Montana's role in the enactment of legislation designed to suppress the industrial workers of the world

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MONTANA'S ROLE IN THE ENACTMENT OF LEGISLATION DESIGNED
TO SUPPRESS THE INDUSTRIAL WORKERS OF THE WORLD

by

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Approved by:

[Signatures and names of审批人]

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Date
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INTRODUCTION

During the turbulent days of 1917 and 1918, while the United States was engaged in the "Great War" against the Central Powers, the federal government, responding to a national spirit and pursuing a course of action similar to that followed by several state governments and particularly by the State Government of Montana, embarked upon a domestic policy which perhaps represents the darkest and the most execrable period of intolerance and hypocrisy ever recorded in the annals of American History. Principles upon which the nation had been founded and which had endured trial after trial since the ratification of the Constitution were impulsively cast aside and ignored. The brutal suppression of minority and dissident groups within the United States struck at the heart of democracy, the guarantee of freedom of speech. The successful "crusade" against a radical and militant labor union, the Industrial Workers of the World, was the direct outcome of that period of repression.

To be sure, persecution of the I.W.W.'s began years before the Americans joined the "holy" war against the "terrible" and "barbaric" "Huns". For a decade before the outbreak of the first World War, the I.W.W.'s and the business interests clashed in the ideological arena and used the American economy as a battlefield. I.W.W. radicals emphatically condemned the capitalistic system and vehemently preached the doctrine of class war--the unconditional overthrow of all capitalists. Such revolutionary dogma frightened the American businessman whose fears
found vent in the formation of vigilante committees and various types of safety leagues; in short, in recourse to extra-judicial and extremist activities designed to muffle the American radicals. But the business interests could employ only a subdued form of repression. Vigilante justice was a concept completely incompatible with the basic precepts of law and order as developed over years of experience and as relied upon by a complex society governed through law. And there were indications that the general public would side with the I.W.W. underdogs rather than condone such utter disregard for the "American tradition." The business class was confronted by a seemingly insolvable dilemma. On the one hand, if they used violence against the I.W.W., the public would sympathize with the radicals. On the other hand, they believed that by sitting back and ignoring I.W.W. propaganda, the existence of their cherished economic system would be jeopardized. That dilemma vanished when the United States declared war against Germany.

American employers, taking advantage of the war with Germany to brand the I.W.W.'s as "pro-German traitors," worked through the press and public officials to ram anti-I.W.W. legislation through many state legislatures and through the federal Congress. The I.W.W.'s themselves gave credence to the employers' assertions. The uncompromising radicals despised the capitalistic system. They believed in the brotherhood of all workers of all countries and, therefore, they boldly refused to support and, in fact, denounced the American war effort. Such denunciations appeared to be disloyal, and many Americans became convinced that the I.W.W. posed a threat to the nation's security—at least during time of war. The business interests shared that belief. Whether or not
their fears were genuine and sincere cannot, of course, be determined. 
In any case, it is certain that many employers, who were in a position 
to know the facts concerning the Industrial Workers of the World, ignored 
these facts and, under the guise of patriotism and on the pretext of 
safeguarding the nation from internal enemies, obtained public support 
and approval for their war against that organization. Anti-I.W.W. 
statutes were then passed on the state and federal levels; they were 
generally known in the various states as criminal syndicalism and sedi-
tion legislation and on the national scale as the Federal Sedition Act. 
Those laws authorized the state and federal governments to interfere 
with the free expression of opinions.

This thesis discloses how and why the demand for the suppression 
of the Industrial Workers of the World arose out of the labor strife of 
the Northwest; reveals how Montana officials led the anti-I.W.W. campaign 
in that part of the nation, and how they successfully enacted the first 
state sedition law in addition to a criminal syndicalism act; and traces 
events in Montana, along with the persistent efforts of Montana officials, 
which thrust the anti-I.W.W. campaign in Montana beyond the boundaries 
of that state, sweeping the nation and culminating in the passage of the 

The first chapter of this thesis is devoted to a brief historical 
sketch of the Industrial Workers of the World, its origins and its phil-
osophy. Some understanding of what that organization was and what it 
stood for is essential if one is to recognize the deep-rooted antagonisms 
that existed between the I.W.W.'s and the proponents of the capitalistic 
system. Those hostilities often flared into open violence and had all
the earmarks of a class struggle. Without those antagonisms it is hardly likely that the wartime Wilson Administration would have so ruthlessly suppressed the economic and political dissenters of the land.

The second chapter examines I.W.W. popularity among the dissatisfied miners and loggers of the Northwest. That chapter sets the stage for the passage of suppressive legislation on both state and federal levels. The fact that working conditions in the northwestern lumbering and mining camps went unremedied for many years, although they were remedial, is highly significant. Obviously, legislative oppression of the I.W.W. was not the only course of action open to state and federal lawmakers. But even more important, that fact clearly shows that the public demand for the suppression of the I.W.W. was based upon false assumptions, a mistaken belief in the "I.W.W. myth." The northwestern business interests perpetuated that myth by insisting that they were motivated only by the highest of patriotic goals--to suppress the I.W.W. because it was part of a German conspiracy to undermine the American war effort. Although this is conjectural, there seems to be little doubt that many employers were probably motivated, not by a profound love of country, but by a selfish desire to obtain lucrative government contracts at a time when the demands for essential wartime materials offered them an opportunity to make enormous profits. Labor unrest in the lumbering and mining industries was depicted as a part of an un-American conspiracy. That unrest was actually the natural outgrowth of unsatisfactory wage scales in industries where the employers were making vast profits and at a time when the cost of living was skyrocketing and of intolerable, unhealthy, and hazardous working conditions in the lumbering and mining
camps. If the "I.W.W. myth" had been rejected by the general public, the employers' "crusade" probably would have failed. But a press which was, for the most part, allied with the business interests did not present those facts to the American public, and the employers' spurious charges against the I.W.W. were accepted as truths.

The evolution of federal anti-I.W.W. legislation can not be considered without first devoting special attention to the anti-I.W.W. campaign in the State of Montana where, aside from farming, mining and lumbering comprised the major industries of the state and where the Anaconda Copper Mining Company was the dominant producer in both of those industries. Although the impetus for the "crusade" against the I.W.W. came from all of the states of the Northwest, Montana officials were prime movers in the management of that campaign. During the period of the first World War, Montana was the third state to pass criminal syndicalism legislation, but it was the first to enact a sweeping sedition law intended to outlaw the I.W.W. The third chapter traces the events leading to the passage of those state acts, and then to the actual process of enactment.

The full impact of Montana's unique role in the "crusade" against the Industrial Workers of the World became apparent in Congress during the course of enacting the bill which became the Federal Sedition Act. Not only did Montana officials, employers, and newspapers take the lead in demanding federal action against the I.W.W.'s, but events within the state paved the way for the passage of the statute providing the legal basis for the nation-wide suppression of the I.W.W. The senior Senator from Montana, Henry L. Myers, drafted the anti-I.W.W. bill which
eventually became the crucial part of the federal statute. The junior Montana Senator, Thomas J. Walsh, took charge of that bill and pushed it through the Senate. The national legislators, accepting the arguments of the Montana lawmakers, considered only two alternatives: either stand by and watch the people usurp the laws by resorting to the "law of the rope," or enact adequate legislation to crush the I.W.W. "menace." They decided upon the latter course of action. Compelled by a patriotic desire to do everything possible to assure the success of the American war effort against the Germans, and haunted by the specter of lynch law, federal legislators from all parts of the nation joined with their northwestern colleagues and overwhelmingly approved the incorporation of the Montana Sedition Act into an amendment to the Federal Espionage Act. That amendment, known as the Federal Sedition Act, was signed into law on May 16, 1918, by President Woodrow Wilson.
CHAPTER I

THE INDUSTRIAL WORKERS OF THE WORLD: PRELUDE TO SUPPRESSION

During the 1890's and the first decade of the twentieth century, Americans witnessed some of the most dramatic and bloodiest strikes ever to take place in the history of the labor movement. Most of those strikes occurred in the Rocky Mountain states and involved the Western Federation of Miners, which had been organized in 1893 at Butte, Montana. This militant union directed the strikers of Coeur d'Alene in 1893 and 1899, Cripple Creek in 1894 and 1903-04, Leadville in 1896-97, Salt Lake in 1899, Telluride in 1901 and Idaho Springs in 1903. During these strikes the nation stood aghast as open warfare raged between labor and capitalism. The lawlessness of the laborers was matched by the lawlessness of the employers. Mines were dynamited, trains were wrecked, mine officials and union pickets were murdered. Laws were openly violated and legal authorities were contemptuously ignored. Mine owners formed vigilance committees which herded their striking employees into bull pens. Troops were used as strike breakers, and the employers consequently triumphed over the strikers. Officials of the Western Federation of Miners realized that they could not stand alone in the struggle against capitalism. The capitalists cooperated with one another and were united against the

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workers. Experience in the West taught the miners that they could defy the capitalists only through cooperation between unions—through the cohesion of the working class.

In Chicago in the fall of 1904, six labor leaders met secretly under the impetus of the Western Federation of Miners to consider organizing a nation-wide industrial union. The call went out from this meeting to thirty-three radical labor leaders to congregate in Chicago on January 2, 1905. Twenty-three persons representing the disgruntled and discordant groups in the labor movement answered the invitation. They issued a manifesto calling for the creation of a universal industrial union of all workers, and on June 27, 1905, they held their first convention. On that day two hundred radicals gathered at Chicago. The delegates represented thirty-four different organizations and forty trades. Lumberjacks, miners, and transient harvest workers in the West joined with the unorganized-industrial-workers represented by socialistic groups of the East. Some of the most experienced men in the labor and socialist camps dominated the convention. Charles Moyer and William D. Haywood represented the Western Federation of Miners, which was the only organization officially represented at the convention. All other delegates attended as individuals. Among the most prominent were Eugene V. Debs and Ernest Untermann of the Socialist Party, Daniel De Leon of the

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3Ibid. See also, Clifton H. Johnson, "The Western Federation of Miners, 1892-1906; A Study in Frontier Activism" (unpublished Master's dissertation, Department of History, University of Chicago, 1949), p. 120.
Socialist Labor Party, Charles O. Sherman of the United Metal Workers, Father Thomas Haggerty, the radical Catholic priest who edited *The Voice of Labor*, official organ of the American Labor Union, and William E. Troutman of the United Brewery Workers and editor of the *Brauer Zeitung*. "Mother" Jones, the seventy-five year old labor agitator who was beloved in labor and radical circles throughout the country, and Lucy Parsons, widow of one of the Haymarket victims, were also delegates to the convention.

With vibrant enthusiasm and the determination to create a working class movement in the United States, these delegates optimistically christened the new organization the Industrial Workers of the World. After electing Sherman to the office of president and Troutman to the office of general secretary-treasurer, the I.W.W.'s launched a bitter attack against the capitalistic system; the delegates competed with one another in condemning free enterprise in the most graphic terms. Haywood, who had been elected chairman of the convention, opened the first session by declaring that:

This is the Continental Congress of the working class. We are here to confederate the workers of this country into a working-class movement that shall have for its purpose the emancipation of the working-class from the slave bondage of capitalism . . . . The aims and objects of this organization shall be to put the working-class in possession of the economic power, the means of life, in control of the machinery of production and distribution, without regard to capitalist masters . . . this organization will be formed, based and founded on the class struggle, having in view no compromise and no surrender, and but one object and one purpose, and that is to bring the workers of this country into the possession of the full value of the product of their toil.

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The Industrial Workers of the World obviously aspired to be more than just a union to advance the immediate interests of labor; its primary objective was to destroy the capitalistic system. When that goal had been achieved, the vacuum left by capitalism would be filled by an industrial organization of the workers. The delegates voiced their approval of Haywood's indictment of capitalism; all believed in the Marxist concept of the class struggle, the solidarity of the working class, and the ultimate overthrow of the capitalists. But, in spite of these basic beliefs, the delegates were a heterogeneous conglomeration of radicals. Although they could agree on the end result—the replacement of capitalism by a working class organization—they could not agree on the means to achieve that end. Basic attitudes regarding unionism differentiated the moderate from the radical elements. The more moderate radicals or "conservatives" believed in gradually chipping away at the capitalistic system; they were willing to respect and even venerate a radical program, but they were more concerned with immediate achievements for labor. The destruction of capitalism was accepted as an ultimate goal, but they wanted an effective organization that would concentrate on the practical and immediate needs of the working man. The more radical elements would not compromise; they were unalterably opposed to the moderate's theory of evolutionary progress. Since reform in a capitalistic society was meaningless and even undesirable, they were determined to make an unconditional attack on the free enterprise system. Both groups began to

maneuver for control of the convention. Dissension and schism threatened the new organization.

The struggle reached its apogee at the second convention in 1906. The "conservatives" were led by acting President Charles Mahoney of the Western Federation of Miners. De Leon, Troutman and Vincent St. John directed the revolutionists. President Sherman joined with the moderates. Haywood charged that "Sherman had proved incapable, and if not actually dishonest, he had used an enormous amount of the funds for unnecessary purposes."6 Since the more radical delegates controlled the convention, Sherman was deposed and the office of president was abolished. With the deposition of Sherman, three of the five representatives from the Western Federation of Miners, which with 27,000 members was the largest and strongest union in the I.W.W., bolted the convention and completely withdrew early in 1907. This early defection of the miners cut off most of the I.W.W. financial resources, and reduced its actual membership to less than 6,000. Socialist Party delegates, convinced that De Leon's treachery had destroyed the I.W.W., withdrew from the convention en masse.7

After the desertion of the Western Federation of Miners and the Socialist Party representatives, the two major groups composing the I.W.W. were the western workers from the unskilled and semi-skilled industries and De Leon's Socialist Labor Party. The incompatible nature of the two prevented any lasting cooperation, and at the 1908 convention internal strife again threatened to destroy the organization. The disrupting issue


7Brissenden, op. cit., p. 143; and Johnson, op. cit., p. 122.
was the controversy over political as opposed to economic action. De
Leon claimed that the free enterprise system should be fought on a "civil-
ilized plane"—in the political arena. Most of the "Westerners" were
migratory laborers. Since those "drifters" were deprived of the ballot,
they had no interest in political action. They were convinced that
political power was simply the reflection of economic power. Therefore,
it would be senseless to dabble in politics; capitalism could be defeated
only by meeting it on its own ground, the American economy. In opposi-
tion to De Leon and his policy of political action, the "Westerners,"
known as the "overall brigade," flocked to Chicago in boxcars. The
second paragraph of the original I.W.W. preamble called for the workers
to come together on the political as well as on the industrial field.
The "overall brigade" dominated the convention numerically and struck
this political clause from the constitution. De Leon stormed out of the
hall followed by his little group of faithful adherents. He set up a
rival I.W.W. with headquarters in Detroit; but the Detroit faction never
attained a strength comparable to that of the anti-political group. In
1915 the Detroit I.W.W. changed its name to the Workers' International
Industrial Union.

The year 1908 was a turning point in the history of the Industrial
Workers of the World. The expulsion of De Leon purged the I.W.W. of its
socialistic features; the drift from parliamentary to industrial social-
ism was complete. Harmony was established within their own ranks

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8 Selig Perlmutter and Philip Taft, Labor Movements, Vol. IV of History

9 Brissenden, op. cit., pp. 242; 349.
and the I.W.W.'s turned their attention to organizing the unskilled and migratory workers of the country. Within a few years the Wobblies, as they were known in the West, acquired a notorious reputation because of their dramatic tactics and uncompromising philosophy—a philosophy that was expressed in the preamble to the I.W.W. constitution, which declared:

The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things of life.

Instead of the conservative motto, "A fair day's wage for a fair day's work," we must inscribe on our banner the revolutionary watchword, "Abolition of the wage system."

It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for the every-day struggle with capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old.10

This preamble placed the Wobblies at the extreme left of the American labor movement. Without the socialistic-inspired political clause, the preamble read like a virtual declaration of war against the capitalistic system. Like the French syndicalists, the Wobblies preached that the workers were entitled to all profits, since they were the producers of all wealth. I.W.W.'s assumed, in orthodox Marxist tradition, that there existed a class struggle in which the interests of the laborers and the capitalists were permanently opposed. They looked forward to the day when that bitter struggle would culminate in a class war in which the infamous wage system would be destroyed. Then and only then would peace prevail. Any semblance to peace before that time would simply be an

armed truce. With the abolition of the wage system, the workers would seize control of the means of production and take possession of the earth. The exploitation of the working class would cease for all time.

The Wobbly preamble was not only a revolutionary philosophical testament, but it was also an unmistakable declaration of tactics. Very few I.W.W.'s realized the full social implications of the preamble they were required to endorse; but those that understood the significance of the revolutionary doctrine, pledged themselves to destroy the wage system by any and all tactics.11 They were the guerilla soldiers in the class war, and as such they had the self-imposed duty to torment the propertied class as much as, wherever and whenever, possible.12 To them the end, the new society, justified the means.

Since the battle was to be waged on the economic field, the first step was to organize all workers into industrial unions as opposed to the craft unions of the American Federation of Labor. The A.F.L., which the Wobblies scornfully and derisively labeled "the aristocracy of labor," was considered to be the tool of the employing class. I.W.W. officials asserted that the A.F.L. was the natural creation of the free enterprise system, and that it was the chief means through which the employers exploited their employees. A.F.L. leaders advocated the signing of separate agreements with the employers and they formulated the theory of class collaboration. Separate contracts and the belief that labor and management

had common interests divided the workers of an industry against each other in the time of strikes, and therefore, the American Federation of Labor was betraying the workingman's cause. To combat the detrimental activities of the A.F.L., all workers would have to unite as a class irregardless of race, color or nationality.\(^\text{13}\) They would have to organize in their respective industries so that all workers in a specific industry would belong to one union. Eventually all unions would be component parts of "One Big Union." As early as the 1830's Robert Owen had called for the solidarity of all labor in a "General Union of the Productive Classes."\(^\text{14}\) When all workers belonged to "One Big Union," the employers would be confronted with the "General Strike." Both Owen and the I.W.W.'s believed that all industries would be paralyzed when workers walked off their jobs at the same time; employers would be at the mercy of the workers, and the machinery of production would fall into the hands of the working class where it belonged.

But the Wobblies did not muse about the future; they realized that the "One Big Union" could not be created spontaneously. And, without the complete unification of the working class, the "General Strike" could not be effective. Specific industries such as the lumber, mining, and textile industries would have to be unionized along industrial lines as a first step in building the "One Big Union." When the workers in these and similar industries were united in common cause against their employers, the capitalistic system would be weakened by direct action. Direct action simply meant the use by employees of any kind of economic pressure designed

\(^{13}\)Brissenden, op. cit., p. 208.  \(^{14}\)Ibid., p. 29.
to harass their employers, such as pressure by boycotts, sabotage, strikes, and free speech fights. Strikes could range from sit-downs and sympathetic strikes to mass walkouts and wildcat strikes. Industrial unions would strike as often as possible at times when the employers could least afford to tie up their plants. These strikes would serve a double purpose; they could be used to obtain better working conditions, shorter hours, and higher wages, but they would also generate working class solidarity. Sabotage, as defined by the Wobblies, meant striking... 

But contrary to public opinion, sabotage did not include activities that would endanger human beings. Wobbly officials did not advocate violence, except in cases of self-defense. By using direct action tactics, I.W.W.'s could limit production, decrease profits and thus contribute to the ultimate disintegration of capitalism.

This promise of direct action attracted most of the workers who participated in Wobbly struggles. To be sure, many social rebels joined the revolutionary cause, but most of the I.W.W. membership consisted of the migratory "bundle stiffs" of the West. Those "foot loose" workers...

15City councils throughout the West sought to control I.W.W. activities among migratory workers by passing ordinances requiring permits for street meetings. Wobblies refused to comply with such laws, and the ensuing struggles between city authorities and I.W.W.'s were generally referred to as free speech fights.

were usually homeless and unmarried. They drifted from job to job, and did not have the usual ties with society. Their interests were not advanced through the power of the political state. Parliamentary and social reforms had not alleviated their miseries. By joining the I.W.W., these "hobos" or "bums" no longer felt like social outcasts. Membership in the I.W.W. gave them status. Their "jungles" became I.W.W. camps where they joined together in fellowship singing songs composed to "fan the flames of discontent." These workers did not have much to lose by promoting the Wobbly cause. If sawmills closed, they could harvest grain in the Dakotas, pick fruit in the orchards of California, or work in the mining camps of the Rocky Mountain states.

But not all migratory laborers joined the I.W.W. because of a dissatisfaction with social conditions. Many of these people joined the organization for very practical reasons. Most transients "rode the rails"—stole rides in railroad boxcars—from one job to another. To be caught without a red card by a group of Wobblies invariably resulted in instant ejection from the "side-door pullman." Still other card-carrying Wobblies joined the organization because of its low initiation fees and dues, and because seasonal workers could transfer from one constituent union to another without going through confusing red tape and without paying new fees. Although the I.W.W. attracted many migratory laborers


the movement as a whole should not be stereotyped or criticized as a hobo rebellion. The public regarded all transients as bona fide Wobblies, whereas in reality the majority of those transients belonging to the I.W.W. usually were active members for only short periods of time. Membership statistics for 1911 indicated that there was an exceptionally large membership turn-over between 1909 and 1911. Approximately 60,000 membership cards had been issued by 1911. However, the total active membership for that year amounted to only 12,800.20

Between 1908 and 1916 the direct action policy of the Industrial Workers of the World captured the attention of Americans throughout the East and the West. After removing the dissident elements within their own ranks, the Wobblies launched an aggressive membership drive. Its strike activities were widespread and were vigorously and enthusiastically managed. In the West I.W.W. activities centered in lumber camps, on construction jobs, in fruit growing industries and in agricultural areas. In the East the Wobblies championed the cause of the unorganized and the unnaturalized immigrant factory workers.21

The first big victory for the I.W.W. occurred in the East in the summer of 1909 when Wobbly organizers led a strike of 8,000 employees of the Pressed Steel Car Company at McKee's Rock, Pennsylvania. This strike began when employees protested against an unfair and confusing system of wage payment. Violence and bloodshed marked the conflict from beginning


21 Perlman and Taft, op. cit., p. 236.
to end. Trade union officials ignored the struggle, and by August the
strikers gratefully welcomed the sympathy and leadership of I.W.W. organ-
izers. Shortly after the strikers walked off their jobs, the Pennsylvania
state constabulary was mobilized to protect the plant. Throughout the
East, this group had a wide reputation as brutal strike-breakers. The
strike committee warned the commander of the constabulary that one of
his "cossacks" would be killed for every striker that was killed. When
a trooper shot and killed a striker, the workers took the life of a
"cossack." After two months the management yielded to the demands of
the strikers.

The next major strike directed by I.W.W. organizers erupted in
January, 1912, when textile workers in Lawrence, Massachusetts, struck
the mills of the American Woolen Company. Early in January the state
legislature had passed a law shortening the work week for women from
fifty-six to fifty-four hours. The strike was precipitated when employ-
ers reacted to the shortened work week act by decreasing wages accord-
ingly. I.W.W. leaders anticipated the strike and sent Joseph J. Etter,
a member of the executive board, to Lawrence. He was soon joined by
Arturo Giovannitti, another Wobbly leader. These two direct actionists
assumed virtual control of the strike and insisted that the strikers
refrain from committing any acts of violence.22 The first indication
that the strike would be a bitter and strenuous contest was the discovery
of twenty-eight sticks of dynamite in three different locations in the
city. Four additional companies of militiamen were rushed to Lawrence

22Foster Rhea Dulles, Labor in America: A History (New York:
and several strikers were arrested. However, it was learned that the
dynamite had been planted by a local undertaker at the direction of
William H. Wood, President of the American Woolen Company.\(^\text{23}\)

All such efforts to intimidate the strikers who adhered strictly
to a policy of passive resistance failed. Public opinion became parti-
cularly hostile to the employers when militiamen clubbed women and
children at the city railroad station where women strikers were attempt-
ing to send their children to sympathizers out of the city. In early
March the textile management yielded to public pressure and granted the
demands of the strikers. Wages were increased from five to twenty per-
cent, working hours were reduced, and people who had taken part in the
strike were not discriminated against when the mills were reopened.
The success of the Lawrence strike was the I.W.W.'s greatest triumph.
Bill Haywood described it as "a magnificent demonstration of solidarity,
and of what solidarity can do for the workers."\(^\text{24}\)

While these major strikes were being conducted in the East, Wob-
blies in the West were making headlines with their free speech fights.
The practical way for I.W.W. organizers to recruit migratory workers in
logging and construction camps was to agitate from "soap-boxes" in city
streets adjoining employment offices and lodging houses.\(^\text{25}\) This agitation
irritated employers and city authorities who accused the Wobblies of mak-
ing seditious, unpatriotic, incendiary, immoral and vulgar speeches. In:

\(^{23}\)Edward Levinson, \textit{I Break Strikes! The Technique of Pearl I.}

\(^{24}\)Haywood, \textit{op. cit.}, p. 253.

\(^{25}\)Perlman and Taft, \textit{op. cit.}, p. 236.
response to the soap-box orators, municipal councils enacted anti-street­
speaking ordinances. But the I.W.W. thrived on this form of repression. Whenever I.W.W. organizers were arrested for violating street meeting bans, the cry went out from Wobbly headquarters throughout the West urging the direct actionists to mobilize their forces. "Foot-loose rebels" would converge upon a city, and for every Wobbly incarcerated another would take his place on the "stump." Wherever free speech fights occurred, jails were filled beyond capacity. In the first struggles of this nature, the direct actionists were invariably successful. Taxpayers complained about the number of prisoners who had to be fed in the overcrowded jails. The burden upon the communities became so great that the harassed authorities were forced to free the Wobblies. Major free speech victories were won in Spokane, Walla Walla, Tacoma, and Everett, Washington; Fresno and San Diego, California; and Missoula, Montana. However, after these humiliating defeats, city authorities and employers devised more effective measures against the Wobblies. Instead of incarcerating agitators, which was what I.W.W.'s expected, they organized small vigilance committees to prevent the Wobblies from entering the cities. These "Knights of Liberty," "Minute Men," and "Citizens' Protective League" societies adopted a policy of preventing trouble before it started. "Jungles" were raided and destroyed; I.W.W. halls were forcibly closed; scores of I.W.W. adherents were imprisoned in bull pens; I.W.W.'s were beaten, tarred and feathered, and even killed.


27 Tyler, Oregon Historical Quarterly, op. cit., p. 10.
The most shocking free speech fight took place on November 5, 1916, in Everett, Washington. On that day two hundred ninety-nine Wobblies boarded two boats, the Verona and the Calista, and departed from Seattle for Everett to protest against the deportation of fellow-Wobblies from that city. Approximately two hundred armed vigilantes met the Verona as it arrived at the dock. When the Wobblies refused to turn back a shot was fired and gunfire raged for ten minutes. Seven I.W.W.'s were killed and thirty-three were wounded. The vigilantes counted two dead and sixteen wounded. On the basis of information supplied by a Pinkerton detective, Seattle police arrested seventy-four Wobblies and charged them with murder. The first defendant was acquitted after a trial which lasted for two months, and the other cases were dismissed.

The Everett Massacre was the climax of eight years of pugnacious agitation by the Industrial Workers of the World. At first business interests regarded the I.W.W. movement, with its inflammatory prose, with skepticism and some amusement. But as membership in the I.W.W. increased, employers began to feel the effects of direct action and sabotage. In an address delivered at the founding convention of the I.W.W., "Big Bill" Haywood warned the delegates that:

> When the corporations and the capitalists understand that you are organized for the express purpose of placing the supervision of industry in the hands of those who do the work, you are going to be subjected to every indignity and cruelty that their minds can invent.29

By the end of 1916, Haywood's prophecy was apparently being fulfilled.

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29 Quoted by Haywood, op. cit., p. 181.
The dramatic free speech conflicts, the militant Wobbly strikes, and the uncompromising I.W.W. philosophy of revolution had struck fear into the hearts of businessmen and employers throughout the United States, particularly those in the West. In several western states, where I.W.W. influence was most pronounced, vigilante tactics of the Old West were resurrected by employer associations, commercial clubs, and safety societies. These self-styled justice committees and citizen police groups conducted a relentless and vigorous campaign of terror against I.W.W. members. In addition to being horse-whipped, tarred and feathered, and even forced to run the gauntlet between rows of vigilantes, Wobblies witnessed the destruction and ransacking of their "jungles" and union halls. I.W.W.'s were forced to flee from many small western communities. But the Wobblies were usually a hardened and tough breed of men; they could be as unyielding as their oppressors. Since they were determined to meet violence with violence, a considerable amount of blood was spilled; I.W.W.'s fought pitched battles with law enforcement agencies, vigilante committees, strike-breakers and militiamen.

The vested interests had a powerful ally in their extensive campaign to vilify and discredit I.W.W. activities. The American press played up the theme that the I.W.W. was a violent organization. In the vast majority of newspaper articles, the lawlessness of the Wobblies, whether proven or alleged, was overemphasized, while violence on the part of the ruling class was usually ignored. Direct action and sabotage were construed to mean the wholesale murder of anyone attempting to prevent the Wobblies from usurping control of the machinery of production. The Wobbly movement was depicted as a serious threat to the internal security of the country,
and the bona fide Wobbly was portrayed to be a shaggy-haired, bomb-throwing anarchist.\textsuperscript{30}

This campaign of defamation was so intense that it hid from the public the fact that the I.W.W. was a peculiar by-product of the capitalist system—\textsuperscript{31} that it was a "phenomenon of revolt" against distressing economic and social evils. Instead of alleviating the conditions that made I.W.W. philosophy attractive among certain discontented segments of society, the American people pursued a policy of ruthless suppression. The Everett free speech fight was indicative of the violence and of a form of suppression that was to plague the Wobblies throughout the war years.

But there were indications that the I.W.W. thrived on this lawless form of persecution. The belligerent tactics employed by capitalists did not always win public approval. Vigilance committees were harshly criticized because of their flagrant disregard for duly constituted laws and legal authorities. Vigilante justice may have been necessary on the wild and lawless frontier, but it had no place in a complex and civilized society. Many Americans equated vigilante justice with mob rule. The vigilantes of Everett had been denounced throughout the country. The mayor of Seattle condemned the Everett authorities and called them murderers. Labor groups, including A.F.L. unions, urged their locals to support the arrested I.W.W.'s. Citizens of Everett who witnessed the tragedy generally sympathized with the I.W.W.'s, and many Everett merchants

\textsuperscript{30}Dowell, op. cit., p. 37.

\textsuperscript{31}Ibid., p. 146. See also, Carleton H. Parker, "The I.W.W.," The Atlantic Monthly, CXX (November, 1917), 662.
disavowed having any affiliation with the Commercial Club, the vigilante organization that fired upon the Wobblies.\textsuperscript{32} As long as public sympathy was against the high-handed methods used by the business interests, persecution may have worked to the advantage of the I.W.W.; but history took a different course, and public opinion inevitably became viciously anti-Wobbly. The I.W.W. was rapidly approaching the last major turning point in its short but stormy history.

On April 2, 1917, Woodrow Wilson went before Congress and requested a declaration of war against Germany. Two days later the Senate passed the war resolution by a vote of eighty-two to six; on April 6 the House adopted it three hundred seventy-three to fifty. The nation's economy and industries were geared to meet the crisis, and most Americans enthusiastically and optimistically set out to "make the world safe for democracy." National religious leaders, such as Newell Dwight Hillis and "Billy" Sunday, preached that the war against Germany was a "holy war" and that the American cause was God's cause.\textsuperscript{33}

But many people in the United States earnestly and adamantly opposed American participation in the world conflict. Some were recent immigrants from Europe who opposed the American partnership with the Allied Powers for various and obvious nationalistic reasons—Irish immigrants fostered a profound hatred for anything British; newly-arrived German and Austrian peoples did not want to contribute to the defeat of their native lands. Other opponents of the war were convinced that it

\textsuperscript{32}Perlman and Taft, \textit{op. cit.}, p. 392.

was a capitalistic plot; they asserted that working class lives were being sacrificed to fill the coffers of greedy capitalists. This accusation was propagated by members of the Non-Partisan League, the Socialist Party and the I.W.W. Other non-conformist groups opposed participation in the war on moralistic, religious and humanitarian principles. Of all these dissident groups, the I.W.W. was the most conspicuous and fearless in its condemnation of the war.  

Wobbly opposition to the war was best illustrated in a five stanza song entitled "Christians at War" and sung to the tune of "Onward Christian Soldiers." In what they considered to be sarcastic mockery, I.W.W.'s summoned soldiers to march to war. The first and last stanzas, which epitomized the I.W.W. attitude regarding war, were:

Onward, Christian soldiers! Duty's way is plain;
Slay your Christian neighbors, or by them be slain.
Pulpiteers are spouting effervescent swill,
God above is calling you to rob and rape and kill,
All your acts are sanctified by the Lamb on high;
If you love the Holy Ghost, go murder, pray, and die.

Onward, Christian soldiers! Blighting all you meet;
Trampling human freedom under pious feet.
Praise the Lord whose dollar sign dupes his forward race!
Make the foreign trash respect your bullion brand of grace.
Trust in mock salvation, serve as pirates' tools;
History will say of you: "That pack of G D fools."  

Thus, the I.W.W. accused the government and religious organizations of having an alliance with the capitalist class. Wars were declared by politicians and were justified by religious leaders; but political and religious institutions were simply reflections of economic power, of


capitalism. Therefore, the war was being fought in the interests of the capitalist class, and all soldiers, regardless of nationality, were duped by the capitalists. Workers were deceived into believing that the war was in their interests; that it was being fought in God's name to preserve civilization and national honor. I.W.W. spokesmen insisted that allegiance to the working class superseded national loyalty. Workers were urged to recognize only one war, the inevitable class war. By defiantly putting their own war against employers above the common national endeavor, Wobblies gave their enemies a golden opportunity to brand them as dangerous and unpatriotic terrorists. Employers were quick to seize upon that opportunity; they associated the syndicalist philosophy, the militant tactics and the revolutionary zeal of the Wobblies with violence, terrorism, pro-Germanism and lack of patriotism. That association was vividly portrayed in the national press which usually represented the employers' attitude. The large, influential magazines and newspapers were, as a general rule, conservative in outlook; they were costly commercial undertakings with their interests often closely tied to those of their advertisers. During the whole war period almost every issue of important daily papers carried articles describing outrages allegedly perpetrated by Wobblies. The vicious nature of this
press attack had many characteristics of a religious crusade, and was illustrated by the perverted use made of the three initials of the Wobbly organization. Editors sardonically called the Wobblies "Implacable Wreckers of the World," "Imps of the Wicked World," "Irate Wasps of the World," and "Infernal Wretches of the World." Some journalists maintained that the three letters best stood for the phrase "I Work for Wilhelm." 39

To be sure, the campaign of suppression against the I.W.W. was only one aspect of the drive against radicals, for all economic and social dissenters were persecuted. But, since the I.W.W. was the most out-spoken and feared group, it was subjected to the most prolonged and the most severe attack. The Wobblies became victims of their own inflexible dogma, by refusing to temper their criticism of the war, which was deemed blasphemous as well as unpatriotic, they alienated the vast majority of Americans.

39Helena Independent, August 1, 1917, p. 4.
CHAPTER II

THE STAGE IS SET IN THE NORTHWEST: LABOR UNREST IN
THE LUMBERING AND MINING CAMPS

Financial interests and the national press not only took advantage
of the revolutionary I.W.W. philosophy, but they oversimplified and exag­
gerated the part played by the I.W.W. in wartime strikes. Wobblies were
not the only laborers who were dissatisfied after the outbreak of the
war. Some employers made enormous profits as a result of the demand for
strategic war materials; prices skyrocketed under the stimulus of war­
time purchasing, but wages were not increased proportionately. This was
particularly true in the lumber and mining industries of the Northwest.
Raw materials furnished by these industries were indispensable to the
execution of the aircraft, shipping and munitions programs of the govern­
ment. Capitalists controlling these industries were awarded lucrative
government contracts amounting to many millions of dollars. The govern­
ment program for airplane production alone called for enough spruce
lumber to build 10,000 airplaines per month; each plane required 2,000
feet of spruce at a cost of $105 per thousand feet. The amount of spruce
that could be utilized was "limited only by the producing capacity of the
spruce forests."40 There was also unlimited demand for copper and zinc,
the latter being essential for the manufacture of munitions. Copper was

40 Wilson Compton, "Production of Airplane Spruce," The American
Review of Reviews, LVII (January-June, 1918), 630.
mined throughout the Rocky Mountain states, with the largest deposits being located in Arizona and Montana. The Anaconda Copper Mining Company, which was the largest copper company in the world during the period of the first World War, operated over twenty mines in Butte, Montana, which supplied more than ten per cent of the world's annual output of copper. The Butte mines also yielded over fifty per cent of the nation's high-grade zinc supply. Although the success of the war effort depended upon maintaining harmonious relations between employers and employees and upon operating these and other industries at full capacity, many workers felt justified in demanding wage increases. When these demands were ignored, or flatly rejected, even the so-called conservative and patriotic unions of the A.F.L. participated in strikes which broke out on a scale exceeding pre-war years; during 1917 there were approximately 4,500 strikes involving over a million workers. Some of these strikes were short-lived and insignificant, but others seriously delayed production in defense industries. The I.W.W. was not responsible for even a small percentage of those strikes, but employers insisted that the Wobblies

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\(^3\) Dulles, op. cit., p. 226.
were the chief cause of labor unrest throughout the country. Newspapers and periodicals set out to corroborate that premise by focusing attention on Wobbly agitation and recruiting activities in northwestern mining and lumber districts.

These major northwestern industries had been seething with unrest for several years before the United States became an active participant in the World War. Conditions in both industries were deplorable. The spark that ultimately kindled that unrest was not I.W.W. intrigues, but rather the fact that workers' wages did not have the same purchasing power as before the war since the cost of living had increased due to wartime buying. Without opprobrious conditions and unrest in these industries, I.W.W. propaganda would have fallen upon closed ears. But the I.W.W. thrived on unrest, and therefore, the fields of mining and lumbering were peculiarly susceptible to infiltration by Wobbly organizers. I.W.W. influence in these industries can also be understood, partly, in terms of the type of working force employed by the lumbering and mining corporations. Both industries, particularly the lumber business, depended upon a large migratory labor force. Employment in the lumber and timber industries was by no means steady. Lumber mills and logging camps frequently shut down because of business depressions; even when the industry operated full-time and employed 70,000 men, logging

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\[45\] See Chapter I for a possible explanation of why the I.W.W. was popular among many migratory laborers.
was a seasonal occupation. The busy season started during the first part of October and lasted from four to six months. Many of the men, who worked in the woods during the winter, labored as railroad construction workers in the summer and harvest field hands in the fall.\textsuperscript{46} In the mining camps many men worked underground during the winters and in the wheat fields of the Dakotas or the fruit orchards of California in the summer. However, the large labor turnover in mining was due largely to unfavorable and unhealthy underground working conditions. In 1916, 1917, and 1918 the labor turnover in Butte mines averaged over 500 per cent per year; at times the average was over 100 per cent per month. In April, 1917, between 13,000 and 16,000 underground miners were required to keep the Butte mines operating at full capacity. About 65,000 employees had to be hired annually to maintain such a labor force.\textsuperscript{47} The I.W.W. was popular among migratory workers; therefore, Wobbly influence could be expected in the mining and lumber industries. Since those industries were especially plagued by wartime strikes, the public assumed that Wobblies were responsible, and that they were motivated by pro-German and un-American sentiments.

After leading several unsuccessful lumber strikes in 1912 and 1913, the I.W.W. had slight influence in the western woods for the next four years. Then on March 4, 1917, a group of Wobblies assembled in convention


at Spokane, Washington, formed the Lumber Workers' Industrial Union No. 500, and announced their determination to lead a series of strikes in the Spokane "short log" district, which embraced western Montana, northern Idaho and eastern Washington. The first of this series of strikes occurred in the middle of April when 250 I.W.W.'s persuaded the river drivers employed by the Eureka Lumber company of Montana to quit work. The strikers demanded an increase in wages and a four-hour reduction in the working day, from twelve to eight hours. The company emphatically refused to grant the demands; the Eureka mill suspended operations; and 400 employees were left without work. The strike soon spread to other mills in Lincoln county, and federal troops were rushed to Eureka and Libby to guard the mills and logging camps.

Inspired by the activities in Montana, the new I.W.W. union set July 1 as the date for a general walk-out of loggers and mill workers in the Spokane district. However, Wobbly organizers misjudged the extent to which unrest and anxiety pervaded the western woods. An epidemic of strikes swept through Idaho, Montana and eastern Washington. Two-thirds of the lumber workers of those states were on strike at least three weeks before the date set by the I.W.W. All mills in Montana either completely or partially closed; those that operated with skeleton crews maintained less than fifty per cent of their normal output. By the middle of August, the lumber industry of the whole state of Washington was practically at

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49 Montana, Third Biennial Labor and Industry Report, p. 60.
a standstill. Most of the striking lumber workers were not affiliated with the I.W.W. or any other union; nor did they have to be prompted or guided by any I.W.W. agitators. The strikes were long-delayed revolts against unbearable living and working conditions in the logging camps.

In August, 1914, the United States Commission on Industrial Relations undertook an investigation of living and working conditions in the Washington lumber industry. J. G. Brown, who was then the president of the International Union of Timber Workers, which was affiliated with the American Federation of Labor, testified before the commission and insisted that "the worst thing the men in the logging camps have to contend with is the bad conditions." When asked to be more specific, Brown vividly described life in a typical bunkhouse that lodged fifty lumber-jacks. He explained that:

Those men sleep in wooden bunks; those bunks are double tiers running clear around the building. Those bunkhouses have only one window in one end of them. A man would have to light a lamp to read in the middle of the day. They have a big stove in the center of that, and the only other comfort is a bench that runs around on a level with the lower bunk. A man can sit on those benches, or perhaps have a box or something of that sort to sit on if they want to sit around the table and play cards. . . . They have stoves, and in the periods of the year when it is raining the stoves are hung all about with wet clothing. That is their only method that these loggers and woodmen have of drying their clothes. The men naturally in

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51 Tyler, Oregon Historical Quarterly, LV, 19.

the bunks have to inhale the steam that comes off these drying clothes. In the wintertime or fall of the year the men keep the door open in order that they can be more comfortable from the heat of the stoves. When the fire dies out that makes a sudden change in the temperature.\[^{53}\]

Because of such unwholesome conditions, rheumatism was one of the occupational diseases that afflicted many loggers. Timber workers were especially susceptible to common colds and contagious ailments. If for no other reason than to prevent lost time due to illness, sleeping quarters should not have accommodated more than twelve men; but the type of bunkhouse described above existed in most large logging camps. In small camps conditions were usually even more pathetic. In such camps it was not uncommon for two men to have to share a bed, and in some cases the bunks were nothing more than crudely constructed, large, wooden boxes; a wall serving as one side with boards nailed on the other sides. Loggers would usually fill these wooden beds with straw and hay, but some workers slept on boughs of trees since the straw attracted "too much vermin and things of that sort." As a general rule, camp buildings were not fumigated until after lice and bedbugs had become a serious menace. At times, loggers were compelled to leave the bunkhouses to sleep under the open sky.\[^{54}\]

Another unsanitary aspect of logging camp life was the unique garbage disposal system used in most camps. Brown pointed out the fact that cookhouses were usually located only twenty-five or thirty feet from the bunkhouses, and that cooks:

... have a habit of throwing all their garbage and empty cans and everything right out of the window. In the hot time of the

\[^{53}\text{Ibid.}\]

\[^{54}\text{Ibid. See also, Charles Merz, "Tying Up Western Lumber," The New Republic, XII (September 29, 1917), 242.}\]
summer that not only makes a bad odor but attracts swarms of flies, and presumably the idea is they convey disease to a greater or less extent.\textsuperscript{55}

The union leader's testimony dealt only with the situation in Washington, but the same distressing conditions prevailed throughout the Northwest lumber industry. In August, 1917, W. J. Swindlehurst, the Montana Labor Commissioner, together with a representative of the State Board of Health undertook an official investigation of living and working conditions in the Montana lumber industry. For twelve months those officials toured logging camps in seven western Montana counties.\textsuperscript{56} Although the Montana report was issued four years after the Washington study, it closely paralleled the testimony given by the President of the Timber Workers. The commissioner emphasized that efforts were being made to improve conditions in the larger camps, but that employers in small logging camps:

\begin{itemize}
\item pay little attention to the comfort of employees and to sanitary conditions in camps. Many of these camps \ldots are makeshifts, unsanitary and without accommodations.\textsuperscript{57}
\end{itemize}

Not only were living standards in the camps unsatisfactory, but working conditions were also undesirable. Swindlehurst observed that:

\begin{itemize}
\item all work incident to logging, from felling trees to transporting logs to the mill, either by teams, logging railroads or river driving, are notoriously dangerous.\textsuperscript{58}
\end{itemize}

The standard working day in both saw mills and logging camps was ten hours. The only exceptions were the really "big" mills and camps, such as the

\begin{itemize}
\item \textsuperscript{55}	extit{U. S. Commission on Industrial Relations, V,} \textit{4211.}
\item \textsuperscript{56}Logging camp conditions were investigated in Flathead, Granite, Lincoln, Mineral, Missoula, Powell and Sanders counties.
\item \textsuperscript{57}Montana, \textit{Third Biennial Labor and Industry Report,} p. 57.
\item \textsuperscript{58}\textit{Ibid.,} p. 50.
\end{itemize}
Anaconda Copper Mining Company mill and camps in Missoula county, which worked on a nine-hour basis, and the Mann and Libby lumber companies, which operated on an eight-hour day. However, certain employees worked even longer than ten hours, depending upon their type of work. Many loggers had to:

... walk anywhere from 20 rods to a mile and a half to their work. They leave at 6 o'clock at night and have to go that distance back home on their own time. They theoretically walk one way on the company's time and the other way on their own time. It frequently happens that what is theoretically 10 hours is stretched into a 12-hour day, sometimes even longer than that.59

Employees were paid straight time even when they worked overtime. Commissioner Swindlehurst concluded that:

... a lumberman's life is still no sinecure, and the forests of Montana are anything but a playground for those who follow the calling of a timberman.60

The commissioner suggested that wages were not sufficient for such hazardous and laborious work; that the hours were too long; that although "lumber companies seem to look upon every form of unionism with disfavor and aversion," the loggers should have more voice in adjusting labor controversies and grievances.61

The striking lumbermen put forth demands designed specifically to alleviate these conditions. Among other proposals, they generally insisted that the lumber industry adopt the eight-hour day; that there be no work on holidays and Sundays; that wages be increased; that kitchens

59 U. S. Commission on Industrial Relations, V, 4211.
61 Ibid., pp. 48-49.
be operated in compliance with sanitary regulations; that wholesome food be served on porcelain dishes; that sleeping quarters accommodate a maximum of twelve loggers; that single beds be furnished with springs, mattresses and bedding free of charge; that each bunkhouse be furnished with shower baths and drying rooms, and an adequate system of lighting.  

Lumber companies rejected these demands and refused to negotiate any settlement with committees appointed by the striking workers. Company officials embarked upon an all-out crusade to discredit the strikers and to suppress the strikes. They attributed the strike epidemic to machinations of the I.W.W., and charged that the Wobblies were paid agents in the employ of Kaiser Wilhelm. These enemy agents misled and deceived the average lumber-jack, who was a "first class man, honest and square, and ready to do the right thing," by preaching that the loggers:

... are earning all the way from $10.00 to $20.00 a day, and they are only making $3.00 and that when they destroy things they are only getting even on the employers who are "stealing" several thousand dollars a year from them.

Company directors further charged that loggers, who were not deceived by I.W.W. propaganda, were afraid to return to their jobs because of I.W.W. threats. Thus, the lumber strikes were not protests against disgraceful living and working conditions in the lumber camps; the disturbances were pro-German attempts to undermine the country's war effort. The business interests wrapped themselves in the American flag and marched forward to

62 Perlman and Taft, op. cit., p. 394.

destroy the I.W.W. in the name of liberty and Americanism. They were determined to use any tactics to achieve that goal.

The first step in the campaign was to convince the public that the I.W.W. had to be suppressed. That task was quickly accomplished by newspaper editors who by the middle of 1917 had had much experience defaming the Wobblies. Editors warned their readers of an impending I.W.W. revolution. In what was supposed to have been objective news reporting, Wobblies were depicted as lawless anarchists who ran around the countryside terrorizing peaceful communities. Wobblies were accused of committing all sort of transgressions, from fiendish atrocities to the most trivial crimes. If a farmer's cow was found dead in a pasture, Wobblies were accused; if a water well went dry, I.W.W. sabotage was suspected. Editorial writers also insinuated that I.W.W. 's deliberately started the numerous forest fires that menaced western Montana, northern Idaho and eastern Washington in July and August of 1917. The same editors ignored the fact that many striking I.W.W. lumbermen volunteered to help fight the fires. The secretary of the I.W.W. local in Missoula dispatched over a thousand striking pickets from the St. Regis area to combat the flames. But the public did not receive that information; they only read about alleged destructive I.W.W. tactics. F. D. Becker, the secretary of the Montana Lumber Manufacturers Association, justified the

64 The Truth About the I.W.W. Prisoners, op. cit., p. 6. For typical samples of such derisive charges, see: Anaconda Standard, February 9, 1918, p. 1; May 1, 1918, p. 1; and Helena Independent, August 1, 1917, p. 1; February 5, 1918, p. 1; February 9, 1918, p. 1; and February 24, 1918, p. 1.

65 Merz, The New Republic, XII (September 29, 1917), 242. See also, Rowan, op. cit., p. 35.
suppression of the I.W.W. on the grounds that it was a destructive organ-
ization. In a letter to Governor Sam V. Stewart of Montana, Becker
described some of the various Wobbly tactics. He claimed that:

In one logging camp in Idaho they sawed about 1,500,000 feet of
logs four inches short of the marks, causing a loss of two feet
on each board. . . . Some are reported as having mis-labeled
cans and cases in a cannery, crippling horses in the feed stables,
dropping sour milk into fresh in a condensory, dropping acid on
goods in clothing stores. A favorite stunt is to hit a steel
rail with a heavy ax; another is to break shovel handles as fast
as they get them, to lose or hide tools, to saw trees so that
they will break, polluting wells by throwing in old boards, etc.
I heard that one I.W.W. was caught with a tin box full of coc-
roaches, after he had let a lot more loose in a cook house and
dining room. Another was found to have placed a lousy shirt in
each bunk; another case of urging a dissatisfied flunky to put
calomel in the food. It was reported that a man in Washington
lost one foot by the lash of a new cable that broke under a hard
pull, and on examination the cable proved [sic] to have been
partly cut with an ax in three places.66

Newspaper reports of ostensible I.W.W. crimes were strikingly
similar to the above account. It was not unlikely that lumber operators
and newspaper editors collaborated on compiling such lists. That was
the case in Washington where lumber company "publicity agents gave the
I.W.W. its reputation for lawlessness and violence."67 These destructive
activities were only purported to have been perpetrated by I.W.W.'s; but,
in the public mind the Wobblies were guilty until proven innocent. The
I.W.W. undoubtedly attracted some individuals who would not hesitate to
commit the crimes charged against them; but, if the I.W.W. did sanction
the use of such tactics on a massive scale, Wobblies could have been
detected and prosecuted under the criminal codes of the various states.

66 Becker to Stewart, June 27, 1917, Montana Council of Defense
Papers.
67 New York Evening Post, February 16, 1918, cited by Dowell, op.
cit., pp. 22-23.
Regardless of what the public believed, the fact remains that not one Wobbly was ever convicted for committing an act of criminal sabotage in the Northwest.68 However, that fact was overlooked, and the anti-I.W.W. campaign was so intense and so successful that hysteria dominated most of the thinking about the organization. Whenever the word Wobbly was mentioned, the public usually visualized destructive and lawless industrial terrorists, disloyal Americans who deliberately caused strikes to impede the war effort, or German agents hired by the Imperial German Government.69

After generating this rabid public hostility towards the I.W.W., lumber operators were free to use force in their war against that organization. Militant "protective associations" were organized to combat the I.W.W., to protect the "decent" lumber-jacks who wanted to resume work, and to discourage any employers from signing separate agreements with the strikers. If a lumber operator worked his employees less than ten hours a day, he was fined $500 by the Lumberman's Protective Association. These associations also worked closely with city, county and state authorities who joined in the attack on the I.W.W. Several state governors not only actively participated in the anti-Wobbly campaign, but they directed that campaign in their respective states. However, these officials did not necessarily have patriotic motives. Some public officials were identified with large business interests. The governors who were not directly associated with business groups were usually men of at least substantial

68 Dowell, op. cit., p. 36. See also, Madison, op. cit., p. 279; and The Truth About the I.W.W. Prisoners, op. cit., p. 7.

wealth. In either case, they had a personal interest in maintaining the established economic system.  

The government urgently required lumber for the construction of ships and airplanes, and in the Northwest "the governors groaned with the operators to see lucrative government contracts go to the rival 'Southern Pine' lumber region." Governor Moses Alexander of Idaho toured his state appealing to the patriotic sentiments of the strikers; but their passions were not aroused, and Governor Alexander called a meeting of the sheriffs from all thirty-one counties. The outcome of that meeting was a state-wide raid on all I.W.W. halls; meeting places were closed, and Wobblies were forcibly confined in stockades and "bull pens." Governor Ernest Lister of Washington held a conference with twenty-one of the most prominent lumbermen of his state; he urged them to adopt the eight-hour working day, and to pay their employees time and a half for overtime. The governor even asserted that the strikers' demands were justifiable, but his appeal went unheeded. Failing to convince the lumber operators that they should compromise with their striking employees, Governor Lister suggested that a "Patriotic League" be formed; it was to be a state-wide vigilante organization with branches in every county. Governor James Withycombe of Oregon and Governor Stewart of Montana followed a similar pattern. Governor Withycombe approved the formation of a special battalion of Spanish American War veterans who were to be led by the state's Adjutant-General in crushing any I.W.W. insurrection.  

Governor Stewart proposed to deal with the I.W.W. "menace"
by establishing a special state constabulary.\footnote{Helena Independent, August 12, 1917, p. 1.}

While state officials were devising methods by which to crush the I.W.W., lumber operators hired "spies" to infiltrate strike committees and I.W.W. locals. These company agents were required to report any unusual Wobbly activities and to ascertain the identities of local I.W.W. leaders. The same agents often conferred with law enforcement officials, and some even directed sheriff or city police raids against I.W.W. halls. The "spies" were usually deputized to lend some semblance of legality to such raids. The Montana Lumber Manufacturers Association employed at least two such agents. One of those agents, "Billy" Black, led Kalispell officials in a raid against the local I.W.W. headquarters; the union hall was closed up, five or six I.W.W. leaders were arrested, and the "element" was disbanded.\footnote{Becker to Stewart, June 27, 1917, Montana Council of Defense Papers.} The secretary of the association, F. D. Becker, casually informed the Governor that:

\begin{quote}
We have had Mr. Black on our payroll practically all the time since the first of March, and he has done wonderfully good work for the entire district, and "Billy" O'Connell was on for a month accomplishing as much as possible for anyone.\footnote{Becker to Stewart, June 29, 1917, Montana Council of Defense Papers.}
\end{quote}

Not only did employers pay agents to infiltrate the I.W.W., but they also paid law enforcement agencies to arrest I.W.W.'s and close up their halls. In a confidential letter to the Montana Governor, the General Manager of the Roundup Coal Mining Company requested that an agent be placed at the mine properties to weed out and arrest I.W.W. agitators; the manager assured the Governor that: "...we are willing to bear a portion of any
expense involved up to a moderate sum.76 Law enforcement officers were commissioned to uphold the laws; whenever and wherever crimes were committed, they were obligated to make arrests. If Wobblies actually violated the criminal codes of the various states, it would hardly have been necessary for business interests to pay for their incarceration. Some employers were not interested in whether or not Wobblies actually committed crimes punishable by imprisonment; to them it was not a question of upholding the law or of seeing justice prevail. They were simply interested in profits, and the I.W.W., if not an actual threat, was at least a potential threat to the profit system. Jailing the agitators seemed like an effective way of removing the threat.

It is unlikely that company "spies" submitted impartial and accurate reports to their employers. Agents were required only as long as there was unrest; if employers ceased to believe that the I.W.W. was a menace, their services would be terminated.77 At any rate, most of the agents' reports were grossly exaggerated, if not actually untrue. "Billy" Black warned that he had heard that the crops in Flathead county were to be destroyed by fire. On the strength of such reports, rumors were widely circulated that the I.W.W. was planning a "reign of terror." Black's admonitions seemed to be confirmed when several farm buildings in the Polson area were burned within a ten-day period. The origins of the fires were never determined, but the I.W.W. was blamed. If the agents hired by the lumber companies were anything at all like the agent provoc-


77Dowell, op. cit., p. 35.
At the behest of the mining companies, there is the possibility that the agents themselves started the fires to cast suspicion on the I.W.W.

* * *

As wartime strikes were nearly bringing the Northwest lumber industry to a complete standstill, strikes were simultaneously paralyzing the copper industry of Montana and Arizona. Contrary to public opinion, the I.W.W. did not cause the labor unrest in the mining industry; nor were the strikes instigated by secret German agents. The copper producing districts of the West, like the lumber industry of the Northwest, were permeated with acute restlessness several years before the country went to war against the Central Powers. The underlying cause of that unrest was the intolerable underground working conditions in the mines. Unless those conditions were improved, serious labor strife could not be avoided. There was slight evidence to indicate the working conditions in 1917 had been improved over the previous years.\(^78\)

Working in the copper mines of the West was even unhealthier than logging in the northwestern forests. Lumber-jacks at least spent their working hours in the open air; copper miners spent most of their shifts laboring in the hot, humid, foul and contaminated air of underground workings. Aside from the prevention of accidents, the most serious technical problem in the metal mining industry was to provide adequate ventilation for the miners. A constant supply of air was required in all subterranean workings to control humidity; to reduce temperatures; to remove noxious explosive fumes after blasting operations; to remove dangerous

\(^78\) Jensen, \textit{op. cit.}, p. 131.
gases created in mine fires; and to remove microscopically fine particles of siliceous dust. However, until after 1920, mining companies made little effort to force air into underground dead-end workings. Consequen-
ently, miners in those areas often suffered from nausea and headaches due to explosive fumes. Although blasting was usually done at the end of the shifts, miners were sometimes required to blast just before the lunch hour or even when the shift was working. In those cases, men were compelled to work for hours in dusty and gassy surroundings. In 1916, Dan D. Sullivan, who worked in Butte mines for fifteen years, explained to the United States Commission on Industrial Relations that when a miner worked under those conditions:

... it makes him good and sick. Sometimes for a week I have had a headache ... from the effect of those gases and smoke.

In 1916, 1917 and the first half of 1918, the Bureau of Mines conducted an investigation of working conditions in the Butte mines. The inspectors discovered that:

In 55 per cent of all the underground places in which men were working there was absolutely no movement of air, and in an additional 18.3 per cent the movement was slight. It can readily be seen therefore that fumes from explosives may be considered dangerous to both health and life when ventilation is defective.

Blasting-powder fumes were only one of many health hazards in unventilated mine workings. In places where there was no circulation of

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79 Harrington, Underground Ventilation at Butte, pp. 9-11.
81 Harrington, Underground Ventilation at Butte, p. 75.
air, the air temperatures rarely differed from rock temperatures by more than one or two degrees. Therefore, temperatures in dead-end workings were usually well over the 80°F. The temperatures were even higher in underground areas affected by mine fires. Since nearly all Butte mines were interdependent for ventilation, the heated air from a fire in one mine was frequently carried to other mines. Mining operations in Butte were complicated in 1917 by several mine fires that fed on the timbers and finely divided sulphides in worked-out regions. These fires increased the temperatures in several Butte mines. After examining the heat problem in Butte mines, an employee of the United States Industrial Commission concluded that: "... the conditions in a mine are not a health resort. The heat in the mine, the same as in the Tropics, will weaken a man's vitality." During an eight-hour shift under average conditions in Butte mines, "muckers" usually loaded fifteen ore cars, each with a 1,400 pound capacity. However, in cool, well-ventilated sections contract miners generally loaded between forty-five and sixty ore cars in the same period of time. In exceptionally hot and humid areas, the working shift was reduced from eight to seven hours, and miners received a 25-cent bonus in addition to the regular wage. In such places one miner usually worked while:

82 The most extensive mine fire began in 1889 and was still burning in 1917; it increased temperatures in the Anaconda, Neversweat and St. Lawrence mines. Other fires complicated mining operations in the Leonard, East Colusa, Tramway, Rarus, Mountain View and West Colusa mines.

83 U. S. Commission on Industrial Relations, IV, 3838.

84 In the mining industry a "mucker" was a miner who shoveled ore or waste rock into underground ore cars.
... his partner sat under a compressed air hose to cool and to recuperate. The maximum efficiency of the worker, who had to be a man of exceptional endurance was much less than 50 per cent.85

As a result of such intolerable underground working conditions and inadequate system of ventilation, many workers were afflicted with miners' consumption—the occupational disease of hard-rock miners; it is also called silicosis, and among the miners themselves, it is commonly referred to as "the Con." Miners got "the Con" by breathing minute siliceous dust particles that remained suspended in underground air almost indefinitely after drilling and blasting. The disease was a menace especially in dead-end workings where there was little or no circulation of air. When two miners were assigned to one of those sections, one worker operated the one-man drilling machine which was nicknamed the "buzzy" or the "widow-maker"; the other shoveled ore and waste rock. At a United States Industrial Commission hearing, Joe Shannon, who at the time had worked in Butte mines for over seventeen years, was asked to explain how a miner contracted silicosis by using a "widow-maker."

Shannon said that:

These buzzy machines, they grind the dust up extra fine, ... and you inhale every bit of that dust as it comes out. The dust settles in your lungs and you can't get away from it. You are right there facing it, and it is pumped into you, the same as the hose turned on you. And the man down below you shoveling, he inhales it just as bad as you.86

At the same hearing, M. McCusker, an employee of the United States Industrial Commission, explained how siliceous dust damaged a miner's lungs.

In making a seven-year study, from 1907 to 1914, of the mortality statistics

86 U. S. Commission on Industrial Relations, IV, 3857.
of the Butte area, McCusker examined ores from the local mines, and explained that he:

... pulverized certain classes of ore, made it into a very fine dust, and then put it under the microscope to see exactly how the ore would break up, ... One of the specimens shows that the ore breaks very sharply—that is, most of the fragments of dust have a little hook on them, or sharp places, jagged edges. ... The mine is more or less full of dust, such as this ore pulverizes. He [the miner] is breathing that continually, and the sharp particles with the little jagged edges on the dust hold them into his lungs and gradually shut off the amount—the ability of the lungs to absorb their normal amount of oxygen—which ... weakens his condition.87

Bureau of Mines examiners claimed that at least 150 Butte miners died annually from miners' consumption. Miners who had silicosis were also less resistant to many other diseases, particularly lung ailments such as pneumonia. In 1917 and 1918, Dr. A. J. Lanza, of the United States Public Health Service, examined over 1,300 Butte miners. He estimated that:

At least 20 per cent of the underground workers who had been employed five years or more in Butte mines had miners' consumption. ... the primary cause of the prevalence of the disease was inhaling the dry, finely divided siliceous dust, and the secondary cause was working in stagnant, hot, humid, and vitiated air.88

Mining was not only an unhealthier occupation than logging, it was also more hazardous. On October 16, 1915, seventeen men were instantly killed when 500 pounds of dynamite exploded in a mine car being prepared for lowering to the underground workings. On February 14, 1916, twenty-one men died in a fire in the Pennsylvania mine. Statistics for the number of accidents in the A.C.M. mines of Butte for the three-year period from 1910 to 1913 show that 5,795 miners suffered lost time injuries. During the same three-year period, 162 men were killed in the mines.

87 Ibid., p. 3838.
88 Harrington, Underground Ventilation at Butte, p. 117.
Most of the deaths were attributed to falling rock and timbers, blasting accidents and poisonous gases which were usually released by mine fires. Although such fires were always confined by concrete bulkheads, the ground frequently shifted and cracked the concrete. Dangerous fire gases escaped through the cracks into the mine workings. 89

The chief source of discontent among the miners was the fact that they had no control over conditions that profoundly affected their lives. The Butte miners were unorganized from June of 1914, when their union hall was dynamited, until June of 1917. The mines were open-shop non-union during those three years; miners could not effectively demand safety and health improvements or wage increases. Mine owners refused to deal directly with unions. Miners established grievance committees, but most workers believed that the committees were subject to company control. Even if such committees were not company controlled, they were ineffective—mine owners had the decisive vote on every issue. 90

The situation was further aggravated in Butte because of the "rustling card" system, which was established by the A.C.M. on December 1, 1912. Before a man could solicit a job, he had to fill out a card listing his name, home address, date and place of birth, former employment, etc. Answers to questions about himself and his past were recorded on the reverse side of the card. If those answers were satisfactory, the job aspirant was allowed to seek work in the mines. The "rustling card"


90 Merz, The New Republic, XII (September 22, 1917), 215.
did not guarantee a job; it simply gave a man the right to rustle for work. When a miner received a job, his card was filed at the company employment office. If for any reason the man quit or was discharged, he had to procure his card before he could again rustle. If company officials believed that a man was an agitator, they denied him a card and it was impossible for that man to obtain work. As many as 140 miners had been discharged in one year from A.C.M. mines because of their political affiliations.91 By 1917 all but three Butte mines used this system. Since underground workings were infested with company "spies" or "stool pigeons," the "rustling card" system generated an atmosphere of suspicion and fear among the miners; they were afraid to complain about working conditions or to criticize company policies. Many miners insisted that the "rustling card" system was an automatic blacklisting device deliberately designed by the companies to stifle attempts on the part of miners to unionize. The system was often used to blacklist miners who attempted to organize their fellow-workers.92

With American participation in the World War, mine owners accelerated their ore extraction processes to take advantage of the abnormally high market price for copper and zinc. Simultaneously the cost of living increased, but wages remained at the same pre-war level. Wartime inflation inevitably brought unrest in the mining industry to the breaking point. In addition, Butte had a large immigrant population that opposed


American involvement in the war. The most vocal nonconformists were the Irish. A large group of Irish immigrants arrived in Butte soon after the outbreak of the war in 1914—they had fled Ireland in fear of conscription, and they were bitterly hostile to England. On June 5, 1917, the Pearce-Connelly Club, an Irish organization, led a parade of four hundred draft-opposers down one of the main streets of Butte. A twelve-foot red flag inscribed "Down With War" was carried at the front of the procession. The dissenters marched four blocks before they were forcibly dispersed; troops were sent into the city to prevent any similar disorders. In an atmosphere of martial law, tension, suspicion and unrest threatened to erupt into serious labor strife. A small spark could disrupt the mining industry and plunge the city into a long and costly strike. Three days later an event occurred which provided, not a small spark, but an explosion. It was the worst mining disaster in the history of the state.

Shortly before midnight on the evening of June 8, 1917, a mine foreman descended to the bottom of the Speculator mine shaft, about forty feet below the 2,400-foot level, to examine an electrical cable that supplied power in the underground workings. The lead casing that protected the cable was accidentally broken, and the foreman's carbide lamp came into contact with the exposed, highly inflammable insulating material. The tarry insulation ignited; flames spread rapidly because of the ventilating system, and within a matter of minutes, the shaft was a raging inferno. Men were working in all sections of the mine below the 800-foot level. Many miners discovered the danger and broke through

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93 Peterson and Fite, op. cit., p. 28; and Jensen, op. cit., pp. 431-432.
thick concrete bulkheads designed to prevent trespass from one mine to another—thus, they escaped to safety in neighboring mines. Although Montana law specified that "all bulkheads in the mines must have an iron door which can be opened," the law was not strictly observed in Butte mines. Since the workers were scattered throughout the mine, many of them did not receive warnings of the impending danger. Fire and poisonous gases swept through the underground workings and trapped unsuspecting and fleeing men. Some of the miners did not have the time or the necessary tools to force their way through solid cement bulkheads. Their bodies were found piled up against the concrete; their fingers were worn down to the knuckles. The Speculator catastrophe snuffed out the lives of 164 miners.

While rescue work was still in progress, a movement was started


95 The underground workings of the Speculator mine, which was owned by the North Butte Mining Company, were quite extensive. Below the 800-foot level there were 360 miles of ore-car track. (Montana, Third Biennial Labor and Industry Report, pp. 21-22). The North Butte Mining Company was the second largest producer in the Butte area—the first being the Anaconda Copper Mining Company. There were also several small independent mining companies in the Butte district, but shortly after the first World War they were incorporated into the A.C.M. holdings. (Weed, op. cit., pp. 978-989. See also, John Moody, Moody's Analysis of Investments [New York: Moody's Investors Service, 1919], p. 1491; and Isaac F. Marcosson, Anaconda [New York: Dodd, Mead and Company, 1957], pp. 145-149).

to organize the miners. Two days after the disastrous fire, the Butte Bulletin, a radical labor weekly, urged the miners to form a union. On the following day angry men assembled at the Finlander Hall; Tom Campbell presided over the meeting and Joe Shannon served as secretary-treasurer.

By June 13 a new union was organized; it was called the Metal Mine Workers, and had approximately 1,000 members. Officials of the union were former members of the Western Federation of Miners and members of the I.W.W.

The Metal Mine Workers presented the mining companies with a set of demands, and instructed the miners to strike on June 15 if the demands were refused. Those demands called for recognition of the new union; an increase from $1.75 to $6.00 per day for underground workers; a monthly inspection of mines; the abolition of the "rustling card" system and of the black list; and the construction of bulkheads equipped with escape manholes. The mine operators rejected the demands, and claimed that an influx of I.W.W.'s into Butte caused the Speculator tragedy. In the meantime, on June 11, the miners at former Senator William A. Clark's Elm Orlu Mine walked off their jobs. The strike spread rapidly and all the mines in Butte were soon affected. On June 18, the disturbance took on wider dimensions when the International Brotherhood of Electrical Workers, Local 65, struck for an increase in wages against the Montana Power Company, the so-called A.C.M. Twin. That strike was immediately followed by a general walkout of all electricians employed by the mining companies.

By June 29 more than 15,000 men were on strike; all industries in Butte and Anaconda were paralyzed, and smelters in other parts of the state...

were forced to suspend operations. 98

As lumber companies accused the I.W.W. of precipitating the unrest in northwestern forests, so also did the mining companies insist that the Wobbles were behind the disturbances in the copper industry. Mine operators tried to convince their striking workers that the labor unrest was caused by the I.W.W. as part of a German conspiracy to cripple the mining and smelting industries of the country; they undertook to end the strike and, at the same time, to crush the I.W.W. by appealing to the patriotic sentiments of the workers. The Anaconda Copper Mining Company, traditionally called "the Company," was especially persistent in its campaign to destroy the I.W.W. The term, "the Company," was no misnomer. As well as being the major producer in the Montana mining industry, the A.C.M. also had extensive holdings in coal producing lands and in the lumbering districts of western Montana. 99 The other big interests in the state, such as the banks, railroads and the Montana Power Company, if not directly tied to the A.C.M., were at least powerful allies. 100 Speaking


100 Wheeler, op. cit., p. 79. The relationship between the A.C.M. and the Montana Power Company during the first half of the twentieth century is not clear. John D. Ryan, who was the president of the A.C.M. during part of the turbulent war years, founded the Montana Power Company on November 12, 1912. Ryan was the leading official of both
about the state government during the World War I era, Thomas Kane, who was a member of the State Senate in 1918, said: "At that time the government of this State, legislative and executive, was dominated by the Anaconda Copper Mining Company."¹⁰¹ In short, A.C.M. officials "dominated the industrial and political life of the state."¹⁰²

Company influence also permeated the state newspaper business.

Burton K. Wheeler, who was the federal District Attorney for Montana during the first World War, claimed that:

The Company controlled directly or indirectly most weekly and daily newspapers in the state except the Great Falls Tribune, the strongly Republican Miles City Star, and a daily paper in Kalispell.¹⁰³

Even the editorial policy of the Great Falls Tribune, which never was owned by the A.C.M., was strikingly similar to the approach used by company controlled papers, at least when dealing with the I.W.W. issue. Tribune editorials consistently portrayed the I.W.W. as a subversive enemy organization. Neither the Butte Miner nor the Helena Independent,

companies until his death in 1933. Nor is the relationship between the A.C.M. and the Chicago, Milwaukee and St. Paul Railroad Company clearly discernible. However, Ryan and William Rockefeller were directors of both companies. (Hosking, op. cit., p. 309; and Marcosson, op. cit., pp. 144-148).

¹⁰¹Letter from Senator Thomas Kane, March 25, 1933, cited by Dowell, op. cit., p. 52.

¹⁰²Dowell, op. cit., pp. 52 and 72.

¹⁰³Wheeler, op. cit., p. 98. When the A.C.M. sold its newspaper holdings on June 1, 1959, it was disclosed that the Company had owned outright the Anaconda Standard, the Montana Standard and Daily Post of Butte, the Sentinel and Daily Missoulian of Missoula, the Billings Gazette, the Helena Independent Record, and the Livingston Enterprise. (Richard T. Ruetten, "Anaconda Journalism: The End of an Era," Journalism Quarterly, Reprint Winter, 1960, p.1; and Oswald Garrison Villard, The Press Today, N.p.: The Nation [Reprint], 1930, p. 78).
two other major state newspapers, were owned by the Company in 1917 and
1918; the Miner belonged to ex-Senator W. A. Clark, and the Independent
was not purchased by the Company until 1923. However, during the first
World War, both papers were edited "in a manner pleasing to big business."

The Independent was, in fact, more outspoken against the I.W.W. than
were Company owned papers. Regardless of which papers were owned directly
by the A.C.M. during the war years, Montana editors generally represented
the Company viewpoint.

The mining operators, like the lumberman, used several different
tactics in their war upon the Wobblies. Before and during the strike in
the copper industry, mining interests used two major weapons against the
I.W.W.—the Company controlled press and industrial espionage. "Spies"
were often hired to infiltrate the I.W.W. During the first decades of
the twentieth century, industrial espionage was a very lucrative business.

The Thiel, Burns and Pinkerton detective agencies, the largest strike-
breaking enterprises, had an estimated combined annual income of $65,000,000.
Seventy-five per cent of their 35,000 employees worked undercover in var-
ious labor organizations. Thiel and Pinkerton detectives were first em-
ployed in Butte in 1914; two years later Burns agents were also brought
into the area. The mining companies employed approximately two hundred
detectives in the Butte area alone during the 1917 strike. Some of those
agents served as company gunmen who harassed strike leaders, particularly
Wobblies; others worked their way into the local I.W.W. organization.

104 Jules Alexander Karlin, "Progressive Politics in Montana,"
A History of Montana, ed. Merrill G. Burlingame and K. Ross Toole (New
Since their services were required only as long as there was unrest and tension, it is not improbable that the "spies" falsified reports or even provoked trouble. At least two such agent provocateurs worked within the Butte I.W.W. in 1918. A detective named Shirley was the local I.W.W. secretary; an agent called Thorpe was one of the most active and radical I.W.W. members. One was a Burns detective, the other was a Thiel agent—both were employed by the A.C.M. The activities of Carl von Pohl, another undercover agent operating with the I.W.W., were financed by Oscar Rohn, who was the president of the South Butte Mining Company, of the Employers Association in Butte, and of the Montana State Highway Commission. Thomas Marlow also employed an agent to infiltrate the I.W.W. Marlow was the president of the National Bank of Montana in Helena, and was a director of the A.C.M. bank in Butte. Though possibly unaware of the fact, the press worked hand in hand with company agents. The agents advocated the use of violence and condemned the mine management in the most virulent terms. The agitation of agent provocateurs seemed to substantiate newspaper assertions that the I.W.W. was a violent and destructive organization.

As soon as the Metal Mine Workers Union was established, the press charged that the strike was an I.W.W. attempt to impede the national war effort. Larry Dobell, editor of the Butte Miner, warned "patriotic" and

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"honest" miners not to be misled by cowardly I.W.W. agitators. Dobell informed the workers that:

There is a strong suspicion abroad that this I.W.W. element is working hand in glove with secret German agents in this country in an effort to paralyze the great industries of this nation.108

The editor of the Miner believed that German intrigues were clearly discernible in the labor unrest in Alaska, Utah and Colorado. Since the Butte situation was similar to the labor disturbances in those areas, the editor concluded that the Butte strike had to be part of a nationwide plot that was hatched in Berlin.109 Wobblies were even said to have received "Prussian gold" to stop the output of copper. In a typical editorial denouncing I.W.W.'s as paid German agents, the Anaconda Standard asked the miners:

Who is getting all the German money that has been sent to Butte to bring about the closing of the mines? That is something which those miners and men of other lines of labor who have been induced to quit their work in order to play the game of the German Aid society should find out. If they are not getting their share they should ascertain without delay who is getting the money that was intended for them.

A good many men, . . . have been induced to give up good paying jobs and go on a strike. They have given up the best pay they ever received and the best working conditions they ever had. They are receiving no strike benefits and the cost of living continues. Vast sums of money have been provided by Germany to stir up trouble in all the copper camps of the West. It has been distributed in the various camps and a large amount has been sent to Butte. Who has the money? It is known that a good many miners have not received their share of this fund. Who is getting it? The agitators should at least play fair and divide up with the men they are using as their tools.110

Not only were the Wobblies said to be in the pay of the Imperial

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110 Anaconda Standard, June 29, 1917, p. 6.
German Government, but they supposedly even acted like the "barbaric Huns." I.W.W.'s were accused of poisoning wells, of sawing down orchards, and of burning crops. The incendiaries naturally used "Prussian" manufactured smoke bombs to start their fires. Will Campbell, editor of the Helena Independent, stated that I.W.W. tactics were "the same beautiful methods adopted by the Germans during their retreat through a portion of the occupied section of France." 111 Considerable newspaper space was also devoted to a theme depicting the Wobblies as cowards who hired other people to do their dirty work. Thus, Finnish women were employed to attack any miners who continued to work before mining operations were completely suspended. It was also said that I.W.W.'s intimidated boarding house proprietors—if they were helpless women—into refusing to provide lunches for miners who desired to work. 112 The I.W.W. was represented to be a dispicable organization that deserved the contempt of all "decent" Americans. One month after the labor disturbance halted the copper industry in Butte, the Helena editor emphatically suggested to his readers that open season be declared on the I.W.W. He said, "it is high time that I.W.W.ism was taken by the throat and choked to death." 113

Such suggestions brought an indignant and embittered response from the Wobblies. Western I.W.W. locals threatened to retaliate by calling general strikes in all industries where they had any influence. But I.W.W. threats alarmed an already frightened public, and worked to the advantage of a hostile press. The Helena Independent informed its readers

111 Helena Independent, July 10, 1917, p. 4.
113 Helena Independent, July 10, 1917, p. 4.
that the I.W.W.'s goal was "world-wide disorder"; the Anaconda Standard
warned its readers of an impending I.W.W. revolution. Although the
electricians voted on July 13 to return to their jobs, the situation in
Butte became more menacing. The A.C.M. had offered to change some
aspects of the "rustling card" system and to devise a new wage scale,
but the strikers rejected the Company terms. The labor disturbance
steadily became more violent. Workers charged that the companies were
too obstinate; management asserted that the workers were insatiable.

The I.W.W. flourished in a climate of restlessness and turmoil;
disgruntled workers with no income were readily convinced that capital-
ism was the source of all evil. The general executive board of the
I.W.W. sent one of its most capable general organizers to Butte. Frank
Little, who had been an active I.W.W. agitator since 1906 and a former
chairman of the general executive board, arrived in the strife-torn city
on July 18, 1917—forty days after the Speculator disaster. On the fol-
lowing day he talked to a gathering of strikers. Little was not a skill-
ful orator, but his speeches were militant and convincing—he was adept
at telling discontented people exactly what they wanted to hear. Company
officials charged that the speech was seditious. The I.W.W. leader
delivered a similar inflammatory speech on July 27 during a rally held
at the city ball park. He criticized American participation in the war;
he also described federal soldiers who prevented picketing during the
coal strike at Ludlow, Colorado, as "uniformed scabs" and "thugs in U.S.
uniforms." Incensed citizens urged District Attorney Wheeler to prosecute

111 Ibid., July 13, 1917, p. 1; and Anaconda Standard, July 19,
1917, p. 1.
the I.W.W. agitator. But Mr. Wheeler refused on the grounds that Little had not violated the law. After confronting L. O. Evans, chief counsel for the A.C.M., with a copy of the Espionage Act, Mr. Wheeler maintained that the Company lawyer could not find a provision of the law that Little had allegedly violated.\textsuperscript{115}

At approximately three o'clock on the morning of August 1, a large black automobile stopped in front of a boarding house next to the Finlander Hall. Six men got out of the car, entered the building, and broke into Frank Little's room. The Wobbly leader was forced to leave the rooming house at gun point; he was then dragged behind his assailants' car, and was hanged from a Milwaukee railroad trestle a short distance outside the city limits. When Little's body was discovered, a slip of paper was found pinned to his garments; the numbers 3-7-77 were printed across the card. During the territorial years, those same numbers had been used by Montana vigilantes to specify the dimensions of a grave that was 3 feet wide, 7 feet long, and 77 inches deep. Similar cards had been sent to Bill Dunne and Tom Campbell. Dunne edited the Butte Bulletin; Campbell was a leader of the Metal Mine Workers.\textsuperscript{116} "Big Bill" Haywood, who was then the national secretary-treasurer of the I.W.W., sent a telegram to local Butte I.W.W. leaders instructing them to bury Little on his "battle grounds." (Little's funeral was one of the largest ever held in Butte. On August 4, more than three thousand people marched in the funeral procession from the Duggan funeral home to the Mountain View

\textsuperscript{115}Wheeler, op. cit., p. 139.

\textsuperscript{116}Jensen, op. cit., p. 437. See also, Montana, Third Biennial Labor and Industry Report, p. 20; and Haywood, op. cit., p. 301.
cemetery, a distance of four miles. The American flag was carried in
front of the procession and was flanked by Tom Campbell on one side and
Bill Dunne on the other. Thousands of people lined the streets and
watched the long procession slowly make its way down the Butte Hill. In
the opinion of many miners, the murdered I.W.W. organizer was a martyr.
Feeling in Butte became so ominous and tense that on August 11 the War
Department ordered federal troops to patrol the major Butte streets.117

The morning after the lynching, Butte Bulletin headlines charged
that Little had been murdered by mining company gunmen. Editor Dunne
announced that his staff was conducting an investigation of the killing
and that they had sufficient evidence to name five of the six lynchers.
The five men were said to be company stool-pigeons; it was further alleged
that two were businessmen, two were company gunmen, and one was connected
with the enforcement of law in the city.118 If the Bulletin had evidence
to support those accusations, it was never used. Frank Little's killers
were never identified. The state and national press espoused a theory
that was diametrically opposed to the Bulletin's interpretation. Conven­
tional newspapers and periodicals rumored that Little was slain by I.W.W.
agents who had discovered that he was actually a detective.119 Assistant
Attorney General William C. Pitts had even another explanation. Several
months after the hanging he told Mr. Wheeler that Haywood had ordered the
slaying because Little was getting too influential in the I.W.W. Mr.

See also, Jensen, op. cit., p. 439.

118Butte Independent, August 2, 1917, p. 1.

Wheeler retorted that in his "humble opinion he [Little] was hung by agents of some of the companies." 120

The Anaconda Standard headline of August 2 proclaimed: "Butte's name tarnished by the stain of lynch law." That headline represented the typical reaction in the Company-controlled press. The Butte Miner announced that Little's death was "no loss to the world," but it also condemned the slaying. Editors from one end of the country to the other claimed that Little received his "just desserts," but they deplored the lynching. 121 However, there was a significant exception to the rule—that was Will Campbell and his Helena Independent. Campbell took the position that Butte "disgraced itself like a gentleman." Campbell said that in the state capital:

Considerably more than two thousand copies of an extra Independent were sold in an hour or less. It was just at noon when the violent death of Little became known. Groups of business men, women and officials gathered here and there. There was but one comment heard: "Good works let them continue to hang every I.W.W. in the state"... Quite generally the opinion prevails that it would be better for the United States army to lead the I.W.W. leaders out to a convenient mountain side and end the agitation in Montana. 122

The Helena editor condemned the "hypocritical" and "sentimental" newspapers, such as the Standard and the Miner, that referred to the incident as a "blot on the state." Campbell admonished his colleagues to:

Tell the truth. If you are glad one of the trouble makers has paid the penalty of his acts, say so or keep still. You do not

120 Wheeler, op. cit., p. 142.
122 Helena Independent, August 2, 1917, p. 4.
The anonymous Butte lynchers did much more than just snuff out the life of an effective I.W.W. agitator—they also dealt a fatal blow to the Industrial Workers of the World. Instead of generating public sympathy for the I.W.W., the unorthodox execution of Frank Little added a major weapon to an already impressive arsenal utilized by the national press in its war upon the feared Wobblies. Before the Butte hanging, the press justified suppression of the I.W.W. on the basis that it was an un-American organization that used destructive tactics to undermine the nation's security in time of war. That argument was clearly illustrated in editorials taken from the New York Times and The Outlook. The Times asserted that:

Free speech in time of war has this difference from free speech in time of peace, that certain kinds of speech in time of war carry death with them. They cease to be words and become bullets. Attacks on the Government and on the people that are carrying on the war serve to thwart the aim of the war, which is to defeat the enemy and to avoid defeat for ourselves. The Outlook used the same reasoning when it proclaimed that:

"Aid and comfort" can be given to the enemy not only by conscious traitors, but also by the unconscious tools of stute enemies, and even by people who regard themselves as idealists and martyrs. Whatever their intent may be, however, they are public enemies if they give strength to the common foe or weaken resistance to him.

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123 Ibid., August 4, 1917, p. 4.


125 "Sappers and Miners in America," The Outlook, CXVI (August 29, 1917), 644.
Those arguments seemed plausible because the I.W.W. was unalterably opposed to the war and because its philosophy regarding sabotage was widely misunderstood. A majority of American newspapers and periodicals demanded that the I.W.W. be suppressed as a measure of wartime necessity.

Even in time of national emergency, however, many citizens were not yet convinced that wholesale suppression of the I.W.W. was compatible with American tradition as expressed in the Declaration of Independence and in the Constitution. The hanging of Little confused the issue, and many of those cautious Americans had afterthoughts. An outraged public opinion would solve the I.W.W. problem, if state and federal authorities continued to ignore the situation; if the Wobblies were not suppressed through legal channels, an enraged citizenry threatened to take the law into its own hands. This attitude was first expressed in the Independent on the morning after Little's death. Editor Campbell warned that:

It is the failure of the courts and the military authorities to act which has caused the numbers, "3-7-77," to again appear in Montana... unless the courts and the military authorities take a hand now and end the I.W.W. in the west, there will be more night visits, more tugs at the rope and more I.W.W. tongues will wag for the last time when the noose tightens about the traitors' throats.\[126\]

The Independent shamelessly admitted that it:

... sort of quickens the blood in the veins of some of the pioners of Helena to see once more the fatal figures in print-- "3-7-77."\[127\]

This reaction to the Butte hanging paved the way for state and federal legislative suppression of the I.W.W. Similar editorials demanding governmental action against the Wobblies began to appear in newspapers

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126 Helena Independent, August 2, 1917, p. 4.
127 Ibid.
and periodicals across the country. State and federal officials and lawmakers alike were haunted by the specter of lynch law. The press campaign was so intense and so successful in Montana that District Attorney Wheeler found that:

... the hysteria over possible invasion even in that remote area was so great that I had to resist pressure to prosecute for sedition Montanans who were guilty of nothing more than having a foreign name.128

Such mass hysteria assured the passage of anti-I.W.W. legislation. Montana state and federal officials played a leading role in the enactment of both state and federal legislation designed specifically to suppress the Industrial Workers of the World.

CHAPTER III

MONTANA IN THE LIMELIGHT OF SUPPRESSION

The strikes in the mining and lumbering industries of the Northwest were so serious and so widespread by the end of July, 1917, that the Governors of Washington, Idaho and Oregon met to consider methods of suppressing "internal disorders" in their states. As a result of that meeting, Governor James Withycombe of Oregon called for a special conference of the northwestern governors; the state executives were to convene at Portland on August 6, for the express purpose of planning common strategy against the Industrial Workers of the World. On August 1, shortly before the lynching of Frank Little was publicly announced, Governor Stewart of Montana accepted an invitation to attend the Portland conference. Upon being informed of Little's unorthodox death, the Montana Governor and his attorney-general, Sam V. Ford, hastened to Butte. After examining the labor unrest in that troubled city, the Governor departed for the West Coast, convinced that there could be no arbitration with I.W.W. "thugs," and that the Wobblies would have to be handled "without gloves." In addition to the chief executives of Montana and Oregon, Governors Ernest Lister of Washington, Moses Alexander of Idaho, Simon Bamberger of Utah, and Emmet D. Boyle of Nevada assembled at Portland. Governor Boyle was accompanied by his attorney-general, George B. Thatcher. Governor Lister presided over the meeting as president of the

Helena Independent, August 1, 1917, p. 1.
Western Conference of Governors. 130

From the outset of the conference, the governors made a definite distinction between the I.W.W. and "legitimate" labor unions. The I.W.W. was clearly regarded as an "outlaw" organization composed of subversive radicals. Governor Stewart, arriving directly from the portentous Butte troubles, urged his colleagues to make a "prompt and decisive campaign against red rebels wherever they appear." The Montana leader was quoted as saying that:

... direct action is necessary in putting down I.W.W. invasions. . . . It is fatal to let these exponents of destruction get a foothold. Experience has taught us that determined action rather than procrastination is what is effective.131

Governor Stewart told the other state leaders that government officials had to take action against the Wobblies, if for no other reason than to curb unlawful activities such as the hanging of Little. The conferees ultimately agreed with that line of reasoning, and resolved that preventive measures were the most effective against the I.W.W. "rebellion." The governors conferred on August 11, 1917, behind closed doors with Colonel Charles E. Dentley, commander of all federal troops in Idaho, Montana, Oregon, Utah, Washington and Wyoming. When informed that the state officials intended to deal vigorously and harshly with the I.W.W., Colonel Dentley assured the executives that federal soldiers would be at their disposal whenever and wherever required. The governors favored the formation of special state constabularies to deal with disturbances not warranting the use of federal troops. The six governors also decided

130 Ibid., August 12, 1917, p. 1.
131 Ibid.
that national leaders should be promptly and accurately informed about the threatening situation in the Northwest. Montana's chief executive was selected to take the Portland message to Washington, D. C.  

Before Governor Stewart left for the nation's capital, the governors of the Northwest were given an opportunity to carry out their Portland strategy. On August 13, James Rowan, secretary of the I.W.W. in the Spokane district and director of I.W.W. strike activities in the forests of western Montana, northern Idaho and eastern Washington, sent an ultimatum to each of the northwestern governors. The Wobbly leader warned the state officials that, unless all I.W.W. prisoners were released before August 20, a general strike would be called among all harvest hands, fruit pickers and construction job workers in the Northwest. Rowan's resounding message was answered on August 19 when Spokane was placed under martial law; the I.W.W. hall in that city was raided and closed; and twenty-seven Wobbly leaders, including Rowan, were arrested. The Spokane Labor Council bitterly condemned the raid, and demanded the release of the prisoners; all but ten Wobblies were set free. The I.W.W. carried out its threat, but few construction and agricultural workers responded to Rowan's appeal; the "general strike" did not materialize.  

Since the Spokane raid deprived striking lumbermen of I.W.W. leadership, it threatened to cripple Wobbly activities in the Northwest

132 Ibid. See also, Great Falls Tribune, February 5, 1918, p. 1.
133 Ibid. See also, Montana, Third Biennial Labor and Industry Report, p. 31; and Tyler, Oregon Historical Quarterly, LV, 22-23.
lumber districts. Lack of leadership was, however, only one of the problems confronting the I.W.W. The lumber strike was a costly undertaking for the workers, and strike funds were almost exhausted. Sooner or later economic pressures would force the lumber workers to go back to their jobs. Therefore, the I.W.W. strike committee resorted to tactics not anticipated by the employers. Members of the I.W.W. were instructed to resume work and to "strike on the job." Workers were urged to do eight hours of work in ten hours, to hire out for ten hours and leave the job after working eight, or to simply loaf on the job--to consciously withdraw efficiency from the job. Lumber company employers were to receive "poor work for poor pay, poor food and poor conditions." Workers found striking on the job were, of course, summarily discharged. The lumber companies continually fired and hired new laborers; the dismissed workers usually moved on to other logging camps or mills to repeat the same tactics. The employers were caught within this vicious cycle. By forcing a rapid labor turnover, the "strike on the job" multiplied costs of operating the camps and mills. Employers were quick to realize that the new I.W.W. tactics effectively reduced profits.

Eight days after the Spokane raid, Governor Stewart was following a busy schedule in Washington, D. C. The Governor represented the northwestern states at a conference with national authorities regarding methods of curbing the I.W.W. "menace" in all sections of the country. Stewart also conferred privately with Secretary of War Newton D. Baker, other cabinet officials and leading members of the Congress. Before leaving the Capital, the Montana executive, along with Senator Henry L. Myers of

Rowan, op. cit., p. 48.
Montana, delivered the Portland message in person to President Wilson. The Montana officials informed the President that a perilous situation existed in the Northwest because of I.W.W. agitation, and that Wobbly intrigues could be stopped only by forceful suppression.135

On September 5, 1917, two days after Governor Stewart returned to Montana, agents of the Department of Justice descended simultaneously upon I.W.W. headquarters, local halls and private residences in thirty-three different cities. Most of the raids were conducted without warrants. The federal officers, searching for incriminating evidence, confiscated organization minutes, financial records, membership lists and official and personal correspondence. Tons of this seized material, including even union stickers and buttons, pamphlets, books and office equipment from all parts of the country, were sent to the Federal Building in Chicago. "Bill" Haywood remarked cynically, "I always thought it was against the law to force American citizens to give testimony against themselves."136 Twenty-three days after the federal raids, indictments were issued for 166 members of the I.W.W. Of that total, 113 "roughnecks of the world" were arraigned. The arrested included general secretary-treasurer Haywood, all members of the general executive board, editors of the foreign language and English papers, secretaries of the industrial unions, and the most active organizers. At the same time the I.W.W. press was deprived of second class mailing privileges. The indictment charged that the defendants had violated the Federal Espionage Act by conspiring

135Helena Independent, September 3, 1917, p. 1; and Great Falls Tribune, February 5, 1918, p. 1.

136As quoted in Chaplin, op. cit., p. 220.
to discourage and hinder enlistment in the Armed Forces and by retarding
the progress of the war with the Central Powers.\textsuperscript{137}

The Government raids followed so close upon the heels of Governor
Stewart's visit to the Capital that it was immediately rumored that his
message from the northwestern governors had been a decisive factor in
forming federal policy regarding the I.W.W. The Governor himself did
not dispel that idea; in fact, he lent some credence to the theory when,
several months after the raids, he delivered a speech denouncing I.W.W.
influence in the state. At that time the state executive said:

I do not claim that the information that we took down there was
responsible for these raids, but I do believe and my fellow
governors agreed that the representation to Washington had its
effect in bringing about that condition.\textsuperscript{138}

Regardless of whom or what had prompted Administration action, by Septem-
ber government officials, including the Council of National Defense, the
Attorney General, the Secretary of Labor and the President, had obviously
agreed to pursue a policy similar to that promulgated at Portland, a
policy designed to smash the I.W.W.\textsuperscript{139}

After the September raids, Wobblies were officially regarded as
"seditious outlaws," and the executive branch of the government set out
to destroy their organization. Colonel Brice P. Disque, of the Spruce
Division of the United States Signal Corps, was dispatched to the north-
western forests in October to investigate the lag in spruce production.

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\textsuperscript{137}"Raiding the I.W.W.," The Literary Digest, LV (September 22,
1917), 17. See also, Preston, \textit{op. cit.}, p. 118; and Peterson and Fite,
\textit{op. cit.}, p. 63.

\textsuperscript{138}Great Falls Tribune, February 5, 1918, p. 1.

\textsuperscript{139}Peterson and Fite, \textit{op. cit.}, p. 62.
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Colonel Disque set up headquarters in Portland, and without delay suggested that relations between employers and employees be drastically altered. During a dinner given in his honor, the Colonel was asked to comment on the nature of the unrest in the lumber industry. He expressed the opinion that the I.W.W. threat was "more of a bug-a-boo than a reality" and that the Wobblies could not be made the scapegoats for the labor disturbances. After conducting a thorough investigation of the labor situation, Colonel Disque concluded that few workers actually practiced sabotage.\textsuperscript{140}

In spite of those disclosures, the Colonel followed a policy designed to counteract the I.W.W. With the approval of the War Department, he created the Loyal Legion of Loggers and Lumbermen, a patriotic organization composed of both employers and employees. By cooperating with the government, the Loyal Legion was to provide a maximum output of lumber, and was to help suppress seditious activities in the lumber camps and mills. The first Loyal Legion local was formed on November 30, 1917, at Wheeler, Oregon. After three months the organization had a membership of 35,000; by June, 1918, it had 500 locals totaling more than 65,000 members.\textsuperscript{141} The Loyal Legion was an immediate success, but the government's spruce requirements were so crucial that the civilian labor force had to be supplemented by signal corps troops. Thus, by the beginning of 1918, the serious lumber strikes of the previous year had


\textsuperscript{141} Ibid.
been broken, for the most part, by the persistent and concerted efforts of state and federal officials. In the meantime, strikes in the mining industry had also run their course. Miners, having no source of income, could not afford to remain out on strike for any extended period of time; from the last part of August through December, workers gradually drifted back to the mines. On December 18, 1917, the Metal Mine Workers’ Union officially ended the six month old Butte strike.142

Although state and federal authorities were actively engaged in suppressing the I.W.W., state and federal lawmakers did not seem to recognize the ostensible I.W.W. menace. Citizens in various parts of the country proceeded, therefore, to improvise vigilante-like legislation of their own.143 A typical example of vigilante activity occurred on November 17, 1917, at Red Lodge, Montana. Two Finnish coal miners, both members of the I.W.W., were forced into the basement of the local Court House, where they were questioned about their membership in the I.W.W. Both men refused to betray the identities of other members of the organization in that town; they were consequently hanged by the neck and whipped with a leather "blacksnake" until pools of blood formed at their feet.144

The press continued its crusade to have state and federal legislation enacted against the I.W.W. The New York Tribune cried out that:


144 Trachtenberg

145 Trachtenberg, op. cit., p. 193.
Only at the risk of his life should any man be permitted to say things or do things that tend to increase the sacrifices that our nation must now make to render this world "safe for democracy."145

The charges against the Wobblies became more outlandish and more absurd. One week after the hanging of Frank Little, the Helena Independent headline read: "Western Montana lies in grip of I.W.W. hoodlums." The same newspaper claimed that Arizona Apaches, incited by Wobblies, were once again going on the warpath.146 Not only was the term "Wobbly" synonymous with pro-Germanism, but at the same time it was vaguely associated with an international conspiracy of mongrel aliens who were supposedly attempting to undermine the purity of the American people. Thus, the I.W.W. was accused of hiring Mexicans to start forest fires in the mountains of Arizona; Hindus and Chinese to set fire to grain fields; Finns, Austrians, and Italians to start strikes on the Gogebic iron range in Michigan.147 Charges that the I.W.W. operated with the financial backing of the German Government were persistently reiterated by the press and employer groups. John H. McIntosh, secretary of the Montana Employers' Association, claimed that the federal raids of September secured "definite data that I.W.W. activities now are financed by German spies and German money."148 If federal detectives did secure such evidence, they never used it at the famous trial of the I.W.W. at Chicago; nor did the United States Department of Justice ever verify the rumor that the I.W.W. received "Prussian

145 As cited in "A Soldier's Father Urges Bullets for Traitor," The Literary Digest, LV (September 15, 1917), 51.
146 Helena Independent, August 8, 1917, p. 1.
147 Current Opinion, LXIII (September, 1917), 153.
148 As quoted in the Butte Bulletin, October 5, 1917.
gold" from the Kaiser.  

The Anaconda press was always eager to utilize material that could damage the I.W.W. in the eyes of the public. Almost immediately after the Bolsheviks seized power in November, 1917, Montana newspapers associated the I.W.W. with the Russian Reds. McIntosh, representing the employers of the state, also used the term "Bolshevism" and "I.W.W.ism" interchangeably. The State Employers' Association did "considerable . . . in combating Bolshevism," McIntosh boasted, "which is eating like a cancer at American industry, Montana having her share of the I.W.W." The revolutionary and proletarian nature of the I.W.W. seemed to give some validity to that comparison. Wobbly leaders made matters worse by openly praising the Soviet radicals. The Anaconda Standard explained that the only difference between the Bolsheviks and the I.W.W. was that the former were completely successful. The same article contained the warnings that there could be:

. . . no trifling with the I.W.W. What that organization seeks to accomplish in the United States the Bolsheviks have brought about in Russia. It is a tragic object lesson to the farmer, the business man, the property owner, the workingman, to all citizens. It is dangerous to tolerate the I.W.W.; it is a crime to encourage it. Let the thinking people rule.  

By the beginning of 1918 the "thinking" people had six major arguments to support their demands for the suppression of the I.W.W.:  

\[149\] Tyler, Oregon Historical Quarterly, LV (March, 1954), 25. See also, The Truth About the I.W.W. Prisoners, op. cit., p. 7.  


\[151\] Anaconda Standard, February 28, 1918, p. 4.
I.W.W. was a seditious and unpatriotic organization; (2) it was a destructive organization that openly practiced sabotage, the wholesale destruction of life and property; (3) the I.W.W. was a revolutionary conspiracy to overthrow the Government of the United States; (4) that conspiracy was financed by the Imperial German Government to undermine the American war effort; (5) the Wobblies were disguised Bolsheviks, who were preparing to establish Lenin's Communistic regime in the United States; and (6) if the I.W.W. was not legislatively suppressed, the American people would take the law into their own hands. This sixth argument became even more convincing after a federal judge rendered an unpopular decision in a district court in Montana.

On January 27, 1918, Judge George M. Bourquin granted a motion to direct a verdict of acquittal for Ves Hall, who had been charged with violating the Federal Espionage Act. Hall had allegedly uttered numerous seditious statements about the national war effort and President Wilson. Among other things, the defendant has purportedly declared that he would rather leave the country than go to war against Germany; that he hoped Germany would be victorious over the Allies; that the Kaiser's submarines had a right to sink ships and kill Americans without warning; that President Wilson brought us into the war by British dictation; that the President was the richest man in the country; that Wilson was a Wall Street tool who sent Americans to fight for Wall Street millionaires, and to protect J. Pierpont Morgan's British interests. Judge Bourquin informed the jury that he would not support a verdict of guilty of any of the crimes charged against Hall. The judge explained that the seditious statements were only the defendant's personal opinions, that they
were not expressions of fact. The Bourquin ruling was also based upon
the fact that most of the remarks were uttered on the street, some at a
picnic, and others in a furious saloon argument. All the statements were
made in a small Montana village with a population of sixty people, a
village located sixty miles from the nearest railroad, with none of the
armies or navy within hundreds of miles. 152

The Bourquin decision strengthened the arguments of those who de­
dmanded legislative action against the I.W.W. The Little hanging indicated
that an irate public would handle the Wobbly situation, if the courts and
public officials continually neglected their official "duties"—duties
interpreted by the same irate public. Judge Bourquin's ruling seemed to
indicate that "loudmouthed" I.W.W.'s were not within reach of the law.
Since it was generally assumed that the I.W.W. had to be destroyed, the
"thinking" people logically concluded that they had the right, in fact
the duty, to resort to the methods of vigilante justice. An alarmed Ana­
conda Standard lamented that Judge Bourquin made it:

... a practical impossibility to punish by court procedure one
who makes seditious remarks about the government, the president
of the United States, the army or the navy. 153

Will Campbell, editor of the Helena Independent, wrote that:

The Independent can interpret public opinion very well indeed,
and to say the decision of Judge Bourquin was a disappointment
to the people of Montana is putting it mildly. 154

West Publishing Co., 1918), 150-154. See also, U. S., Congressional
Record, 65th Congress, 2nd Sess., 1918, LVI, Part 5, 4559-4560.


154 Helena Independent, February 3, 1918, p. 4.
The press suggested that seditious slandering of the country was not a healthful pastime. The Standard regretted that there was no law on the statute books providing suitable punishment for the seditious, and it warned that:

The American people are not going to stand for seditious utterances... It would be better for the slanderers if there were... the necessary laws to cover such cases for the people are likely to prove more dangerous than the laws in the infliction of punishment for such offenses.155

This interpretation of the Bourquin ruling was indeed convincing; the public was now ready, for the most part, not only to support anti-Wobblly legislation, but also to demand the enactment of such legislation by their state and federal representatives.

Three days before Ves Hall's acquittal, Governor Stewart addressed the annual state convention of county officials assembled at Missoula. He commended Montana's patriotic response to the wartime demands; he warned county officials to be "prepared to crush treason within the state and especially to curb any outbreaks by the I.W.W."156 On February 3, the Governor, responding to the public clamor for legislative action, announced that a special session of the Fifteenth Legislature would convene on February 14.157 The following day the state executive issued a proclamation listing his reasons for evoking the Extra Session. As he handed the proclamation to reporters, Governor Stewart said:

It's no use to put in a crop if the farmers cannot harvest it...
I am reliably informed that the I.W.W. who preach sabotage, destroyed twenty-three threshing outfits in Montana last season.158

155Anaconda Standard, January 31, 1918, p. 6.
The Governor explained that several matters required the immediate attention of the state legislators. According to the Governor, among the most important reasons for summoning the Extra Session was the urgent need for a statute defining and providing punishment for seditious, disloyal and treasonable utterances and acts. If such a bill was not passed, the people of the different communities of the state could possibly "be provoked into becoming a law unto themselves." The Governor was absolutely determined to prevent the Wobblies from escaping the clutches of the law. Stewart, speaking indirectly of the I.W.W., insisted that there was no law to restrain the activities of "individuals and organizations guilty of sabotage, criminal syndicalism and industrial and political anarchy." Therefore, he advised the legislators to enact a law, in addition to a sedition law, defining sabotage, criminal syndicalism and political and industrial anarchy, and providing punishment for people guilty of practicing or preaching those theories. The Governor also recommended that the state Council of Defense be given a legal existence, and that finances be appropriated for the conduct of its work. These acts were necessary if the people were to be protected during the critical time of war. 159

Although the I.W.W. was not specifically mentioned in the official

proclamation, the proposed sabotage and sedition bills were unmistakably directed against that organization. That fact was clearly apparent after the Governor began to actively campaign for the passage of that legislation; he readily admitted in unhesitating terms that the sedition and sabotage bills were aimed at stamping out the "pernicious activities and threats of the I.W.W." On the same day that state newspapers printed his proclamation, the Montana chief executive addressed the radical Cooperators Congress of the Montana Society of Equity which was convened in Great Falls. Governor Stewart told the Montana farmers that:

... of all the purposes for which the special session of the legislature had been called ... within the past few days, not one so intimately concerned all the people of this state as did that one which deals with the need of a law to suppress I.W.W. strike agitation.

The Governor blamed the I.W.W. for causing the long and costly strike in the mining industry in Butte during the previous summer and fall; he informed his audience that the same Wobbly troublemakers were again busy agitating for a strike in Butte. I.W.W. influence not only threatened the mining industry in Butte, the "headquarters of the malcontents," the Governor declared, but it also endangered the entire state. The Montana leader appealed for the farmers' support by explaining that a paralyzing strike in the state's mining industry would sweep on until it had accomplished its purpose in and throughout the state's agricultural regions. He justified that assertion by reminding the farmers of the Rowan ultimatum

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160 The Montana Society of Equity had been organized in 1914, and had 15,000 members by 1917. (Karlin, op. cit., p. 260.)

of August 13, 1917. Governor Stewart did not, however, point out that Rowan's threat to call a general strike was made at least four months earlier, and that the general strike had utterly failed because it lacked support among the workers.

The Governor then described his trip to Washington, D. C., and he implied that his consultations with the national leaders had had something to do with the general raid on I.W.W. headquarters throughout the country. The Company controlled press reported that the Governor's speech received the undivided and sympathetic attention of the farmers, and that it was frequently interrupted by enthusiastic cheers and applause. Two days after the speech, however, the Society of Equity candidly rejected the Governor's plea for support in his campaign against the I.W.W.; delegates to the convention officially went on record opposing laws defining and punishing sabotage, sedition and the utterance of seditious thoughts. At the same time the Equity Society voted its approval of the Non-partisan League and its motives; the farmers welcomed that organization into the state.

Four days after speaking before the Society of Equity, Governor Stewart sought the support of the Western Retail Lumbermen's Association, which was also meeting in convention in Great Falls. The Governor had resounding success with the lumbermen; that was to be anticipated, since

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162 See page 70 for a discussion of the context of the Rowan message to the northwestern governors.


164 Great Falls Tribune, February 7, 1918, p. 1. Ibid., February 7, 1918, p. 7.
few lumbermen had to be convinced that the I.W.W. should be suppressed. Nevertheless, the lumbermen's convention did serve as a sounding board for the Governor's views. The lumbermen learned that:

The federal government took hold of the situation because our state did not then have--and it has not now--laws that are sufficient to prevent the I.W.W. menace.165

Stewart emphasized the fact that sedition and sabotage laws would afford effective and ample protection against the I.W.W. He pointed out that Idaho and Minnesota had successfully minimized the Wobbly threat by passing criminal syndicalism acts on March 14, 1917, and on April 13, 1917, respectively.166 The Governor told the lumbermen nothing new, for three months after the Idaho anti-I.W.W. legislation had been enacted, the secretary of the state Lumber Manufacturers Association wrote to the Governor, hinting that similar drastic legislation was desired against the I.W.W. "element."167

Other public officials and the state newspapers joined with Governor Stewart in the drive to assure passage of anti-I.W.W. legislation.168 The Governor's most effective ally was, of course, the Company controlled press. The newspapers, like the state executive, persistently insisted that Montana needed laws similar to the criminal syndicalism statutes enacted by the Minnesota and Idaho legislatures. The Helena Independent described how the act in Minnesota had "extracted the teeth from wobblyism,"

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165 Great Falls Tribune, February 8, 1918, p. 5.
166 Ibid. See also, Dowell, op. cit., p. 147; and Brissenden, op. cit., p. 345.
168 Anaconda Standard, February 19, 1918, p. 7.
and how the Idaho law had successfully "squelched sabotage" in that state. The Anaconda Standard informed its readers that Idaho, because of its law against syndicalism, "had less trouble with the I.W.W. last summer than almost any other western state." The same paper editorialized that:

Montana should have a similar law to put a stop to the pernicious activities and destructive outrages of the I.W.W. The citizens of the state are expecting their representatives at Helena to pass an effective law on this matter.170

One of the conventional newspapers did, however, suggest that such a law could be misused. The Great Falls Tribune admitted that there was:

... danger of the abuse of such a law, and it should be so constructed that it would guard against that so far as possible; but while we are in the death grapple of war we can not be too squeamish about the personal rights of men who are insisting in abusing these rights to the detriment of all the rest of us. Under existing conditions no real American is in any danger from any law that the Montana legislature is likely to pass. ... Under peace time conditions, when the war has been won, the situation will be different; but meantime we must take steps to keep these enemies down.171

The special legislative session, therefore, offered "real" Americans the opportunity to smother all forms of internal dissension within the state. The patriotic, law-abiding Montanans could continue to take full part in the war, not only by helping to protect the country from external enemies, but also be protecting themselves from internal enemies. Consequently, the state legislators had the "solemn" and "noble" duty of remediying the previous situation caused by the Little hanging and the

169 Helena Independent, February 6, 1918, p. 1; February 8, 1918, p. 1.
170 Anaconda Standard, February 17, 1918, p. 4.
171 Great Falls Tribune, February 6, 1918, p. 6.
Bourquin decision.

By the time Governor Stewart decided to call upon the legislators to take action against the I.W.W., most Montanans were already convinced that their liberties and freedoms were seriously jeopardized by the Wobblies. The press was not, however, going to take any chances; it made incredible charges against the I.W.W. The fact that those charges were taken seriously can be understood only in view of the extreme hysteria and propaganda that had been consistently whipped up from the beginning of the War in the summer of 1914. Wobblies were victims of a vigorous moralistic crusade against the Germans. I.W.W. tactics were described as "like those of the Huns"; the Helena Independent charged that the Wobblies were engaged in a "plot to aid Apes."^172 Wobblies were accused of aiding the Central Powers by crippling the American war effort at home; they reportedly made gun powder that would not explode, disabled guns so that they would not discharge, and deliberately wasted food supplies. The I.W.W. also had elaborate plans to hamper and even to seize the American press. Federal detectives could supposedly prove that I.W.W. saboteurs had attempted to poison the water supply of Denver; had poisoned fruit shipped from California; and had poisoned horses throughout Idaho by pouring lye and other chemicals into the animals' food. Indeed, the Wobblies appeared to have been expert chemists, at least past masters when using poison. According to rumors, the I.W.W. even had a widespread plot to murder government officials. Envelope flaps were coated with cyanide of potassium; officials would die of

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"heart failure" seconds after licking the poisoned flaps. That outrageous plot was said to have been prevented only by the September raids. Wobblies were also clever arsonists; to set fire to grain elevators, they underhandedly but skillfully took as:

... hollow wooden ball about the size of a nutmeg and filled it with a combustible substance. This would be wrapped with tar and coated with phosphorous. Needles would then be driven into this ball and the protruding points sharpened with files. Using a sling shot this ball would be thrown against a grain elevator and several hours later it would take fire, after the incendiary had had time to get into another locality and so prove an alibi.173

The daily press claimed that these reports of ingenious Wobbly tactics could be substantiated by evidence collected during the federal raids. Of course, the information came from reliable sources; but those sources could not be disclosed for "obvious reasons." The so-called evidence was, however, never used at the Chicago trial. Nevertheless, the Anaconda Standard deduced that such evidence could mean only one thing—"the mere fact that a man is a member of the I.W.W. organization convicts him of being an enemy of the United States."174 Will Campbell likewise concluded that:

In view of these avowed purposes of the I.W.W. it is almost inconceivable that any citizen of the state of Montana, any man who owns a farm, any person who has a son, brother, father or friends in the armies of the United States, should for a minute hesitate to assist in placing on the statute books of Montana laws with which to deal with these conspirators against the government of the United States and against organized society.175

Editor Campbell's observation was accurate. When the lawmakers


174Ibid., January 5, 1918, p. 6.

175Helena Independent, February 18, 1918, p. 4.
converged upon the state capital on February 14, 1918, most Montanans considered the I.W.W. to be so iniquitous and so undesirable that any measures associated with their suppression were assured of ultimate passage with but meager deliberation. In addition to the public's inflexible frame of mind, the enactment of anti-I.W.W. legislation was further guaranteed by the fact that most of the legislators represented the professional people, the large industrial interests and the prosperous farmers, the settled and propertied classes of the state—those groups that would have the most to lose if I.W.W. plans for the future ever prevailed. The nationalistic passions of the legislators, sufficiently stimulated by the press, were further aroused by an exorbitantly patriotic address delivered by Governor Stewart before a joint assemblage of state senators and representatives. Tears ran down the cheeks of many legislators as they heard the Governor eloquently recapitulate his reasons for convoking the Extraordinary Session. The state leader reminded his fellow patriots that:

The free air of Montana is too pure, too sacred, and too precious [for] the traitorous and the treasonable to breathe forth sentiments of disloyalty against our cause and to extend comfort to the enemies of the country.

Governor Stewart urged the lawmakers to be real Americans, to preserve the untarnished and inviolable air of the state by fixing:

... it so that no longer may the enemy spies or the peddlers of sedition and slander go free in Montana, to insult the patriotism and offend the loyalty of our citizens at home or send cheer to the enemy abroad.176

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176 Montana, House Journal—Extraordinary Session of the Fifteenth Legislative Assembly, p. 6. See also, Montana, Stewart Messages and State Papers, pp. 69-70. For excerpts of Governor Stewart's speech dealing with sedition and treason, see Appendix I, pages 129-130 in the Appendices.
With Governor Stewart's jingoistic words still ringing through the legislative chambers, Democrat Adam Stimpert introduced in the House of Representatives a bill defining and providing punishment for committing the crime of criminal syndicalism. The following day C. S. Muffy, another Democrat, introduced a similar measure in the Senate. On the second day of the sessions, the House committee studying the Stimpert proposal recommended that a joint committee of three representatives and three senators meet, for the sake of expediency, to discuss the two syndicalism proposals. W. J. McMahon, Ernest T. Eaton and Charles Anderson were chosen to represent the House on the joint committee; Muffy, J. E. Lane and Charles H. Williams were appointed to represent the Senate. Representative Eaton and Senator Williams were Republicans; the other four legislators were Democrats.

Representative Stimpert was the sole proprietor of the largest implement and machinery business in Cascade county; he was also a member of the Board of Managers of the State Terminal Elevator Commission. In addition to the criminal syndicalism measure, Stimpert also introduced a House bill providing for the legal creation and appointment of the Montana Council of Defense. That bill was, however, passed over in favor of a similar measure introduced in the Senate. Senator Muffy represented Broadwater county; he was a mine manager, and was prominently identified with the mining interests of the State.

Biographical information used in this chapter was obtained from the following two sources: (Tom Stout [ed.], Montana: Its Story and Biography: A History of Aboriginal and Territorial Montana and Three Decades of Statehood, 3 vols. [Chicago and New York: The American Historical Society, 1921], and Newspaper Editors of Montana [ed.], A Newspaper Reference Work: Men of Affairs and Representative Institutions of the State of Montana: 1914 Butte, Montana [Butte Newspapers' Association, 1914]).

McMahon represented Silver Bow county, and was employed by the Anaconda Copper Mining Company as a mining engineer in Butte. Representative Eaton was from Yellowstone county, and was the financial director of the Billings Polytechnic Institute. Representative Anderson was from Lewistown in Fergus county. Senator Lane was the head of the Montana Lumber Company, one of the largest retail lumber companies in the state; he was also the director of the Bank of Fergus County, president of the
The drive to enact a criminal syndicalism statute had widespread bipartisan support. With the exception of the farmers' Society of Equity, only the Railroad Brotherhoods and other labor organizations of the state openly opposed the enactment of the syndicalism bills. For three days, the joint committee held hearings with union representatives; they arrived at a compromise, and the State Federation of Labor announced that certain amendments had been discussed that would adequately prevent the law from interfering with the business of recognized labor unions.\(^{179}\)

The six members of the joint committee reported back to their respective chambers with the recommendation that Stimpert's bill be discarded and that Muffy's bill be passed, if the suggested amendments were accepted.

The eighty members of the House voted unanimously in favor of the slightly revised Muffy measure; the Senate then concurred in the proposal by a vote of thirty to six, with four Senators absent when the vote was counted.\(^{180}\)

Montana Home Building Company, and vice-president of the Lewistown Brick and Tile Company. Senator Williams owned an immense sheep ranch in Powell county, not far from Deer Lodge. It was one of the largest undivided ranches in Montana, and consisted of 30,000 acres of patented land and 10,000 acres of leased land. Williams introduced the successful Senate bill providing for the Montana Council of Defense.

\(^{179}\)Anaconda Standard, February 16, 1918, p. 1.

Since the State of Montana did not keep written records of the legislative debates and hearings, any information regarding the proceedings over the criminal syndicalism and sedition bills had to be obtained from the various state newspapers.

\(^{180}\)Four Republican and two Democratic Senators voted against the criminal syndicalism bill. The Republicans were: J. B. Annin from Columbus, Stillwater county; Thomas Kane from Corvallis, Ravalli county; J. C. Kinney from Wibaux, Wibaux County; and J. P. Meadors of Riverside, Richland county. The Democrats were T. S. Hogan from Billings in Yellowstone county, and Fred Whiteside of Kalispell, Flathead county.

Seven days after the special session began, the President Pro Tempore signed the bill; the following day the measure was endorsed by the Speaker of the House. The criminal syndicalism bill became law when Governor Stewart approved the measure on February 23, 1918.181

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Shortly after the state executive's rousing, patriotic speech to the Joint Assembly on February 11, a sedition bill, in addition to the criminal syndicalism measure was also introduced in the Montana House of Representatives. The history of the bill that eventually became the Montana Sedition Act goes back, however, at least five months to August 15, 1917. On that date the senior Senator from Montana, Henry L. Myers, whose election to the United States Senate in 1911 was "attributed to the machinations of the Company,"182 introduced a measure in the United States Senate. The Myers bill was purposely directed against the I.W.W.; Senator Myers admitted on the floor of the United States Senate that he had drafted the bill in response to the Frank Little hanging in Butte, Montana, two weeks earlier. The Myers bill was referred to the Judiciary Committee; the chairman of that committee in turn sent the proposal to a subcommittee. In the words of Senator Myers, the subcommittee "apparently put the bill to sleep with the slumber that knows no awakening."183 The Senator's words were correct as far as federal lawmakers were concerned; but the bill was not ignored by Montana officials. With very few changes,  

181 Montana, Senate Journal—Extraordinary Session of the Fifteenth Legislative Assembly, pp. 43 and 50.
182 Karlin, op. cit., p. 250.
no additions and only minor alterations of phraseology, Representative William J. Crismas submitted the Myers bill as the Montana sedition bill on February 14, 1918.184

Two days later the bill was passed in the House; seventy-six representatives voted for the measure, four were absent at the time of balloting—no negative votes were cast. The sedition proposal then went to the Senate for concurrence, and was referred to the Judiciary Committee. In the meantime, as in the case of the criminal syndicalism measure, the sedition bill aroused the animosity and fears of the state labor organizations. On February 17, M. M. Donoghue, President of the Montana Federation of Labor, took a definite stand against the proposed bill, and declared that "unions will fight to the last ditch against the so-called sedition measure."185 Donoghue had considerable influence within the state; he was also a member of the State Council of Defense. The following day, in what was obviously an attempt to extirpate the fears of and to win the support of the state labor leader, the Senate Judiciary Committee proposed amendments to the sedition bill. The report was accepted, and the amended proposal passed the Senate by thirty-seven votes; three senators were absent when the roll call was taken, and not one negative vote was cast against the measure. The bill was then sent back to the House, but the representatives refused to concur in the Senate amendments. On February 19, members from both chambers were appointed

184Ibid., pp. 1695 and 1714. See also, Montana, House Journal—Extraordinary Session of the Fifteenth Legislative Assembly, p. 10. William J. Crismas was a prosperous farmer and fruitgrower from Joliet in Carbon county; he was a Democrat.

185Anaconda Standard, February 17, 1918, p. 1.
to a special conference committee to attempt to reach some agreement on the proposed amendments. A compromise was reached on the same day, and the House passed the amended sedition bill with seventy-nine votes; one representative was absent at the time. The Senate then concurred in the compromise amendments, with a vote of thirty-six in favor, none opposed, and four absent. Nine days after being introduced, the sedition bill was sent to Governor Stewart; it was signed, and went into effect on February 23, 1918.

Thus, Senator Myers was actually the author of the Montana Sedition Act, which had been introduced by Crismas. Muffy played a similar role with the state criminal syndicalism statute. Although he formally introduced the measure, Muffy certainly was not its author. Newspaper coverage of the Idaho act had had its effect; the Montana criminal syndicalism law was practically a verbatim copy of the Idaho statute. Both laws, in almost word-for-word phrasing, defined criminal syndicalism to

186 Among the members of the conference committee were Senators John E. Edwards, Harry A. Gallwey and T. O. Larson; McMahon was one of the members representing the House. Senator Edwards was a prosperous Republican rancher from Rosebud county. Edwards was also the president of the Bank of Commerce of Forsyth; president and managing director of the Gazette Printing Company of Billings; director of the Bank of Ashland, and of the Treasure State Bank of Hysham; and an original member of the Montana Council of Defense. Senator Gallwey was a Democrat from Silver Bow county; he was a long-time employee of the A.C.M., and was the General Manager of the Butte, Anaconda and Pacific Railroad. Senator Larson was a Republican rancher from Choteau. He was one of the most extensive cattle ranchers and grain growers in Teton county.

187 Montana, House Journal—Extraordinary Session of the Fifteenth Legislative Assembly, pp. 50 and 72. See also, Montana, Senate Journal—Extraordinary Session of the Fifteenth Legislative Assembly, pp. 35 and 50.
be the: doctrine which advocates crime, violence, force, arson, destruction of property, sabotage or other unlawful acts as a means of accomplishing industrial or political revolution.

Sabotage was generally defined to be:

malicious, felonious, intentional or unlawful damage, injury or destruction of real or personal property, of any form whatsoever.

A person was guilty of violating these laws if he:

by word of mouth or writing, advocates, suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, ... as a means of accomplishing industrial or political ends, change or revolution.188

There was one major difference between the two acts; the Idaho statute prescribed heavier penalties. Violation of the Idaho law was punishable by a maximum of ten years' imprisonment in the state prison or by a maximum fine of five thousand dollars, or by both the fine and imprisonment. On the other hand, the Montana act provided punishment of not more than five years' imprisonment in the state penitentiary, or a fine not exceeding two hundred dollars, or by both the fine and imprisonment.

This considerable difference in punishment by no means signified that Montana officials were more lenient with or tolerant of the I.W.W. than were Idaho officials. On the contrary, just the opposite was probably true. The Montana Sedition Act, overwhelmingly passed without one dissenting vote in either the House or Senate, prescribed punishment far in excess of that provided in the Idaho syndicalism statute.


For the text of the Montana Criminal Syndicalism Law, see Appendix II, pages 131-132 in the Appendices.
Furthermore, the scope of the state sedition act was so broad that it was just as easy, if not easier to convict Wobblies under the provisions of that law as it was under the syndicalism act. In sweeping terms the sedition statute provided a maximum punishment of twenty years' imprisonment in the state prison or a maximum fine of twenty thousand dollars, or by both the fine and imprisonment, for any person:

who shall utter, print, write or publish any disloyal, profane, violent, scurrilous, contemptuous, slurring or abusive language about the American form of government, the Constitution, the flag, or the military personnel and their uniforms. The sedition act was declared to be an "emergency law necessary for the preservation of public peace and safety," and also applied to any person who incited or advocated curtailing the production of any essential wartime materials. 189

As a climax to the passage of the criminal syndicalism and sedition laws, the state legislators assailed Judge Bourquin and Federal District Attorney Wheeler. On February 22, the House of Representatives stirred with excitement when H. S. Buell of Gallatin county introduced a joint resolution requesting the resignation of Judge Bourquin. 190 Three days later Representatives Carll of Yellowstone county and Kelsey of Custer county introduced a similar resolution demanding the resignation of District Attorney Wheeler. Both federal officers were accused of negligence in the performance of their official duties; they were said to be too lenient with I.W.W.ism. The Montana Bar Association promptly

189bid., pp. 28-29.
For the text of the Montana Sedition Law, see Appendix III, pages 133-134 in the Appendices.
aligned itself with the judge; consequently the Buell resolution was tabled. The Carll-Kelsey resolution was, however, defeated by only one vote. 191

Although those resolutions failed to pass the Fifteenth Legislature, Montanans were finally legally protected against all I.W.W. activities. Either the sedition law or the criminal syndicalism act, if enforced, would suffice to destroy the I.W.W. within the state. But Montana legislators, officials and newspaper editors were not satisfied with just state anti-Wobbly legislation. They insisted that the I.W.W. was a national menace, and that only the Federal Government could effectively and completely suppress the Wobblies. On February 20, 1918, while the Extraordinary Session was still assembled, Speaker of the House James F. O'Connor and President of the Senate W. W. McDowell signed; and Governor Stewart approved, a joint memorial petitioning the Congress of the United States to enact a statute defining and providing punishment for the crime of advocating the destruction of industrial and agricultural properties. 192 The Company controlled press also demanded federal legislation, and insisted that:

Authorities of the nation, state, county and city must unite in preventing I.W.W. activities from again meeting with any measure of success. Every loyal American should join with the authorities in this campaign. Let no one be afraid of hurting any one's feelings or interfering with anybody's liberties. The feelings and liberties of those who are fighting against America behind our own lines are not worthy of consideration. 193

191 Idaho, February 24, 1918, p. 1; February 26, 1918, p. 1.
192 S., Congressional Record, 65th Cong., 2nd Sess., 1918, XVI, Part 5, 1623.
193 Anaconda Standard, February 25, 1918, p. 4.
This campaign to enact federal anti-I.W.W. legislation was carried into the legislative chambers of the United States Congress; that drive was spearheaded by the two Montana Senators, Henry L. Myers and Thomas J. Walsh. Not only did the Montana Senators play a major role in the eventual passage of federal legislation designed specifically to destroy the I.W.W., but the importance of the Montana Sedition Act transcended the state boundaries. That act, originally drafted by Senator Myers and incorporated into the federal sedition or anti-sabotage bill by Senator Walsh, laid the foundation for the legal, nation-wide suppression of the Industrial Workers of the World.
CHAPTER IV

THE FEDERAL SEDITION ACT: MONTANA

SETS THE EXAMPLE

While six western governors were meeting in Portland, Oregon, to devise common strategy against the Industrial Workers of the World, western senators were condemning the Wobblies from the floor of the United States Senate. Eleven days after Frank Little was lynched in Butte, Montana, Senators Henry L. Myers of Montana, William H. King of Utah, James H. Brady of Idaho, (Henry F. Ashurst of Arizona), and Miles Poindexter and Wesley L. Jones from Washington launched bitter tirades against the I.W.W. Those senators described the I.W.W. as an un-American criminal, and subversive organization that had to be suppressed by federal authorities. Selected excerpts taken from I.W.W. pamphlets, newspapers and documents were printed in the Congressional Record to support those charges. Senator Jones had the Preamble to the I.W.W. Constitution read before the Senate. The Washington legislator also read a telegram from Robert B. Allen, secretary of the West Coast Lumbermen's Association. Allen accused the I.W.W. of precipitating the labor unrest in the lumber industry. He further asserted that even if the employers granted the eight-hour day, the Wobblies would then insist upon shortening the working day in the lumber industry to six hours. Senator Ashurst, realizing that many of his colleagues were not aware of the I.W.W. "menace," described that menace as he thought it existed
throughout the western states. The Arizona Senator asserted that the Wobblies slayed unoffending victims, but escaped prosecution because they had made "murder a science" and "perjury a fine art." Ashurst informed the Senate that the initials of the Wobbly organization meant "simply, solely, and only 'Imperial Wilhelm's Warriors'." The soundness of those accusations and interpretations was not questioned by any of the senators; they apparently accepted the premise that the I.W.W. had deliberately started the strikes in the lumbering and mining industries as part of a plot to impede the national war effort.

The senatorial diatribes against the I.W.W. were accompanied by the introduction of two bills designed to provide the legal foundation for the suppression of the Wobblies. Senator Myers, the senior senator from Montana, introduced such a measure on August 15; it was essentially the same bill that later became the Montana Sedition Act. Senator King introduced a similar bill the following day. The Myers and King measures were referred to subcommittees of the Senate Judiciary Committee. Senator Myers actively solicited support for his bill; most of the legislators whom he consulted, especially those from the western states, promised to give his measure their full backing. A week later Senator Myers provided each of his colleagues with a copy of the August 19, 1917, edition of the Helena Independent, which he described as a "highly reputable and independent daily newspaper." That edition of the Independent

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contained a lengthy article devoted entirely to exposing the I.W.W. as a threat to the internal security of the country. Senator Myers insisted that the Helena publication was "in a position to speak advisedly and disinterestedly" about the I.W.W. situation.

Despite the inaccuracy of the Montana Senator's interpretation, his remarks went unchallenged. The Independent article was anything but objective and impartial. The article was written by Will Campbell, then editor of the Independent. Senator Myers did not inform the Senate that Campbell had previously written articles that clearly illustrated his prejudice against the Wobblies. Campbell's newspaper was one of the first to recognize the I.W.W. "threat." Shortly after the lumber strikes swept Montana, Editor Campbell predicted that: "Montanans will be educated on I.W.W.ism and gradually . . . their eyes will be opened to the utter worthlessness of the gang." On another occasion Campbell insisted that: "When these vagrants get out of bounds, they must be promptly quelled." Those views were printed at least three months before the Senator from Montana described the paper as a bastion of objectivity. In reality Campbell had never been tolerant of the I.W.W.; he worked relentlessly to "educate" the public against that organization. Throughout his virulent editorials, the Helena editor consistently denounced the Wobblies, and referred to them as "freaks." Campbell campaigned against the I.W.W. not only as editor of one of the major Montana news-

\[196\text{U. S., Congressional Record, 65th Cong., 1st Sess., 1917, LV, Part 6, 6262; Helena Independent, August 19, 1917.}

\[197\text{Ibid., May 17, 1917, p. 4; May 18, 1917, p. 4.}

\[198\text{Ibid., June 25, 1917, p. 4.}
papers, but also as a member of the Montana Council of Defense, and as "the guiding spirit of the Montana Loyalty League." When the state Loyalty League was formed on July 23, 1918, Campbell was elected its secretary-treasurer. As an officer of that organization, Editor Campbell swore to cultivate "a patriotic and militant spirit" among the American people; to curb the "treacherous alien"; to combat "disloyalty, anarchy, and treason"; and to "exterminate the Industrial Workers of the World." If the specific goals of the Loyalty League were not generally known at the time, at least the public did understand that the Loyalty Leaguers were avowed enemies of the Wobblies. C. D. Greenfield, who was the Montana Commissioner of Agriculture and the secretary of the Montana Council of Defense during the first World War period, described the Montana Loyalty League as "an organization which is primarily intended in its work to offset the plans of the I.W.W. and similar radical elements." In short, a super-patriot such as Will Campbell could not have been impartial in regards to any issue involving the I.W.W.


According to John Mcintosh, the Montana Council of Defense recognised the Montana Employers' Association as the "official organization for fighting and exposing I.W.W. and kindred seditious elements." The employers' organization was instrumental in establishing loyalty leagues in at least seven Montana counties. (McIntosh's Annual Report).
The over-all impact of Campbell's article upon the senators can not be determined, but the immediate effect seemed to have been negligible. Until the first few months of 1918, most federal lawmakers, except the Montana delegation and their colleagues from the West, were not very concerned about the Wobbly "menace". The Myers and King bills were lost and forgotten in the Judiciary subcommittee. Then on January 16, 1918, a bill was introduced into the House of Representatives; it was a measure which initially had nothing to do with the I.W.W., but which was ultimately to have ominous and dire consequences for that organization. The bill had been prepared in the Department of Justice, and was introduced by Congressman Edwin Y. Webb of North Carolina, who was the chairman of the House Committee on the Judiciary. The Webb bill was designated H.R. 8753, and was devised to amend section three, title one, of the Federal Espionage Act, which had been approved on June 15, 1917. That part of the Espionage Act made it a crime for any person to convey false statements with intent to interfere with the successful operation of the military forces of the United States, or to attempt to cause insubordination, disloyalty, or mutiny in the nation's Armed Forces. Any person convicted of those crimes could be fined as much as $10,000 or imprisoned for as long as twenty years, or could be punished by both fine and imprisonment. The Webb bill or H.R. 8753 retained those provisions and further made it a crime to make false statements with intent to obstruct the sale of federal bonds or securities, or the making of loans by and to the United States.202

202U. S., Congressional Record, 65th Cong., 2nd Sess., 1918, LVI, Part 1, 900. See also, U. S., Congress, An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign
The Judiciary Committee reported the Webb bill back to the House after six days of deliberation. Chairman Webb informed the congressmen that both Attorney General Thomas W. Gregory and Secretary of the Treasury W. G. McAdoo urged swift ratification of the bill. Letters written by both cabinet officers were read before the House; both officials insisted that the measure was essential for the successful sale of bonds and the effective financing of the war. Secretary McAdoo wrote specifically of the need for legislation to prevent any hindrance with the sale of United States bonds. Attorney General Gregory contended that the bill was necessary because there was no satisfactory statute prohibiting interference with the successful floating of the Liberty loans. On March 4, the Webb bill was finally brought before the members of the House for approval. Congressman Clarence B. Miller of Minnesota used the occasion to express his views regarding the I.W.W. He implied that the measure should be broadened to reach and silence the "sinister individuals" who belonged to that organization. Miller insisted that the federal government should have complete legal authority to deal with the Wobbly menace. Congressman Webb disagreed, and maintained that the separate state governments were capable of passing legislation to suppress the I.W.W. Webb obviously did not intend for the proposed bill to be used against the I.W.W.; he introduced the bill only as a measure

commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, Public Law 21, 65th Cong., 1st Sess., 1917.

that would assure the successful sale of government bonds, and thus, facilitate a victorious end to the war. His colleagues seemed to have the same opinion. Miller's suggestions were ignored and after a few minutes of debate, the measure was passed by an unrecorded vote. Ten days later H.R. 8753 was sent to the Senate, and was referred to the Senate Judiciary Committee. 204

While the members of the Judiciary Committee were studying the Webb bill, the Montana delegation presumably saw an opportunity to use that House bill as a weapon against the I.W.W.'s. Senators Walsh and Myers, supported by other western senators, began an all-out campaign to vilify and discredit the Wobblies. The most vociferous participants in the senatorial assault were Senators George E. Chamberlain of Oregon, Porter J. McCumber of North Dakota, William E. Borah of Idaho, Jones of Washington, and King of Utah. On March 21, those congressmen used the Senate chamber as a stage on which to present their rationale for the exigency of suppressing the I.W.W. "promptly" and "vigorously" by using the "most drastic and radical methods." Senator Jones advocated the use of military power if necessary. He believed that spies should be shot, and that "the same drastic methods will have to be used with the Industrial Workers of the World." Senator Borah insisted that the Administration had to suppress the "lawless class" of I.W.W.'s legally, before the people were forced to take the law into their own hands. Senator King of Utah explained that the I.W.W. had to be destroyed because it was a cunning, outlaw organization that represented a nation—

wide threat. He claimed that the Wobblies:

... know no country, owe allegiance to no flag, and are the avowed enemies of law and order and of the civilization of our land... Their strikes are not to secure higher wages or improved conditions for labor. They seek the destruction of our industrial system and the overthrow of our Government.205

The I.W.W. was actually accused of conducting a "reign of terror" to achieve those infamous goals. And no Senator impugned the soundness of that interpretation. Senator Jones apparently expressed the opinions of most of the legislators when he described the Wobblies as:

... a menace to the peace and security of the people; they constitute a constant conspiracy; they are committing crimes daily and hourly; the organization itself is a conspiracy, and every member of the organization by reason of membership in the organization and in view of the proclamations and the avowed purposes of the organization, is committing a crime.206

Senatorial polemics against the I.W.W. indicated that the nation's legislators were in a mood to take action against the Wobblies. In the meantime, Senator Myers' anti-Wobbly bill had been resurrected by Montana officials, and with some minor alterations became the Montana Sedition Act of February 23, 1918. Senator Walsh of Montana, determined to throw the first blow against the I.W.W., seized the opportunity to please not only his fellow-legislators, but also his Montana constituents who were now demanding federal legislation against the I.W.W. Between March 14 and April 2, Senator Walsh, as a member of the Senate Judiciary Committee, fought to have the Montana Sedition Act incorporated into the proposed bill from the House. The Judiciary Committee unanimously approved the Montanan's suggestion. The Montana press was elated; state

205 Ibid., 3819-3825.
206 Ibid.
newspapers congratulated the Senator and commended his patriotism. The Great Falls Tribune announced that:

The language of the new federal statute as advocated by Senator Walsh leaves no room for doubt on the part of any judiciary officer as to the intent of congress to punish by drastic penalties any . . . disloyal conduct.207

On April 2, the chairman of the Senate Judiciary Committee, Senator Lee S. Overman of North Carolina, had amended H.R. 8753 printed in the Record. The Senate Judiciary Committee proposed two major amendments to the bill. Those amendments radically altered the nature of the bill as it was first presented by Congressman Webb in the House—in fact, the House bill was mutilated by the Senate Judiciary Committee. The most significant amendment was proposed by Senator Walsh. With a few minor differences—just changes in wording—the Walsh addition to H.R. 8753 was practically a word-for-word copy of the Montana Sedition Act. It was longer than the original House proposal, and became the crucial part of the amended bill. The purpose of H.R. 8753, as it originated in the House, was to assure the success of government bond sales. When that bill came out of the Senate Judiciary Committee with the Walsh amendment, it was aimed essentially at punishing the disloyal. All forms of dissent were to be punished or silenced under the amended bill. In the debates concerning H.R. 8753, the Walsh amendment was the most discussed and the most attacked section of the proposed legislation. The other amendment sanctioned by the Judiciary Committee had been suggested by Senator Poindexter. That amendment provided punishment for anyone who supported

207 Great Falls Tribune, April 4, 1918, p. 6.
or favored the cause of any enemy of the United States. 208

The senate debates over the amended Webb bill began on April 4 and continued intermittently until April 10. Those debates were spirited, and at times senatorial tempers reached the breaking point. Senator Walsh touched off the debate when, as spokesman for the Senate Judiciary Committee, he explained that prompt enactment of the bill was essential for Allied victory over the Central Powers. The United States was engaged in a titanic struggle for survival; and all Americans would have to devote all their energies to the successful consummation of the war at any cost. Therefore, the amended House bill was a prerequisite for victory. Senator Walsh based his arguments on two assumptions: first, the country did not have adequate legislation to prevent interference with the sale of Liberty bonds and other government securities; and second, certain federal courts, by imposing a strained and restrictive construction on the Federal Espionage Act, made it almost impossible to punish the disloyal. The Montanan referred specifically to the Bourquin decision in the case of the United States versus Ves Hall, which he described as the "most notorious" and the "most startling" decision rendered by a federal court. Walsh explained that the citizens of his state were so incensed by that particular ruling that they enacted a sedition law. The Montana Sedition Act was then read before the assembled legislators. Walsh lamented that similar decisions had also been made by district

208 For the text of the amended House bill, which was popularly known after its passage as the Federal Sedition Act, see Appendix IV, pages 135-137 in the Appendices. U. S., Statutes at Large, Sedition Act of 1918, XI, Part 1, 553. See also, U. S., Congressional Record, 65th Cong., 2nd Sess., 1918, LVI, Part 5, 4426.
courts in the States of Washington and Colorado. The proponents of H.R. 8753 believed that the Bourquin and other similar decisions would be rendered harmless by the proposed legislation. The memorial from the Montana Legislature was also printed in the Record. That memorial urged Congress to enact legislation providing punishment for all forms of sabotage.209

The opponents of the House bill made a vigorous attempt to block the passage of the measure. Their attack was directed almost exclusively against the Walsh amendment, which they argued was unconstitutional, too drastic, and unnecessary. Senators Charles S. Thomas of Colorado, Hiram W. Johnson of California, Thomas P. Gore of Oklahoma, James K. Vardaman of Mississippi, and Lawrence Y. Sherman of Illinois warned that the traditional freedoms of speech and of the press would be subjected to the severest restrictions in American history if the Senate-amended House bill became law. Senator Gore eloquently suggested that freedom of thought and freedom of speech were sacred rights "baptized with the blood of our ancestors"--that they were the "fruits of immemorial centuries of experience." The Senator believed that such experience had illustrated that:

Freedom of thought and freedom of speech did not work as much mischief as the intolerance and the despotism which undertook to cut the tongues out of the throats of men who sought to give utterances to honest convictions.210

Senator Vardaman, using similar reasoning, insisted that:

The rights and privileges guaranteed by the Constitution should be upheld and scrupulously respected ... There is absolute safety in freedom of thought and liberty of speech. The lie is harmless as long as truth is free to combat it.211

209 Ibid., 4559-4572. 210 Ibid., 4631. 211 Ibid., 4711.
The Mississippi lawmaker cautioned the other congressmen to use "moderation in this hour of trial." Senator Thomas insinuated that H.R. 8753, which "strikes at the very citadel of individual rights," could be construed so as to prohibit legitimate criticism of the President or of the Administration's war policies.

Senators Thomas W. Hardwick of Georgia, James A. Reed of Missouri, and Sherman of Illinois espoused the theory that H.R. 8753 was extreme legislation that was beyond the power of Congress, as well as beyond the limits of prudence and wisdom. Senator Hardwick vividly expressed the opinion that the war could be won without sacrificing or abridging American rights or American liberties. He warned the Senate that one extreme begets the other and that the amended House bill was a perfect example of extremism. The Georgia legislator was convinced that, if the bill became law, the congressmen would take an enormous step in the direction of creating in the United States "an autocracy that is only rivaled in modern history by the Romanoff dynasty in Russia before it lost power."

Senator Hardwick predicted that his colleagues would, at the same time, invite that which they feared most, the other extreme—the "reign of American Bolshevik in this country." Hardwick suggested that:

In times of war people grow hysterical, and when people grow hysterical even executives, even legislative bodies, are not exempt from the contagion of hysteria. It is better to move along slowly; it is better to be deliberate about these things; it is better not to confer powers that are so broad that they are not only capable of abuse but liable to abuse; that are so broad that not only the miserable German that you are striking at may be reached, but honest, loyal American citizens may be persecuted.

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212 Great Falls Tribune, April 5, 1918, p. 1.

Senators Hardwick and Reed conjured up the past, and explained how Americans had been persecuted once before, when Congress passed the "abominated and execrated" Alien and Sedition Acts of 1798. According to Senator Hardwick, those laws changed the course of American history, and destroyed the powerful Federalist party. The Senator warned that the proposed legislation was twice as drastic as the Sedition Act of 1798. That act prescribed a maximum penalty of two years' imprisonment; the proposed H.R. 8753 provided maximum punishment of twenty years' imprisonment and/or a $10,000 fine. Hardwick advised his fellow-legislators not to repeat the same mistake—not to open a "Pandora's box" that could unleash enough fury to destroy both the Democratic and Republican parties.214

Senators Joseph I. France of Maryland and Vardaman of Mississippi completed the case for the opposition by emphasizing that the proposed legislation was utterly unnecessary even in time of war. Both congressmen insisted that America was sound and that wisdom and patriotism were not confined to the Senate or to the House of Representatives. "Patriotism is a common attribute, and the inherent wisdom and good judgment of the average citizen," explained Senator Vardaman, "is the sheet anchor of our national hope."215 Recognizing that the Walsh amendment was really the Montana Sedition Law, Senator Reed agreed that possibly there was a "bad situation" in Montana, and that perhaps a sedition law was required in that state; but he did not believe that such a measure had to be imposed upon the entire country. Reed insisted that, even if

214 Ibid., 4623-4637.  
215 Ibid., 4712.
I.W.W. agitation became more intense, the act of sabotage was "illegal under the laws of every State" and "can be punished without interference with liberty of speech." Senator Hardwick was more explicit. Singling out the Walsh amendment for attack, he said:

I understand that the real—in fact, practically the only—object of this section is to get some men called I.W.W.'s who are operating in a few of the Northwestern States. . . . I dislike to be confronted by a situation in which in the name of patriotism we are asked to jeopardize the fundamental rights and liberties of 100,000,000 American people in order to meet a situation in a few Northwestern States.216

Hardwick insisted that each state was capable of handling its own I.W.W. problems; he further claimed that western senators had privately admitted to him that their states did have ample legislative protection against the Wobblies. None of the senators denied Hardwick's charges that the amended bill was aimed essentially at suppressing the I.W.W. and they ignored Senator France's suggestion that Congress should attempt to alleviate the conditions that generated disaffection among some of the citizens. Furthermore, the federal legislators did not inquire into the actual state of working conditions in the western lumbering and mining industries.

The arguments set forth by the proponents and the opponents of H.R. 8753 were impressive. Many legislators apparently oscillated between favoring and opposing the amended House bill. For example, Senator Henry C. Lodge, although sympathizing with the general purposes of the proposed legislation, feared that the long, "rather sweepingly and loosely drawn" Walsh amendment might be subject to serious abuses. Lodge recognized that the Walsh amendment was essentially the Montana Sedition Act, which

216 Ibid., 4638.
was an "impulsive statute." He warned that such a law would be exceedingly dangerous in the hands of a district attorney who was actuated by political or personal reasons. The Massachusetts Congressman reaffirmed his desire to avoid putting "the innocent in peril in our desire to reach the guilty." On the other hand, Senator Lodge felt that the Senate would have to deal with sedition, if lynching law was to be avoided.

While the foes of the proposed legislation were assailing the Walsh amendment to the House bill, Governor Stewart was again in Washington, D. C., where he was attending a meeting of the governors concerning "Americanization." The Montana executive defended the proposed federal sedition bill before that assemblage of state leaders. The Governor told his colleagues about the Little hanging in Butte, and he predicted that such violence was just a sample of what could be expected if the federal government failed to provide severe punishment for persons guilty of treason and disloyalty.217

Senator Lodge's fears and Governor Stewart's warnings were quite prophetic. As soon as Lodge finished elaborating on the problem of mob justice, Senator Borah rose in the Senate and announced that a mob of three hundred coal miners had hanged a man named Robert Prager in Collinsville, Illinois, earlier that same day. The victim had allegedly made seditious remarks about the Administration's war policies. While the debate was raging in the Senate, President Wilson and his cabinet studied reports concerning the Collinsville incident. The cabinet deplored the lynching, and echoed Department of Justice demands for adequate

217 Great Falls Tribune, April 5, 1918, p. 1.
legislation to punish disloyal persons, before citizens turned to mob violence on a massive scale. Senator Overman, who believed that the Senate-amended House bill was "the most important bill that has come before the Senate this session," read letters urging approval of the proposed legislation. In one of those letters, Mayor J. H. Siegel of Collinsville claimed that the lynching of Prager was a direct result of a widespread conviction that the federal government would not punish disloyalty and treason. Overman also delivered a special message from the Department of Justice begging the lawmakers to expedite passage of H.R. 8753. But opponents of the measure did not give up. Senator Sherman insisted that the Prager lynching did not warrant passage of the proposed legislation; he announced that Prager was hanged by a "drunken mob masquerading in the guise of patriotism"; and that:

The mob itself was a greater disgrace . . . to republican government than any contemptuous, profane, or scurrilous language that could be employed by anyone, alien or citizen.

The majority of senators did not, however, accept those sentiments.

The Prager lynching had important repercussions in Congress. That tragic event enhanced the arguments of those legislators who favored passage of the controversial House bill. Senator Myers took full advantage of the confusion which followed the formal announcement of the hanging. The senior Senator from Montana explained in detail that the Walsh amendment was in reality the Montana Sedition Act, which in turn

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218 Ibid., April 6, 1918, p. 1. See also, Anaconda Standard, April 6, 1918, p. 1; and U. S., Congressional Record, 65th Cong., 2nd Sess., 1918, LVI, Part 5, 4637-4649.

219 Ibid., 4759; and 4761-4769.
was essentially the same bill that he had introduced on August 15, 1917, a bill intended to prevent the same kind of mob violence that claimed the lives of Frank Little and Robert Prager. Senator Myers concluded the debates over H.R. 8753 by announcing that he would vote for the proposed legislation because he wanted to hit "deviltry and disloyalty and mischief in this critical crisis just as hard as we can hit them."

Myers summarized the arguments favoring the proposal by explaining that:

The people are demanding such a law. Conditions demand it. Necessity demands it. Loyalty to our country demands it. Loyalty to our soldier boys on the firing line demands it. The Department of Justice requests it. Let us give it to them and not be squeamish or timorous about it.  

Many senators who had been uncertain about the proposed measure changed their minds and now decided that such legislation was actually necessary for the preservation of law and order. As soon as those senators accepted Myers' premise that H.R. 8753 would effectively prevent mob activity, the fight against that measure was obviously lost.

House bill 8753, along with the Walsh and Poindexter amendments, passed the Senate without a record vote. One week later the bill was returned to the House for concurrence in the Senate amendments. Congressman Webb advised, however, that the Senate amendments be rejected, and that a joint conference committee meet to discuss those amendments. Senator Overman insisted upon keeping the Senate amendments, but he agreed to the joint conference suggestion. The House was represented on the joint committee by Congressmen Charles C. Carlin of Virginia, Warren Gard of Ohio, Dick T. Morgan of Oklahoma, George S. Graham of Pennsylvania, and Webb; the three conferees for the Senate, in addition to

\[220\text{Ibid., 4715.}\]
Overman and Reed, were William P. Dillingham of Vermont, Knute Nelson of Minnesota, and Duncan U. Fletcher of Florida. Of these ten men who decided the fate of the measure in the Senate-House conference, only one was an avowed opponent, five were staunch supporters, and four were not committed. The joint committee made some minor changes in the terminology of the Senate-amended House bill, and recommended passage of that proposal. That recommendation had to be acted on by both the Senate and the House.  

On April 22, Senator Overman submitted the joint conference report to the Senate. The following day the Senator explained that there were no significant changes in the bill as it passed the Senate, and he asked that the report be accepted. Senator Hardwick led the attack against the report, and successfully delayed its acceptance until May 4. However, on that date the conference report was agreed to by a vote of 48-26, with 21 senators not voting.  

While the Senate-House conference report was being debated in the Senate, Congressman Webb presented that same report to his colleagues in the House. Congressman Meyer London, the Socialist Representative from New York, immediately expressed his disapproval of the committee's recommendation. He pointed out that H.R. 8753, as originally drafted in the House, was intended to punish interference with the sale of government bonds and securities, but that the Senate amendments had completely
changed the character of the bill. London charged that the "mutilated" House bill was "one of the most mischievous pieces of legislation ever imposed upon a free people," and he insisted that the measure was entirely unnecessary. But the New York Representative was the only lawmaker in the lower house to speak out in opposition to the proposed legislation; no other congressman denounced the bill outright from the floor of the House. The representatives were overwhelmingly in favor of the measure for the same reasons that had been expressed by the proponents of the bill in the Senate. Congressmen John M. C. Smith of Michigan and Leonidas C. Dyer of Missouri explained that the Senate amendments had to be accepted because the times were trying and mob lynchings had to be prevented. Congressman London suggested that his colleagues could better perform their duties, not by destroying an organization like the I.W.W., but by removing the unhealthy conditions out of which the I.W.W. grew. Congressman William R. Green then admitted that he supported the bill because it was directed particularly against the I.W.W.'s. The Iowa Representative stated emphatically that "no measures can be too severe... for the extermination of these pernicious vermin and their like, wherever they are found." That legislator even expressed the desire "to see this law made permanent and apply in peace as well as in war." Representative Thaddeus H. Caraway of Arkansas asserted that all Americans should be willing to sacrifice in times of great trial; he insisted that loyal citizens would not have to fear the bill when it became the law of the land. Following the same line of reasoning, Congressman Morgan of Oklahoma explained that no loyal, patriotic citizen would suffer from the bill, but he averred that even
if they did, it should not be a great surprise because it was possible for innocent men to be punished under any criminal law.223

After an unusually short debate, on May 7, the House accepted the conference report by a vote of 293 to 13½; 13 congressmen did not vote. The only negative vote was cast by Representative London of New York. Two days later the federal sedition or anti-sabotage bill was signed, first in the House and then in the Senate. The following day the measure was presented to the President for his approval. Six days later, on May 16, 1918, H. R. 8753 became the Federal Sedition Act when it was approved and signed by President Wilson.224

Thus, a law was finally enacted that unquestionably provided the legal basis for the nation-wide suppression of the I.W.W. But the senatorial wrath had been whipped up to a fever pitch against the Wobblies; the Senate was not going to take any chances. In spite of the fact that the adoption of the joint conference report by the House was a foregone conclusion, Senator Walsh, who was chiefly responsible for successfully steering the sedition bill through the Senate, drafted a proposal designed exclusively to put an end to the I.W.W. That measure, known as the "unlawful associations" bill or as Senate bill 4471, was introduced into the upper house on May 2, 1918, five days before the House began to debate the joint committee report regarding Senate-amended House bill 8753. The Senate Judiciary Committee studied the bill for four days, and reported it back to the Senate without one dissenting vote. After

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224 Ibid., 6186, 6231, and 6275; Ibid., Part 7, 6331, and 7054.
unanimously approving the measure, the Judiciary Committee requested that
it be given immediate consideration. Unlike the sedition bill, Senator Walsh's "unlawful associations" bill did not cause much concern in
the upper house. Senators who had previously fought bitterly to block
passage of the sedition bill remained submissively quiet. That was not
an unusual phenomenon since most of the legislators were not opposed to
the suppression of the I.W.W. Most of the lawmakers did not understand
the I.W.W. or its philosophy; nor did they realize that the Wobblies were
products of social evils and cantankerous sores on the body of the Ameri­
can labor movement. Senators who favored passage of the sedition bill
generally did so because they regarded it as a weapon to be used against
the I.W.W. Those legislators thought of Walsh's bill in the same way.
Senators who opposed the sedition bill did so because they feared that
such a sweeping measure would threaten and possibly corrode away the
traditional American freedoms; their opposition to the bill, for the most
part, had nothing to do with the Wobblies. Therefore, the "unlawful
associations" bill met with meager resistance because it was clearly
aimed at outlawing the I.W.W., and because there was not much danger
that it would be detrimental to the individual rights of the majority of
Americans. Senator Borah recognized that there would not be an I.W.W.,
if the Walsh bill passed both houses of Congress and was faithfully en­
forced. By explicitly outlawing any organization that taught, advocated,
advised, or defended the purpose of bringing about any governmental,
social, industrial, or economic change within the country, Senator Walsh's

225Great Falls Tribune, May 3, 1918, p. 1, and Anaconda Standard,
May 4, 1918, p. 5; U. S., Congressional Record, 65th Cong., 2nd Sess.,
1918, LVI, Part 6, 5933, and 6082.
measure definitely made it a penal offense to even belong to the I.W.W., although that organization was not specifically named in the bill. Senator Walsh himself admitted, however, that his legislation was intended against the I.W.W., which he described as a "disloyal and anarchistic organization." Under the provisions of the wartime Walsh bill, any person who belonged, either as an officer or as a member, to any unlawful association would be subject to a maximum fine of $5,000 and/or a maximum prison term of ten years.\footnote{226}

During the brief debate on the Walsh bill, the I.W.W. was again bitterly censured from the floor of the Senate. Senator Thomas had the Wobbly song, "Christians at War," read before the Senate. He claimed that the I.W.W.:

... violates the law both of God and of man in the attempted execution of its purposes to set aside all social conventions and to create anarchy wherever it is possible.\footnote{227}

The Colorado lawmaker described the Walsh bill as an essential step in the direction of wiping "this society from the face of the earth." Senator Hardwick announced that he would not object to any measure designed to curb the I.W.W., but that he believed that the Walsh bill was too broad. Senator Reed also admitted that he did not object to the suppression of the Wobblies, as long as no man would be denied a fair trial.

\footnote{226}Ibid., 5948. See also, Great Falls Tribune, May 2, 1918, p. 6. For the text of the Walsh bill for the punishment of "unlawful associations," see Appendix V, page 138 in the Appendices. See also, U. S., Congress, House, To Make Certain Organizations Unlawful, 65th Cong., 2nd Sess., 1918, H. Rept. 758 to accompany S. 1471. Cited hereafter as U. S., Congress, House, H. Rept. 758.

\footnote{227}U. S., Congressional Record, 65th Cong., 2nd Sess., 1918, LVI, Part 6, 6084.
Senator King attempted to dispel those misgivings. He insisted that the bill would "not impinge upon the rights of any labor organization or affect any law-abiding person"; it would strike only at the "criminal, disloyal, and brazenly atheistic" I.W.W., which embodied the greatest "menace to the internal peace and domestic tranquillity of our country."
The Senator from Utah insisted that the Wobblies had to be destroyed because they:

\[\ldots\] terrorize the honest wage earner, and do not hesitate to assassinate him if they can not secure his allegiance by other means. \[\ldots\] They openly teach murder, and they brutally and defiantly advocate the destruction of property and the overthrow of government.228

When Senator King called the I.W.W.'s the "vagabonds and tramps, the flotsam and jetsam on the tumultuous sea of life," he apparently represented the consensus in the upper house. On the same day that the Judiciary Committee reported favorably on the Walsh bill, the Senate passed the measure by an unrecorded vote.229

On May 29, Walsh's proposal was sent to the House, where it was referred to the House Committee on the Judiciary. The members of that committee amended the bill, and on August 19, reported it back to their colleagues in the House. The Judiciary Committee unanimously recommended that the slightly amended bill be passed. That decision was based upon the conviction that the "pernicious activities" of the I.W.W. "have extended across State lines so far as to make the question of their control a national one." The Walsh bill was then placed on the House Calendar, but within three months, the Germans signed the Armistice; the war ended on November 11, 1918. Since Walsh's "unlawful associations"...
bill was understood to be only a wartime emergency measure, it was automatically forgotten when the fighting ceased. ²³⁰

Although the Walsh bill unmistakably would have destroyed the I.W.W., there was no real need for that legislation. The Federal Sedition Act of May 16, 1918, which was an amendment to the Federal Espionage Act, in effect outlawed the Industrial Workers of the World. The Anaconda Standard represented the sentiment throughout the country, particularly in the Northwest, when it interpreted the passage of that act to mean that:

There is no freedom of speech any longer for the disloyal or the pro-Germans. A man can talk all he pleases if he talks right. He can say what he thinks if he thinks the war is just and that the United States should go ahead and win it at any cost. The loyal people of this country have and will have all the freedom of speech and freedom of the press that they want. For the disloyal free expressions are over. Nor is it sufficient that one may claim that his disloyal expressions are his honest sentiments and that he is merely giving utterance to what he believes to be the truth. The man with disloyal sentiments must keep them to himself or take his punishment. ²³¹

²³⁰ Ibid., Part 7, 7222. See also, Ibid., Part 9, 9238; and U. S., Congress, House, H. Rept. 758.

CONCLUSION

The anti-I.W.W. campaign carried on by the press, employers and public officials generated a hostile "climate of opinion" which contributed to widespread persecution of I.W.W.'s at the hands of violent mobs, the enactment by various state legislatures of criminal syndicalism and sedition laws devised to outlaw the I.W.W. and its members, and prosecution of the Wobblies by the federal government.

The crusade against the Industrial Workers of the World originated in the West, where working conditions in the mining and lumbering industries were notoriously deplorable. Because of the predominant wartime importance of lumber and metal resources, Montana was in the forefront of the attack against the I.W.W. Lumbering and mining enterprises contributed significantly to the economy of that state—a state which was commonly regarded as a "Company-controlled state." Wobbly agitation and vigilante violence plagued Montana, but since vigilante justice was frowned upon by duly constituted legal authorities, Montana employers and public officials resolutely set out to obtain legal sanction for the wholesale suppression of the I.W.W. on both state and federal levels. That goal could be achieved only by convincing the populace that the repression of the Wobblies was just and necessary. The Company-controlled press successfully depicted the I.W.W. as a destructive, un-American and pro-German conspiracy against the United States. As soon as the general public accepted that "I.W.W. myth," the stage was set for the enactment of legislation intended to wreck the I.W.W. The Frank Little hanging in
Butte, Montana, and the decision rendered by Judge Bourquin in the Ves Hall case seemed to underscore the need for such legislation; if state and federal authorities would not punish the disloyal Wobblies, the people would improvise their own laws. Thus, the Butte lynching and the Bourquin decision assured the passage of anti-Wobbly statutes in Montana.

Montana was the third state to enact criminal syndicalism legislation designed to erase the I.W.W. "menace." The Montana law was copied almost verbatim from the Idaho statute, which had been passed eleven months before. But Montana legislators surpassed their neighboring colleagues in enthusiasm and determination to extinguish Wobbly agitation. In addition to the criminal syndicalism act, the Montana lawmakers passed a sedition law; it was essentially the same measure that had been drafted and introduced into the United States Senate by Senator Henry L. Myers. The senior Montana Senator's proposal was so sweeping and so drastic that there could be no doubt about the future of the detested Wobblies. If the state's wartime legislation was strictly enforced, the I.W.W. in Montana was doomed to extinction.

The impetus for federal anti-I.W.W. legislation came from the western states; but Montana set the pace by passing its own sedition law, and after some coaxing by Montana officials, the rest of the country followed. Although the criminal syndicalism and sedition acts protected Montanans from the I.W.W., Governor Stewart and Senators Myers and Walsh actively sought the passage of similar federal legislation. The two Montana Senators played major roles in steering anti-Wobbly legislation through Congress. Senator Myers convinced most of his colleagues that vigilante violence, such as the Butte lynching, could be effectively prevented by
such a law; Senator Walsh convincingly argued that such legislation was necessary because of the Bourquin decision, which supposedly prevented the prosecution of disloyal persons. Those arguments were impressive, and the Little hanging and the Bourquin decision were decisive factors in the evolution of federal sedition legislation. Since the Montana Sedition Act was devised specifically to meet the problems created by those events, it was only natural for that law to be integrated into the federal measure. Senator Walsh was solely responsible for incorporating the Montana Sedition Act into the Federal Sedition Act.

The provisions of the Montana criminal syndicalism and sedition laws and the Federal Sedition Act made it a penal offense for any person to write or speak against conscription or the war. The legislation was drastic and extreme; it made no distinction between a person who actually threatened the nation's security and one who opposed the war in principle. For the first time since the passage of the Alien and Sedition Acts of 1798, state and federal lawmakers enacted legislation aimed not at punishing overt criminal acts, but rather at punishing certain manifestations of unpopular and radical thoughts for their probable harmful tendency. The laws made it a crime ipso facto to even belong to the Industrial Workers of the World; members of that union did not have to express agreement with the revolutionary Wobbly concepts to be punished.

State and federal anti-I.W.W. statutes were enacted under false pretenses, for the acts neither prevented mob violence, nor protected radicals. I.W.W.'s and other radicals did need governmental protection from mob violence, but incarceration for a period of twenty years and fines of $10,000 and $20,000 were costly forms of protection. And many
persons convicted under the Federal Sedition Act remained out on bail for months before serving prison terms, thus defeating any preventive purposes of the measure. The assumption that I.W.W. strikes were part of a German conspiracy to undermine the nation's security was also invalid. Bruce Bielaski, director of the investigative division of the Department of Justice, informed Burton K. Wheeler that "he had never been able to uncover any trace of German influence in the I.W.W. in Butte." The I.W.W.'s and other laborers in the copper and lumber districts of the West did hamper the successful prosecution of the war, but their strikes were not called expressly for that purpose. The "I.W.W. myth" obscured the fact that the Wobblies were rebelling against substantial social evils, and that I.W.W. strike activities were generally directed toward securing more favorable conditions of employment. Investigations conducted by both state and federal government agencies—the Montana Department of Labor and Industry, the Montana Board of Health, the Bureau of Mines, the United States Public Health Service, the United States Commission on Industrial Relations, and President Wilson's Mediation Commission—verified the fact that the northwestern labor disturbances of 1917 had been precipitated by the intractable attitudes of the employers, by the increased cost of living unaccompanied by a corresponding increase in wages, and by intolerable working conditions. The President's Commission discovered that many of the strikes in the western mining industry were natural outgrowths of labor conditions which were "devoid of safeguards against strikes and were, in fact, provocative of them." The

Commission emphatically condemned the "autocratic policy" of the mine managers, and denounced the Loyalty League, which "only served to intensify bitterness." A similar situation existed in the lumber industry where the:

... uncompromising attitude on the part of the employers has reaped for them an organization of destructive rather than constructive radicalism. The I.W.W. is filling the vacuum created by the operators.233

The Commission concluded its report on the labor unrest in the lumbering and mining industries by asserting that:

... neither sinister influences nor the I.W.W. can account for these strikes. The explanation is to be found in unremedied and remediable industrial disorders.234

Patriotism by the business community was often confused with personal interest, for the employers profoundly feared the radical I.W.W. philosophy. The business class simply would not tolerate dissident or unpopular economic theories, especially the revolutionary concepts expounded by the Wobblies. The uncertainties and passions unleashed by the first World War provided the employers with a perfect opportunity to strike out against the radicals, and they took every advantage of that opportunity. The business interests wrapped themselves in the American flag, and under the guise of patriotism, effectively silenced their economic opponents. The employers and newspapers conveniently ignored the findings of the President's Mediation Commission. They charged that the Wobblies were conducting a "reign of terror," an "insurrection" against the state and federal governments. They urged all "true"

Americans to uphold "the dignity of the law" and "the honor of the flag" by joining in the crusade to suppress the I.W.W., which "had no right to exist in this land of the free." In spite of governmental reports describing the labor situation in the Northwest, government officials apparently did not want to antagonize the business interests. Since employers would not compromise with their dissatisfied workers, state and federal officials joined with those employers in the war upon the I.W.W. The facts were submerged and lost in the "I.W.W. myth." The general public was exposed only to the employers' intense smear campaign against the Wobblies, and they reacted accordingly.
Excerpts from Governor Sam V. Stewart's speech delivered on February 14, 1918, to a Joint Assembly of the Extraordinary Session of the Fifteenth Legislature convened in the Capital at Helena, Montana.

Germany and the Central Powers must be made to understand that America is in this war to win, no matter what may be the sacrifice of treasure and of blood. When that fact is borne in upon the Germans the beginning of the end will have come; but it can never come while we have men and women abroad in the land, vipers circulating the propaganda of the junkers; it can never come while we have traitors in our midst creating material for propaganda. The spy system of Germany reaches its poisoned tentacles into every part of the world. Our own country is not free from it. By such means it is not only sought to poison and paralyze the enemies of Germany, but every disloyal utterance and every treasonable act is duly reported in exaggerated form to the German people in order to impress them with the fact that America is not united and will either quit or fail.

From nearly every household a boy has gone forth to do his part in the struggle. The fond parents sit at home in the eventide and long for the safe return of the loved one. What privations, what hardships and what sacrifices are they making from day to day for the comfort and efficiency of the soldier lad away out across there in the trenches! The tender mother is startled by the mere suggestion that the boy may not come back, and the father clenches his fists at the very suspicion that any of his own acquaintances might conspire to encompass the destruction if his son and heir.

And yet in many communities there are people, mayhap neighbors of the fond parents just described, who either purposely or without thought, but nevertheless wickedly, give voice to sentiments which, carried to the German soldiers in distorted form will cause some certain company or unit to make just one more stand for the Kaiser and autocracy. In that one more last stand, who knows but that your boy may fall a victim to German barbarity, to German "efficiency"? Who knows but that the same mother, wakened from her troubled sleep by some occult influence wafted clear across the ocean by a medium unseen, unheard and little understood, may in reality be recalling from the terrible pain of the smothering gas, or the sharp point of a bayonet, directed at her boy, her own flesh and blood, by the relentless barbarians, spurred on, strengthened and emboldened to make just one more stand by the stories that America is disunited, that the timber of her manhood
has decayed, that the luster of her womanhood is tarnished.

And so I say to you that if you would do something for the efficiency of America's efforts, if you would rouse the spirits, cheer the hearts and make strong the good right arm of America's offensive and defensive, if you would bring discouragement to her enemies; in other words, if you would hasten the close of the war and impress upon every Nation and every people in the world that America has cast her all in the balance, united and harmonious in her determination to bring victory to her cause, enact a law here in Montana that will make available a mighty means of throttling the traitor and choking the traducer.

APPENDIX II

TEXT OF THE MONTANA CRIMINAL SYNDICALISM LAW

An Act Defining Criminal Syndicalism, and the Word Sabotage; Prohibiting the Advocacy, Teaching or Suggestion Thereof; and Prohibiting the Advocacy, Teaching or Suggestion of Crime, Violence, or the Commission of any Unlawful Act or Thing as a Means to Accomplish Industrial or Political Ends, Change or Revolution; and Prohibiting Assemblages for the Purpose of Such Advocacy, Teachings or Suggestions: Declaring It Unlawful to Permit the Use of Any Place, Building, Rooms or Premises for Such Assemblages in Certain Cases: and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SEC. 1. Criminal syndicalism is hereby defined to be the doctrine which advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, or any such acts, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution.

SEC. 2. Sabotage is hereby defined to be malicious, felonious, intentional or unlawful damage, injury or destruction of real or personal property, of any form whatsoever, of any employer, or owner, by his or her employee or employees, or any employer or employers or by any person or persons, at their own instance, or at the instance, request or instigation of such employees, employers, or any other person.

SEC. 3. Any person who, by word of mouth or writing, advocates, suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, suggest or teach the duty, necessity or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or who prints, publishes, edits, issues or knowingly circulates, sells, distributes, or publically displays any books, pamphlets, paper, hand-bill, poster, document, or written or printed matter in any form whatsoever, containing, advocating, advising, suggesting or teaching crime, criminal syndicalism, sabotage, the doing of any act of violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or who shall openly, or at all attempt to
commit sabotage, any act of violence, the destruction of or damage to any property, the injury of any person or the commission of any crime or unlawful act, with the intent to exemplify, spread, or teach or suggest criminal syndicalism, or organizes, or helps to organize or becomes a member of, or voluntarily assembles with any society or assemblage of persons formed to teach or advocate, or which teaches, advocates, or suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of violence or the commission of any industrial or political ends, change or revolution is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one year or more than five years, or by a fine of not less than $200.00 or not more than one thousand dollars, or by both such fine and imprisonment.

SEC. 4. Wherever two or more persons assemble or consort for the purpose of advocating, teaching or suggesting the doctrine of criminal syndicalism, as defined in this act, or to advocate, teach, suggest or encourage sabotage, as defined in this act, or the duty, necessity, propriety, or expediency of doing an act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime, or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, it is hereby declared unlawful and every person voluntarily participating therein, by his presence aids or instigates, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year or more than five years, or by a fine of not less than two hundred dollars, or more than one thousand dollars, or by both such imprisonment and fine.

SEC. 5. The owner, lessee, agent, superintendent, or person in charge or occupation of any place, building, room or rooms, or structure, who knowingly permits therein any assembly or consort of persons prohibited by the provisions of Section 4 of this act, or who after notification that the place or premises, or any part thereof, is or are so used, permits such use to be continued, is guilty of a misdemeanor and punishable upon conviction thereof by imprisonment in the county jail for not less than sixty days or for not more than one year, or by a fine of not less than one hundred dollars, or more than five hundred dollars, or by both such imprisonment and fine.

SEC. 6. This act shall take effect and be in full force from and after its passage and approval.

Approved February 21, 1918.
APPENDIX III

TEXT OF THE MONTANA SEDITION LAW

An Act Defining the Crime of Sedition, and to Prescribe Punishment Thereof, and Declaring This Act to be an Emergency Law Necessary for the Preservation of Public Peace and Safety.

Be it enacted by the Legislative Assembly of the State of Montana:

SEC. 1. Whenever the United States shall be engaged in war, any person or persons who shall utter, print, write or publish any disloyal, profane, violent, scurrilous, contemptuous, slurring or abusive language about the form of government of the United States, or the constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the army or navy of the United States, or any language calculated to bring the form of government of the United States, or the constitution of the United States, or the soldiers or sailors of the United States, or the flag of the United States, or the uniform of the army or navy of the United States into contempt, scorn, contumely or disrepute, or shall utter, print, write or publish any language calculated to incite or inflame resistance to any duly constituted Federal or State authority in connection with the prosecution of the War, or who shall display the flag, of any foreign enemy; or who shall by utterance writing, printing, publication or language spoken, urge, incite or advocate any curtailment of production in this country of any thing or things, product or products necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the War; or in time of war in which the United States shall be engaged shall wilfully make or convey false reports or statements with intent to interfere with the operation or success of the military or naval forces of the United States, or promote the success of its enemy or enemies; or whoever in time of war in which the United States shall be engaged shall wilfully cause, or attempt to cause, disaffection in the military or naval forces of the United States, or who shall by uttering, printing, writing, publication, language spoken or by any act or acts, interfere with, obstruct, or attempt to obstruct, the operation of the national selective draft law or the recruiting or enlistment service of the United States to the injury of the military or naval service thereof shall be guilty of the crime of sedition.

SEC. 2. Every person found guilty of the crime of sedition shall be punished for each offense by a fine of not less than $200.00 nor more than $20,000.00, or by imprisonment in the State Prison for not less than one year nor more than twenty years, or by both such fine and imprisonment.
In the event of a fine imposed for violation of any of the provisions of this Act and not paid, the guilty person shall be imprisoned for a period represented by credit of $2.00 per day until the amount of the fine is fully paid.

SEC. 3. This Act is hereby declared to be an emergency law and a law necessary for the immediate preservation of the public peace and safety.

SEC. 4. This Act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1918.
APPENDIX IV

TEXT OF THE FEDERAL SEDITION LAW

An Act to amend section three, title one, of the Act, entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of title one of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, be, and the same is hereby, amended so as to read as follows:

SEC. 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 statements, or say or do anything except by way of bona fide and not disloyal advice to an investor or investors, with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause, or incite or attempt to incite, insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct or attempt to obstruct the recruiting or enlistment service of the United States, and whoever, when the United States is at war, shall willfully utter print, write, or publish any disloyal, profane, scurrilous or abusing 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 the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring 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 the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall
willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully 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:

Provided: That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official.

SEC. 2. That section one of Title XII and all other provisions of the Act entitled "An Act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June fifteenth, nineteen hundred and seventeen, which apply to section three of Title I thereof shall apply with equal force and effect to said section three as amended.

Title XII of the said Act of June fifteenth, nineteen hundred and seventeen, be, and the same is hereby, amended by adding thereto the following section:

SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this Act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under Espionage Act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

Approved, May 16, 1918.

The above law was an amendment to Section III, Title I of the Espionage Law of June 15, 1917. Before that part of the Espionage Act was amended, it read as follows:
SEC. 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 and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the forces of the United States, or shall willfully 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.


APPENDIX V

TEXT OF THE WALSH BILL FOR THE PUNISHMENT OF UNLAWFUL ASSOCIATIONS

Be it enacted, etc., That any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, of force, violence, or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises, or defends the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, to accomplish such change, and which, during any war in which the United States is engaged, shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise, or defend, is hereby declared to be an "unlawful association."

SEC. 2. That any person who, while the United States is engaged in war, shall act or profess to act as an officer of any such unlawful association or who shall speak, write, or publish, as the representative or professed representative of any such unlawful association, or become or continue to be a member thereof, or who shall contribute anything as dues or otherwise to it or to anyone for it, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or both such fine and imprisonment.

SEC. 3. That any person who, while the United States is engaged in war, knowingly prints, publishes, edits, issues, circulates, sells, or offers for sale or distributes any book, pamphlet, picture, papers, circular, card, letter, writing, print, publication, or document of any kind in which is taught advocated, advised, or defended, or who shall in any manner teach, advocate, advise, or defend the use, without authority of law, of force, violence or physical injury to person or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change, or otherwise, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or by both such fine and imprisonment.

SEC. 4. That any owner, agent, or superintendent of any building, room, premises, or place, who knowingly permits therein any meeting of any such unlawful association, or of any subsidiary or branch thereof, or, during any war in which the United States may be engaged, any assemblage of persons who teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, shall be punished by imprisonment for not more than one year or by a fine of not more than $5000, or by both such fine and imprisonment.

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