

FREE SPEECH BEFORE THE WAR

1912

San Diego, California Free Speech Fight

Volume 1, cont.

May 20, 1912 - June, 1912

American Civil Liberties Union

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# U. S. BEGINS DEEP PROBE OF I. W. W.'S ACTIVITIES

## Federal Grand Jury Starts Exhaustive Inquiry Into San Diego Situation—Revelation of Startling Condition Promised—Plot Alleged

When the federal grand jury convenes this afternoon, it will begin in earnest an investigation of the Industrial Workers of the World, which, from present indications, will not only last for weeks, but will be nation-wide in scope. It is predicted that it will disclose that San Diego was selected as the ground for the I. W. W. to start, in their own words, "an evolution that would result in a revolution for the overthrow of the government."

Assistant United States Attorney Dudley Robinson, who has charge of the investigation, which is being conducted on orders from Washington, stated this morning that a condition of affairs exists in San Diego of which the outside world knows nothing, practically, as all the evidence that has been collected by San Diego authorities, working in conjunction with federal authorities, has been reserved for the federal grand jury.

Robinson stated this morning that the government has been making quiet investigations along its own lines for the last three months, but no action has been taken up to this time, as the evidence was not considered sufficient or complete.

"The evidence which has been brought to my attention in an unofficial manner," says Robinson, "discloses a state of affairs that is almost beyond comprehension. I have learned that a plot was hatched in this city by the I. W. W. some time ago to march on San Diego, and when the full force was gathered there they were to blow up the water works, the electric light plant and the street railway simultaneously, and then start a free-for-all fest of looting and pillaging. Three caches of dynamite have been found by secret service men in San Diego. The dynamite was hidden away for the purposes of blowing up these institutions. The plot was found out by government secret service men in Los Angeles and tipped off to the San Diego authorities and frustrated by them, although I have learned that one night some of these men were found in the vicinity of the water works and fired upon."

"It is the purpose of the government to make a thorough investigation of the organization and of some of the acts of the ringleaders, or heads of the order, who, we have reason to believe, are now in hiding at or near San Diego and directing affairs."

### Will Hear I. W. W. Also

"However, the government is anxious to hear both sides of the case, and will invite any person from the ranks of the I. W. W. to give testimony, so long as it is given under oath."

"A number of violations of the state law have been brought to our attention. When the public knows the real reason for the visit of Dr. Ben Beltman and Emma Goldman to San Diego it will perhaps judge more sanely and wisely the acts of the vigilantes."

"The report of Colonel Weinstock, commissioner for the governor, appears to be a matter of conclusion solely, and appears to me based for a large part upon the uncorroborated evidence of the members of the ranks of the Industrial Workers of the World, whom he charges in the same report as entirely lacking in moral principles—which is the fact."

### I. W. W.'s Wouldn't Be Sworn

"Out of 300 of these men examined by the police department of San Diego not one of them would agree to be sworn and testify under oath. They were asked the following questions: 'Are you attached to the principles of the constitution of the United States? Will you support and defend the constitution and laws of the United States against all enemies, foreign and domestic? Do you bear true faith and allegiance to the United States? Do you believe in overthrowing the present form of government? Did you come to San Diego for the purpose of entering the free speech fight? Did you know there is a city ordinance against addressing an assembly at the corner of Fifth and B streets? Did you know you would be arrested if you attempted to violate this ordinance? Are you employed at the present time? Would you accept work at \$2.25 a day if it were offered you?'"

"To these questions the answers of Charles W. Pinkham, who was later sent to the Preston School of Industry, are a sample. He was a printer. He swore he would not support the constitution, was not attached to the principles of the government, would not defend the United States, did not bear faith and allegiance. He knew that a free speech fight was being held, and that if he participated, was not arrested if he participated, was not employed and would not accept employment at any wage."

"At the end of his examination he volunteered the information: 'I am an anarchist and Utopian socialist. I believe the present form of govern-

ment should be overthrown by ballot, if possible, and if not then, by direct force. The American flag is nothing to me. The red flag is the flag of the I. W. W.'s, Anarchists and Socialists. I would march under the red flag in preference to any other flag.' This young man volunteered the statement also that he hated his mother because she loved the stars and stripes."

The affidavit of Robert Gordan, aged 33, shows he was born in London, England. He deserted from a White Star liner at Montreal, Canada, and had been arrested in British Columbia. Here are some of his statements, verbatim:

"I believe in my own form of government. I believe the present form of government should be overthrown by force of arms, and we propose to do it. I do not respect the British flag or government. I believe only in the form of government that me and my class establishes, making one class instead of two. The time is here now to overthrow the United States government, and we, the I. W. W. have the ability, men and arms to do it. I believe in putting away officials of high standing, both state and federal."

"And yet these people, who do not believe in a God, in law, do not respect the flag of our country, but revile it and spit upon it. Do not believe in a constitution, who, when they think some of their rights under that same constitution have been violated, yell the loudest and longest about their constitutional rights."

LOS ANGELES EXPRESS

# EXPECTS STATE TO ACT AT SAN DIEGO

## President of Free Speech League on Way Back to That City

Convinced that within the next hours Gov. Hiram Johnson will take charge of the administration of justice in San Diego, Harry M. McKee, socialist lecturer and president of the Free Speech League of San Diego, as well as for 18 years a resident and property owner there, in company with Julius Tum, a union tailor, twice driven from San Diego, is here on lay en route to the southern city.

Both of the men have just held a conference with Governor Johnson and believe he will take steps to nullify San Diego on a same basis once more.

Mr. McKee expects that a special prosecutor will be sent to San Diego. Mr. McKee intimated this morning that Francis J. Heney might be selected to take charge in the southern city.

### Relates An Experience

Mr. McKee says he has long fought for free speech in San Diego. He is not connected with the Industrial Workers of the World, except in sympathy since the trouble in San Diego.

Just prior to his departure to confer with Governor Johnson, he had planned a meeting of the Free Speech League in San Diego. He says he was approached on the street by a vigilante and a revolver was thrust against his stomach.

"If you attempt to hold a meeting here you will be shot to pieces," said the vigilante.

On account of his mission to the governor, Mr. McKee was forced to forego the meeting.

According to Mr. McKee, R. E. Kirk, who recently acted here as counsel for Gen. John R. Mosby, is liable to be placed in jail in San Diego. The attorney is now out on \$5000 bonds, awaiting a hearing on a

charge of perjury, which McKee declares the vigilantes have trumped up on the young attorney. As the vigilantes are forcing the men who went on boards of the free speech sympathizers to surrender their bonds, Kirk may be thrown in jail.

Just before the union tailor was accompanied by Mr. McKee, although not a member of the I. W. W., was subjected to several beatings and twice driven out of San Diego by the police and turned over to the vigilantes. He tells the following story of his experiences in San Diego: "I went to San Diego looking for work. I am a member of the Tailors Union of America, but until I was in jail in San Diego had never heard of the I. W. W. On the second day that I worked in San Diego, I wore a red necktie to work. The police immediately arrested me and took me to the city jail. There Chief of Police Wilson accosted me.

"Are you an I. W. W.?" Chief Wilson asked.

"No," I answered. (This was the first time he had heard of the organization.)

"Then why do you wear a red necktie," asked Chief Wilson.

"I was amused and replied: 'Why do you wear a blue one?'"

Convinced of Tum's guiltlessness, Chief Wilson let him go back to work.

### Meets I. W. W.'s in Jail

But Tum had seen several of the Industrial Workers of the World in jail as well as several men who had been arrested for selling the San Francisco Bulletin on the street. He was interested and went to the headquarters where he secured some of their literature. He continued at his work and did not attempt to speak or take any part in affairs.

On April 14 Tum says, three officers came to the tailor shop where Tum was working and told him he was wanted at the city jail. He wore the same red necktie and Chief Wilson questioned him.

"Give him the same as the rest," said the chief, according to Tum.

Tum says he was forced into an automobile. On the front seat sat a man with a rifle; on the back seat another armed man was on guard. There were others in a similar plight to that of Tum and they were likewise guarded by citizens and police.

When Sorrento, the city limits jurisdiction and, says Tum, turned Tum and the others over to the vigilantes. A big American flag was hanging from a beam near a house.

"Kiss the flag," said the vigilantes, according to Tum.

"I had no objection to kissing the flag," said Tum, "and I told them I would kiss it and stepped forward to do so. Then a man struck me in the back of the head with a club and then others crowded around and showered blows with clubs and stones on my body. They aimed at my head and face and rarely missed. The beating lasted for about 20 minutes.

After this they made us sing the Star Spangled Banner."

### Declares He Was Robbed

"Then the victims were forced again into the automobiles. As we went along we were abused. At last San Onofre, the county line was reached. We were searched and from me the vigilantes took \$2 and two pay checks. Officer Johnson and other police were with the vigilantes. Captain Francis J. Bierman of the San Diego Sun was in command. Others in the crowd were Policeman Joe Meyers and Detective Harry Sheppard. I. P. Porter, Ed. Walsh and Walter P. Moore were with the vigilantes. The last three mentioned are real estate men.

"In the morning an officer examined me to see how badly I was hurt, as I was dripping with blood.

"This man isn't an I. W. W.," said the officer to Bierman.

"Well, I don't like his face," said the captain. "Give him the same dose as the rest."

"We were then taken to the railroad track, where there were about 60 vigilantes, armed with blackjacks, blackspikes and clubs.

"Kneel down and kiss that flag," we were commanded.

### Made to Run Gauntlet

"I started to kneel. Then I got a push forward and they started in on me. I was ordered to go down the track between the lines of men. I made a run for it, but was knocked down and so badly beaten that when I finally escaped I lay in the grass for two days before I had the strength to move.

"I finally got to Santa Ana, and there a friend gave me enough money to get to Los Angeles.

"I had my clothes and job in San Diego. I went back there. They recognized me on the street, but told me that I could go back to work, as I was not an I. W. W.

"I found that I had lost my job. My work had been satisfactory but my boss was afraid to hire me again. I found another job.

"Then Assistant District Attorney McKee came down and tried to get me to promise not to sue the city. I would not promise.

"The next day, I was again called to the police station. Detective Sheppard met me and used vile names in talking to me. I was handcuffed to several other men and was forced to walk 19 miles in four hours through a driving rain to Sorrento. We were then turned loose.

"You are free man," the officer said. "You can defend yourself against the citizens."

"I had profited by my former experiences and I lit out for the mountains. They yelled at me to come back and shot at me. I was wet through and numb with cold. Finally I went to Santa Ana and from here to Los Angeles."

San Diego, Caly.  
May 20, 1912

Sacramento-Star Caly.  
May 20, 1912.

# ADAMS TALKS TO LOCAL SOCIALIST

Austin Adams in a speech delivered yesterday afternoon at the Socialist headquarters, reviewed the efforts that history records, as having been made in the past, to throttle free speech, and he stated that it never had been successful. He urged the working classes to stand together at the ballot box, saying they could not depend on business or professional men, but only on themselves. The former he charged with being occupied solely in the acquisition of wealth. He declared that they knew nothing of the social and economic conditions.

In speaking of the recent disturbances here, Adams said that he had been in correspondence with many literary men throughout the country, and that their letters to him expressed disgust for the methods used by the vigilantes in handling this situation in San Diego. The speaker said that Lyman J. Gage had expressed himself as dissatisfied with the manner in which the vigilantes had acted. He predicted that San Diego would have a Socialist government inside of two years. His talk was enthusiastically received by a crowd which filled the hall.

Kaspar Bauer, treasurer of the Free Speech League, returned this morning from Los Angeles where he addressed the Socialists Sunday afternoon in Blanchard hall, and the Socialist propaganda meeting in the evening. He also arranged a mass meeting for Friday evening, to be held at the Temple auditorium in Los Angeles, at which Stitt Wilson and Bauer will speak. In speaking of the condition of affairs in Los Angeles, Bauer said:

"People here in San Diego do not realize how thoroughly aroused the people are over the recent happenings."

San Francisco News  
May 20, 1912.

## EMMA GOLDMAN.

Emma Goldman, the anarchist, gave the first of her series of lectures in this city Sunday afternoon and evening, discussing the McNamara, the Lawrence strike, the Mexican revolution and the English miners strike. Tonight she talks on "Maternity" at Jefferson Square hall.

# I. W. W. LAWYERS COME OUT OF HIDING PLACES

SAN DIEGO, May 20.—After remaining in hiding for two days, fearing arrest here at the hands of the vigilantes, Marcus Robbins and Fred Moore, attorneys for the I. W. W., in local courts, appeared in department one of the superior court today to ask again for citation for contempt of court, for 18 vigilantes.

The attorneys charge that the citizens threatened them with violence if they did not drop the cases and leave town.

Los Angeles, Caly. May 20, 1912 Examiner.

# San Diego Citizens Organize to Deal With Situation by Using Legal Methods Alone

## One Step to Weld Vigilante Organizations; Other to Endeavor to Stop Nocturnal Activities

### Not Wholly I. W. W. Fight

"Mr. Weinstein took the position," said Bauer, "that the free speech fight here was purely an I. W. W. affair. At least I could find no reference to the Socialists in his report, and they were the ones who were in the majority in the campaign for free speech, though the greater number of those arrested were Industrial Workers."

"I think Weinstein meant to be fair and square, but the major number of those who went to jail were the Industrial Workers, and so he heard more evidence from them than from others. By making the report that he did, however, he gave the impression that the fight was an I. W. W. affair and that there was more lawlessness in its original plans than there was."

"Originally the Free Speech League planned to make six test cases of the ordinance, but the Industrial Workers lost their self control and forty were arrested in one night."

### Aim to Keep Up Campaign

"We have not permanently given up the fight here. We must first give the men arrested as good a legal defense as possible; then we shall try to prosecute the vigilantes; then we shall attack the street speaking ordinance with the initiative and the referendum and begin holding meetings outside of the restricted district which we are not permitted to do now."

Bauer showed checks for \$40 which he said he said he received today from Emma Goldman at San Francisco. They were contributions to the free speech night fund, he said. He stated that Emma Goldman and Dr. Beilmann intended to return to San Diego despite the hostility against them, and would

aid in the defense of the Industrial Workers and Socialists now awaiting trial.

Attorney Moore, who said today his only fear while he remained in San Diego was that there would be paid gun play by paid gun men, stated: "This was not an I. W. W. fight, but Mr. Weinstein in his report has made it so."

### Disapproves Weinstein

Moore's law partner, Marcus W. Robbins, also a socialist, concurred in the disapproval of Weinstein's report from that standpoint. So did J. R. Cothran, secretary of the San Diego branch of the Socialist party.

No outward movement on the part of the Industrial Workers was made today. Their attorneys said there were too few in town besides the eighty in jail for them to do anything, even if they wished to do so, but Chief of Police J. K. Wilson said there were many still here, but concealed by sympathizers.

Chief Wilson, who rode about in an automobile with a rifle and a beltful of cartridges in the trunk, a precaution he said he never had taken before his life had been threatened, declared more Industrial Workers were on the way here and that the police were on the watch for them.

The San Diego branch of the Socialist party held a meeting tonight and adopted a resolution instructing the secretary of the organization, J. R. Cothran, to send a telegraphic appeal to Governor Johnson asking that a member of the force of the State Attorney General be sent here to prosecute the alleged vigilantes. Secretary Cothran said he would send the appeal in a night letter to the Governor tonight.

the alleged Vigilante Leader

ONLY TROOPS CAN STOP OUR FIGHT, HE ASSERTS

State Senator Leroy A. Wright With Five or Six Leading Attorneys to Appear for Defense at Hearing Wednesday

(By Associated Press)

SAN DIEGO, May 20.—Plans for a gigantic demonstration of feeling against the Industrial Workers of the World and any person connected with them were made quietly by many citizens of San Diego today.

"Be at the court house at 9 o'clock Wednesday morning and wear an American flag," was the word quietly passed about from man to man, and it was said that a crowd of several thousand probably would be the result.

The time chosen was that set today by Judge Guy of the Superior Court for J. M. Porter, reality operator and alleged vigilante leader, to appear to show cause why he should not be adjudged guilty of contempt on the charge made by Attorney Fred H. Moore, that Porter had interfered with his defense of a client implicated in I. W. W. troubles. Porter agreed to go to court without the issuance of a citation.

Porter Denies He Is Guilty

Shortly after the court proceedings the plan for the demonstration at the court house was set afoot. It was stated that many leading citizens would respond.

Porter himself, while denying that he had been guilty of contempt in any way, admitted today that he had talked to Moore about defending Attorney E. F. Kirk, arrested on the charge of having violated the street speaking ordinance, and whose trial for contempt of court began in the Superior Court today.

"I told Moore," Porter stated, "that he ought to get a bunch to himself from the treatment given Dr. Benjamin Reitman, manager for Emma Goldman. I was careful not to commit contempt of court."

Reitman was taken from his hotel here recently, escorted beyond the city lines and paraded and rubbed with sage brush.

Only Troops Can Stop Us

"We are fighting for our homes," continued Porter. "We don't care what Weinstock or Governor Johnson. Only troops can stop us."

Porter declined to name the men who were alleged to have been with him during his interview with Moore. Porter's attorney, State Senator Leroy A. Wright, also declined to say who they were, but declared he knew them and that he would have them within reach at Porter's hearing if they were needed as witnesses.

"The right to protect our homes is a fundamental law," said Senator Wright. "If it is necessary to assist the officers in the enforcement of the law in San Diego, an organization of from 1000 to 5000 men will be formed for that purpose. Heretofore the so-called vigilantes have worked only at night. If the new and larger organization is formed, its members will work openly and by day. There will be no extra-legal means employed to maintain order here. To show the feeling of the members of the bar about the charges against Porter, I want to say that five or six of the leading attorneys of San Diego will become associated with me in his defense."

Other developments of the day included expressions of disapproval by several persons, even among the leaders of those arrested in the so-called "free speech" campaign here of the report made by Special Commissioner Weinstock to Governor Johnson.

Kaspar Bauer, a manufacturer of the California Free Speech League, who was arrested three times, but released on bail, said he was dissatisfied with Mr. Weinstock's report.

Bauer gave his opinions in a rear room of his business establishment, with an automatic revolver lying on a table near at hand.

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"Mr. Weinstock took the position," said Bauer, "that the free speech fight here was purely an I. W. W. affair. At least I could find no reference to the Socialists in his report, and they were the ones who were in the majority in the campaign for free speech, though the greater number of those arrested were Industrial Workers."

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Secretary Cotman said he would send the appeal in a night letter to the Governor tonight.

RIGID I. W. W. PROBE IS STARTED BY U.S.

Thorough Inquiry Into San Diego Situation Promised by Grand Jury

The Government investigation of the I. W. W. organization and the conditions existing in San Diego was launched here yesterday. Four witnesses having intimate knowledge of the San Diego situation and of the plans of the organization were called as witnesses before the Federal Grand Jury and interrogated by Assistant United States Attorney Dudley W. Robinson.

Captain John Myers of the San Diego police department, was the first witness. He carried with him into the grand jury room papers and telegrams and remained in the jury room the greater part of the afternoon.

Secret Service Agent James Gaylor, who has collected a large amount of valuable evidence, which will be presented to the grand jury, and Detective Charles De Lacour of San Diego, likewise testified.

T. Fitzgerald, a member of the I. W. W., arrested during the trouble at San Diego, was the most important witness

# OFFICIALS OF SAN DIEGO TAKE WEINSTOCK TO TASK.

## Deny Accuracy of His Report and Declare City Is Able to Regulate Its Affairs; Which the Governor's Agent Has Misrepresented—He Had No Power to Summon or Administer Oaths.

[BY A. P. NIGHT W.]

**S**AN DIEGO, May 19.—Denials of the absolute accuracy of the report which Col. Harris Weinstock, special commissioner, rendered to Gov. Johnson regarding the so-called "free speech" campaign of the Industrial Workers of the World, were made by leading city officials of San Diego today in connection with a recital of the causes of the present troubles here.

Mayor James E. Wadham had little to say, but stated that according to the charter it was not in his province to assume command of the police force nor to ask aid of State authorities until conditions assumed the proportions of a riot.

Other officials, including H. E. Uley, District Attorney; D. F. Giddens, city prosecutor, and Deputy City Attorney; Chief of Police J. K. Wilson and Capt. John L. Schon, Superintendent of Police, declared the officials of San Diego felt able to control their own municipal affairs which they declared had been misrepresnted by Col. Weinstock.

### AGREE UPON STATEMENT.

They agreed on the following statements:

That Col. Weinstock, in his investigation here, had no authority to administer an oath, that the only persons present at his inquiry were those who had been arrested for violation of the law or those who had signed and attested such violations.

That he had no authority to subpoena witnesses.

That he did not interview any of the business men nor take the statements of the officials who had charge of prosecutions.

That he did not examine any depositions taken before the grand jury which investigated the trouble.

That he was informed of threats to take the lives of the Mayor, his wife and children, and that of the Chief of Police.

### INCEPTION OF TROUBLE.

The officials stated that the present trouble had its inception nearly four years ago, in a former administration, when an ordinance prohibiting street speaking in twelve blocks in the business section was in force. Little trouble occurred then, however, and the present administration, more than two years ago, rescinded that ordinance. Later, however, a large number of street speakers came here and began holding meetings in the two principal downtown squares. These meetings seemed to be in control of the Industrial Workers of the World.

Among various assertions made by the city authorities were:

That the street speakers spoke in violent disrespect of the American flag, the nation, the State, and the city, and the police authorities.

That they advocated the general ownership of all wealth, told their hearers they were the actual owners of all property, advised them to take what they wanted and to kill police officers who sought to prevent them.

That at the time of the first Mexican revolution the street speeches were largely given over to it and it was believed many men were assisted across the border into Mexico to fight against the Diaz government.

That during this period, no ordinance regulating street gathering existed, but that the police department attempted to preserve order under the provisions of the penal code.

### GRAND JURY ACTION.

In December, 1911, according to the officials, the attention of the San Diego county grand jury was called to the alleged dangerous elements in the city. That body and various merchants appealed to the Council to adopt an ordinance regulating public speaking within a reasonable distance. Although many merchants asked for a measure exempting forty-two blocks from such meetings, the ordinance as finally adopted exempted only six. The measure, as it went into effect, was copied from a Los Angeles ordinance which had been attacked but declared constitutional by the Second District Court of Appeal.

The present trouble was precipitated the night of February 3, 1912, when the Industrial Workers of the World departed from the route along which they had been given permission to parade, and seeking one of the busiest corners in the city, began a demonstration. One after another nearly forty attempted to speak from a soap box and all were arrested.

Among the alleged ringleaders were E. H. Kirk, attorney; Casper Bauer; Harry N. McKee; Mrs. Laura Payne Emerson; and George W. Woadby. The last is a colored man. Charges of conspiracy to violate a city ordinance were lodged against them.

In the next few nights many more were arrested, the number aggregating about 200. There was no room in the San Diego jails for them and many of those in custody were transferred to the prisons of neighboring counties.

### OVERWHELM JAILS.

The city officials declared the Workers had said it was their intention to have so many arrested that all the jails would be filled and the courts blocked. To that end it was alleged each one arrested demanded a separate jury trial.

About that time Vincent St. John, a Chicago leader of the Workers, telegraphed to city officials, they said, that it was the intention to subdue

San Diego if it took 20,000 men and twenty years to do it.

The authorities stated many of the men arrested were foreign-born anarchists who have since been deported.

The cases were brought to trial as rapidly as possible. Only one man was acquitted, several were convicted and many pleaded guilty and were placed upon probation. Work was offered most of the men at \$2.25 a day, but 30 per cent refused employment, it was said.

### OFFICIALS ASSAULTED.

The agitation continued. Threats were made to rescue the prisoners in the jails. Officers were assaulted. Two policemen were attacked and seriously wounded by thirty-three men who had ambushed behind a billboard. In that conflict, which was said to be a part of a plot to kill the police and free the prisoners and precipitate trouble throughout the county, one Industrial Worker was killed.

High grade dynamite was missed from an outlying quarry. Threats were said to have been made to dynamite the city officials and property, including the waterworks.

Still the Industrial Workers kept coming to San Diego, and special officers were appointed to turn them back at the county line. The threat was made, it was alleged, that San Diego should never hold an exposition, and that "the people of the world would be warned against the city."

The police, it was said, received proof that a committee of San Francisco Industrial Workers was asked to demand of Gov. Johnson that he intervene in San Diego.

The Chamber of Commerce and other public bodies proffered their assistance to the authorities and submitted to Gov. Johnson documentary evidence as to the conditions prevailing here. Shortly afterwards Commissioner Weinstock came.

Since the night the two policemen were attacked large numbers of citizens have been watching all suspicious characters and guarding public buildings. Emma Goldman, leader of the anarchists in America, left San Diego following a demonstration by citizens in the lobby of the hotel where she had apartments. Dr. Benjamin Rafman, her manager, was taken outside the city limits, tarred and rubbed with sagebrush. The letters "I. W. W." were said to have been branded upon his back.

Thirty-two men have been indicted on charges of assault to murder, an assault with deadly weapons, but no all have been arrested.

Attorney Fred H. Moore, counsel to many of the Workers, who alleged he was unlawfully detained by the police Saturday and then told by a committee of fifteen citizens, alleged to have been led by J. M. Porter, that it would be best for him to leave the city or drop the cases, had asked the Superior Court to issue citations for contempt against the alleged "vigilantes." The matter will come up tomorrow morning.

### WEINSTOCK NON-COMMITTAL.

Special Commissioner Weinstock was in San Diego for a short while today, being a passenger on the steam ship Sonoma, which touched here on its return voyage from Panama, where it conveyed members of various California Chambers of Commerce.

"I have nothing to say regarding the things which have been said and are being said respecting my report on San Diego conditions," he said, "other than what will be found in the text of that report, the accuracy of which remains."

"It was never my intention that Mr. Utley should understand me as making any effort to call him into the investigation other than to the extent he might as District Attorney himself wish to take part in it.

If Mr. Utley thinks he was doing his duty well and good. It is not my wish to criticize him farther than I have already done in my report to the Governor, as that report covers all the facts in the case."

The fact that the Sonoma left San Diego for San Pedro early this morning, perhaps saved Mr. Weinstein a call from a committee of citizens, which later planned to go to the boat and give him some pointers regarding the situation in San Diego.

At a conference of interested citizens, the future policy as relating to the Governor's course was discussed, which will probably result in a clear and concise statement that will be prepared for the Governor's benefit.

# 2 CITIZENS' COMMITTEES OF THOUSANDS ARE PLANNED

By John A. Gray

SAN DIEGO, May 20.—The prospect of a big demonstration in front of the court house Wednesday morning, when the Porter contempt case comes up for hearing, is furnished by Mr. Porter himself.

This item of forecast and a program including two big citizens' committees constitute today's chief developments.

One of these committees, according to State Senator Lenoy A. Wright, will probably grow from a welding of all the vigilante organizations which are alike mysterious as to number, size and personnel into a general and well defined organization.

The other will be a committee of proportions equally large and the purpose of this body will be to bring about an era of daylight activities as an improvement upon the nocturnal industry of certain individuals heretofore noticed.

## Plan to Organize Thousands

George W. Marston and a dozen other leading business men are interested in eliminating the night work. They hope to get together an organization of at least 5000 men.

Senator Wright believed that the other committee should reach a strength of from 1000 to 2000 men.

"The formation of these general and subsidiary committees," said Wright, "depends upon the attitude of Governor Johnson and the temper of the I. W. W. leaders."

As the I. W. W. receive encouragement in Sacramento they will take the first step into the streets. It is now in the hands of the State authorities to deal with the situation wisely. If the larger and general committee is formed it will see that law and order are preserved. There will be no repetition of a recent episode. It should say it will number 1000 or over 2000 men and they will represent the best sentiment and the larger interests of San Diego.

Senator Wright acknowledged the "recent episode" to be the farring and branding of Dr. Ben L. Reisman, Emma Galt, man's manager.

## Program Outlined

The program, as hastily outlined, includes a grand foregrounding of the sympathizers of Porter et al on the lawn before the chief building of the city, possibly a band playing national airs and such other display as may seem pertinent and impressive.

It is to be the grand emphasis and flourish to the sentiment of opposition to the I. W. W. propaganda.

In addition to stating that a very large number of his fellow-townsmen are with him in this fight, Mr. Porter today declared forcibly against Attorneys Moore and Robbins and all the I. W. W. band.

"I may be heading for San Quentin," he said, "but if I go a whole lot of good men will go along to keep me company and they will have to build a big addition to the prison. I admit that I, in company with a great many other men, have done a few little things in the way of hiding the town of undesirables, but everything that has been done needed to be done."

"As for threats to Moore," continued Mr. Porter, "there were none."

## Moore Differs

Attorney Moore's recollections differ radically from those

"There were threats," he said, "and moreover, I have every reason to believe they intended to make good, as they had done before on several occasions. In general we stand on Commissioner Weinstein's report. He described the situation as accurately as his investigation permitted."

Late tonight Moore drew up an address directed to District Attorney H. S. Utley. It has the nature somewhat of an accusation. Utley recently said that no evidence had ever been submitted to the grand jury showing illegal acts on the part of vigilantes. Moore proposes that a transcription of the testimony taken before the grand jury be submitted to the Attorney General of the State, that he may judge whether it indicates a harmless situation or otherwise.

## Proceedings in Court

Moore and Robbins were in court this morning to talk about the alleged threats of Porter and the fifteen others in the Saturday meeting. Senator Wright represented Porter et al.

Moore asked the court to summon them all forthwith to answer the contempt proceedings, and Wright, Porter's attorney, wanted the matter to go over until Saturday.

Judge Guy set Wednesday morning.

Court had no sooner adjourned and the disposition of the case become generally known than Porter and his friends were planning a grand citizens' demonstration as a sort of extra-judicial trimming to the trial.

Moore stated in court today that he and his stenographer, Rawlins, were in hiding from Saturday afternoon until this morning and that they spent the greater part of that time preparing affidavits in the Kirk case. The lawyer looked the part of one who had not slept. Still he appeared absolutely fearless in court.

## Would Act Under Police

Julius Wangelheim, a banker and one of those who met with Mr. Marston and others to devise a new method of meeting the big problem here, this evening outlined the idea developed.

"I believe that the citizens' committee should act with and under the direction of the police department, not independently and as an organization vested with peculiar powers. Our conference brought out a sentiment in favor of daylight operations as opposed to acts done under cover of darkness. We believe that much of what has been done has injured San Diego, and that a continuance of that policy will serve to add to the harm done. Let Captain Senon, Superintendent of Police, be at the head of the general committee and let us have unquestioned legal authority for every step taken."

Paper not listed

### GOVERNOR'S VIEWS ARE UNDER COVER.

BY A. F. NIGHT WIRE TO THE TIMES. SACRAMENTO, May 19.—No intimation of Gov. Johnson's probable course in the San Diego situation could be ascertained tonight, other than that he will, in all likelihood, make a public statement tomorrow. Atty.-Gen. Webb was absent from the city, but through Malcolm C. Glenn, deputy attorney-general, it was learned that the Governor had not taken up Weinstock's report with that office in an official way.

### WEINSTOCK STAYS ON BOAT AT SAN DIEGO.

[BY DIRECT WIRE TO THE TIMES.] SAN DIEGO, May 19.—[Exclusive Dispatch.] Arriving here on the excursion steamer Sonoma from Panama early this morning, Col. Harris Weinstock, whose report on I.W.W. conditions in San Diego brought forth a stinging rebuke from Dist.-Atty. Utley, did not leave the boat. He granted a reporter a short interview, principally devoted to Dist.-Atty. Utley.

"Mr. Utley did absolutely nothing to either assist me in my work or to encourage me in it," said Weinstock. "I communicated with him in the first place and asked him whether it would be more convenient for him to see me at his home or his office in relation to the matter on which I came to San Diego, and which I outlined to him, and he replied that he would see me at his office the following morning at 9 o'clock, intimating at the time, as I understood him, that he was not much interested in the matter. Notwithstanding the evident and apparent lack of courtesy on his part, I called at his office the following morning, and after waiting for from twenty to thirty minutes, without his making an appearance, I left my card and returned to my own office, and he never in any way responded to my call, or in any way recognized the fact that he had made an appointment with me, which he had neither kept nor explained his failure to do so."

"Later when the attorneys for the I.W.W. presented to me the eighty-four affidavits of the men deported by vigilantes and asked me to wire the Governor for \$300 with which to pay the fares of the men to San Diego, so they could be examined, as they were out of funds, I called at Mr. Utley's office with the affidavits, as I thought it right he should see them and express, if he wished to, an opinion as to whether the men should be brought to San Diego for personal examination. Mr. Utley was not in his office and I left word for him concerning the object of my call and what it was I wished him to see. Later I called him on the telephone respecting the matter, as I considered it of importance, and he declined the opportunity to examine the affidavits, expressing the thought that they in no way interested him."

### PRESIDENT IS ENLIVENED

### Mr. Taft Endeavors to Find Positions for Railroad Men Through Work in Mexico.

[Special by Federal "Wireless" Telegraph.] WASHINGTON, May 19.—President Taft has interested himself in the welfare of the American engineers and conductors who were thrown out of work as a result of the strike on the National Railways of Mexico, and through the Department of State is trying to procure positions for them in the United States.

Acting on the direction of President Taft, the State Department will send out tomorrow letters to the heads of 160 railroads in the United States asking them if they can find places for the American strikers. The diplomatic and consular officers in Mexico have made an effort to get in touch with the idle men, and located eighty engineers and eighty-three conductors, who were formerly employed by the Mexican railways. Most of these men are in border towns in Texas.

Should there be favorable replies from the queries sent out by the State Department, the arrangements for placing the strikers will be through B. Webb, who is in charge of the locomotive engineers' order at San Antonio, and D. T. Anderson, a representative of the Order of Railway Conductors at Laredo.

Ever since the difference arose between the American railroad men and the national railways the State Department has been following the situation closely, and through Ambassador Wilson at Mexico City has tried to effect a reconciliation. The strikers were unsuccessful in their controversy with the railway officials and many of them are now idle.

Portland Ore Journal  
May 20, 1912.

### SAN DIEGANS DENY REPORT ACCURATE

### City Officials Assert Weinstock Did Not Properly Investigate Labor Conditions.

[United Press Loop Wire.] San Diego, Cal., May 20.—City officials of San Diego have issued a number of statements denying the accuracy of the report on the San Diego labor war submitted to Governor Johnson by Colonel Harris Weinstock. This composite statement was issued:

"That Mr. Weinstock in his investigation here had no authority to administer an oath; that the only persons present at his inquiry were those who had been arrested for violation of the law or those who had aided an abetted such violations.

"That he had no authority to subpoena witnesses.

"That he did not interview any of the business men nor take the statements of the officials who had charge of prosecutions.

"That he did not examine any depositions taken before the grand jury which investigated the troubles.

"That he was informed of the threats to take the lives of the mayor, his wife and children and that of the chief of police."

### San Francisco News May 20, 1912 CITATION OF VIGILANTES DEMANDED

[By United Press.] San Diego, May 20.—After remaining in hiding for 170 days, fearing mistreatment at the hands of the vigilantes, Marcus Robbins and Fred Moore, attorneys for the I.W.W. in local courts, appeared in dept. 1 of the superior court today to ask again for citation for contempt of court for 16 vigilantes. The attorneys charge that the citizens threatened them with violence if they did not drop the cases and leave town.

State Senator L. A. Wright, appeared for J. M. Porter, a local real estate man who was named in the affidavits of Moore and Robbins as leader of the citizens' committee. Wright declared a citation was not needed for his client; that he would produce him at any time the court desired. Judge Guy, who presided, set the time for appearance Saturday at 10 a. m.

Attorney Moore at once objected. "Your Honor," he declared, "Mr. Robbins and myself have a case here in court and we are in danger of abduction at the hands of the vigilantes. They have heretofore made good in their threats, and we feel that we have cause to fear that they will make good in this case."

"In view of the conditions here, where the city police have failed to give protection to those the vigilantes have opposed, we ask that the time for this citation be set at once."

Wright at once objected. "I object to anyone condemning the police, or anyone else here and I ask that the remarks of counsel be stricken from the records."

"I am making this record," hotly replied Moore, "and I object to the gentleman's remarks. There is no case before the court, no defendant here and Mr. Wright represents no one. Therefore his remarks are uncalled for."

Judge Guy declared that there were criminal cases in court with forty or fifty witnesses waiting to testify and that he could not continue these cases. He then set the time for Porter to appear at Wednesday at 9 a. m.