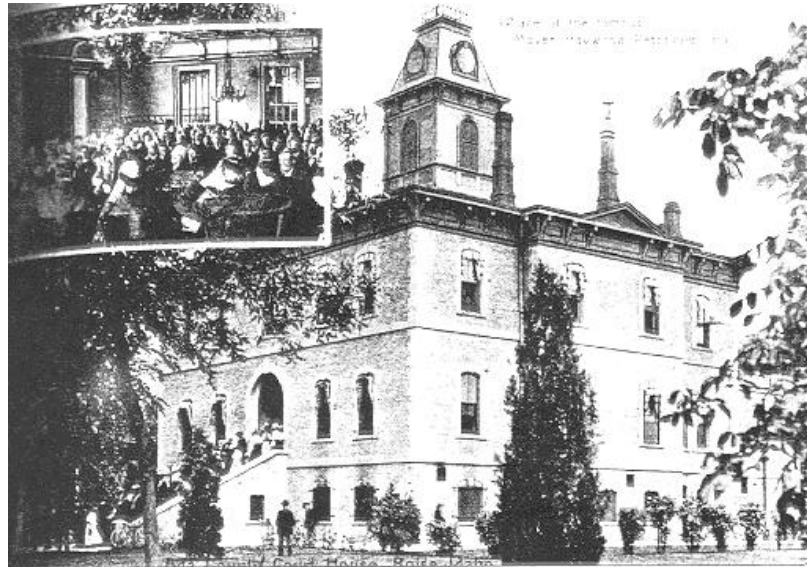


MURDER IN IDAHO

A Mock Trial

The State of Idaho v. William “Big Bill” Haywood



Ada County Courthouse



(From left to right) defendants Charles Moyer, Bill Haywood, and George Pettibone

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TEACHER INSTRUCTIONS

OVERVIEW: This role playing simulation recreates the trial of William “Big Bill” Haywood., Secretary-Treasurer of the Western Federation of Miners (WFM), for the murder of former Idaho Governor Frank Steunenberg. Steunenberg federalized the National Guard to crush a strike by the miner’s union in the Coeur d’Alene mining district in 1899. Six years later, the former governor was fatally injured when a bomb exploded as he opened the gate to his home. Local authorities soon arrested Harry Orchard, who admitted to doing the killing, but claimed that officials of the WFM had him to do so. Students re-enact the trial and a student jury renders its own verdict.

OBJECTIVE: To actively involve students in the controversy surrounding the labor movement of the 1890s.

TIME ALLOTMENT: 1-2 class periods for the trial – more time may be necessary for preparation of witnesses and attorneys

PREPARATION:

1. **BACKGROUND:** Duplicate the fact sheet (pages 3) for all students and take some time to review the basic background of the case with them. Use this to help generate excitement for the upcoming trial. Try to give them as much information as possible without giving away any facts/outcome of the real case.
2. **STUDENT ROLES:** A week or so in advance of the trial select the students who will be attorneys, two for each side, and six witnesses. Attorneys should receive copies pages 4-6, the copy of their respective legal plans and role sheets, and copies of all of the witness statements from both sides. Witnesses should be given their appropriate role page. If time permits, you should discuss the case with each group of attorneys separately, while your class is working on another activity. Best results are obtained when you give the attorneys time to organize and, if possible, to talk to their three witnesses. You may encourage both witnesses and attorneys to dress and act in character, but it is not necessary in order to conduct the trial.

At the same time you select witnesses and attorneys, or the day before the trial is to begin, select the judge and the clerk of the court. They should be given pages 4-6 and their respective role sheets. They will need a few minutes to meet and discuss courtroom procedure with you. The remaining class members will serve as members of the jury. Jurors may receive page 25 or you may just have the judge give them their instructions verbally.

There are parts for 24 students in this trial. If you have more than 12 students who are not serving as court officials or witnesses, you can either use a larger jury or have them serve as court reporters or courtroom artists. Give these students page 26 which will explain their assignment.

3. **ROOM ARRANGMENT:** Organize the room so the jury is seated in a group to one side of the classroom. The witness stand should be located in the front of the room next to the jury. The judge should be seated next to the witness stand at a desk. The clerk should be seated near the witness stand and the jury. The two sets of attorneys should be in the front of the room facing the witness stand. The defendant should sit with his attorneys. Other witnesses and court reporters should be seated in the space remaining at the back of the classroom.

4. **CONDUCTING THE TRIAL:** Refer to pages 5-6 for a step-by step procedure. The trial has three major parts: an opening statement to the court by the attorneys, direct and cross-examination of the witnesses, and a closing statement by each group of attorneys. The role of the teacher during the trial is a limited one - be an observer as much as possible. You may find it necessary to advise the court when it rules on difficult objections or on courtroom procedures. You may also find it necessary to review the proceedings from the previous day.

The teacher should make arrangements for a place for the jury to meet in private and make their decision. The best decisions are made without the influence of the teacher. If you have a particularly small class, it is sometimes fun to bring in another class to be the jury for your trial.

For the purposes of moving along the simulation, the jury instructions call for only a 2/3 majority to render a verdict. If you prefer, you have the option of requiring a unanimous verdict as it would be in real life, but be prepared either for deliberations to take a little longer or for the possibility of a hung jury.

When the jury has retired to reach a verdict, you should review for those remaining in the room the procedure used by the jury to reach its verdict. This is also a good time to allow those who are not on the jury to comment on how they feel the jury will vote.

5. **TEACHING OPTIONS:**

- You could put the trials of all three defendants (Moyer, Pettibone, and Haywood) together and have the jury reach a verdict for each of the three defendants.
- For more advanced students, you may want to not hand out the suggested questions and let the lawyers develop them on their own.
- If you have roles for all students during the trial, you could use the Court Reporter activity as a follow-up assignment and have each student write an editorial on the verdict from the point of view of one of the newspapers listed in the handout.

6. **HISTORICAL ACCURACY:** The information on the witness sheets was taken from actual trial testimony or news reports whenever possible. Where information was incomplete, the authors have tried to “fill in the blanks” with educated guesses to make the trial testimony flow smoothly.

7. **DEBRIEFING:** Questions for discussion:

1. After the verdict has been given by the court, have the jurors tell how she/he voted and explain what influenced them.
2. Which witnesses were the most believable or convincing – why?
3. Which witnesses were the least believable or convincing – why?
4. In the real case, as with most criminal cases, the jury had to reach a unanimous verdict, so you think that would have made a difference in this case?
5. Did the Idaho law requiring corroboration of a conspiracy have an effect on the decision? In the real trial, the judge included an instruction that the jury could not convict Haywood on uncorroborated evidence. Would this have made a difference in the verdict had the judge specifically reminded the jury of that?
6. In the real trial, Haywood was found “not guilty”. What effect do you think this had on the labor movement in the U.S.?
7. Labor unions resorted to terrorist tactics during this time period. Was the use of violence justified? Why or why not?
8. Is the use of terrorism and violence ever justified as a means to an end?

FACT SHEET – The State of Idaho v. William “Big Bill” Haywood

Labor violence erupted in the Coeur d’Alene Mining District during 1899. On April 29, members of the Western Federation of Miners hijacked a Northern Pacific train at Burke, Idaho and forced the engineer, Al Hutton, at gunpoint to take the train to Wardner, location of the Bunker Hill and Sullivan Mining and Concentrating Company offices and mill. Shots were exchanged between the union men and the Bunker Hill watchmen. The Bunker Hill concentrator, valued at \$250,000 was destroyed. Idaho Governor Frank Steunenberg declared martial law in Shoshone County, requested that President McKinley send federal troops to the area, and miners were thrown into makeshift jails, known as “bullpens.” The federal troops were from the 24th Infantry Regiment, a black unit. Several miners were brought to trial and martial law continued in the district for eighteen months. The Western Federation of Miners suffered a serious defeat and animosity on the part of the miners toward Governor Steunenberg for his role in supporting companies simmered. On December 30, 1905, Frank Steunenberg was killed when a bomb exploded outside his house in Caldwell. Local officials soon arrested a man who had been staying in a local hotel, Harry Orchard. Incriminating evidence was found in his room and he was charged with murder. Orchard claimed that his action was part of a conspiracy on the part of the Western Federation of Miners and that in fact he had murdered Steunenberg due to orders from WFM officials. Pinkerton detectives arrested WFM officials William “Big Bill” Haywood, Charles Moyer, and George Pettibone in Denver, Colorado and basically kidnapped them and returned them to Idaho to stand trial. They were arrested at night and not allowed to talk to anyone, including family or attorneys. The next morning they were put on a train to Idaho with orders to not stop the train for anyone until they had crossed the Idaho border.

The three Western Federation of Miners officials were charged with murder. The State of Idaho brought the charges and William Borah and James Hawley prosecuted the case. The prosecution’s case was simple – Haywood and others had ordered the murder of Steunenberg to get revenge and to send a message to other politicians to not interfere with the union.

Clarence Darrow, probably the best known defense attorney in the country, defended Haywood along with Western Federation of Miners attorney Edmund Richardson. The defense attempted to portray the situation as part of an ongoing effort by the Mine Owners Association to defeat the Western Federation of Miners. According to Darrow, “It looks very much like another case of the oppression of the weak by the strong.”

During the trial Harry Orchard testified that he was not only responsible for the Steunenberg assassination, but for at least 17 other deaths and attempts on Bunker Hill and Sullivan president Frederick Bradley’s life—all at the request of the Western Federation of Miners. The basic question of the trial was whether Orchard was a cold-blooded murderer who was trying to get his charges reduced by testifying against the union, or whether the union officials were the ones ultimately responsible for the death of the governor.

Haywood was the first of the WFM officials who was brought to trial, as well as the most famous, and the trial attracted national attention. One reporter called the Haywood trial “the greatest trial of modern time,” and another described it as “one of the great court cases in the annals of the American judiciary.”

RULES FOR THE HAYWOOD TRIAL

1. The trial will be limited to the materials provided by your teacher. Other information must be cleared by the judge or the instructor.
2. All witnesses will be bound by the statement made in their role sheet. However, witnesses may add details if necessary if they do not conflict with the basic facts in their statement. If a witness is asked a question that is not on their role sheet, they may either make up an answer within reason or simply state “I don’t know”. Attorneys may object if a witness makes up facts that are not on their sheet that might affect the outcome of the trial.
3. Witnesses will be allowed to use their notes, but DO NOT read right off of your witness sheet – that looks very bad to the jury! Witnesses are allowed to meet with the attorneys from their side before taking the stand.
4. This was a serious trial and should be treated as such. The student judge presiding is the symbol of justice. Good courtroom procedure will be followed during the trial and good conduct will be expected of everyone.
5. Lawyers are working in teams, so you should split up the responsibilities. Make sure that both people get to ask questions of witnesses. Usually, one attorney will deliver the opening statement and the other partner will do the closing.
6. When questioning witnesses, attorneys may object to certain types of questions. If an objection is made, it should be made for one of the following reasons:
 - a. Immaterial/Irrelevant - statement has nothing to do with the case
 - b. Leading the Witness - putting words in the witness’s mouth; practically answering the question for them
 - c. Speculation - calling for an unqualified opinion or conclusion by the witness - the witness could not have known this or the witness is not an expert. Only experts are allowed to give their opinion.
 - d. Badgering the witness - trying to bully the witness.
 - e. Admitting facts not on the witness sheet - these are only a problem if they could affect the outcome of the trial.

When the objection is made, the judge may require a reason. She/he may ask the attorney to explain why this question is being asked or why a certain line of questioning is being used. After the judge has heard a discussion of the objection, she/he will rule on the objection and will either sustain or overrule it. To “sustain” is to support, agree with or uphold the objection (the lawyer may not ask the question). To “overrule” is to reject the objection (the lawyer may ask the question)

7. When they have finished questioning a witness, attorneys should say “that is all” or “your witness.” Each attorney has the right to cross-examine his opponents’ witness and to re-examine his witness after cross examination. When both sides are finished the judge should say, “You may step down.”

PROCEDURE FOR THE HAYWOOD TRIAL

1. The Clerk of the Court asks everyone to rise.
2. Judge enters the room. The Clerk of the Court says “Hear Ye! Hear Ye! The honorable state court of Idaho is now in session in the case of the State of Idaho v. William Haywood. Judge Freemont Wood presiding.”
3. Judge sits down, raps gavel, and tells everyone “you may be seated.”
4. Judge asks the clerk to read the charges.
5. Clerk reads: “The charge is: That the defendant conspired to plan the murder of former Idaho governor Frank Steunenberg.”
8. Judge asks the defendant, “How do you plead?”
9. Defendant answers, “Not guilty, your honor.”
10. The judge will then ask the clerk to swear in the jury.
11. The Clerk will ask the jurors to stand, and they raise their right hands. The Clerk says: “Do you solemnly swear to truly try the issue now given to you. That you will speak to no one except each other about the facts of this case, nor will you allow anyone to speak to you about the case, except in court. That you will read no news reports regarding this case until you have agreed upon a verdict? Do you so swear?”
12. Jurors answer, “I do.”
13. The judge informs the jurors “You have been selected as a juror, and as a citizen of the United States and the State of Idaho, you should be happy for the opportunity. It is your responsibility to listen carefully to all the testimony. While the attorneys will try to convince you that their point of view is correct, it is your job to be as fair and objective as possible in considering all of the facts of the case. The prosecution may now give their opening statement.”
14. Trial begins – refer to “Order of Events for the Trial” contained in judges and attorneys handout.
15. When the defense attorney has completed the closing statement, the Judge will instruct the jury. If possible, the jury should be taken to a private room to make their decision. The Clerk of the Court will take the jury to the room and stay outside until they have reached a verdict, and then she/he will return them to the courtroom to read their verdict.
16. When the jury returns, the judge orders the defendant to stand. She/he then asks the jury if they have reached a verdict and then asks the foreman to read the verdict.
17. The jury foreman then reads the verdict and the judge then either passes sentence or releases the defendant. The judge then adjourns the court with a bang of the gavel.

ORDER OF EVENTS FOR THE TRIAL

1. Prosecution - Opening statement by the attorneys for the State of Idaho
2. Defense - Opening statement by the attorneys for Haywood
3. Prosecution (government) witnesses – direct examination. The government witnesses may be called to the witness stand in any order.
4. Defense - Cross-examination of each of the Prosecution’s witnesses by the Defense. The attorneys for the Defense may question each witness before they leave the witness stand.
5. Prosecution – re-direct (optional). After the defense cross-examines each witness, the prosecution may ask questions of their witness again to clarify answers.
6. Defense – re-cross (optional). This may be done only if the prosecution uses redirect. The defense gets one last chance to question the witness.
7. Defense witnesses – direct examination
8. Prosecution – cross-examination of each witness
9. Defense – Re-direct of each witness (optional)
10. Prosecution – Re-cross of each witness (optional and only if defense re-directs)
11. Prosecution - closing argument
12. Defense - closing argument

LEGAL PLAN FOR THE PROSECUTION

Instructions for the attorneys for the State of Idaho.

1. As attorneys for the government you are prosecuting Haywood for murder. You must present enough evidence by questioning witnesses to persuade the jury to find William Haywood and the Western Federation of Miners guilty. You are trying to prove that William Haywood (along with George Pettibone, and Charles Moyer) conspired with Harry Orchard to murder Governor Frank Steunenberg.
2. Read the fact sheets thoroughly. You will be given a copy of all facts on each witness in the case. You will need to come up with all of your questions for direct examination and cross-examination from the facts on these sheets.
3. Important points you want to make during the trial include:
 - That William Haywood (along with George Pettibone, and Charles Moyer) -The Western Federation of Miners - hired Harry Orchard to kill Frank Steunenberg.
 - That William Haywood, George Pettibone, and Charles Moyer wanted revenge against Frank Steunenberg for his role in the Coeur d'Alene labor disputes of 1899.
 - That Haywood, Pettibone, and Moyer wanted to "send a message" to other politician to not interfere on the side of owners during strikes or other union disputes.
 - That Harry Orchard was responsible for many acts of terrorism against mine owners and their allies, not just the one against Governor Steunenberg. This was a pattern of terrorist behavior on the part of the Western Federation of Miners. Be sure and have Orchard testify about these other acts of terrorism and murder.
 - Orchard made frequent trips to Denver to get protection and pay from his employers – the WFM. He got orders from all three men; Moyers, Pettibone, and Haywood, but Haywood was the mastermind who usually gave orders and paid Orchard.
 - Even though he may not testify to it now, Steve Adams confessed his involvement to James McParland. He is only taking it back now because Darrow has bribed him.
 - Orchard found religion in prison and is a changed man. He is testifying because he is ashamed of his past actions and does not want the WFM to continue to get away with murder.
 - This trial is not about fighting organized labor or the poor and weak, it is simply a murder trial.

4. Your main responsibilities include:

- a. **Making an opening statement** to the court of not longer than 5 minutes to explain the case to the jury. This should start out with “Gentlemen of the jury, we intend to show that William Haywood is guilty of the charge of murder.” Then state the main points that you intend to prove throughout the case. This should be brief and stick to the essential facts. Don’t give a lot of details – let your witnesses do that for you.
- b. **The questioning of your three witnesses** to bring out the facts of the case that support your point of view. Those three witnesses are:
 1. James McParland
 2. Steve Adams
 3. Harry Orchard
- c. **The cross-examination of the witnesses** called by the attorneys for William Haywood. Those witnesses are:
 1. Charles Moyer
 2. George Pettibone
 3. William Haywood
- d. **A closing argument** of not longer than 5 minutes to summarize the points made in the testimony of witnesses which help your case. Point out either strengths in your witnesses or weaknesses in the other side. This is your last chance to convince the jury of the Haywood’s guilt.

The following websites may provide additional information regarding the trial if you are interested. Remember: you may not bring any new facts into evidence without checking first with the instructor.

1. <http://www.law.umkc.edu/faculty/projects/ftrials/haywood/HAYWOOD.HTM>
2. <http://jurist.law.pitt.edu/famoustrials/haywood.php>

LEGAL PLAN FOR THE DEFENSE

Instructions for the attorneys for William Haywood and the Western Federation of Miners

1. Your opposition is attempting to prove that William Haywood and other officials for the Western Federation of Miners conspired and hired Harry Orchard to assassinate the former governor of Idaho, Frank Steunenberg. As defense attorneys you should attempt to prove that the State of Idaho has no case, and there is no evidence that your clients had anything to do with the murder of Steunenberg.
2. Read the fact sheets thoroughly. You will be given a copy of all facts on each witness in the case. You will need to come up with all of your questions for direct examination and cross-examination from the facts on these sheets.
3. Important points you want to make during the trial include:
 - That Harry Orchard is a liar and a murderer who is testifying against Haywood and the miner's union to save himself from a harsher sentence, perhaps even the death penalty. He is an unreliable witness who is accusing others to save his own life.
 - Orchard admitted lighting one of the fuses on the Bunker Hill concentrator. He did that by himself and was not paid by the WFM for that job. Why should we believe now that he is being paid? Maybe he just likes killing people and blowing things up and is now trying to save his life by saying he was ordered to do all of those acts of terrorism.
 - That there is no corroborating witness. According to Idaho law at that time, a confession from conspirators (like Harry Orchard) is not enough. There has to be corroboration. Section 5464 of the Idaho Penal Code says "a conviction cannot be had on the testimony of an accomplice, unless he is corroborated by other evidence, which in itself, and without the aid of the testimony of the accomplice, tends to connect the defendant with the commission of the offense....".
 - Steve Adams has taken back his confession and so there is no corroborating testimony. It is just Harry Orchard's word against Haywood's and Orchard is a liar.
 - That this is all part of a plot on the part of the Mine Owners Association to ruin the WFM. If they break up the union, they will be able to pay workers whatever they want and have them work under horrible conditions with no threat of opposition. If you destroy labor unions, you destroy freedom in this country.
 - That Haywood was not even in Idaho at the time of the murder. Officials had to illegally kidnap Haywood and others and force them back to Idaho on a secret train to even get them here to stand trial. This just proves that his arrest was part of a bigger plot.
 - In your closing argument, mention that you are defending not just Haywood, but workers everywhere. Those laborers are very important to America. Yes, labor unions do some corrupt things at times, but they are doing it to protect the poor and weak.

4. Your main responsibilities include:

- a. **Making an opening statement** to the court of not longer than 5 minutes to explain the case to the jury. This should start out with “Gentlemen of the jury, we intend to show that William Haywood is not guilty of the charge of murder.” Then state the main points that you intend to prove throughout the case. This should be brief and stick to the essential facts. Don’t give a lot of details – let your witnesses do that for you.
- b. **The questioning of your three witnesses** to bring out the facts of the case that support your point of view. Those three witnesses are:
 1. Charles Moyer
 2. George Pettibone
 3. William Haywood; it is usually best to save the defendant as your last witness
- c. **The cross-examination of the witnesses** called by the attorneys for William Haywood. Those witnesses are:
 1. James McParland
 2. Steve Adams
 3. Harry Orchard
- d. **A closing argument** of not longer than 5 minutes to summarize the points made in the testimony of witnesses which help your case. Point out either strengths in your witnesses or weaknesses in the other side. This is your last chance to convince the jury of the Haywood’s guilt.

The following websites may provide additional information regarding the trial if you are interested. Remember: you may not bring any new facts into evidence without checking first with the instructor.

3. <http://www.law.umkc.edu/faculty/projects/ftrials/haywood/HAYWOOD.HTM>

4. <http://jurist.law.pitt.edu/famoustrials/haywood.php>

HAYWOOD TRIAL SUGGESTED QUESTIONS PROSECUTION

James McParland

1. Please state your name for the court. What is your occupation?
2. How did you come to be involved with the Steunenberg investigation?
3. When and where did you first meet Harry Orchard?
4. What did Orchard tell you about his involvement with the Western Federation of Miners prior to the murder of the governor?
5. What specifically did Orchard tell you about his involvement with the assassination of Governor Steunenberg?
6. Did Orchard mention anyone else being involved with the plot to kill the governor?
7. When and where did you meet with Steve Adams?
8. What did Adams tell you at that time about his involvement with the murder of Governor Steunenberg?
9. Did you threaten or coerce the confessions of either Harry Orchard or Steve Adams?

Steve Adams

1. Please state your name for the court. What is your occupation?
2. Have you ever been a member of the Western Federation of Miners?
3. How did you first meet Harry Orchard?
4. Did you admit to James McParland on February 28th that you were Orchard's accomplice in the murder of Governor Steunenberg?
5. Why are you trying to change your story now?
6. Isn't it true that defense counsel Darrow offered to give you free legal representation if you took back your confession?
7. Why should we believe you?

Harry Orchard

1. Please state your name and occupation for the court.
2. When did you first become a member of the Western Federation of Miners?
3. What was your role in the 1899 violence in the Coeur d' Alenes at Bunker Hill Mine?
4. Why did you leave the Coeur d' Alene area and what did you do for a living?
5. Please describe some of the illegal activities that Bill Haywood and the Western Federation of Miners paid you to do in Colorado.
6. Who ordered you to do these crimes? And who paid you for doing these crimes?
7. What is "Pettibone Dope" or "Hellfire"? What is it used for?
8. How did you get involved in the plot to kill Governor Steunenberg?
9. What did Haywood tell you was the reason they wanted to kill the governor?
10. How much were you offered to do the job?
11. Did anyone help you with the plot to kill the governor?
12. Why are you testifying now against your former employers?

Charles Moyer (Cross-examination)

1. How do your methods of solving labor disputes differ from Mr. Haywood's?
2. In fact, you disagree so much with Mr. Haywood's methods that you currently aren't even really speaking to each other are you?
3. If that is the case, would Haywood ordering a murder of a political official be out of the realm of possibility?
4. When you were arrested in Colorado, you had over \$500 in cash and a 100 rounds of ammunition on you – what were you planning to do with these items? You were planning on leaving the country weren't you?

George Pettibone (Cross-examination)

1. Are you familiar with a substance known as "Pettibone Dope" or "Hellfire? What is it and what is its purpose?
2. Did you give that substance to Harry Orchard to do acts of terrorism in Colorado?
3. How would Orchard know about this substance if you didn't give it to him to use?
4. You have advocated the use of violence in the past to help your union win labor disputes, haven't you?
5. So why should we believe that you and your union did not order the murder of Frank Steunenberg?

Bill Haywood (Cross-examination)

1. Mr. Haywood, you have always advocated violence and radicalism as a way to settle labor disputes haven't you?
2. In fact, you have many radical ideas. Do you believe in God?
3. Isn't it true that when you were arrested in Colorado, you were found in bed with a woman who was not your wife? Who was that woman, Mr. Haywood?
4. What was your opinion of Governor Steunenberg and his handling of the labor situation in the Coeur d' Alenes?
5. Given your reputation for violence and your hatred of the Governor, why should we believe that you had nothing to do with his murder?

HAYWOOD TRIAL SUGGESTED QUESTIONS DEFENSE

James McParland (Cross-examination)

1. Mr. McParland, this is not the first time you have tried to break up a miner's union is it? What was your involvement with the coal miners in Pennsylvania?
2. Why did you ask the governor to transfer Harry Orchard to the state prison?
3. Before Harry Orchard "confessed" did you offer him a lesser sentence?
4. Did you make the same offer to Steve Adams?
5. You arranged to have Haywood, Pettibone and Moyer arrested and brought to Idaho without going through proper extradition procedures, didn't you?
6. Why did you feel it was necessary to hold them against their will and not allow them to speak to either their families or attorneys?
7. Isn't it true that your real motivation in this case is to bring down the Western Federation of Miners?

Steve Adams (Cross-examination)

1. Mr. Adams, before your arrest, where were you living and what are you doing for a living?
2. Before being arrested, when was the last time you saw Harry Orchard?
3. Did you have anything to do with the murder of Governor Steunenberg?
4. As far as you know, did Bill Haywood or the Western Federation of Miners have anything to do with the murder of former governor Steunenberg?
5. Were you even in Idaho at the time of the murder?
6. Why do you think that Harry Orchard is implicating you in this crime?
7. Why did you confess to Mr. McParland?

Harry Orchard (Cross-examination)

1. Orchard isn't your real name is it?
2. When you left Canada in 1897, you left your family behind and ran off with another man's wife didn't you?
3. Did you ever divorce you wife in Canada? And you married another woman in Colorado? So you are a bigamist?
4. You also gamble and drink a lot don't you?
5. When you lit the fuse that blew up the Bunker Hill concentrator, who paid you to do that?
6. If you weren't paid for the first time you blew up something, isn't it possible you weren't paid for these other crimes you claim to have committed? Maybe you just get a kick out of blowing things up.
7. When you were first arrested in Caldwell, you told police that you had not had any recent contact with Haywood, Pettibone, or Moyer didn't you?
8. Isn't it true that the only reason you are implicating Haywood and others is that you were promised a lighter sentence if you did?
9. Mr. Orchard, you have lied so many times in the past about so many things, why should this court believe anything that you have to say?

Charles Moyer

1. Please state your name and occupation for the court.
2. Do you know Harry Orchard?
3. Did you or any other officials of the Western Federation of Miners ever hire Harry Orchard to blow anything up, murder anyone, or commit any other acts of violence?
4. Were you ever present at any meetings where any such acts were even discussed?
5. Mr. Moyer, did you or any other officials of the Western Federation of Miners have anything at all to do with the murder of Governor Frank Steunenberg?
6. Why do you think Mr. Orchard is accusing your union of plotting to kill the governor?

George Pettibone

1. Please state your name and occupation for the court please.
2. Do you know Harry Orchard?
3. Did you or any other officials of the Western Federation of Miners ever hire Harry Orchard to blow anything up, murder anyone, or commit any other acts of violence?
4. Were you ever present at any meetings where any such acts were even discussed?
5. Mr. Pettibone, did you or any other officials of the Western Federation of Miners have anything at all to do with the murder of Governor Frank Steunenberg?
6. Why do you think Mr. Orchard is accusing your union of plotting to kill the governor?

Bill Haywood

1. Please state your name and occupation for the court please.
2. How and why did you first get involved with the Western Federation of Miners?
3. Do you know Harry Orchard?
4. Did you or any other officials of the Western Federation of Miners ever hire Harry Orchard to blow anything up, murder anyone, or commit any other acts of violence?
5. Were you ever present at any meetings where any such acts were even discussed?
6. Mr. Haywood, did you or any other officials of the Western Federation of Miners have anything at all to do with the murder of Governor Frank Steunenberg?
7. Why do you think Mr. Orchard is accusing your union of plotting to kill the governor?



CLARENCE DARROW

Defense Attorney

You are the most famous labor lawyer in the United States and probably the best known defense attorney, period. You were born in Farmdale, Ohio in 1857 and moved to Chicago in 1887. Chicago was a hot bed of Populism and socialism you quickly got involved in both. In 1894 you defended Eugene Debs (later a presidential candidate on the socialist ticket) and his American Railway Union in a trial where Debs was charged with violating an injunction against the ARU boycott of Pullman trains and of violating the Sherman anti-trust act. You have represented many labor union defendants, usually in very controversial cases. You are known as a defender of the common man.

Rumors are that you are receiving \$50,000 for your defense work in Idaho (more than half a million dollars in today's money). This is a huge case. You think Harry Orchard is a huge coward and "the biggest liar that this generation has ever known." You are known for your negative views towards Christianity, your sarcasm, and ruthless examinations of witnesses, yet you usually come across to juries as "folksy" rather than a slick big-city lawyer.



EDMUND RICHARDSON DEFENSE ATTORNEY

You are an attorney for the Western Federation of Miners and co-defense counsel with Clarence Darrow in the Haywood trial. Your Denver law firm has provided legal support for the WFM, and when Haywood, Pettibone, and Moyer were arrested, you quickly boarded a train and followed them to Boise.

Unlike Darrow, your image is that of being a big city lawyer. You are very intense and can be very sacrificial. You usually wear a three piece suit and do not take off your jacket, even when temperatures get hot.

You despise Harry Orchard, and hate the fact that some people look at him as a hero. You see him as a pathetic little man who will only save his own head if the Western Federation of Miners can be blamed instead. You believe that this trial is part of a bigger picture and is more of a trial of the Western Federation of Miners than it is a trial for the murder of Governor Steunenberg.



WILLIAM BORAH Prosecuting Attorney

You were born in Illinois and attended Kansas University for two years. You were traveling West to Seattle when your train stopped in Boise and you decided to stay. You have one of the biggest law practices in Idaho. You married Mamie McConnell, whose father had been Idaho's governor and are interested in politics. In 1896 you were the leader of the Silver Republicans in Idaho and supported Frank Stuenenberg in the race for governor. You are a great public speaker and this trial is a major opportunity to gain more publicity to help your political career.

You are the main prosecutor in the trial. By the time the trial started, you have already been named Idaho's junior United States Senator, a huge honor. You look at the murder as stain on Idaho's reputation and do not like anarchists and people who take matters into their own hands.



JAMES HAWLEY Prosecuting Attorney

You were born in Iowa, but came to Idaho as a boy. You are also a politician, have served in the Idaho territorial legislature, as mayor of Boise, and as U.S. attorney before opening your own office in 1890. You have a long association with the Coeur d'Alene mining district. You defended miners after a series of labor incidents in 1892, and ironically probably prepared the legal documents necessary for the formation of the Western Federation of Miners. In the aftermath of the 1899 Coeur d'Alene Mining War, you prosecuted many of the alleged perpetrators of violence—members of the Western Federation of Miners.

You are a law partner of William Borah and are helping him to prosecute the case. You are 61 years old at the time of the trial and are probably the most experienced trial lawyer in Idaho. You are a typical western attorney, noted for your informality. You often put your boots up on the prosecutors' table and talk to Idaho juries as if they were your neighbors. You are convinced that a conviction is a sure thing in this trial.



JAMES McPARLAND Prosecution Witness

You are probably the best known detective in the United States. You are employed by the Pinkerton Detective Company, a private agency which has become famous for infiltrating labor unions for owners and using all sorts of methods to sabotage the unions. You were born in Ireland and spent time in both Ireland and England before coming to the United States in 1867. You started work with the Pinkertons in 1871 when the Great Chicago fire destroyed your business. You made a name for yourself thirty years ago when you worked undercover to expose the Irish-American Molly Maguires in the Pennsylvania coal fields. You barely escaped with your life when miners suspected your identity. You testified in nine Molly Maguire trials and helped to convict and execute twenty of the miners. You became so famous that Sir Arthur Conan Doyle had Sherlock Holmes encounter you in one of his books, *The Valley of Fear*.

The State of Idaho contracted with your company to investigate the Steunenberg assassination. Since you specialize in labor troubles, you were brought in to do the job. You arrived in Boise in January of 1906 and met with current Governor Frank Gooding to go over all of the details of the case. He was suspicious that Harry Orchard had not acted alone. You requested that Orchard be transferred from the Caldwell Jail to the state penitentiary where it might scare him a little more and be easier to get a confession.

You met with Orchard and suggested to him that he would receive a lighter sentence if he confessed. He sang like a bird, giving a 64 page confession, breaking down several times and crying. Orchard confessed not only to the murder of Stuenenberg, but 17 other killings, all ordered by officials of the Western Federation of Miners. Orchard admitted to being paid \$500 to blow up the Vindicator Mine in Colorado, killing two men. Six months later, he blew up a train depot in Independence, Colorado, killing 13 more non-union workers.

Orchard stated that Haywood, Moyer, and Pettibone specifically ordered the murder of Stuenenberg. Haywood told Orchard that "Steunenberg has lived seven years too long" and the purpose of the murder was to "strike fear" in other politicians who might want to go against the goals of the WFM. In exchange, Orchard was promised several hundred dollars and a ranch.

It is your understanding that Harry Orchard has undergone a religious conversion while in jail, although he never mentioned that specifically to you in your visits. You believe that Orchard is testifying again Haywood and the WFM to clear his conscience.

Orchard also implicated Steve Adams in his confession, stating that Adams was an accomplice and knew about the conspiracy. Adams was arrested on February 19th, and on February 28, you met with him and he signed a confession stating that he was involved and that the murder was ordered by the WFM officials, including Haywood. Adams never met with any of the WFM officials personally – all of his information came from Harry Orchard . You suspect that Adams may now take back his confession. You will testify that Adams seemed very sure of his facts at the time he confessed to you and that you did not coerce him in any way to confess.

You helped convince the Governor of Colorado to issue a warrant for arrest of William Haywood, George Pettibone, and Charles Moyer and arranged the train that brought them to Idaho from Denver. They were arrested late at night and housed in a Denver jail. They were not allowed to talk to family or lawyers and were placed on a train at day break that had special orders to not stop until it reached the Idaho border.



HARRY ORCHARD

Prosecution Witness

Your real name is Albert Horsley and you were born in 1867 in Ontario, Canada. You worked on your father's farm and only went to school for three years. At the age of 30, you left Canada with another man's wife, leaving your own wife and child behind. You first changed your name to Albert Little and then to Harry Orchard when you moved to Idaho. In 1899, you landed a job working in a Burke, Idaho mine and joined the Western Federation of Miners.

You were one of the miners who hijacked the Northern Pacific train in 1899 and claim to have been one of the miners who planted dynamite and lit the fuse that blew up the Bunker Hill concentrator. You were not paid for blowing up the Bunker Hill concentrator. You did it because you believed in the cause of the workers and the labor union.

Shortly after Governor Steunenberg brought in the troops to the Coeur d'Alenes, you realized you would be in trouble if you got caught and started wandering to different mining districts and essentially became a terrorist for the WFM. You worked for very little money at times. Bill Haywood gave you most of the orders and was the source of money when you did get paid. George Pettibone gave orders or money once in a while, and Charles Moyer knew of the crimes and often told you that "you did a fine job", but never provided money or direct orders.

Your first paid job for the WFM was blowing up the Vindicator mine in Colorado in 1903, killing two men. Haywood ordered you to do this to "stir up some excitement" and to prevent a split in the union. For this you received \$500 from Haywood. You also admit to having planted the bomb at Independence, Colorado that killed 13 strikebreakers and wounded 6 others. You also state that you unsuccessfully tried to murder Bunker Hill President Frederick Bradley on two occasions. The first time you tried to poison him by putting strychnine in the milk on his front porch and on the second attempt you detonated a bomb which blew him into the street when he opened his door, but only injured him. All of these jobs were done upon orders from either Haywood or Pettibone.

To commit these acts you sometimes used a substance that George Pettibone invented called "Pettibone Dope" or "Hellfire." It was composed of stick phosphorus, bisulfide of carbon, alcohol, benzene, and turpentine. It was supposedly such a powerful combustible agent that water could not put out the fire it started. Pettibone gave you several bottles of the substance and ordered you to toss them into trains carrying strikebreakers to the Cripple Creek, Colorado Mines in September of 1903. You decided not to do this when you realized that there would be many people on the train who were not strikebreakers, and you did not want to kill any innocent passengers.

You will testify that you were hired by William Haywood to assassinate Frank Steunenberg as revenge for the governor's actions during the 1899 Coeur d'Alene labor dispute. Both Pettibone and Moyer were also present at that meeting. Haywood stated that "Steunenberg had lived seven years too long" and that the purpose of the assassination was to "strike fear" and to send a message to politicians who go against WFM goals. Pettibone added that the Steunenberg job

would be “very hard in a country town like Caldwell.” In exchange for killing Steunenberg, Haywood promised that you would receive several hundred dollars and a ranch.

To carry out the murder, you planted an eight by four inch bomb that included ten pounds of dynamite that was hooked to the gate of Steunenberg’s home in Caldwell with fishing line and detonated when the gate was opened. Steve Adams knew about the plan to kill Steunenberg and you met with him on several occasions in Caldwell to help plan the details of the killing.

When you were first questioned, you were registered at the Saratoga Hotel in Caldwell under the name “Thomas Hogan” and you denied knowing anything about Steunenberg’s murder. At that time, you admitted that you knew WFM leaders Moyer, Pettibone, and Haywood, but denied having any recent contact with them.

In addition to your many crimes of terrorism, you will also admit to being a heavy drinker, to losing lots of money gambling, and to being a womanizer. In fact, you married another woman in Colorado without divorcing your first wife in Canada so you are also a bigamist.

A Bible was sent to you by a missionary society in Chicago while you were in jail and it convinced you that you would be forgiven for your crimes if you truly repented. You realize what a monster you have been in the past. You are testifying mainly because of your religious conversion, but the suggestion by McParland that a confession might lead to a more lenient sentence also may have had something to do with your decision to become a witness for the prosecution. You are willing to take whatever punishment the court decides you should have and want to take responsibility for your actions. You just want Haywood and the other WFM officials to do the same. You are angry that you have been a tool of that “murderous organization” and want to protect the community from further assassinations and abuses by the WFM.



STEVE ADAMS Prosecution Witness

You were raised in Missouri, left home at the age of twenty-two, and worked in Kansas City packinghouses, a Spokane lumber mill, lead mines in Missouri, and Silver mines in Idaho. You joined the Western Federation of Miners in Colorado as was part of the fierce labor wars there. That is where you first met Harry Orchard.

Your mining and labor union days behind you, you are now 39 years old and settled down on a ranch near Haines, Oregon with your wife Annie. You are involved because Harry Orchard implicated you in his confession to Detective McParland. He said that you knew all about the conspiracy to kill Governor Steunenberg and helped Orchard to plan the killing. You were arrested on your Oregon farm on February 19, and brought back to Idaho (probably illegally as you were not a fugitive from Idaho at the time and had not been in Caldwell on the night of the murder).

You confessed to Pinkerton Detective McParland on February 28 that you were Orchard's accomplice and knew about the conspiracy. In your confession, you agreed with Orchard's statement that the WFM officials, including Haywood, ordered the killing.

After your confession, an uncle got word to you in jail that Clarence Darrow would defend you for free if you would take back your confession. At trial, you will refuse to give any information about the Steunenberg murder. If you are questioned about the "deal" for legal representation, you will testify that you have never met Darrow personally. You will admit to making the confession to McParland in jail, but will say it was given under stress and swear that you are telling the truth now. You had nothing to do with the murder of Governor Steunenberg and neither did Haywood or the WFM. You have not seen Harry Orchard in years and you have no idea why he would try to involve you in this murder. You just want to go back to your ranch and live a quiet life with your family.



WILLIAM "BIG BILL" HAYWOOD Defendant

You have a reputation as being one of the most radical labor leaders in all of American history. You were born in Salt Lake City in 1869, and your father was a rider for the Pony Express who died when you were three. A childhood injury with a knife (you punctured it while whittling a slingshot) blinded you in your right eye. You sometimes wear a black patch over the eye, but never replaced the damaged eye with a glass one.

You began to work in the mines at the age of nine. The infamous Haymarket Riots in Chicago in 1886 inspired you to believe that violence and radicalism are the best way for labor unions to fight the oppression on the owners. The owners are greedy men who just want to exploit the workers and make as much money as they can. They do not care at all about working conditions or the health and welfare of their workers. In 1896, you heard Western Federation of Miners President Ed Boyce give a speech and you immediately signed a union card. You became a member of the organization's executive board in 1900.

When Boyce retired as Western Federation of Miners president in 1902 (Boyce's wife, the former Eleanor Day was one of the owners of the Hercules Mine and when the mine became successful it was awkward for Boyce to continue his union activities) he recommended you and Charles Moyer as his successors. You have a temper and lean towards using strikes and violence as way to solve labor disputes rather than negotiation. You are a powerful speaker and have convinced many workers to join the Western Federation of Miners.

You are an atheist who believes the Bible is a nonsense book of fables. When you were arrested in Denver, authorities caught you in bed with your sister-in-law. You were placed on a train and forcefully taken to Idaho without having an opportunity to talk to family or lawyers. While you will admit that you did not like Governor Steunenberg, and think he was a puppet of the mine owners, you will deny all accusations that you had anything to do with his murder.

You believe the whole trial is a plot to bring down the Western Federation of Miners. You will testify that you knew Harry Orchard, but not very well, and that you never hired him or paid him to do any acts of violence for the WFM. You believe that he is a very sick individual who enjoys blowing up things, including people. You believe that the Pinkerton detective, James McParland, has convinced Orchard to blame you and other WFM officials to bring down the union. In exchange for his testimony, Orchard's miserable life will probably be spared.



CHARLES H. MOYER

Defense Witness

You grew up near Ames, Iowa and had only four years of formal education. You moved west when you were 16 and worked as a cowboy in Wyoming for a while. After you were a part of a cattle drive to Chicago, you decided to stay in the city. You served a year in the Illinois State Penitentiary for robbery and then went west again. You were a miner in the Black Hills of South Dakota and joined the Western Federation of Miners there. You were elected president in 1902. When martial law was declared in Colorado as a result of violence between miners and mine owners in 1904, you were charged with printing and distributing an illegal poster and jailed in Colorado.

You were the President of the Western Federation of Miners at the time of the Steunenberg assassination. While your colleague “Big Bill” Haywood is known for his radicalism, you are more subdued and cautious in his approach to settling labor disputes. You favor arbitration and negotiation over strikes and violence. You respect Bill Haywood and all he has done for the labor movement, but you feel he is a little too radical. In fact, by the end of 1906, you and Haywood have stopped speaking to one another.

At the time of your arrest for the Steunenberg murder, you had \$521 in cash, a .44 revolver, and 100 rounds of ammunition. You will deny that you were planning to flee Colorado. This whole experience has been very traumatic. You were placed in jail in Denver and not allowed to talk to family or lawyers before being taken to Idaho for trial. While in jail in Idaho you have often cried in your cell. McParland and others have put a lot of pressure on you to testify against Haywood

You believe the whole trial is a plot to bring down the Western Federation of Miners. You will testify that you knew Harry Orchard, but not very well, and that you never hired him or paid him to do any acts of violence for the WFM. You will deny that you have ever discussed Steunenberg’s murder with Harry Orchard. You barely knew Harry Orchard and don’t approve of his methods. You believe that the Pinkerton detective, James McParland, has convinced Orchard to blame you and other WFM officials to bring down the union. Orchard is obviously testifying to save his own neck.



GEORGE PETTIBONE

Defense Witness

You are an anarchist and a radical member of the Western Federation of Miners. You worked in Silver mines in the Coeur d'Alenes and were one of four union men arrested and convicted for your role in the 1892 Coeur d'Alene labor violence. The U.S. Supreme Court overruled your conviction in 1893. You are very outgoing and well-liked by other miners.

Harry Orchard claimed that you had invented "Pettibone Dope" or "Hellfire." It was composed of stick phosphorus, bisulfide of carbon, alcohol, benzene, and turpentine. It was supposedly such a powerful combustible agent that water could not put out the fire it started. Orchard says that you gave him several bottles of the substance and orders to toss them into trains carrying strikebreakers to the Cripple Creek, Colorado Mines in September of 1903. Orchard decided not to do this. You will admit inventing the substance, as you experimented with many possible combinations of explosives to use in union disputes, but deny ever having actually used it or giving it to Orchard with instructions to do so.

Orchard claims you ordered the assassination of mining company presidents, state supreme court justices and governors (including Steunenberg) and that you were present when he received orders and payment from Haywood for murders as well.

You believe the whole trial is a plot to bring down the Western Federation of Miners. You will testify that you knew Harry Orchard, but not very well, and that you never hired him or paid him to do any acts of violence for the WFM. You will deny that you have ever discussed Steunenberg's murder with Harry Orchard. You believe that the Pinkerton detective, James McParland, has convinced Orchard to blame you and other WFM officials to bring down the union. Orchard is obviously testifying to save his own neck.



JUDGE FREEMONT WOOD

You will be the judge in this case and you have a great deal of responsibility. The rules and procedure for the Western Federation of Miners' trial are covered on pages five and six. Read these pages carefully.

Your main job is to make sure that good courtroom procedure is followed and that the attorneys do not get out of hand. Your major responsibility will be ruling on objections made by the attorneys.

Make sure you use your best judgment in deciding to rule in favor or against objections by the attorneys. If you agree with the objection, use the term "sustained." If you disagree with the objection, use the term "overruled." If you are not sure how to proceed on any point, call for a short recess to confer with the instructor. Careful study by you of all parts of this case and adequate preparation are very important to the success of the trial.

Throughout the trial, follow the courtroom procedure as outlined on pages 5-6. At the end of the trial you will instruct the jury as follows:

"You have now heard the facts of the case. It is up to you to make the final decision of whether or not you believe the defendant is innocent or guilty of the charge of murder. If you find the defendant guilty, you must find that he is guilty of the crime of conspiracy to commit murder beyond a reasonable doubt. That does not mean that you cannot have any doubt at all, but that a reasonable person given the facts of the case would be firmly convinced that the defendant is guilty. If you cannot find yourself firmly convinced or if you have what you consider "reasonable doubt" then you must find the defendant not guilty.

Before you begin to deliberate, you must select a foreman for the jury. That person will lead the discussion and will read the decision of the jury when you return to the courtroom. You are now free to discuss the facts of the case and to try to convince other jurors of your point of view. You may come to a decision any way you like either by secret ballot or a show of hands. You need a 2/3 majority to reach a decision. The foreman will then write the decision on a slip of paper and let the clerk know that you have reached a verdict. Thank you and good luck."

After the verdict is read, thank the jury for their service. You then have the following options:

1. Not guilty verdict: You say "Mr. Haywood, you are now free to go"
2. Guilty Verdict: You have three choices..
 - a. You say "Mr. Haywood, you are sentenced to _____ years in prison in the state penitentiary (minimum of 20).
 - b. Or.. "Mr. Haywood, you are sentenced to life in prison in the state penitentiary".
 - c. Or.. "Mr. Haywood, you are hereby sentenced to death, that execution to be carried out by officials of the State of Idaho

If the verdict is "guilty" you may add any additional comments you want about why you chose the particular sentence for the defendant.

OTTO PETERSON – Clerk of the Court

Your major job is to bring the court to order each day by reading the official opening of the court as follows:

- a. The judge remains outside the courtroom. You ask all the people in the courtroom to stand.
- b. After everyone is standing you say: “Hear Ye, Hear Ye! The honorable court of the State of Idaho is now in session. Judge Freemont Wood presiding.”
- c. The judge enters the room and takes her/his seat, taps the gavel and you say “be seated.”

Your second responsibility is to know the courtroom procedure for the WFM trial outlined on pages 4-9. You will have a number of things to say and do during the trial.

Your third responsibility is to swear in witnesses as they are called to testify. Before each witness takes the witness stand to answer questions for the first time, you ask the witness to put her/his left hand on the Bible (use your history text for a bible), raise her/his right hand and answer the following question. “Do you swear to tell the truth, the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?” When the witness answers “I do,” you should tell her/him to sit down.

JUROR

You have been selected as a juror, and as a citizen of the United States, you should be happy for the opportunity. You should try as best you can to place yourself in the time of 1906. However, your name will remain the same, and the viewpoints you now hold will not change. It is your responsibility to listen carefully to all the testimony and to all instructions given to you by the judge. While the attorneys will try to convince you that their point of view is correct it will be up to you to make the final decision on the innocence or guilt of the defendants. Listen to everything carefully. Try to be as fair and objective as possible in considering all the facts of the case. At the end of the trial you may receive instructions from the judge. You will then consider the facts of the case in private with the other jurors. The jury will select a foreman who will conduct the discussion of the trial. When the foreman feels that the jury is ready to decide, she/he will poll the jury by a show of hands or by written ballot. Whenever 2/3 agree (9 out of 12), she/he will lead you back to the courtroom and tell the judge you have reached a verdict. The judge will then ask the foreman to read the verdict.

NEWSPAPER REPORTER

As a newspaper reporter, your job is to listen carefully to all testimony. You will be required to make a daily written report on the highlights of the trial. This should be done as though you are writing an editorial column for a major newspaper.

Each reporter should consider that her/his paper has an editorial objective and reports should express one of the following themes or points of view:

1. *The Wall Street Journal*: This paper is the voice of the mine owners. The editorials should be slanted to make Haywood, Pettibone, and Moyer and the Western Federation of Miners look bad.
2. *The Laboring Citizen*: This paper is the voice of the working man in Idaho. Your editorials would support the Western Federation of Miners. In your eyes the government has wrongfully detained the defendants.
3. *The New York Times*: This paper deals with the facts and does not attempt to support one side or the other.

In writing your editorial you should point out the highlights of the day. An example would be: What a particular witness said, what an attorney said in opening statement, or some incident in the court.

CARTOONIST

You may draw political cartoons concerning key issues in the trial. Each drawing should bear a caption. Sign your work in the lower right corner.

HISTORICAL AFTERMATH

The actual jury consisted 9 ranchers/farmers, 1 real estate agent, 1 construction foreman, and one building contractor. Eleven of the twelve men were over the age of 50. They began deliberating at 11:00 am on Saturday, worked through the night, and delivered their verdict at 6:40 am on Sunday. Haywood was found “not guilty”. Some jurors indicated the judge’s instruction requiring corroboration of Orchard’s testimony was a major factor in their decision. There were also rumors of a juror being bribed.

Pettibone’s trial was next and the jury acquitted him in much less time than it took to come to a verdict in the Haywood trial. The prosecution dropped the charges against Moyer after the Pettibone trial. Charles Moyer continued his work with miners and was a leader of the International Union of Mine, Mill and Smelter Workers—the successor to the WFM.

After his acquittal in the murder trial, William “Big Bill” Haywood became head of the Industrial Workers of the World (IWW or Wobblies). He led famous textile strikes in Massachusetts and was convicted of violating a federal espionage and sedition act when he called for a strike during World War I. While out of jail on appeal, Haywood escaped to Moscow, Russia where he became an advisor to the Bolshevik government. He died in Moscow in 1928 and half of his ashes were buried in the Kremlin near John Reed and Lenin. The other half were buried in Chicago near the location of the monument to the Haymarket anarchists.

Harry Orchard was tried and convicted for the Steunenberg murder in March 1908. He was sentenced to death, but Judge Freemont Wood recommended that the sentence be commuted to life imprisonment. Orchard was incarcerated in the Idaho State Penitentiary until his death in 1954.

James Hawley wrote *History of Idaho: The Gem of the Mountains* (1920), a four volume study of the state that is still an important source for historians. James Hawley served as Idaho’s governor from 1910-1914.

William Borah went on to become one of the best known Idahoans. His is one of the two statues that represent Idaho in Statuary Hall at the United States Capitol. He had a long and noteworthy career in the United States Senate, including service as chairman of the Senate Foreign Relations Committee - arguably the most powerful foreign policy position in the legislature, maybe even in the government. His domestic politics made him a major player in the Progressive movement, but he is perhaps best known for his isolationist stance in opposing the Treaty of Versailles and the United States’ entry into the League of Nations following WWI.

Clarence Darrow also defended Pettibone and then went on to even greater fame. In the 1924 Leopold-Loeb case, he used psychological evidence to save two wealthy Chicago teenagers from the death penalty. In 1925, Darrow argued against William Jennings Bryan in the sensational Scopes monkey trial. He is generally regarded as one of the best defense attorneys in American History.

The Haywood Trial marked the end of fifteen years of labor war in the western mines. After years of violence and underhanded tactics by management as well as labor, both sides seemed to have reached an exhausted stalemate.

AUTHOR'S NOTE:

This mock trial was originally developed for and used in a workshop for teachers on Mining in the West sponsored by the National Endowment for the Humanities. It is intended for classroom use, but is still very much a work in progress. The intent was to have it used by students and teachers in classrooms throughout Idaho and the United States. That is why we have decided to make it available to Idaho Public Television free of charge. If you use it with students, please take a minute to answer the following questions and let me know how it worked. Thanks and enjoy!

Sally Greene
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With which grade level/classes did you use the mock trial?

What verdict(s) did the classes come to?

What additional information/ improvements would have been useful?