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Book Review

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BOOK REVIEW

DEBATERS AND DYNAMITERS

The Story of the Haywood Trial

By David H. Grover. Oregon State University Press, 1964, PP/310.
Price \$6.00

Professor Grover of the Speech Department of Colorado State University has done a remarkable job in chronicling the events leading up to the trial of William D. Haywood. Even though not a lawyer, the author has written a fine account of this famous trial.

It should be noted from the start that this is not a biography of Clarence Darrow, but is rather something larger. Tracing the history of the Western Federation of Miners, and the careers of many of the principal characters in the trial, it is in itself an excellent history of the early labor movement in the West. The growth of the labor unions in the Coeur d'Alenes country of northern Idaho, Montana, and the Cripple Creek region of Colorado, is indeed a panorama of crime and violence on the part of both the miners and the mining companies, neither of whom evidently had any compunction about murder and mayhem.

In late 1905 the former governor of the State of Idaho, Frank Steunenberg, was murdered by a crude dynamite bomb attached to his gate. Shortly thereafter Harry Orchard, a man whose background and history is almost incredible, was arrested for the murder. After being held incommunicado for several weeks at the state penitentiary, Orchard confessed to the murder of Steunenberg, and implicated the hierarchy of the Western Federation of Miners, for whom he was a paid professional dynamiter.

As a result of Harry Orchard's confession and implication of the leaders of the Western Federation of Miners, William Haywood, George Pettibone and Charles H. Moyer were indicted for conspiracy to murder Frank Steunenberg. All three were in Colorado at the time, and to avoid lengthy extradition proceedings an elaborate plan to spirit these men—primarily Haywood—out of Colorado was devised by James Hawley and James McParland, attorneys for the prosecution. The narration of the events leading to the kidnapping (and this is about as charitably as you can denominate it) of these three men, and their delivery to the Idaho officials, is as good as any James Bond thriller. The Pinkerton Detective Agency was the prime mover, and executed the plan with precision.

In the meantime, writs of habeas corpus had been brought in the federal courts by the attorneys for the miners, and pending a decision by

the Supreme Court of the United States, the trial of William Haywood was delayed until early 1907. The site of the trial was moved from Canyon County to the courthouse in Boise, Idaho. Each side had assembled its legal talent. For the prosecution, which now had been taken over by the State, there was William E. Borah, who had just been elected to the United States Senate; James H. Hawley, "the dean of Idaho attorneys," sometimes referred to as the "Sagebrush Lawyer." Hawley, strange as it may seem, was the "godfather" of the Western Federation of Miners, and had represented many of its members in criminal trials throughout the West.

Of the two principal attorneys for the defense, there was, of course, Clarence Darrow, retained by the Haywood defense committee. Darrow had represented Eugene Debs and John Mitchell, two of labor's strongest leaders, and he was a natural selection. The other member of the defense team, Edmund F. Richardson, was, according to the author, a much better legal craftsman than Darrow. He was an attorney who "scorned oratorical and sensational methods, and sought to win on merit entirely." Richardson was from Colorado, and he and Hawley represented the foremost members of the trial bar of that era in the West.

The actual trial is covered in substantial detail, not so much from a legal standpoint, but principally from a forensic viewpoint that adds rather than detracts in any way from the value of the book. One very interesting tack taken by the author is examination of the evidence introduced by the State to prove the conspiracy, in light of evidence that turned up later and that could have been discovered by better investigatory work on the part of the Pinkerton Agency prior to the trial. The Pinkerton Detective Agency apparently did a good deal of spadework prior to the trial, but many important leads were not followed up, or were abandoned too early. The speculation of the effect of this evidence, in addition to that adduced, makes it highly likely that it might well have turned the tide from acquittal to conviction.

A prodigious amount of research has gone into the writing of this book, even into the background and investigation reports on the various jury panel members. The jury was predominantly farmers, who were obviously reluctant to wash the dirty linen of the mine owners and miners; and it was indeed amazing that a jury was selected as quickly as it was under the circumstances.

Much has been written about Clarence Darrow; a great deal of what has been published is highly partisan, and his later successes have given undue color to his participation in the Haywood trial. Professor Grover has attempted, and has done a remarkably good job, to present the principal characters in light of the role they played. Darrow does not come off badly, neither does he reflect the great advocate that so many have painted. Richardson was without doubt the foremost figure for the defense, and from the facts given he must be given the lion's share of the success.

This book has much to recommend its inclusion in the library of

those who wish a collection of great trials of Anglo-American law. I do not hesitate to urge its reading for history, law, or political science—it serves all three with equal ability. It stands in good stead American law, lawyers, and justice at the turn of the century in a part of the country many have been quick to characterize as ruled by vigilantes and rough-and-ready legal system.

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