieces of “disloyal” literature and seven cases of correspondence, mailing lists, stickers, and receipt books from his office. A federal grand jury in Seattle charged Herman with seven counts of sedition and claimed that he had “willfully and feloniously attempted to cause insubordination, disloyalty, mutiny, and refusal of duty.” As wartime paranoia reached its apex, socialist Victor Berger was refused his rightful seat in Congress, and the New York State Assembly expelled five democratically elected socialists, respectively. In June 1918, Eugene Debs delivered a famed three-hour antiwar speech in Canton, Ohio, and told the audience that they were slaves and “cannon fodder.” Authorities convicted Debs under the auspices of the Espionage Act and he received a 10-year sentence. Undeterred, he famously ran for president one final time in 1920, from his jail cell.¹⁴

Helping spur public opinion against labor was the Seattle General Strike of February 6–10, 1919, coupled with the call from Mooney backers for an even larger general strike. These actions certainly readied antilabor and antiradical forces that drove the Red Scare. Helping spur public opinion against labor was the Seattle General Strike of February 6–10, 1919, coupled with the call from Mooney backers for an even larger general strike. These

¹⁴ *New York Tribune*, September 19, 1920; Louis Waldman, *Albany: The Crisis* (New York: Boni & Liveright, 1920); Stephen Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1998), 233–264.

Frank Walsh and Leo Gallagher working for him, Mooney sat there, as he had many times before, in a losing effort.³

By 1939, years of legal wrangling culminated with California Governor Culbert Olson, the first Democratic governor in 40 years and recognizing the string of perjury and fabricated statements, to move toward pardoning Mooney. Olson had pledged as a gubernatorial candidate that, if elected, he would free Mooney. In the earliest hours on the job, Olson claimed to have heard from now Judge Maxwell McNutt of the superior court in San Mateo County. McNutt, the former Mooney attorney, informed the new governor that Martin Swanson and the San Francisco Police had “shadowed Mooney every minute” on July 22, 1916 and that “he was not at or near the place where the crime was committed and ... he did nothing that would indicate that he was in any way connected with it.”

In the morning hours of January 7, 1939, a car drove the now 56-year-old Mooney to Sacramento to meet with the governor at 10 am. The meeting came just five days after Olson’s inauguration. Broadcast nationally on the radio, Olson said from the floor of the state assembly: “I have signed and now hand to you, Tom Mooney this final and unconditional pardon. I now instruct Warden Smith to now release you to the freedom which I expect you to exercise with the high ideals I have tried to indicate.” Cheers erupted in the hall. With his rights and freedom again his, Mooney was permitted to say a few words. Grinning, he stepped to the rostrum and waited for the applause to slow. He spoke slowly and purposefully, saying that he and the governor were “the symbols of democratic expression, of the will and desires of the people of California.” He pointed out the parallels between the swelling fascism in Europe and the U.S. antilabor attitudes. He also seemed to continue to recognize that his conviction may have been a part of something much larger. “I am aware,” he said, “that this is not the case of an individ-

³ *Nashua Telegraph* (Nashua, NH), May 24, 1933.

bit of money translating anarchist works between French and English. He fell into ill health and suffered from prostate problems and uremia. Overcome by depression and his conditions, he decided to take his own life, shooting himself in the heart. Emma Goldman, who lived in nearby St. Tropez, rushed to his side, yet he died from the wounds. She handled the funeral arrangements and oversaw Berkman's burial at the Cochez Cemetery outside Nice. Goldman spent considerable time moving between a number of countries and ultimately died in Toronto, Canada. U.S. authorities allowed her body to be transported to Chicago, the site of the famed Haymarket affair, for burial with other anarchists and socialists.¹

Frank Oxman, the infamous prosecution witness, passed away without (as some hoped) a deathbed confession. He had been indicted in 1917 for subornation of jury after appearing as the prosecution's chief witness. Judge Cockran, in his posttrial missives, pointed out that not until after Mooney's first sentence was it revealed that Oxman provided testimony that was a "tissue of perjuries." Still, Judge Griffin dismissed the case and few people saw Oxman after 1918, and he returned to Oregon. On July 22, 1931, Oxman died of a heart attack, exactly 15 years after the bombing. The determined former District Attorney Charles Fickert quietly died of pneumonia in San Francisco in 1937.²

The fight by Mooney and others on his behalf carried on, just as it had for over two decades. In May 1933, now grayed and 50, Mooney watched as jury selection began for his "new" trial. With

¹ *New York Times*, July 2, 1936; Goldman died in February 1940. Paul Kahan, *The Homestead Strike: Labor, Violence, and American Industry* (New York: Routledge, 2014), 95.

² TMDC Press Release, October 1931, Berkman, IISH, 367; "The Mooney Case," An Address by Hon. W. Bourke Cockran, July 28, 1918, MICH; Richard H. Frost, *The Mooney Case* (Stanford: Stanford University Press, 1968), 251–252; *Desert Sun*, October 22, 1937.

actions certainly readied antilabor and antiradical forces that drove the Red Scare.

The Red Scare dominated headlines in California. The front page of a January 7, 1920 issue of the *Sacramento Union*, for example, observed in one article how "liberals" viewed the recent "red raid ... with suspicion." The paper also advertised a special Sunday feature of eight articles around the theme of "Mopping Up Bolshevism." This climate was not without pushback. Emma Goldman appointed Lucy Robins, the noted San Francisco radical, to lead the "League for Amnesty of Political Prisoners," a group established without a membership or budget on the eve of Goldman and Berkman's imminent prison sentence. Focused on real activism instead of political theorizing, the Mooney conviction gave her an outlet for her results-based thinking. She came to realize that it was not the more radical calls for Mooney's emancipation that had brought any real results; it was the actions of Wilson and the "quiet persuasion" of Samuel Gompers that had reversed Mooney's sentence to death.¹⁵

In addition to Berkman and Goldman, anarchist Luigi Galleani remained at the center of governmental suspicion and a difficult person for authorities to keep in their sights. Also, the Preparedness Day Bombing marked the height of Progressive Era terrorism and violence; what came after was a brief but important series of radical events, all believed to be disconcertingly perpetrated by followers of Luigi Galleani. William J. Flynn, the former Chief of the U.S. Secret Service, remembered how, for him and the agency, Galleani was "one of the most difficult" and "brainiest" individu-

¹⁵ *Labor World* (Duluth, MN), April 22, 1916; *Party Builder*, August 20, 1918, April 20, 1918; *Co-operative News*, May 9, 1918, June 13, 1918; Carlos Schwantes, *The Pacific Northwest, An Interpretive History* (Lincoln: University of Nebraska Press, 1996), 354; Daniels, *Guarding the Golden Door*, 46–47; Helping spur public opinion against labor was the Seattle General Strike of February 6–10, 1919, coupled with the call for Mooney backers for an even larger general strike. These actions certainly readied antilabor and antiradical forces that drove the Red Scare; Constantine, *Letters*, 472.

als they ever had to deal with. It was believed that Galleani loyalists not only planted the bombs at A. Mitchell Palmer's home but also sent packaged bombs to prominent Americans such as John D. Rockefeller, Oliver Wendell Holmes, and J.P. Morgan. Sacco and Vanzetti, the government maintained, "studied in the Galleani school." Years later, Flynn could not say with certainty, but surmised that in regard to the San Francisco bombing, "Whoever did it was well known to Galleani, and Galleani knew it was about to be perpetrated and who was to do the actual work." When a bomb detonated in September 1920 in New York City's financial district, also believed to be the work of Galleanists or "Galleani Reds," over 30 were left dead, and the Wall Street attack brought a similar anti-leftist reaction, as the bomb was presumed the work of men with "radical affiliations ... prominent in anarchist circles."¹⁶

Indeed, during the late 1910s the intermingling of disloyalty and antiradicalism seemed set. For characters in and out of San Francisco, Jewishness could also be part of this web of "suspicious" characteristics. Jewish Socialists, after all, had been an important part of leftist wartime opposition. Established in July 1912, the Jewish Federation of the Socialist Party of America (SPA) organized dozens of branches, primarily on the east coast. By the next year, they boasted 2,700 members. Leftist, and specifically Jewish, agitators during World War I spoke bravely against U.S. intervention in the affairs of Europe. Indeed, Jewish members of the American Left stood in unyielding, and vocal, support of antiwar causes. In 1917, the Jewish Socialist Federation (JSF) Convention endorsed the wider SPA's 1917 Convention War Resolutions. "Participation of America in the war is unjustifiable," the JSF resolved over their five days of sessions. These types of public objections to the war, however, came at a politically heavy price. For example, Morris Hillquit,

¹⁶ *Sacramento Union*, January 7, 1920; Ernest Freeberg, *Democracy's Prisoner: Eugene V. Debs, the Great War, and the Right to Dissent* (Cambridge, MA: Harvard University Press, 2008), 166–167.

Epilogue

No intelligent man who reads the record and goes into the circumstances surrounding the conviction of Tom Mooney can doubt that he was railroaded into the penitentiary. No one can question that he is an innocent man.

William Allen White, Editor, *Emporia Gazette* (Kansas)

What happened on the streets of San Francisco on the afternoon of July 22, 1916, seemed to pull at the fabric of the country. A horrific act, the deaths of 10 innocent victims alarmed citizens from coast to coast, and the events that tenuous summer represented a larger pivotal stage in American history. The subsequent legal battle, much of which was clearly rooted in fabricated and altered evidence, had led to the conviction and imprisonment of Tom Mooney and Warren Billings. Held in jail for years, Mooney may have been the nation's most famous political prisoner, but the fate of he and Billings divided opinions. For some, the accused typified un-American radicals; to others, they were falsely accused martyrs for labor and the marginalized. The legal maneuvering had continued for 20 years, but, as it does, the nation moved on and lives continued elsewhere.

Many Red Scare deportees, sent aboard the *Buford*, better known as the "Soviet Ark," found themselves in Russia or scattered across Europe. The most famous of these deportees, such as Emma Goldman and Alexander Berkman, saw the press paint the group as violent and dangerous. By the summer of 1936, Berkman, now 65 years old, lived in Nice, France. He subsisted modestly, making a

aboard the *S.S. Adriatic*, sent Mooney a telegram right before Christmas 1931 that read: “A widespread realization of the unmerited character of your condemnation seems to be coming about, and I earnestly hope that your liberation is at hand.” Albert Einstein even wrote to Mooney from Berlin, offering his support and calling him a “friend.”⁶²

Mooney seemed to have many friends by the 1930s. The Mooney Case attracted attention and sympathy not only in the United States but around the world. The legal wrangling in California, despite federal intervention, dragged on, however, leaving Tom Mooney and his lawyers to continue the fight for his freedom for nearly another decade.

himself Jewish, ran for Mayor of New York at possibly the most unfavorable time for a Jewish and socialist candidate—at the height of wartime anti-Semitic and antiradical paranoia during November 1917. The *New York Tribune*, with sneering accusations, covered his platform and campaign through a lens of suspicion. Running “under the guise of socialism,” the *Tribune* charged, Hillquit embodied the suspicious Jewish agitator. In their curt profile, the paper described him as “a Jew, born in Riga (the Milwaukee of Russia), 48 years ago. He is now rich and lives on Riverside Drive.” Hillquit’s Jewishness clearly stood as a liability, but his own wartime positions compounded his profile as a candidate to be feared. (Not by accident, the Hillquit “profile” also included a sketch of him wearing a Prussian helmet.) Running on what the paper called an “anti-war, anti-conscription, and quick peace platform,” Hillquit lined up with much of the left’s standard positions at the time. Still, this expose on “Comrade Hillquit” ran under the headline “Who’s Who Against America,” clearly spelling out how the *Tribune*’s editors viewed his patriotism. Called, derogatorily, the “Pacifist-Socialist Candidate” in newspapers, Hillquit’s campaign saw scrutiny again the next spring from Dr. Harry Best, who closely tracked the neighborhoods where Hillquit enjoyed the most success, and then reported his findings. Hillquit received 22.1 percent of the vote that fall, a rather strong showing for a third-party candidate. Yet, “the Hillquit vote,” Best explained, “was packed into certain ... sections of the city. The population of these sections is predominantly alien in origin, and unassimilated.” The piece made quickly clear that any electoral success Hillquit enjoyed rested on the popular support of undesirable immigrant voters. Russian, German, and Austrian voters led the way in the neighborhoods that backed Hillquit, and they supported a political party, the SPA, an “alien organization on American soil.” The depiction, in short, made clear that what

⁶² “The President and Tom Mooney,” *The Literary Digest* 57 (April 13, 1918): 14–15; Nye, “Justice for Tom Mooney,” 7; TMMDC Press Release, September 24, 1931.

it called the “unassimilable immigrant” was someone to be feared, particularly as an important voice in politics.¹⁷

These associations mattered for the San Francisco case, too. In his 1917 speech in Chicago, Cockran made plain the connections between Jewishness and radicalism. He pointed specifically to Israel Weinberg, a Jewish immigrant from Russia, who no doubt faced in the United States a “prejudice against the Russian Jew [that] has been extensive and deep seated.” Cockran, who even admitted his own prejudices at times, detailed his time with Weinberg and affirmed the accused’s fortitude, cheerfulness, and patriotism. Weinberg’s industriousness and determination, according to Cockran, was in line with the classic American tale of success. Arriving on U.S. shores, Weinberg went from penniless to a jitney bus driver, far from the image of a Jewish, disloyal, radical.¹⁸

By 1920, a brief victory occurred in the fight for justice for the San Francisco Five. Superior Court Judge Michael Roche dismissed a total of 10 indictments on January 6, 1920. They included four against Tom Mooney, three against Weinberg, and three against Rena Mooney. Even with these dismissed murder charges, a number remained pending in Judge Griffin’s court, specifically two against Mooney, three against Mrs. Mooney, and three against Billings.¹⁹

That same year, a drama unfolded that cast a dark shadow on immigrants and perceived radicals. On April 15, 1920, in Braintree, Massachusetts, culprits robbed a shoe factory, killing a paymaster and a guard in the process. With few leads, one witness indicated that the two men spotted “looked Italian.” The manhunt followed

¹⁷ *New York Herald*, March 5, 1922; *New York Tribune*, September 19, 1920.

¹⁸ J.B. Salutsky, “Report of the Jewish Translator-Secretary of the National Committee of the Socialist Party of America, May 1913” www.marxisthistory.org, Tim Davenport Collection; *New York Call*, May 31, 1917; *New York Tribune*, October 28, 1917, March 10, 1918.

¹⁹ Cockran, “A Heinous Plot.”

noting, “Mooney is absolutely innocent of any charges placed against him.” Subpoenaed for the Billings and Mooney trials, Pendergast believed “there was some unfair play” during the prosecution’s maneuvering. Years after the explosion, Pendergast felt it important to tell the senator that, despite being 15 ft. from the blast and one of the many injured, he believed Mooney innocent. He encouraged the legislator to use his statement about this and the abnormalities about his employment as a witness in any way possible to advance Mooney’s cause for freedom.⁶⁰

International support for Mooney, as it had for years, continued to occur. Reportedly, Russian soldiers who landed in ports on the Pacific coast asked about “Muni.” American enemies also detailed the case to their populations to call into question, especially during World War I, American sincerity in its fight “for democracy.” German newspapers reportedly reprinted accounts of the Mooney case, too, to influence workers and foster anti-American sentiment. The *London Times* and the *Manchester Guardian* ran articles around 1929 that followed the Mooney case, and many European labor organizations adopted resolutions on Mooney’s behalf. In Australia, workers observed August 9, 1931, as “Tom Mooney Sunday.” They held large meetings in Sydney and Melbourne, and smaller cities, had speakers, and wrote cablegrams demanding “an immediate and unconditional pardon” for Mooney, and those notices were sent to Governor Rolph.⁶¹

Famous Supporters

Notable personalities abroad also pledged their backing of Mooney. Famed philosopher Bertrand Russell, bound for England

⁶⁰ John Dewey to James Rolph, January 27, 1932, IISH, Berkman, 165; *San Francisco Examiner*, January 9, 1932; Envelope, TMDC to Alexander Berkman, November and January 1931 and 1932, IISH, 293/312.

⁶¹ M.T. Pendergast to David I. Walsh, February 22, 1932, IISH, Berkman, 167.

at least a few people not directly connected with the defense are honest enough to admit the deplorable manner in which the prosecution of these cases has been conducted.” Billings was understandably quick to point out the illegality of being held incommunicado, the identification of suspects, and the destruction of evidence, in particular his alibi evidence that he claimed police investigators destroyed.

Others involved in the case reacted to the report. John Dewey, the famous pragmatist, philosopher, and education reformer sent a letter of support from Columbia University to Governor Rolph too. He hoped for a quick resolution of the injustice cast upon Mooney, citing both the trial judge and Wickersham Commission’s support for Mooney. Dewey intended for his words to help in a “rectification of a great wrong” with a speedy pardon. Edwin V. McKenzie, one of the defense attorneys in the original bombing cases who secured the acquittals for Rena Mooney and Israel Weinberg as well as the dismissal of Edward Nolan’s case, gave comment after the report’s publication: “It’s all true. But nobody is interested now in determining the real facts as to the guilt or innocence of Mooney and Billings. It’s a political football.” Charles Fickert predictably dismissed the report handily and said: “It is all old stuff – the same hash ... My opinion is unchanged. The Supreme Court was right.” While living in Nice, France, at 8 Rue Trachel, Alexander Berkman received regular news from San Francisco, particularly about the Commission, which no doubt delighted him. The Tom Mooney Defense Committee sent him frequent mailings and the envelopes bore the slogans “California’s Shame” and “A Terrible Indictment.”⁵⁹

Waves of support continued to arrive. M.T. Pendergast, one of the original bombing witnesses who testified almost two decades earlier, wrote to Senator David Walsh of Massachusetts in 1932,

⁵⁹ *San Francisco Call-Bulletin*, January 8, 1932; *International Socialist Review* 17 (May 1917): 676.

the pattern: wild-eyed anarchist immigrants. A few weeks before, an Italian in custody “jumped” to his death from a 14th floor in police custody. Finally, authorities nabbed two admitted anarchists (and also Galleanists), a shoe worker named Nicola Sacco and a fish seller called Bartolomeo Vanzetti. While they had guns in their possession at the time of their arrest, being Italian, and “known anarchists,” their guilt seemed assured to many. A prompt trial gained national, and worldwide, attention as it seemed their reputations as radicals and anarchists superseded what the defense claimed was a false identification and the suspects’ lack of a criminal record. Yet, forces surrounded them, including a district attorney willing to work far too closely with witnesses and concealing evidence from the defense. In addition, the presiding judge, Webster Thayer, did not seem entirely impartial and in fact referred to the accused at one point as “those anarchist bastards.”

Sacco and Vanzetti emerged as heroic martyrs for the radical left. The court found them guilty on July 14, 1921, setting off a period of appeals and legal maneuvering on their behalf. They had received support from a number of notable individuals, including philosopher Bertrand Russell, Edna St. Vincent Millay, Upton Sinclair, and H.G. Wells. Hearing of the events from Russia, Alexander Berkman mobilized, feverishly writing about the injustice he perceived and asking for contributions to their relief fund. Despite these efforts, the state executed the two men in 1927.

From the start, many made comparisons between the Sacco and Vanzetti story and the ongoing Mooney case. The New England Civil Liberties Union published a pamphlet titled *Sacco and Vanzetti: Shall There Be a Mooney Frame-up in New England?* Two men faced the electric chair, it outlined, “on evidence no more substantial than the fabricated testimony which put Mooney and Billings behind bars ... it will be asked, can such things happen in America?” Mooney himself did not shy from making these parallels. In his own writing, he pointed to the Sacco-Vanzetti decision and how these “martyrs for labor,” also the victims of a

“frame-up,” were imprisoned in jail for eight years before “they were finally burned in the electric chair.”²⁰

Undeniably, the mail bombings of 1919, the Wall Street attack of 1920, and the Sacco & Vanzetti case of 1920 combined to foster and heighten the Red Scare that stifled leftist and anarchist agitation in the United States. Taken together, they brought a new and final era of unprecedented antiradicalism and reactionism. Turbulent times had also demonstrated the fragility of civil liberties. The few years of the Red Scare were intense in their antiradical and anti-immigrant witch hunts, but ultimately, the Scare faded quickly, too. Authorities predicted radical activities that failed to come. The Attorney General A. Mitchell Palmer promised more bombs that did not occur, his credibility waned, and lawyers mobilized against his robust antiradical tactics.

Still, by the fall of 1920, according to historian Bruce Watson, “most of the nation had forgotten Tom Mooney.” On the one hand, this may have been true. By this time, his forehead appeared a bit larger as his hair thinned, and he took to combing his graying hair backward. Even his bushy eyebrows had turned solidly gray. Without question, the years in San Quentin had certainly taken their toll on Mooney. Yet, the legal battle persisted, and efforts for a new trial and/or Mooney’s release continued. During the 1920s, many advocates for Mooney and Billings far from forgot about the accused. In fact, as historian Kevin Starr wrote, Mooney had nearly as much notoriety as the most celebrated Hollywood darlings of the time: “Tom Mooney, San Quentin convict 31921, became, after Mary Pickford and Douglas Fairbanks, the best-known Californian in the world.”²¹

²⁰ *Sacramento Union*, January 7, 1920.

²¹ Paul Avrich and Karen Avrich, *Sasha and Emma: The Anarchist Odyssey of Alexander Berkman and Emma Goldman* (Cambridge, MA: Harvard University Press, 2012), 341–342; Bruce Watson, *Sacco and Vanzetti: The Men, the Murders, and the Judgment of Mankind* (New York: Penguin, 2007), 91; Tom Mooney and TMDC to supporters, 1931 letter, ISHS, 149.

violations. Finally, Fickert’s conduct as D.A. consisted of “a grave violation of the standard of professional ethics.”⁵⁷

The Commission seemed to understand the overanxious attention to the defendants during the investigation and failure to explore other possibilities:

Our problem is not whether the police or the district attorney’s office fell short of their duty to the public in failing to investigate in other directions; our problem is whether they were unfair to the defendants ... whether without reasonable basis they turned their investigation against the defendants and withheld investigation in other quarters.

The report also revealed more suspect police work. Hoses used during the cleanup of the sidewalk at the scene, the Commission determined, washed away fragments of the bomb. The fact that people gathered and took souvenirs from the scene troubled the Commission too. Others had similarly alleged that the site of the explosion saw quick cleanup, even before the “heat of the bomb had cooled from the sidewalk,” and “within minutes” a sledge hammer and crowbar were employed to alter the crime scene. Fickert claimed that Captain Duncan Matheson handled the investigation, not a private detective. Moreover, he defended the qualifications and care of the bomb squad that investigated the scene and their scientific analyses.⁵⁸

From his cell at San Quentin, Mooney applauded the Commission’s findings. He remained particularly pleased that the Commission’s report came from a group of investigators considered conservative businessmen and lawyers. From Folsom Prison, Warren Billings also weighed in on the Commission’s findings. He declared its findings “true in every particular.” Billings, now 38 years old and behind bars for over 14 years, said, “I am pleased to discover that

⁵⁷ Tom Mooney to Franklin Roosevelt, December 12, 1931, IISH, Berkman, 367; *San Francisco Call-Bulletin*, January 8, 1932.

⁵⁸ *San Francisco Examiner*, January 9, 1932.

Semitism a standard tool of politics and hate-filled slogans filled the mainstream.⁵⁵

The National Commission on Law Observance and Enforcement, also known unofficially as the Wickersham Commission, issued a final important report on the Mooney case. Published in two parts and prepared by Zecharia Chafee Jr., Walter H. Pollsk, Carl S. Stern, and Thomas A. Halleran, it contained their investigation and conclusions, including a separate section containing all of the case documents. The report mentioned how John McDonald, who identified both Mooney and Billings near the scene of the explosion, had renounced his testimony. It also pointed out how both Governors Stephens and Richardson had denied requests for a pardon. After all, they noted that one of the case's special characteristics of the bombing was that the parade "had been denounced by pacifists and radicals as a militarist and capitalist feature" and the connection to "Mooney and his associates were understood to have had a part in the denunciation." The Commission themselves wrote, "Previous criminal activity ... while properly making a person suspect, are very far from being decisive."⁵⁶ In their conclusions, published in the *San Francisco Examiner*, the Commission said: "After the trials, disclosures casting doubt on the justice of the convictions were minimized and every attempt made to defeat the liberation of the defendants by a campaign of misrepresentation and propaganda carried out by the officials who prosecuted them." The prosecution and police made no "scientific attempt" to identify the "perpetrators of the crime." There also, the Commission found, were "flagrant violations" of California law by these same parties. Their coaching of witnesses stood as one of the most egregious examples of these

⁵⁵ Tom Mooney to Franklin Roosevelt, December 12, 1931, IISH, Berkman, 367; "The Mooney Case" – An Address by Hon. W. Bourke Cockran, July 28, 1918, Michigan/Labadie, 8.

⁵⁶ "The Mooney Case," An Address by Hon. W. Bourke Cockran, July 28, 1918, MICH, 8–11.

By this time, overwhelming support came from members of the 1916 jury, who came forward to write Governor Richardson and pledge their support for Mooney. One of them, John Miller, wrote, "I may truthfully say not one of the 10 jurors objects to Mooney's release." Remarkably, similar letters came from jurors R.H. Stettin, William A. Jacobs, John Bazzini, John Forsyth, S.G. Mish, Thomas Kennedy, and H.J. Breuer.²²

Mooney also clearly had the support of law enforcement personnel from the time of the attack. Duncan Matheson, now Captain of Detectives, wrote to Mooney on January 25, 1924, during one of the pardon applications. During the 1916 explosion investigation, Matheson served as the head of the special investigative detail. He now wrote to Mooney eight years later to weigh in on whether or not Mooney had received a fair and impartial trial. He concluded, citing what he believed, and as many others did, the perjured testimony of Oxman and McDonald, "I am convinced beyond any question of a doubt that you[r] rights were violated and that you were entitled to a new trial," he said. His colleague, Charles Goff, now serving as Captain of Police, was also part of the 1916 detail and in his own letter echoed his support for executive clemency.

Reversals of opinion, particularly in light of the revelations of perjury, withheld and falsified evidence, grew more commonplace, including changes of heart from the very judge that presided at the Mooney trial. Ten years after writing Governor Stephens, the presiding judge in the Mooney case, Franklin Griffin, again wrote on November 14, 1928, this time to Governor C.C. Young to make a similar plea on behalf of Mooney. A decade later, his sentiments had not changed, and Judge Griffin argued for Mooney's innocence. For Griffin, the 1916 bombing was indeed a "terrible crime," and he pointed out that all parties involved, with the exception of

²² Watson, *Sacco and Vanzetti*, 91; Haldeman-Julius, "The Amazing Frameup," UCLA, 27; Carl Nolte, "Centennial of 1916 SF Bombing that Led to Infamous Convictions," *San Francisco Chronicle*, July 16, 2016.

Charles Fickert, believed that Mooney and Billings were innocent and deserved a pardon. For his part, Fickert remained convinced of Mooney and Billings' guilt and was fond of showing a picture of the bloody scene and asking, "Don't you want to help convict the fiends who did *that*?" Fickert never wavered in his own conviction of Mooney's ties to direct action and anarchism, convinced that whoever sank the *Lusitania* and created and detonated the bomb in San Francisco were "agents of the same principle." Perhaps his assistant, Mr. Cunha, best summarized the prosecutor's attitude on the Oxman and McDonald perjury matters and the immovable attitude toward Mooney's guilt:

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.

Despite the efforts of the trial judge, 10 living jurors, the Assistant D.A., and current D.A. and their repeated petitions to the state's governors, these efforts have "bounced ineffectively against the wall of California's official indifference."

Ever persistent, Judge Griffin asked the Governor, who maintained a belief in the guilt of Mooney and Billings, if he could reply and offer any evidence that supported this conviction. Cosigners of the letter included Edward Hanna, Archbishop of San Francisco, and newspaperman Fremont Older. Judge Griffin made a habit of writing these types of letters over the years to a number of governors. On February 25, 1929, the 12th anniversary of sentencing Mooney, Judge Griffin spoke to a mass meeting in San Francisco and said to the crowd:

I am old fashioned enough to believe that a court of justice should be a court of justice, and when I know a wrong has been done it is my duty to see that wrong righted. That's why I am here tonight to testify to what I have repeatedly said, that Tom Mooney is innocent and ought to be pardoned. The Mooney case is one of

the French military (the military's highest ranks were typically aristocratic, Catholic, and monarchist). The government charged him with spying for Germany in 1894. Convicted, he was sent to Devil's Island, a.k.a. "the Island of the Devil" in South America. His conviction failed to stop the espionage, but the government adamantly upheld his guilt, as some pointed out the supposed danger of appointing Jews, who were "ever ready to trade in secrets," as officers. Then, several newspapers, with striking parallels to the Mooney case, found proof the army had perjured testimony/doctored documents used to convict him. This caused a considerable swell of protest against the Dreyfus court martial. In 1898, French novelist Emile Zola published "I accuse" on the front page of a Paris daily. In a powerful open letter, Zola cited a list of military lies and cover-ups by ranking government officials to create his guilt. The writing was particularly explosive because he gave the names of individuals involved and endorsed a liberal government based on truth/tolerance. While Zola had to flee the country (receiving a condemnation for prison and to pay a fine in absentia), public riots, quarrels amongst families, and eroded confidence in the government all resulted.

The similarities to the Mooney case appeared again, as revealed perjuries became a pattern, but just as Mooney's previous record as a labor agitator seemed to be the only crime he was guilty of, Dreyfus seemed guilty only of being Jewish. The Prime Minister in France stepped in and Dreyfus received a full pardon in 1899; the government in France reformed itself, ousting from office the aristocratic and Catholic officers responsible. The government also ended religious teaching orders for a secular public school system emphasizing liberal tolerance. The Dreyfus Affair made anti-

duced at this trial. Justice has long been denied Mooney ... his case will forever remain an indelible stain.”⁵³

Mooney remained dutiful in his appeals, as he looked for support from prominent Americans and officials. At the end of 1931, he penned a note to Governor Franklin Roosevelt of New York. As the “American Dreyfus,” he hoped to add Roosevelt to his list of supporters. As it dragged on for years, the Mooney Case often saw comparison to the Dreyfus Affair in France, sometimes with Mooney himself drawing the comparison. He reminded the audience of previous instances of “conviction without evidence,” citing a number of examples, but specifically the Dreyfus case. As Cockran made clear in his 1918 address, the anti-Semitism and antilabor attitudes in both were eerily similar. “Hatred of Jews was the cause of the memorable attempt to ruin Dreyfus in France,” he said, “just as hatred of labor unions is now causing the pursuit of Mooney in San Francisco.” Similarly, Lillian Symes penned an article titled “Our American Dreyfus Case: A Challenge to California Justice” that appeared in *Harper’s* magazine in 1931.⁵⁴

A notorious instance of anti-Semitism in France, it came amid a climate of political fragility during the Third Republic. After the loss in the Franco-Prussian War, economic hiccups, governmental corruption, and attempted coups all threatened political chaos. The press saw failures of almost any kind as the work of Jews. Often, the public, clergy monarchists, fell in line, thinking that the republic was backed by a conspiracy of Jews.

The Dreyfus Affair

A French army captain, Alfred Dreyfus (1859–1935) had attended the elite Paris Polytechnique and became a Captain in

⁵³ Floyd Olson to James Rolph, November 23, 1931, 135 and William Anderson to James Rolph, n.d. IISH, Berkman, 367.

⁵⁴ Tom Mooney to James Walker, November 30, 1931, IISH, 367.

the dirtiest jobs ever put over, and I resent the fact that my court was used for such a contemptible piece of work. I regret that the governor takes so long a time to act; but, then, it is his conscience that has to decide the case, and if he does the right thing when he gets around to it, it will be all right.”²³

Similarly, Fremont Older continued his crusade on the Mooney case. He said, “It is the most amazing story I had anything to do with.” Editor of two San Francisco newspapers, the *Call* and the *Bulletin*, Older began to firmly believe that Mooney and Billings received unjust sentences. On the front pages of his paper, he printed Mooney-related case stories. At the urging of San Francisco’s businessmen, the *Bulletin’s* owner R.A. Crothers commanded Older to cease his stories. Older resigned out of protest. Afterward, famed newspaper magnate William Randolph Hearst owned the rival *Call* and reached out to Older in a telegram saying, “Come to the *Call* and bring the Mooney case with you.” Then, Older revealed a Dictaphone conversation from Fickert’s office, where the D.A. talked freely about the Mooney case and other nefarious dealings (such as girlfriends) and printed them in their entirety. The recording had Fickert saying to Cunha “that ____ ____ ____ Griffin, if it weren’t for him, we would have had Mooney shoved right off at the end of the trial.”²⁴

The Tom Mooney Molders’ Defense Committee also remained active in supporting Mooney’s cause, financially and otherwise. At the center of their work was, of course, the goal of pardoning Mooney, which seemingly gained momentum in the 1920s because of their persistent work. They stood vigilant, pledging in a 1929 letter to friends that they were “redoubling” their work, particularly

²³ The dates of the letters were Stettin (September 14, 1924), Jacobs (September 7, 1923), Bazzini (September 18, 1923), Forsyth (November 25, 1925), Mish (October 10, 1924) and Kennedy (February 17, 1926). The Breuer and Miller letters had no date. Nye, “Justice for Tom Mooney,” 23–28.

²⁴ *San Francisco Call-Bulletin*, April 22, 1931; Nye, “Justice for Tom Mooney,” 26–28, 20–21, 4–5.

in light of recent statements from the Governor of California that the movement for a pardon was not as strong as Mooney's supporters had thought. Letterhead contained powerfully contrasting pictures of a young Mooney before imprisonment and another of him, graying, after 13 years in jail.²⁵

Helping their case were the questions still swirling around Frank Oxman, the damning prosecution witness. During a 1921 grand jury hearing in May 1921, Mr. and Mrs. E.K. Hatcher of Woodland, California, testified before the Grand Jury that on July 22, 1916, the very day of the Preparedness Day bombing, Frank Oxman arrived at their home that morning and had lunch with them. He did not leave their house, they said, until he caught a 2:15 train bound for San Francisco. Meaning, of course, that Oxman could not have been in the city and seen what he claimed to see, because he would have been waiting to board a train in Woodland. Oxman failed to arrive in the city until 5 pm, they said, and Oxman's 5:30 pm registration at the Terminal Hotel substantiated this fact.

Fallout from the Oxman letters also continued well into 1929. While the Oxman testimony had helped convict Mooney, his letters and other incriminations had changed many perceptions of the case. In coming years, Judge Griffin, 10 surviving jurors, two of the assistant prosecuting attorneys, and two police officials who had worked on the case all agreed: without Oxman's problematic time on the stand, Mooney simply could not have been convicted.²⁶

Authorities later tried Oxman for perjury, but Fickert assistants led the prosecution, and by most accounts, the case was weakly advanced before the Grand Jury. Defending Oxman was Samuel Shortridge, a leading San Francisco lawyer, and, rather curiously, he also served as the attorney for the Grand Jury foreman named John Spreckels. Oxman, probably not surprisingly, received an ac-

²⁵ *San Francisco Chronicle*, July 16, 2016; *The Sun* (Baltimore, MD), June 2, 1929.

²⁶ Martin Eagan (President) & Mary Gallagher (Secretary) to mailing list, September 29, 1929, IISH, Berkman, 367.

House, helped sponsor a resolution for Mooney's immediate and unconditional pardon. The Majority Leader sent a letter to Tom Mooney, care of the Tom Mooney Molders' Defense Committee, informing him of the committee's intent to draft the resolution, and believed Mooney had "certainly been buried long enough in a living grave." At the local level, these types of resolutions were also passed. Both houses of the Rhode Island State Legislature passed a resolution calling on Governor Rolph to issue a "prompt and unconditional" pardon for Mooney.⁵¹

Other politicians weighed in, too, urging California officials to revisit the Mooney case. Governor Floyd Olson of Minnesota wrote to Governor Rolph in California and observed, simply as "a citizen interested in fairness ... of our American institutions," the overwhelming support for Mooney. "People in all walks of life, and particularly the laboring classes throughout the world are convinced of the innocence of Tom Mooney," he offered. Olson, a prosecutor in Minnesota for 10 years, also reminded the fellow governor that both the trial judge in the Mooney case and the 10 living jurors had pleaded for Mooney's pardon. The Mayor of Minneapolis, William Anderson, echoed Olson's sentiments in his own letter to Rolph, wanting "to place myself on record"; Anderson also believed in Mooney's innocence and condemned the great "manifest example of the miscarriage of justice."⁵²

As he was awaiting a parole hearing in 1931, Mooney wrote to Mayor James Walker of San Francisco and cited these kinds of recent comments from Judge Griffin: "It is still my belief that Mooney was convicted on perjured testimony willfully and deliberately pro-

⁵¹ Gerald Nye, *Justice for Tom Mooney* (Washington, DC: United States Printing Office, 1929), 2-3, 7, IISH, Berkman, 367.

⁵² Henry T. Rainey to Tom Mooney, January 23, 1932, IISH, 161; TMDC Press Release, January 29, 1932, IISH, Berkman, 163.

a famed progressive and prolabor Senator from Montana, also spoke at the event. Also “likely to participate” were Senators Borah of Idaho, Gerald Nye of North Dakota (who became famous for his investigation into the munitions industry), and Robert La Follette, Jr. of Wisconsin, often considered a labor champion. In a 1931 letter, Mooney cited these notable politicians, as well as governors and mayors, who had already recognized the “monstrous judicial outrage” against him.⁴⁹

Two years earlier, on June 19, 1929, Senator Nye delivered a speech in the U.S. Senate. He emphatically argued for justice for Mooney. He began by noting the need for law and order and, of course, the “heinous” character of the crime in 1916. Nye emphasized that he had always been careful about endorsing the types of “radical opinions” that Mooney and Billings were alleged to have, but noted that was extraneous to the question at hand. He outlined the facts of the case in detail and contended that Mooney’s continued imprisonment “is casting discredit on our judicial process.” While cognizant that Congress probably stood powerless to step in, Nye felt compelled to call for intervention as a means of “correcting this shameful injustice.” The speech received many reprintings.⁵⁰

Senator Nye became famous for his 1930s investigation into the munitions industry and U.S. neutrality during World War I. Senator Nye became famous for his 1930s investigation into the munitions industry and U.S. neutrality during World War I.

Congressional support like this increased over time. Also, in 1932, Congressman Henry Rainey, the Democratic Leader in the

⁴⁹ Press Release, n.d., TMDC, 129, IISH, Berkman, 367; Tom Mooney Defense Conference of Greater Boston Press Release, IISH, Berkman, 367; Flyer for Boston Common rally, IISH, 286/312.

⁵⁰ Anton Johannen, “The Mooney Case,” IISH, Letter 1, Berkman, large file; Appellant’s Opening Brief, *The People of California vs. Warren K. Billings* (February 1917), Labadie/Michigan Collections; *The American Guardian* (Oklahoma City, OK), July 3, 1931; Flyer, 1932 Mass Meeting, IISH, Berkman, 157; Edwards, *New Spirits*, 163–164; Tom Mooney to Franklin Roosevelt, December 12, 1931, IISH, Berkman, 367.

quittal. The Grand Jury, refusing to indict Oxman based on his explanations of the letters, even praised Charles Fickert for his “able and fearless” handling of the trials. However, Professor Felix Frankfurter of the Harvard Law School (and later the U.S. Supreme Court) had also investigated the Mooney case for President Wilson and found the positions of Judge Griffin and the Attorney General of California, given the Oxman events, for a new trial convincing.²⁷

On September 23, 1929, William MacNevin, the foreman of the Mooney jury, wrote to Governor Friend W. Richardson around the time that Mooney requested a pardon. He claimed that “no fair minded juror,” when faced with the evidence of the original trial, would have ruled differently. Now, however, so much had “come to light” that he felt quite differently, and endorsed Mooney’s request for clemency. One of MacNevin’s fellow jurors, Louise Neustadter, wrote from California, expressing a similar sentiment. “The ends of justice could be best served by grating a pardon to Thomas J. Mooney,” she wrote.²⁸

The District Attorney Matthew Brady joined him in the late 1920s in writing to Governor Richardson. Brady served as one of the prosecuting attorneys in the Mooney and Billings cases, even presenting the evidence in the Billings case. Since the trials, Brady remained troubled by the “attitude and conduct” of the key witnesses in the cases, which had, for him and many others, “cast suspicion” on the cases. Now, as the sitting D.A., he put it simply: “If a new trial were granted, there would be no possibility of convicting Mooney or Billings.”²⁹

Mooney publicly opposed Matthew Brady in his later election bid during November 1931. Voters had elected Brady in 1920 when he defeated Charles Fickert. Yet, the Mooney camp never saw Brady’s promise of a new trial come to fruition. “Lacking

²⁷ Nye, “Justice for Tom Mooney,” 9, 12.

²⁸ *The Sun* (Baltimore, MD), June 2, 1929; John A. Fitch, “The San Francisco Bomb Cases,” *The Survey* 38 (July 7, 1917): 310–311.

²⁹ Nye, “Justice for Tom Mooney,” 23.

the necessary courage,” Mooney himself charged, Brady backed away from a new trial, claiming it would result in a farcical affair. Mooney asked voters to remove every public official complicit in his “frame up.” Brady, he alleged, became part of the broader alliance of bankers, businessmen, and the Chamber of Commerce that stood against Mooney and Billings.³⁰

Pressure mounted on the next governor, Clement Calhoun “C.C.” Young, to revisit the case. Young graduated from the University of California in 1892, and he began teaching English at various high schools. He even published a book on English poetry that became widely used in the state’s schools. He eventually went to work for the Mason-McDuffy Company, in part because Duncan McDuffy was a college friend. In both education and business, he was described as “meticulous, cautious, and thoroughgoing,” and voters in the Berkeley district sent him to the State Assembly for five successive terms. He later served as Lieutenant Governor under Stephens. During that tenure, he became quite familiar with the Mooney case, as Governor Stephens received, and refused, pardon requests. He served as Governor from January 1927 to 1931.

Like his predecessor, Governor Young believed Mooney and Billings guilty. He expressed this opinion to an assembled group of citizens at a Berkeley gathering and then again in a letter to the state’s labor federation. Still, he took pride in the fact that he would at least consider reviewing the case: “I am the first governor who would even look into the Mooney case,” he announced.³¹

Judge Griffin, persistent in his own resentment, wrote to Governor Young on November 14, 1928, noting this attitude:

When you discussed the Mooney case some weeks ago with a group of citizens at Berkeley, you told us ... then you had believed Mooney and Billings guilty of the Preparedness crime. Some days

³⁰ Brady wrote Richardson in September 1926. Nye, “Justice for Tom Mooney,” 21–22.

³¹ Flyer, “Tom Mooney Urges Defeat of District Attorney Brady,” 1931, IISH, Berkman, 286/300.

Congressional District, Francis Condon, helped lead the adoption of a boycott resolution against California. “As citizens of the State of Rhode Island,” it read, “we pledge ourselves not to purchase the products of the State of California, until the unconditional pardon of Thomas J. Mooney is accomplished.” They sent copies of the resolution to Governor Rolph and each senator and congressman from California. To the north, the Tom Mooney Defense Conference of Greater Boston also held a large, open-air, mass meeting that fall. Held on Boston Common on a Sunday afternoon, the speakers included Alfred Baker, the Secretary of the Socialist Party of Massachusetts, and trade union leaders, like Robert Fechner of the Machinists union. The proceedings were broadcast nationally on NBC radio.⁴⁸

Mooney and his codefendants were not without notable American defenders in the 1920s and 1930s. These included, at various points, President Woodrow Wilson, Sinclair Lewis, Carl Sandburg, Mayor Jimmy Walker of New York, and later President-Elect Franklin Roosevelt. As one would assume, Clarence Darrow also took Mooney’s side. Certainly the nation’s most famous attorney, he donated \$500 to the defense fund. At the Friends Meeting House in Washington, D.C., defenders organized a “Pardon Tom Mooney” mass meeting to help mark the 15th anniversary of the Mooney trial. A conference held during the afternoon at the Hotel Hamilton preceded the evening mass meeting on January 24, 1932, and the rally featured speakers including Rabbi Edward Israel, Chair of the Central Conference of American Rabbis; Edward Nockels, Secretary for the Chicago Federation of Labor; and Fr. John Ryan, the Director of the National Catholic Welfare Conference. In 1906, Fr. Ryan had authored *A Living Wage*, which argued, from Catholic and other perspectives, for the right of all individuals to basic necessities and fair wages. Burton K. Wheeler,

⁴⁸ Tom Mooney to Jacob J. Weinstein, October 1, 1931, IISH, Berkman, 367; *The American Guardian* (Oklahoma City, OK), July 3, 1931.

careful bookkeeping. “Not a penny is wasted,” they wrote, “every nickel is regularly accounted for.”⁴⁶

California organizations and congregations got involved in the work of standing up for Mooney. The Ancient Order of Hibernians drafted a resolution on September 11, 1931, its California State President, George R. Reilly, reported, as well as the national convention in Newport, Rhode Island, who also endorsed the demand for Mooney’s pardon. During a Yom Kippur sermon, Dr. Jacob J. Weinstein of San Francisco’s Temple Beth Israel called Mooney “an outstanding example of social injustice in modern history.” Mooney thanked him personally for his, and others in the Jewish community, support. “Outstanding Jews” across the country, had, since 1916 “protested my prolonged imprisonment,” despite Mooney being “the son of an Irish mother.” He also praised other Jewish leaders for their commitment to his cause, including Dr. Jacob Nieto, Dr. Louis Newman, and Rabbi Stephen Wise of New York, whom he counted among his “staunchest friends.” Even California goods and tourism saw connections to the case. Some made appeals to boycott California products and travel. Mooney defenders printed lists of products to buy from other states and places to visit in the West on vacation, everywhere except California.⁴⁷

Mooney’s fate concerned citizens across the country in New England. In Rhode Island, a group called a mass meeting they billed as “Public Spirited Citizens Endorsed and Supported by Organized Labor.” Attendees and speakers at the Providence gathering included John Burns, the President of the state federation of labor, as well as other labor leaders. Rhode Island’s representative from the third

⁴⁶ “Resolution Demanding Tom Mooney’s Immediate Unconditional Pardon,” IISH, Berkman, 367; Flyer, “Tom Mooney Urges Defeat of District Attorney Brady,” 1931, IISH, Berkman, 286/300.

⁴⁷ “Financial Transactions of the Tom Mooney Molders’ Defense Committee,” August 1931, IISH, Berkman, 367; Tom Mooney Defense Committee to Friends, September 17, 1931, IISH, Berkman, 367; TMMDC to International Longshoremen’s Union, September 18, 1931.

afterwards, when you sent a message to the State Federation of Labor at Sacramento, you said again that you believed them guilty. I believe that you are as anxious as any other citizen of California to see justice done to these two men, and will give serious attention to the documents in behalf of their pardon. Because I believe that, Governor Young, I am asking you – before you make your final decision – to let me know what evidence has led you to believe that Mooney and Billings really committed the crime for which they were tried and convicted and are now in prison.³²

In 1929, the Mooney Defense of Southern California ran a full-page newspaper advertisement, reprinting letters from various Mooney supporters that asked for his pardon. Professors from the University of California and the University of Oregon, students at Stanford and Johns Hopkins, and students and faculty from Pomona College all made public declarations. The ad also included a petition from the “Moving Picture People” of Los Angeles and Hollywood against this “menace to justice,” with Charlie Chaplin among the signers, asking the governor for a pardon.³³

As petitions and letters of support like these poured in during 1929, Governor Young studied the data on the case and considered the pardon plea before him. The political ramifications surrounding the case mattered, conditions that helped explain the failure of previous governors to grant a pardon. After all, political observers noted the risk of a conservative candidate unseating any governor that granted the clemency.³⁴

³² Nye, “Justice for Tom Mooney,” 20–21; Haldeman-Julius, “The Amazing Frameup,” UCLA, 21, 23.

³³ Haldeman-Julius, “The Amazing Frameup,” UCLA, 10–11.

³⁴ “Petitions to Governor for Mooney,” Berkman, 367, IISH, 184. At this time, Senator Burton K. Wheeler of Montana, and a Mooney defender, received letters of support from Mooney backers among his constituents. Writing from Havre, dozens of union men there wrote in May 1929 urging “immediate action.” Nye, “Justice for Tom Mooney,” 29.

Mooney, meanwhile, sat at San Quentin, waiting, frustrated, and skeptical. Sitting on the edge of San Francisco Bay, San Quentin was described by Mooney's friends as a "tomb of the living dead." Getting there meant first a ferry ride to Sausalito, then a train to San Rafael, and finally a bus to the prison's outer gates. Visitors and reporters who went to speak with Mooney would walk about 10 minutes from the initial guarded gates to the prison doors, where a small waiting room often held prisoners' wives. A partition separated prisoners from visitors in the reception room, and guards occasionally appeared to call out last names of prisoners now granted visitation.

Mary Gallagher, the Secretary of the Mooney Defense Committee, visited him in jail on May 6, 1930, and witnessed Mooney receiving what seemed positive news. The California Supreme Court had apparently reached a favorable decision on his, and Billings', fate and the only piece now was Governor Young. Later that week, similar news arrived, but of course formal documents never did. These kinds of moments must have been emotional and unsettling, and they surely played out time and again during the incarceration. By 1930, Mooney knew the pattern, and even when good news seemed to arrive, he anxiously fretted. The Committee also sent letters from Mooney himself. Writing from his "iron tomb," at San Quentin, Prisoner 31921 asked that recipients read the enclosed pamphlets about his "frame up" and, if possible, send money. His only crime, he claimed, was an unflinching "loyalty to my class" and fellow workers.³⁵

Young finally made his decision known on July 8, 1930; he denied the pardon application. On July 11, 1930, meanwhile, Baltimore police arrested former key witness John McDonald, now 58 years old. Looking "broken and much older" than his age might indicate, McDonald had been working as a switchboard operator for an apartment house. He allegedly made plain his willingness to go

³⁵ *The Sun*, June 2, 1929.

note also claimed the police methods typified the "ruthlessness used in framing me."⁴⁴

While Mooney's cause seemed a universal one for labor, union divisions could run deep. The California State Federation of Labor, at its 1931 convention, passed a resolution where its Executive Council would assume control of the Mooney Defense. The Tom Mooney Molders' Defense Committee rejected this proposal, charging the state labor organization with supporting the very "labor" interests that had backed Fickert's election years earlier. Moreover, the Committee alleged, those men continued to be controlled by and answer to politicians against Mooney. Instead, they demanded that state convention delegates pay \$2 each for the defense fund and that the state federation make a \$500 donation. In that same year, Mooney himself referenced, in a flyer that outlined the delay in granting him a new trial, the role of the "corrupt labor leaders" advising District Attorney Brady "not to do anything for Tom Mooney."⁴⁵

The 1931 financial statements revealed contributions from the Amalgamated Association of Street Railway Employees of America (\$1,000), the Brotherhood of Locomotive Firemen (\$500), and the International Union of Longshoremen (\$100). Despite these contributions, however, the Defense Committee continued to appeal to its mailing list for contributions. It claimed a financial crisis in the weeks before its 1931 convention and announced a "Sustaining Membership Plan," which essentially asked supporters to give "as large a contribution as you possibly can." The organization reported a debt of about \$3,600, though they were careful to emphasize their

⁴⁴ Dorothy Murphy to Friends of Defense, September 10, 1931, IISH, Berkman, 367; "To All Tom Mooney's Friends!" Release TMMDC, 1931 release, IISH, Berkman, 367. Mooney to Delegates, September 14, 1931 IISH, Berkman, 367; TMDC Press Release October 1931, Berkman, 367, IISH.

⁴⁵ Press Release, November 1931, TMDC, 131, IISH, Berkman, 367; TMDC Press Release, November, 1931, ISHS.

thanks to a \$5,000 donation. The event speakers came from various labor, fraternal, and religious organizations, and included newspaperman Fremont Older, Robert Whitaker, Walter Frank, Lincoln Steffens, and Fred Moore, the attorney who defended Sacco and Vanzetti. A 30-piece orchestra from the San Francisco Musicians' Union, Local #6, performed so that the attendees could be accompanied when they sang "familiar songs of an appropriate character." A couple of weeks before the convention, Mooney wrote from his "dungeon" and wished the delegates well. He made a point of reminding them of the de facto agent of the United Railroads, Charles Fickert, and his framing of him. The Defense Committee even extended an invitation to Charles Fickert, now serving as the attorney for the state board of medical examiners, to appear on stage and possibly debate Frank Walsh, Mooney's attorney. The Tom Mooney Defense Committee formally invited (really challenged) Fickert to appear. Convention organizers, noting how Fickert had lamented the lack of "both sides" being expressed on the Mooney case, extended the invitation. They offered him 35 minutes if he appeared and a microphone, with the condition that he remain on stage while another speaker responded. Naturally, there is no evidence he appeared.⁴³

Later that month, a "Mooney Meeting" convened in Los Angeles on October 30 and turned sour. Workers gathered at the Philharmonic Auditorium to demand Mooney's freedom. However, they faced off with the L.A. Police Department, who, Mooney supporters claimed, attacked them with clubs and gas bombs. Mooney wired Mayor Porter to detail the "vicious attacks with clubs and gas bombs" at the hands of police and place responsibility squarely on the Mayor. Residents of the city, he claimed, were "up in arms" by the event that would now be known as "Black Friday" in Los Angeles, because of this show of police brutality against pro-Mooney folks that called for his freedom. Mooney's

⁴³ Press release, Railway Clerks Dance, Berkman, IISH 367.

to San Francisco and recant his perjured testimony, and authorities released him.³⁶

Despite Young's petition denial, the governor's race that fall brought some optimism for Mooney and Billings defenders. C.C. Young had lost support as some questioned his progressive credentials and the Depression set in. He seemed politically doomed. Mooney supporters hoped that the "long fantastic horror of prosecution might come to an end." After all, Young had overseen much of the case's history. The election, according to those siding with Mooney, meant that the state's voters had made their opinion clear on "the man who has made her name a synonym for brazen injustice."³⁷

On January 6, 1931, California inaugurated its next top executive, Governor James "Sunny Jim" Rolph in Sacramento. Rolph, incidentally was the same James Rolph who served as mayor of San Francisco when the 1916 bombing occurred and promised to hunt down the city's radicals. He now stood as the next governor to inherit the Mooney case. A three-day festival took place at the capitol at the start of 1931, culminating in a celebratory parade. Included in the procession was a grim hearse that rattled past the viewing stand. "Justice Dead in California," a sign on it read. Below, on some windows, another read, "Pardon Tom Mooney – Innocent."³⁸

The governmental delay continued to anger Mooney. What he called "procrastination" by Governor Rolph was frustrating because all of the facts were known by 1931 and the powers that be were simply "dragging this thing out" when "any person with the mentality of a ten-year-old child could take all the 'evidence'" remaining and render a decision in days, not months.

³⁶ Haldeman-Julius, "The Amazing Frameup," 5, 26–27; Tom Mooney to Friends of Defense, June 12, 1931. IISH, Berkman, 367.

³⁷ *Madera Tribune* (Madera County, CA), July 8, 1930; Haldeman-Julius, "The Amazing Frameup," UCLA, 6.

³⁸ Haldeman-Julius, "The Amazing Frameup," UCLA, 7.

Even as the fight perhaps reached its final turns, Mooney made clear, and never seemed to forget, that it was one steeped in labor versus capital. “The directorship of Capital” had condemned him to prison; the “all-powerful ... California Plutocracy” sentenced him to life in jail; the “Pluderbund of California” framed him. Mooney had certainly become and remained a labor icon, and those among his defense effort emphasized his place among workers. “Tom Mooney is a[n] historical symbol of the American workers,” a letter to donors said in 1931, because by “keeping Tom Mooney in San Quentin, the captains of finance and industry are heaping insult upon injury on all the workers.” Clearly, this case became part of a long pattern in American history of labor versus capital and of “the people” against “the interests,” in a much bigger, and longer, struggle in the U.S. landscape.³⁹

In subsequent years, some of these letters tugged at the heartstrings of the public. On his 49th birthday in 1931, Mooney wrote to his 84-year-old mother, confined to a hospital bed at St. Joseph’s Hospital in San Francisco. The Tom Mooney Defense Committee released the letter, which outlined his love and appreciation for his mother’s perseverance, especially through “this 15-year nerve wracking ordeal.” “Feeble as you are, you have never failed me ...” he said. Later that year, Mooney also wrote an editorial outlining his jail experience. His stone cell where he had been housed for the previous 15 years measured 8 ft long and 4 ft. wide. He described the dampness and cold in the cell where, without sunlight, “the cold eats into the marrow one’s bones.” He also characterized the prison authorities as “hostile.” For example, Mooney had been on a desirable work detail, but claimed that after he spoke out against Governor Young—in light of Mooney’s pardon denial on July 4, 1930—his privileges shrank, all despite his good conduct and seniority. The warden also forbade Mooney from speaking with newspapers. Perhaps the best evidence for special abuse came when the prison

³⁹ *The American Guardian*, July 3, 1931.

designated another inmate, “an underworld brute,” to watch over Mooney and goad him into misbehavior. As Mooney wrote, “He dogged my every step, he watched my every movement, he reported my every move to the authorities. He insulted and humiliated me at every opportunity. He harassed me in every conceivable manner. He tried to bully, browbeat and intimidate me.”⁴⁰

At this time, Hollywood even immortalized Mooney’s case and plight in the play “Precedent.” It debuted in Los Angeles in 1931 and Rena Mooney appeared at the premier, where she received an ovation from the audience. The actress who played her even wore some of the clothes Mrs. Mooney wore in 1916. While Rena Mooney had fallen into poor health, she continued to show great resolve, making this appearance and, despite her physicians’ recommendation, at the California State building while the Supreme Court considered Warren Billings’ pardon application.⁴¹

Efforts from Mooney supporters typically included rallies and meetings, often intended to help raise money for the Mooney Defense fund. The Railway Clerks of the San Francisco Bay Region held their annual fall dance, held in collaboration with the Tom Mooney Defense Committee, in the Gold Room of the Palace Hotel on Saturday night, October 10, 1931. “One of the finest ballrooms of the city” hosted the dance, with door prizes that totaled \$200 in cash and music furnished by Anson Weeks. Organizers believed the event would serve as a “fitting prelude” to a larger demonstration in the city the next day.⁴²

The crowning event on Mooney’s behalf indeed occurred on Sunday, October 11, 1931, at the San Francisco Civic Auditorium; organizers expected at least 10,000 to attend, free of charge. KYA Radio in San Francisco offered a nationwide broadcast of the proceedings,

⁴⁰ Tom Mooney and TMDC to supporters, TMDC 1931 letter, ISHS, 149. Tom Mooney to Friends of Defense, August 20, 1931. IISH, Berkman, 367.

⁴¹ Tom Mooney to Mary Mooney, December 8, 1931. Berkman 367, IISH; *The American Guardian* (Oklahoma City, OK), July 3, 1931.

⁴² TMDC Press Release, October 1931, Berkman, 367, IISH.

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neous decrease of the average income of the working mass of the people, leads to so-called “business” and “commercial” crises, when the misery of the wage-workers is forced to the extreme.

For illustration: the last census of the United States shows that after deducting the cost of raw material, interest, rents, risks, etc., the propertied class have absorbed—i.e., stolen—more than five-eighths of all products, leaving scarcely three-eighths to the producers. The propertied class, being scarcely one-tenth of our population,...in spite of their luxury and extravagance are unable to consume their enormous “profits,” and the producers, unable to consume more than they receive—three-eighths—so-called “over-productions” must necessarily take place. The terrible results of panics are well known.

The increasing eradication of working forces from the productive process annually increases the percentage of the propertyless population, which becomes pauperized and is driven to “crime,” vagabond-age, prostitution, suicide, starvation, and general depravity. This system is unjust, insane, and murderous. It is therefore necessary to totally destroy it with and by all means, and with the greatest energy on the party of everyone who suffers by it, and who does not want to be made culpable for its continued existence by his inactivity.

Agitation for the purpose of organization; organization for the purpose of rebellion. In these few words the ways are marked which the workers must take if they want to be rid of their chains; as the economic condition is the same in all countries of so-called “civilization”; as the governments of all Monarchies and Republics work hand in hand for the purpose of opposing all movements of the thinking part of the workers; as finally the victory in the decisive combat of the proletarians against their oppressors can only be gained by the simultaneous struggle along the whole line of the bourgeois (capitalistic) society, so therefore the international fraternity of people as expressed in the International Working People’s Association presents itself a self-evident necessity.

True order should take its place. This can only be achieved when all the implements of labor, the soil and other premises of production, in short, capital produced by labor, is changed into societal property. Only by this presupposition is destroyed every possibility of the future spoilation of man by man. Only by common, undivided capital can all be enabled to enjoy in their fullness the fruits of the common toil. Only by the impossibility of accumulating individual (private) capital can everyone be compelled to work who makes a demand to live.

This order of things allows production to regulate itself according to the demand of the whole people, so that nobody need work more than a few hours a day, and that all nevertheless can satisfy their needs. Hereby time and opportunity are given for opening to the people the way to the highest possible civilization; the privileges of higher intelligence fall with the privileges of wealth and birth. To the achievement of such a system the political organizations of the capitalistic classes—be they Monarchies or Republics—form the barriers. These political structures (States), which are completely in the hands of the propertied, have no other purpose than the upholding of the present disorder of exploitation.

All laws are directed against the working people. In so far as the opposite appears to be the case, they serve on the one hand to blind the worker, while on the other hand they are simply evaded. Even the school serves only the purpose of furnishing the offspring of the wealthy with those qualities necessary to uphold their class domination. The children of the poor get scarcely a formal elementary training, and this, too, is mainly directed to such branches as tend to producing prejudices, arrogance, and servility; in short, want of sense. The Church finally seeks to make complete idiots out of the mass and to make them forego the paradise on earth by promising a fictitious heaven. The capitalistic press, on the other hand, takes care of the confusion of spirits in public life. All these institutions, far from aiding in the education of the masses, have for their object the keeping in ignorance of the people. They are all in

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the pay and under the direct control of the capitalistic classes. The workers can therefore expect no help from any capitalistic party in their struggle against the existing system. They must achieve their liberation by their own efforts. As in former times a privileged class never surrendered its tyranny, neither can it be expected that the capitalists of this age will give up their rulership without being forced to do it.

If there ever could have been any question on this point it should long ago have been dispelled by the brutalities of the bourgeoisie of all countries—in America as well as in Europe—constantly commits, as often as the proletariat anywhere energetically move to better their condition. It becomes, therefore, self-evident that the struggle of the proletariat with the bourgeoisie must have a violent, revolutionary character.

We could show by scores of illustrations that all attempts in the past to reform this monstrous system by peaceable means, such as the ballot, have been futile, and all such efforts in the future must necessarily be so, for the following reasons:

The political institutions of our time are the agencies of the propertied class; their mission is the upholding of the privileges of their masters; any reform in your own behalf would curtail these privileges. To this they will not and cannot consent, for it would be suicidal to themselves.

That they will not resign their privileges voluntarily we know; that they will not make concessions we likewise know. Since we must then rely upon the kindness of our masters for whatever redress we have, and knowing that from them no good may be expected, there remains but one recourse—FORCE! Our forefathers have not only told us that against despots force is justifiable, because it is the only means, but they themselves have set the immemorial example.

By force our ancestors liberated themselves from political oppression, by force their children will have to liberate themselves

from economic bondage. “It is, therefore, your right, it is your duty,” says Jefferson—“to arm!”

What we would achieve is, therefore, plainly and simply:

First:—Destruction of the existing ruling class, by all means, i.e., by energetic, relentless, revolutionary, and international action.

Second:—Establishment of a free society based upon cooperative organization of production.

Third:—Free exchange of equivalent products by and between the productive organizations without commerce and profit-mongery.

Fourth:—Organization of education on a secular, scientific, and equal basis for both sexes.

Fifth:—Equal rights for all without distinction to sex or race.

Sixth:—Regulation of all public affairs by free contracts between the autonomous (independent) communes and associations, resting on a federalistic basis.

Whoever agrees with this ideal, let him grasp our outstretched brother hands!

Proletarians of all countries, unite!

Fellow-workingmen, all we need for the achievement of this great end is ORGANIZATION and UNITY!

There exists now no great obstacle to that unity. The work of peaceful education and revolutionary conspiracy well can and ought to run in parallel lines.

The day has come for solidarity. Join our ranks! Let the drum beat defiantly the roll of battle: “Work-men of all countries unite! You have nothing to lose but your chains; you have a world to win!”

Tremble, oppressors of the world! Not far beyond your purblind sight there dawns the scarlet and sable lights of the JUDGEMENT DAY!

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DOCUMENT 2. Preparedness Parades

With the preparedness movement, the push toward a larger and outfitted military, should the U.S. go to war, gained significant traction. Supporters included Theodore Roosevelt and Elihu Root. Yet preparedness and parades as a demonstration of the movement were not without critics, and these kinds of editorials appeared as critiques of the seemingly unanimous public displays of patriotism that took place across the country.

“Preparedness” and “Adequate Defense” are purely relative terms. There are few who believe in no preparedness, in defenselessness. There are, however, many whose doctrines approach perilously close to the worst sort of Prussian militarism. If the meaning of “preparedness” is uncertain, what is the meaning of a preparedness parade? Probably the vast majority of the paraders have not even cared to inquire with any definiteness about the condition of preparedness in this country today. They have heard generalities in abundance, but they have examined little into what our country has to prepare against or into what it is preparing for. Yet by taking their places in the parades that have been so widely exploited and extravagantly promoted, they are virtually signing a petition for more and more military preparedness, for unparalleled increases in our army, and for an annual naval bill of \$240,000,000. They are signing a document of greatest importance to themselves, and to the rest of us, which they have not carefully read. In the minds of these marching multitudes is patriotism of a kind, of course. Pride in the history of their country is there, and the desire, perhaps, that this nation shall continue to live, that their homes may be protected from destruction. These are good things, handsome things, in measure as they are sincere. If only they were clearly and definitely envisaged, and believed in, they would be noble things. But much of this parade-preparedness-patriotism is futile. If the paraders once analyzed their motives, they would know that it is futile. They are making no real sacrifices to march.

They give up nothing, not even a day's pay, for the privilege of swinging in behind the band. The parades look like a unanimous vote that someone else should "prepare." Yet it is hard to blame them. Marching is more fun than working at the usual job, especially when the pay goes on just the same. If it were only and simply a parade, no complaint could be made. But as they are advocating something affecting all of us intimately, now and for many years to come, we are all very much concerned. The acid test of an honest preparedness enthusiasm, if the paraders be grimly certain that our country is really in peril, must be an eagerness to enlist in the army or navy or to offer their services directly to the nation. The patriotism behind the preparedness parade is mainly that of bands, flags, and conviviality, as artificial as it is ineffective. One wonders what would be the effect if a few banners like the following were to be carried by the marchers? Such banners are truthful, poignant, and appropriate to any sincere demonstration in favor of real preparedness. They embody facts. Let us examine them: "Nobody seriously supposes that the United States need fear an invasion of its own territory."? Woodrow Wilson, January 27, 1916. "This country is not threatened from any quarter. She stands in friendly relations with all the world."? Woodrow Wilson, January 27, 1916. "There exists today no more efficient institution than the United States Navy."? Josephus Daniels, 1916. "We must abolish pork-barrel methods in the army as regards army posts, navy yards, as regards everything else."? Theodore Roosevelt, May 19, 1916. "We have the best coast defenses in the world."? General E. N. Weaver, Chief of the Seacoast Artillery Corps, January 19, 1916. "No European army will ever be placed on American soil."? General Nelson A. Miles, 1916. "Our navy is more efficient today than ever before."? Admiral Victor Blue, February 4, 1916. "Cultivate peace and harmony.... Overgrown military establishments are, under any form of government, inauspicious to liberty, and are to be regarded as particularly hostile to republican liberty."? George Washington. In the midst of peace they prepared for war?

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England, Germany, France, Austria, and the rest? they got it. Edyth Cavell said: “Standing before God and eternity, I realize that patriotism is not enough. I must be free from hate and bitterness.” The fears of the pacifists: Not Wars, but wrongs. Not Injury, but injustice. Not Blood, but barbarism. Not Death, but hatreds. Military preparedness carries the germs of war swat that fly! We are for adequate defense. What is “adequate defense”? A small part of the present army bill provides for a national guard of nearly half a million men? Each with a gun. Each with public funds. Each with rights over civilians. Each with the vote. Next? Military preparedness is an infectious disease, it leads to the greatest of all diseases? war. Witness Europe! Give us the greatest fortress in the world? an international legislature. Give us the greatest of all dreadnaughts? an international court. There have been no such banners in any of the parades. Newspapers are wholly unwilling to display such sentiments. One wonders why.

Source: The Advocate of Peace, Vol. 78, No. 7 (July 1916): 192–193

DOCUMENT 3. “Preparedness, the Road to Universal Slaughter,” by Emma Goldman

Emma Goldman remained an ardent critic not only of World War I generally, but also a specific and outspoken critic of conscription. A draft by the U.S. Government, she claimed (in a chorus joined by Alexander Berkman and others on the Left) would mean the working-class in the trenches of Europe. The preparedness campaigns of the period worried Goldman and this speech, published and delivered in a number of cases, offered her interpretation of the movement.

EVER since the beginning of the European conflagration, the whole human race almost has fallen into the deathly grip of the war anesthesia, overcome by the mad teeming fumes of a blood soaked chloroform, which has obscured its vision and paralyzed its heart. Indeed, with the exception of some savage tribes, who

know nothing of Christian religion or of brotherly love, and who also know nothing of dreadnaughts, submarines, munition manufacture and war loans, the rest of the race is under this terrible narcosis. The human mind seems to be conscious of but one thing, murderous speculation. Our whole civilization, our entire culture is concentrated in the mad demand for the most perfected weapons of slaughter.

Ammunition! Ammunition! O, Lord, thou who rulest heaven and earth, thou God of love, of mercy and of justice, provide us with enough ammunition to destroy our enemy. Such is the prayer which is ascending daily to the Christian heaven. Just like cattle, panic-stricken in the face of fire, throw themselves into the very flames, so all of the European people have fallen over each other into the devouring flames of the furies of war, and America, pushed to the very brink by unscrupulous politicians, by ranting demagogues, and by military sharks, is preparing for the same terrible feat.

In the face of this approaching disaster, it behooves men and women not yet overcome by the war madness to raise their voice of protest, to call the attention of the people to the crime and outrage which are about to be perpetrated upon them.

America is essentially the melting pot. No national unit composing it, is in a position to boast of superior race purity, particular historic mission, or higher culture. Yet the jingoes and war speculators are filling the air with the sentimental slogan of hypocritical nationalism, "America for Americans," "America first, last, and all the time." This cry has caught the popular fancy from one end of the country to another. In order to maintain America, military preparedness must be engaged in at once. A billion dollars of the people's sweat and blood is to be expended for dreadnaughts and submarines for the army and the navy, all to protect this precious America.

The pathos of it all is that the America which is to be protected by a huge military force is not the America of the people, but that of

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the privileged class; the class which robs and exploits the masses, and controls their lives from the cradle to the grave. No less pathetic is it that so few people realize that preparedness never leads to peace, but that it is indeed the road to universal slaughter.

With the cunning methods used by the scheming diplomats and military cliques of Germany to saddle the masses with Prussian militarism, the American military ring with its Roosevelts, its Garisons, its Daniels, and lastly its Wilsons, are moving the very heavens to place the militaristic heel upon the necks of the American people, and, if successful, will hurl America into the storm of blood and tears now devastating the countries of Europe.

Forty years ago Germany proclaimed the slogan: “Germany above everything. Germany for the Germans, first, last and always. We want peace; therefore we must prepare for war. Only a well-armed and thoroughly prepared nation can maintain peace, can command respect, can be sure of its national integrity.” And Germany continued to prepare, thereby forcing the other nations to do the same. The terrible European war is only the culminating fruition of the hydra-headed gospel, military preparedness.

Since the war began, miles of paper and oceans of ink have been used to prove the barbarity, the cruelty, the oppression of Prussian militarism. Conservatives and radicals alike are giving their support to the Allies for no other reason than to help crush that militarism, in the presence of which, they say, there can be no peace or progress in Europe. But though America grows fat on the manufacture of munitions and war loans to the Allies to help crush Prussians the same cry is now being raised in America which, if carried into national action, would build up an American militarism far more terrible than German or Prussian militarism could ever be, and that because nowhere in the world has capitalism become so brazen in its greed and nowhere is the state so ready to kneel at the feet of capital.

Like a plague, the mad spirit is sweeping the country, infesting the clearest heads and staunchest hearts with the deathly germ of

militarism. National security leagues, with cannon as their emblem of protection, naval leagues with women in their lead have sprung up all over the country, women who boast of representing the gentler sex, women who in pain and danger bring forth life and yet are ready to dedicate it to the Moloch War. Americanization societies with well-known liberals as members, they who but yesterday decried the patriotic clap-trap of today, are now lending themselves to befog the minds of the people and to help build up the same destructive institutions in America which they are directly and indirectly helping to pull down in Germany—militarism, the destroyer of youth, the raper of women, the annihilator of the best in the race, the very mower of life.

Even Woodrow Wilson, who not so long ago indulged in the phrase “A nation too proud to fight,” who in the beginning of the war ordered prayers for peace, who in his proclamations spoke of the necessity of watchful waiting, even he has been whipped into line. He has now joined his worthy colleagues in the jingo movement, echoing their clamor for preparedness and their howl of “America for Americans.” The difference between Wilson and Roosevelt is this: Roosevelt, a born bully, uses the club; Wilson, the historian, the college professor, wears the smooth polished university mask, but underneath it he, like Roosevelt, has but one aim, to serve the big interests, to add to those who are growing phenomenally rich by the manufacture of military supplies.

Woodrow Wilson, in his address before the Daughters of the American Revolution, gave his case away when he said, “I would rather be beaten than ostracized.” To stand out against the Bethlehem, du Pont, Baldwin, Remington, Winchester metallic cartridges and the rest of the armament ring means political ostracism and death. Wilson knows that, therefore he betrays his original position, goes back on the bombast of “too proud to fight” and howls as loudly as any other cheap politician for preparedness and national glory, the silly pledge the navy league women intend to impose upon every school child: “I pledge myself to do all in my power to

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further the interests of my country, to uphold its institutions and to maintain the honor of its name and its flag. As I owe everything in life to my country, I consecrate my heart, mind and body to its service and promise to work for its advancement and security in times of peace and to shrink from no sacrifices or privation in its cause should I be called upon to act in its defense for the freedom, peace and happiness of our people."

To uphold the institutions of our country—that's it—the institutions which protect and sustain a handful of people in the robbery and plunder of the masses, the institutions which drain the blood of the native as well as of the foreigner, and turn it into wealth and power; the institutions which rob the alien of whatever originality he brings with him and in return gives him cheap Americanism, whose glory consists in mediocrity and arrogance.

The very proclaimers of "America first" have long before this betrayed the fundamental principles of real Americanism, of the kind of Americanism that Jefferson had in mind when he said that the best government is that which governs least; the kind of America that David Thoreau worked for when he proclaimed that the best government is the one that doesn't govern at all; or the other truly great Americans who aimed to make of this country a haven of refuge, who hoped that all the disinherited and oppressed people in coming to these shores would give character, quality and meaning to the country. That is not the America of the politician and munition speculators. Their America is powerfully portrayed in the idea of a young New York Sculptor; a hard cruel hand with long, lean, merciless fingers, crushing in over the heart of the immigrant, squeezing out its blood in order to coin dollars out of it and give the foreigner instead blighted hopes and stunted aspirations.

No doubt Woodrow Wilson has reason to defend these institutions. But what an ideal to hold out to the young generation! How is a military drilled and trained people to defend freedom, peace and happiness? This is what Major General O' Ryan has to say of an efficiently trained generation: "The soldier must be so trained

that he becomes a mere automation; he must be so trained that it will destroy his initiative; he must be so trained that he is turned into a machine. The soldier must be forced into the military noose; he must be jacked up; he must be ruled by his superiors with pistol in hand.”

This was not said by a Prussian Junker; not by a German barbarian; not by Treitschke or Bernhardi, but by an American Major General. And he is right. You cannot conduct war with equals; you cannot have militarism with free born men; you must have slaves, automatons, machines, obedient disciplined creatures, who will move, act, shoot and kill at the command of their superiors. That is preparedness, and nothing else.

It has been reported that among the speakers before the Navy League was Samuel Gompers. If that is true, it signalizes the greatest outrage upon labor at the hands of its own leaders. Preparedness is not directed only against the external enemy; it aims much more at the internal enemy. It concerns that element of labor which has learned not to hope for anything from our institutions, that awakened part of the working people which has realized that the war of classes underlies all wars among nations, and that if war is justified at all it is the war against economic dependence and political slavery, the two dominant issues involved in the struggle of the classes.

Already militarism has been acting its bloody part in every economic conflict, with the approval and support of the state. Where was the protest of Washington when “our men, women and children” were killed in Ludlow? Where was that high sounding outraged protest contained in the note to Germany? Or is there any difference in killing “our men, women and children” in Ludlow or on the high seas? Yes, indeed. The men, women and children at Ludlow were working people, belonging to the disinherited of the earth, foreigners who had to be given a taste of the glories of Americanism, while the passengers of the Lusitania represented wealth and station—therein lies the difference. Preparedness, there-

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LEGAL PROCEEDINGS

fore, will only add to the power of the privileged few and help them to subdue, to enslave and crush labor. Surely Gompers must know that, and if he joins the howl of the military clique, he must stand condemned as a traitor to the cause of labor.

Just as it is with all the other institutions in our confused life, which were supposedly created for the good of the people and have accomplished the very reverse, so it will be with preparedness. Supposedly, America is to prepare for peace; but in reality it will be the cause of war. It always has been thus—all through blood-stained history, and it will continue until nation will refuse to fight against nation, and until the people of the world will stop preparing for slaughter. Preparedness is like the seed of a poisonous plant; placed in the soil, it will bear poisonous fruit. The European mass destruction is the fruit of that poisonous seed. It is imperative that the American workers realize this before they are driven by the jingoes into the madness that is forever haunted by the spectre of danger and invasion; they must know that to prepare for peace means to invite war, means to unloose the furies of death over land and seas.

That which has driven the masses of Europe into the trenches and to the battlefields is not their inner longing for war; it must be traced to the cut-throat competition for military equipment, for more efficient armies, for larger warships, for more powerful cannon. You cannot build up a standing army and then throw it back into a box like tin soldiers. Armies equipped to the teeth with weapons, with highly developed instruments of murder and backed by their military interests, have their own dynamic functions. We have but to examine into the nature of militarism to realize the truism of this contention.

Militarism consumes the strongest and most productive elements of each nation. Militarism swallows the largest part of the national revenue. Almost nothing is spent on education, art, literature and science compared with the amount devoted to militarism in times of peace, while in times of war everything

else is set at naught; all life stagnates, all effort is curtailed; the very sweat and blood of the masses are used to feed this insatiable monster—militarism. Under such circumstances, it must become more arrogant, more aggressive, more bloated with its own importance. If for no other reason, it is out of surplus energy that militarism must act to remain alive; therefore it will seek an enemy or create one artificially. In this civilized purpose and method, militarism is sustained by the state, protected by the laws of the land, is fostered by the home and the school, and glorified by public opinion. In other words, the function of militarism is to kill. It cannot live except through murder.

But the most dominant factor of military preparedness and the one which inevitably leads to war, is the creation of group interests, which consciously and deliberately work for the increase of armament whose purposes are furthered by creating the war hysteria. This group interest embraces all those engaged in the manufacture and sale of munition and in military equipment for personal gain and profit. For instance, the family Krupp, which owns the largest cannon munition plant in the world; its sinister influence in Germany, and in fact in many other countries, extends to the press, the school, the church and to statesmen of highest rank. Shortly before the war, Carl Liebknecht, the one brave public man in Germany now, brought to the attention of the Reichstag that the family Krupp had in its employ officials of the highest military position, not only in Germany, but in France and in other countries. Everywhere its emissaries have been at work, systematically inciting national hatreds and antagonisms. The same investigation brought to light an international war supply trust who cares not a hang for patriotism, or for love of the people, but who uses both to incite war and to pocket millions of profits out of the terrible bargain.

It is not at all unlikely that the history of the present war will trace its origin to this international murder trust. But is it always necessary for one generation to wade through oceans of blood and heap up mountains of human sacrifice that the next generation

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- Emma Goldman Papers

ABBREVIATIONS

CAL	Bancroft Library at the University of California, Berkeley
IISH	International Institute of Social History, Amsterdam, Netherlands
UCLA	Charles Young Research Library at the University of California, Los Angeles
MICH	Labadie Collection at the University of Michigan

statements... or incite insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct... the recruiting or enlistment service of the United States, or... shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States... or shall willfully display the flag of any foreign enemy, or shall willfully... urge, incite, or advocate any curtailment of production... or advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both....

may learn a grain of truth from it all? Can we of today not profit by the cause which led to the European war, can we not learn that it was preparedness, thorough and efficient preparedness on the part of Germany and the other countries for military aggrandizement and material gain; above all can we not realize that preparedness in America must and will lead to the same result, the same barbarity, the same senseless sacrifice of life? Is America to follow suit, is it to be turned over to the American Krupps, the American military cliques? It almost seems so when one hears the jingo howls of the press, the blood and thunder tirades of bully Roosevelt, the sentimental twaddle of our college-bred President.

The more reason for those who still have a spark of libertarianism and humanity left to cry out against this great crime, against the outrage now being prepared and imposed upon the American people. It is not enough to claim being neutral; a neutrality which sheds crocodile tears with one eye and keeps the other riveted upon the profits from war supplies and war loans, is not neutrality. It is a hypocritical cloak to cover, the countries' crimes. Nor is it enough to join the bourgeois pacifists, who proclaim peace among the nations, while helping to perpetuate the war among the classes, a war which in reality, is at the bottom of all other wars.

It is this war of the classes that we must concentrate upon, and in that connection the war against false values, against evil institutions, against all social atrocities. Those who appreciate the urgent need of co-operating in great struggles must oppose military preparedness imposed by the state and capitalism for the destruction of the masses. They must organize the preparedness of the masses for the overthrow of both capitalism and the state. Industrial and economic preparedness is what the workers need. That alone leads to revolution at the bottom as against mass destruction from on top. That alone leads to true internationalism of labor against Kaiserdom, Kingdom, diplomacies, military cliques and bureaucracy. That alone will give the people the means to take their children out of the slums, out of the sweat shops and the cotton

mills. That alone will enable them to inculcate in the coming generation a new ideal of brotherhood, to rear them in play and song and beauty; to bring up men and women, not automatons. That alone will enable woman to become the real mother of the race, who will give to the world creative men, and not soldiers who destroy. That alone leads to economic and social freedom, and does away with all wars, all crimes, and all injustice.

Source: First published in *Mother Earth*, Vol. X, no. 10, December 1915, and also as a pamphlet.

DOCUMENT 4. Tom Mooney, a Miner's Son

This kind of story, often reprinted in various defense pamphlets and leftist newspapers, told tales of Mooney that hoped to portray him positively as an upstanding and honest working man. These humanizing stories aimed to assist his cause for a retrial or release and helped further his role as a martyr for labor.

TOM'S voice fell upon my ears for the first time some six years ago. It may have been more than six years. I was a labor reporter at that time for an evening newspaper. I heard Tom Mooney make an appeal for miners on strike somewhere in the West. I don't remember just where that strike was, but if I were to go up to the County Jail this afternoon and ask Tom, he would be able to tell me. He remembers all of the troubles of the working people. I haven't got time to go up to the prison today, however. Besides it doesn't really matter just where that miners' strike took place. It was only one of the many struggles the miners of the West have had to take up for I was going to say a place in the sun for a little of the brightness and decencies of life. I remember very clearly the speech Tom made for those miners and their women and children. The scene was at the weekly meeting of the San Francisco Labor Council. Mooney was a delegate from the Molders' Union. The hall was packed with men of all trades, men who built the city, men who fed the city, men

Section 7

Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections thirteen hundred and forty-two, thirteen hundred and forty-three, and sixteen hundred and twenty-four of the Revised Statutes as amended.

Section 8

The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offences under this title, when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Section 9

The Act entitles "An Act to prevent the disclosure of national defense secrets," approved March third, nineteen hundred and eleven, is hereby repealed.

The U.S. Sedition Act

16 May, 1918

United States, *Statutes at Large*, Washington, D.C., 1918, Vol. XL, pp 553 ff.

A portion of the amendment to Section 3 of the Espionage Act of June 15, 1917.

The act was subsequently repealed in 1921.

SECTION 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or shall willfully make or convey false reports, or false

Section 4

If two or more persons conspire to violate the provisions of section two or three of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offences under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine.

Section 5

Whoever harbours or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offence under this title shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

Section 6

The President in time of war or in case of national emergency may by proclamation designate any place other than those set forth in subsection:

(a) of section one hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purpose of this title: Provided, That he shall determine that information with respect thereto would be prejudicial to the national defence.

who clothed the city, men who labored with hammers far up in the clouds, men who sweated in the somber depths of steamers, men who drove great drays through the streets, men who worked naked in the furnace-like kitchens of restaurants, men who went down to the sea in ships. Women were there, too—laundry girls, waitresses, garment workers. In the center of the floor was a long table for the newspaper reporters, among whom was yours truly in all the blush and bloom of youth and beauty. Everybody listened to the secretary, who was reading aloud communications. He came to a letter from the miners. It was a request for financial aid. The company had driven them out of their homes, which belonged to the company. The miners and their families were camping on the hillsides. Money was wanted for tents and food. It was not a long letter. It was not brilliantly written; no attempt was made to play on the feelings. It was a plain, matter-of-fact letter sent by miners. There was no whine in it. Somebody got up and pointed out that the Council's treasury was very low at this time and he didn't see how he could give anything to these people, though he was in sympathy with them and hoped they would win. The charity-begins-at-home delegates stood up and had their say: very sorry for these brothers: I'm with them all right; but their own state ought to take care of them; we have troubles of our own. The letter-of-the-law members wanted to know whether these miners were properly affiliated. What seal was on that communication, Brother Secretary? Who are these men? Was this strike duly sanctioned by the proper officials? Tom Mooney took the floor. I didn't know his name at that time. He was a new delegate. We looked around when he raised his voice and saw a clean-out venue fellow. Broad in the shoulders, with black, flashing Irish eyes. He had washed his hands as hard as he could after his day's work, but still they were not clean. An ironworker, especially a molder, finds it mighty hard to get all the dirt off his hands, unless he is thrown into jail where time wears it off. He used his hands a lot while he spoke. Sometimes the fists were clenched; sometimes the palms were spread out in appeal. For fif-

teen minutes Tom Mooney spoke. Before us under his toil-stained hands! Behold, that far-off mining country rose His voice was a cry from the wilderness. The anguish of the women, the woe of the children, the deep purple anxiety of the miners, all this we found in the young molder's voice. We heard the tramp of the gunmen in the little homes. We saw the miners and their families driven out into the roads. We heard the sobbing of the women, the whimpering of the little ones, the muttering of the workers, the yells of the armed agents of the mine barons. We saw the highways littered with the poor belongings of these families. We saw the frayed household things, looking so sorry in the broad light of noon. We saw the tattered bedroom articles of which the good wife was ashamed, the used-up furniture, so miserable in the open roadway, the worn-out effects she had hoped the neighbors would never see. We saw the outcasts struggling out to the hillsides. We saw them putting up their rude shelters on the bleak sweep of the mountains, the men shouting brave words of cheer, the women frightened before the fist of calamity. We saw them in the dusk out there on the hills, looking down on their desolated homes-the raw earth their fireside now, the cold sky their roof, and bitter winds to whistle lullabies for their young. Pariahs all! Wives, babes, grandmothers with silver hair, thin youngsters of frail men, tired and careworn, sitting beside the old women who bore them all pariahs, all homeless. We saw, through Tom Mooney's eyes, the night come down upon these people. Then, out of the black bulk of the mine properties, searchlights flared! The powerful lamps cut through the gloom, swift moving swords of light. Far and near the searchlights, quick, alert, weird, menacing, the cruel eyes of the masters, the glaring eyes of Greed! We saw the searchlights hesitating on the hillside camps, on the white faces of the women, on the blanched faces of the children, on the faces of the miners, on all the tattered, frayed, shaky household things of the outcasts. The flashing, reaching, pointing searchlights gave the scene a war aspect. War it was, cried Mooney. War upon our people! War upon me and mine! War upon the family

years: Provided, That whoever shall violate the provisions of subsection:

(a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; and

(b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification of any place, or any other information relating to the public defence, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than thirty years.

Section 3

Whoever, when the United States is at war, shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever when the United States is at war, shall wilfully cause or attempt to cause insubordination, disloyalty, mutiny, refusal of duty, in the military or naval forces of the United States, or shall wilfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than \$10,000 or imprisonment for not more than twenty years, or both.

disposed of by any person contrary to the provisions of this title; or

(d) whoever, lawfully or unlawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defence, wilfully communicates or transmits or attempts to communicate or transmit the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defence, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both.

Section 2

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids, or induces another to, communicate, deliver or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defence, shall be punished by imprisonment for not more than twenty

of Toil of which we, you, I, all of us are members. War upon our women, upon our children, upon our brothers in travail! These be our brothers, our sisters, our little ones, though we are separated by mountain ranges! Their fight is our fight, their enemies ours, their sorrows ours, their pains yours and mine! This ironworker's voice reached into our hearts and played upon the harp of our sympathies. There was a lump in my throat I couldn't swallow. My eyes got full, and I was wishing the Council hall was dark, as in a movie show, where your neighbor can't see when you're stirred by some deep trouble on the screen. What the outcome of that strike was I do not know. But the next time I go up to the County Jail. I will ask Tom. He will tell me through the bars how those miners made out. He keeps track of such things. He cuts them out and pastes them in scrapbooks. If he had not given so much attention to other people's troubles, he would not be locked up in a steel cage today, sentenced to be hanged by the neck. And for something he had no more to do with than any infant that may have been born in that hillside camp of miners. When Tom had finished speaking the request of those miners for financial help was not tabled. Money was voted to them, and a good round sum at that. Now, I don't mean to say that Tom got off any fancy oratory like a lawyer or a politician. He isn't built that way. The talk of a lawyer or a politician comes, as a rule, from the head. They can say things which they do not feel at all. Tom's speech came from his heart. At times it was not smooth; he stumbled for words because there was so much surging in him. But he didn't stumble often. His sympathetic imagination showed him that community of troubled miners just as clear as if he were on the spot. He felt their problems as if he were living in them. When he said these are my people, O the understanding in his voice! When he said their pains are ours, O the depth of feeling, the breadth of sympathy he put into that! I said to myself there and then, I don't know who you are, old chap, but you've got altogether too much soul for a workingman. Men like you have been jailed, crucified, shot and hanged throughout the ages by the masters. I got very

well acquainted with Tom Mooney after that. I have seen him in many aspects. Mooney in the foundry, in the dust and gloom and steam and smoke, almost naked to the waist, carrying the long ladle full of liquid metal, which sizzled and sputtered and sent out showers of sparks like miniature fireworks. "Pouring off," the molders call it. Mooney during the noon hour, eating his lunch on a pile of burnt wooden moldings outside the shop. Mooney trudging home from work at night, just one of the homeward-bound army of toilers, his face blackened, little sweat streaks through the smudge, his clothing singed and scared from metal sparks. Mooney, the student, bent over books at night, his eyes aglow with visions, happy vision; of Labor's future, visions of Labor enlightened, Labor brave with consciousness of its importance and power in the world, Labor no longer groping in the dark, Labor with its head in the sun, Labor all-powerful, Labor almighty, Labor the Master of the House of the world and no more the beggar at the gate. Mooney, the speaker on public platforms, in the halls of Labor, at national conventions on street corners during strikes, at defense leagues for workingmen; Mooney speaking for John Lawson the miner; Mooney crying out against the Ludlow massacre against Calumet, the Cherry mine disaster, the Triangle shirtwaist fire, the robbery of the Danbury hatters, the shooting of Joe Hill, the Lawrence mill strike prosecutions, the imprisonment of Ford and Suhr, the West Virginia mine injustices, the Coal and Iron Cossacks of Pennsylvania. Mooney the industrial outlaw, the foundry doors closed to him, walking the streets a marked man, blacklisted, feared, hated, turned away from door after door. Mooney the son, cuddling his aged mother, soothing her fears, joshing, laughing rollicking, cutting capers around her, sporting with her at picnics, springing jokes at her in halls, packing her off to movie shows. Mooney the husband, his wife, a little musician, sharing his ideals, his hopes, his enthusiasm, working at his side for the betterment of workingmen and women, and meanwhile teaching music to the children of the poor. Mooney the strike organizer, attempting to organize the underpaid platform

(a) whoever, for the purpose of obtaining information respecting the national defence with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information, concerning any vessel, aircraft, work of defence, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defence, owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section six of this title; or

(b) whoever for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, document, writing or note of anything connected with the national defence; or

(c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any other person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note, of anything connected with the national defence, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or

to bring light and warmth to humanity, the coal he brought out in the sweat of his face to give comfort to men, women, children. The coal he mined to put a happy glow on the walls of hospitals, where the sick and the maimed lay. The coal he produced to sing and dance in merry blazes on the hearths of poorhouses, warming the hearts of the aged and the friendless. The coal he brought out, in pain and in sweat, to put the red glow of happiness in thousands of firesides throughout the land. Coal, that great boon to humanity, Bryan Mooney may have got the black of it into his system as he toiled in the bowels of the earth, he may have put that coal black into his child, and if so, Tom Mooney was a criminal beyond all doubt, and the jury should not hesitate a moment in hanging him. Tom made answer to the Evening Call through the bars of the County Jail. "If there is coal dust in my veins," he said, "I am not ashamed of it. I was born in a coal miner's shanty, that is true enough. But I am not hanging my head. It is my boast that I came out of the loins of honest Labor. I'm proud I'm a coal miner's son.

Source: By a San Francisco Newspaper Man

"-Reprint from "The Tri-City Labor Review," official organ of the Alameda County (Oakland, Cal.), Central Labor Council. Edw. N. Nockels, Secretary Chicago Federation of Labor, says every union man in this country should buy and read JUSTICE RAPED IN CALIFORNIA 10 Cents a Copy By Robt. Minor Story of the San Francisco so-called Bomb Trials. PUBLISHED BY THE Tom Mooney Molders Defense Committee Formed by members of the Molders' Union. P. 0. BOX 894 JOHN B. MOONEY, Treasurer, San Francisco, Cal.

DOCUMENT 5. U.S. Espionage Act, 15 June 1917 and The U.S. Sedition Act, 16 May, 1918

Section 1

That:

men of the United Railroads, the most powerful financial and political force in San Francisco. Mooney and his wife arrested on the principal street, after having tied up the cars by calling off motormen. Mooney and his wife and three other union men, a few days after the failure of the car strike, charged by a United Railroads detective with being responsible for the Preparedness bomb outrage. Mooney, convicted by a shady jury and by perjured testimony, receiving the death sentence, fearless, defiant, scornful, a smile of contempt on his lips. Tom had never looked so splendid as on the day when he stood up in the dock and heard his life read away by twelve men who, since the Oxman perjury plot was exposed, have been sneaking through the streets of San Francisco like thieves. One long, burning look of scorn Tom leveled at them, and then he gave his strong arms to the miner's widow who is his mother-brave old Mother Mooney. She wept, but she didn't grow hysterical. That old lady hasn't been off her feet one single day during all this trouble; while younger women have spent many a day sick in bed. Every day, since the first week Tom and Rena and the rest were locked up, the old lady has visited the County Jail, rain or shine. I asked her one day how in the world she managed to keep up so well. "Sure I don't know," said she, with her south of Ireland brogue. "I got to stand up under it. I've seen 'lots of trouble before this. Tom's father was a good deal like Tom is now, always in labor troubles. I lost him early on account of a bullet they put into him during a mine strike." One day I got the story of Tom's father out of her. She told it to me while she was putting up a lunch for her son John. John is also a molder by trade, but, like Tom, was driven out of the iron trades. He is now working on certain street cars which do not belong to the United Railroads. He works nights. In the early evening the old lady goes out with John's lunch to a certain street corner and waits for his Tar to come along. Then she hands him his bundle of lunch. She told me this story while she was warming John's coffee. Bryan Mooney was the name of Tom's father. He was a coal miner. During his life, which was not long,

he worked in three states-Indiana, Illinois and Pennsylvania. He died in the coal regions of Indiana when Tom and John and Anna were little toddlers. Bryan Mooney worked most of his time in and about Davis County, Indiana. It was there during a mine strike that he was shot by a strikebreaker. That bullet was what shortened his life, thinks old Mrs. Mooney, though Bryan did not pass out till quite a bit later. Bryan Mooney was unarmed when he was shot. He and his brother were approaching the strikebreaker, intending to argue with him peaceably, when the fellow drew a weapon and shot Bryan down. Before he could fire again, Bryan's brother felled him with his naked fist and kicked the gun out of his hand. While the brother was scrambling for the gun, the scab got up and ran. The brother fired at him, and the fellow toppled over into a ditch. He hadn't been hit at all, but both Bryan and his brother thought he was dead. So poor Bryan Mooney, with a bullet in him, had to go hiding in the hills, he and his brother. The affair had been witnessed from a distance by mine agents, and the brothers knew that the company would have the law down upon the Mooney household. Sure enough the authorities walked in upon Mrs. Mooney and her children, bringing the first information of Bryan's trouble. His reputation for peace and quiet was not at all good with the bosses. They didn't let him remain in one place very long. The family was constantly shifting from place to place. He worked through the coal regions of three states, and it was not because he liked traveling. No man, she says, liked a bit of comfort and peace better than Bryan Mooney. "But sure, the wages in them days was terrible low and in some places the miners had to live all the week in the company's boarding houses and at the same time keep their families in other places." Bryan Mooney did not remain silent nor inactive under the harsh conditions. There was no American Federation of Labor at that time. But the Knights of Labor movement came into the coal regions, and Bryan Mooney threw himself into this, heart and soul. "Poor Bryan Mooney, God rest his soul," says the old lady, "might have done better to keep his tongue in his cheek. The bosses made

his life a burden to him, giving him the worst end of the work when they'd give him any at all. They kept us moving from place to place like Gypsies." During the last month of his life, there were two miners at his bedside every night, the miners selecting a committee of two to sit with their passing comrade night by night, at Channelburg, Ind., where he died. He was laid in a plain wooden coffin and carried to his last resting place in a common wagon used for carting freight. He was buried in the coal regions that had drunk his sweat during his troubled existence. Coal miners lowered Bryan Mooney down, down to his last shift, the shift that was to have no ending, the shift from which he would never return, but a shift that would not be disturbed by the clink of drills and the thump of hammers. And that poor grave, in the midst of the Indiana coal regions, was dampened, let us hope, by the tears of miners, for even miners have been known to weep. Coal miners guided Bryan Mooney's widow away from the grave at Montgomery, Ind., sharing her grief, and they gave their honest hands to his little children-John, Anna and Tom. The miners chiseled Bryan Mooney's tombstone out of a huge chunk of slate coal to mark his last resting place. It is fitting, I think, that the son of that coal miner should now be standing in the shadow of the gallows, bold, undaunted, defiant, splendid, a champion of the rights of Labor, a fighter for Justice, a Herald, a Singer of a Better Day, willing to lie that his people may have a fuller measure of life and liberty. Little did those miners think, as they guided Tom Mooney from his father's last resting place, that he was to develop into a man after Bryan Mooney's heart. The fact that Tom was a coal miner's son was held up by a San Francisco newspaper as proof of his criminality. The San Francisco Call, August 4, 1916, referred to Mooney as-"A creature from whom the coal black has never been cleansed." Which means that Tom Mooney's father got coal dust in his blood during his life in the black regions, and this coal black was transmitted into Tom's veins. As if there were anything criminal in the honest coal that Bryan Mooney dug, the coal he sent up to bring cheer to the human family, the coal he dug