

The Quality of Clemency

RECENT developments in the Mooney case clearly demonstrate two things, both of which are of supreme importance to the workers of this country: that the forces of Capitalism are relentless and that these same forces only understand one language—the language of power.

For two and a half years the Mooney case has been prominently before the public, not only of the United States but of the entire world. It is no exaggeration to say that, with the exception of the Dreyfus case in France, no other case has been so widely discussed. The working class of Russia, England, Ireland, Italy, and Holland has taken an active interest in the case and asked that a new trial be granted. Public opinion throughout America has long been on the side of the accused. In spite of this wave of protest the capitalist interests have persisted in their endeavor to silence the voice of this man who spoke against the wrongs perpetrated on his brothers by the system on which these interests batten.

Mooney was convicted and condemned to death. The case was appealed to the State Supreme Court and while the appeal was still pending the perjury of one of the prosecution's chief witnesses was revealed. This additional evidence was laid before the Supreme Court but was rejected on a legal technicality and the appeal accordingly denied. The governor was then appealed to for pardon, in order that the case might be retried on a new count, and in the meantime the case was carried to the United States Supreme Court.

From the breakdown of the prosecution's chief witness it was evident that the whole case was a frame-up, the character of the witnesses was such that the prosecution's case against the three remaining defendants fell through. It was proved by the defense that the underworld had been scoured to find human beings vile enough to swear away Mooney's life for a paltry bribe, that, in addition to bribery, force became necessary before even these drags of society could be persuaded to testify, and that the whole case was the work of the interests whom Mooney, in his capacity as an organizer of labor and a fighter for the common good, had defied. Yet the governor of one of the greatest states in the union was silent in answer to the appeal that he step forward and cry halt to this crime against the workers.

The Supreme Court spoke with the voice of reaction and with its decision an interesting fact was brought to light which it would be well for the masses of the people to consider carefully, viz: that the judicial system at present operating can convict but cannot rectify, at least in the case where the interests of the working class are at stake; that justice is all a matter of time and record and that no subsequent happenings can alter its mandate.

Such a judiciary ceases to be a tribunal of justice and becomes an instrument of tyranny. The Spanish Inquisition, the English Star Chamber, could, at least, liberate their victims when mistakes were proven, but not so our present legal system. Its decisions are unalterable unless cer-

tain specific records show the mistake. It would be interesting to know whether the Supreme Court of the United States could take cognizance of a confession by the real criminal or whether Mooney would still have to suffer because forsooth, the confession was not in the trial records—or because he is a representative of the despised working class?

When the decision of the court became known the workers decided that they would strike in order to prevent the imposition of the death sentence upon which, without more ado, executive "clemency" was extended to Mooney to the end that instead of instant death by hanging he should suffer slow death by imprisonment.

The theory of justice, as advanced by its apologists, is that an accused remains innocent until he is proven guilty, that guilt must be established beyond a reasonable doubt, and that once guilt is so established the law must take its course unless some mitigating circumstances are introduced.

In accordance with this theory there are no grounds upon which clemency should be extended to Mooney. He is convicted of deliberately planning and executing the cold-blooded slaughter of a number of innocent people, people he did not know, and who under no conceivable circumstances could be held responsible for giving him offence.

Governor Stephens in graciously granting "clemency" says: "There are certain features connected with it [the evidence in the case] which convince me that the extreme sentence should not be executed." The only "features" that could have any bearing on the case are those which would throw a reasonable doubt upon the guilt of the accused and under the law, which Governor Stephens has sworn to uphold, those "features" would void the whole sentence and set Mooney free. There is no middle course in this case; either Mooney's guilt is established beyond a reasonable doubt or it is not. In the former case the governor of the State of California, according to the laws of that state, should not interfere, in the latter case Mooney should go free.

The governor also speaks of reviewing "certain developments following the conviction." What are these "certain developments"? The San Francisco "Call" on November 22, several days before the Governor extended "clemency", printed nearly seven pages of "certain developments" under the heading: "Fickert is Trapped by U. S. Dictaphone," which it takes from the report of J. B. Densmore, U. S. Director-General of Employment, to Secretary of Labor Wilson.

In summing up his report, which is chiefly the transcript of conversations between Fickert, the District Attorney in the case, and his associates obtained by means of a dictaphone placed in the Fickert's private office, Mr. Densmore says:

"For the purpose of this report no further transcript of these dictaphone conversations is deemed necessary. It can readily be understood that merely to pile up a multiplicity of incidents

of the same general character would be a work of supererogation, lending increased bulk to an already long report without adding either to its strength or its lucidity. In other words, it is not the object of the present investigation to see how many instances of frameup can be laid to the account of the district attorney; what is important is the quality, rather than the mere amount of evidence adduced, and for this reason one authenticated case will serve as well as a hundred.

"The record establishes three sets of facts, each one of which has a bearing upon the question at issue, namely, whether Mooney and his fellow defendants received a fair trial at the hands of the district attorney. These three sets of facts are:

"First—That Fickert is in constant association with men and interests of such a nature as to render it incredible that he should be either impartial or honest in the conduct of a case of this nature: that he is and has been for some time past co-operating with notorious jury and case fixers; that, for instance, he is equally guilty with Pet & McDonough in conspiring to free a wealthy man charged with crimes of degeneracy; and that he has also been working with the same notoriously corrupt McDonough and Ben Selig to save from conviction Dave Blaine, an automobile tire thief. These cases are mentioned simply to illustrate his common practice, of which abundant evidence is furnished by this report.

"Second—That Fickert and his associates have within the past month framed, and conspired to frame, cases with which it was his sworn duty to deal impartially.

"Third—That Fickert and his associates, within the past month, have conspired to fabricate evidence with which to convict Mrs. Mooney; and that to this end they have attempted, in the grossest manner, to intimidate and blackmail a prospective woman witness.

"It will be apparent that these facts, which are all brought out exhaustively in the present report, tend to supplement the revelations already made in the Oxman letters, and that they confirm the impression, made unavoidably by the weak and conflicting nature of the testimony in the bomb case, that practically the whole of Fickert's case against Mooney, Billings and Mrs. Mooney was made to order."

The "certain developments" that lead Mr. Densmore to the conclusions above stated lead the governor to commute Mooney's sentence to life imprisonment. Such "clemency" is an insult to the workers of this country and above all it is an insult to Mooney, whose only crime is that he loves his fellowman.

The threat of the workers produced "clemency", the execution of that threat will bring freedom to Mooney and save the organized labor movement of this country from lasting shame and disgrace.

Mooney has already lain too long in jail. Execute the threat. Speak in the terms of your economic might. Set Mooney free.

Socialism—the Hope of all Sides

RANT as they may, the apologists of Capitalism must face the unpleasant fact that Socialism is the predominant factor in all the changes that are at present writing the pages of history. Even where revolution is not marching on to action Socialism holds the center of the stage.

In Russia where the proletarian revolution has conquered power, Socialism is definitely in the ascendancy, and in Germany where the masses are beginning their march to the final assault on the citadel of power, Socialism is the driving power behind the marchers. But before the Russian workers dominated the scene Socialism became the fad of the day, even as now it is the rage in Germany.

The reactionaries, caught in the swirl of revolution, cast about for some means to stem the rising waters. Liberals were rushed into the limelight, as evidence of the rebirth of one time autocrats, and as quickly rushed into the outer darkness, when it was found that the liberal stage had been swept away with autocracy. "Friends of the people," were held up to the public gaze only to be speedily pulled down and at last Socialists were placed in supreme power and everyone became a "Socialist."

"Socialists" and "Socialism" became the one hope of the reactionaries. Out of the wreck of autocracy on the rock of the people's will something must be saved, and only Socialists and Socialism could save it. Thus began the array of

"Socialists" that for a time held the outside world in awe of the stupendous change. Kerensky, Tsere-telli, Skobelev, Tchernov, mouthed Socialistic platitudes about moderation, coalition, evolution, just as today in Germany Ebert, Haase, Scheidemann hold the center of the stage and sing the same songs.

In the countries where the masses of the people are not in action Socialism is also the dominant factor. In France "Socialists" rise to high places in the government. Briand, Viviani, Guesde are names to conjure with. In England although the highest peaks of governmental fame are not, as yet, marked by the feet of "Socialists" yet the high valleys, the foothills of fame, are thronged with "Socialists"; Henderson, McDonald, Barnes, Hyndman, Clynes. High official circles in Holland have a bowing acquaintance with Troelstra. Italy's Capitalism looks with favor on Bissolati, Mussolini, d'Ambris. The best people in Belgium smile benignly on LeMann, Vandervelde, La Fontaine. From Australia Hughes and his friends, sit at the council tables of the mighty, while kings and foreign potentates dine and wine with Gompers, Bohn and Spargo.

Strange as it may appear all these "Socialists" have not fought for their prominence; greatness was thrust upon them. They are the welcome guests of the world's elite, and yet they are "Socialists."

While all these pleasantries are being exchanged

the masses of the world's disinherited are also slowly, but surely, turning to Socialism. And for them Socialism means a clean sweep—a complete overthrow of the present system of society and in its place the establishment of a new order. As the bourgeois Socialists lounge round the tables of the old autocrats, they lose hold on the masses.

In Russia, for a time, Kerensky stayed the march of progress but events forced him to take a definite stand and when he was revealed as the friend of the old order, the people rose, and in their wrath swept him into the outer darkness for all time. In Germany the situation is paralleled. The advocates of moderation, the disciples of the patchwork theory, rise to power, but the masses begin to move and compromise follows compromise until, like Kerensky, they and the system they desire to mend will vanish in obscurity.

Socialism is a two edged sword. It sweeps forward and backward: backward, cutting all connection with the past, forward, cleaving the way for the new order.

The reactionary forces may flirt with Socialism, may dangle "Socialism" and "Socialists" before the eyes of the people, but the vivid history of the past two years proves that such paltering is fruitless. Once the people glimpse their power they are invincible. With incredible swiftness the mass, so long blind, sweeps the scales away from its eyes, and after the first dazzling glare of the light is over, it sees with amazing clarity.