

*Plea of*    ❁   ❁   ❁   ❁  
*Frank Comerford*  
*In Defense of*    ❁   ❁   ❁  
*Carl E. Person's Life*

*Made at Lincoln, Illinois, October  
Fourth, Nineteen Hundred Fourteen*

## *Stand Up and Fight*

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You're sick of the game; well now that's a shame,  
You're young and you're brave and you're bright;  
"You've had a raw deal!" "I know—but don't squeal,  
Buck up! Do your damndest and fight.  
It's the plugging away that will win you the day,  
So don't be a piker, old pard!  
Just draw on your grit; it's dead easy to quit;  
It's keeping your chin up that's hard.  
It's easy to cry that you're beaten—and die;  
It's easy to crawfish and crawl;  
But to fight and to fight when hope's out of sight—  
Why—that's the best game of them all!  
And though you come out of each gruelling bout  
All broken and battered and scarred,  
Just have one more try—it's dead easy to die,  
It's the keeping on living that's hard.

—Robert W. Service

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**The Person Defense League of Chicago, Cook  
County, Illinois**

1915

# INTRODUCTION

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An injury to one, is the concern of all,  
United we stand, divided we fall.

These two lines constitute an epitome of Americas' Organized Labor Movement.

Pessimistic critics may seek to disprove this claim, by citing instances wherein the unity of action so clearly and forcibly expressed was apparent by its absence; inquiry into such evasions and flagrant violations of Labors' fundamental principles will invariably disclose the fact, that such a contemptible proceeding was never due to any change of heart or thought on the part of the rank and file, but emanated from the self-centered minds of aspiring individuals whose temporary investure with an official title and representative authority, filled them with a mistaken sense of self-importance that distorted law into license and made the needs and wants of the many a matter of minor consideration when they clashed with personal ambition and schemes of self-aggrandisement.

Every mile-stone on the road of industrial progress stands as an enduring monument commemorating deeds of unconscious heroism, uncomplaining sacrifices and the endurance of inexpressable misery and privations, in a common cause, by the common soldiers in the vast army of over-worked and under-paid toilers.

For years unscrupulous employers of labor, under the hypocritical guise of paternal solicitude, beneficent purpose and various other forms of sophism, kept the credulous workers hopelessly divided and in ignorance of their own powers; they robbed the defenseless employes with impunity, they harried them with skilfully devised plans, intended to increase production while decreasing the cost, until the limit of physical endurance was not only reached but passed.

Disheartened and broken spirited, Labor despairingly sought relief and through bitter experience gradually awoke to a realization of the truth, that divided it was helpless and that practical organization of its units was an essential preliminary to the emancipation of

America's bread-winners from a condition of bondage, more repugnant in nature than the chattel slavery, wiped out by the floods of human blood that stained the battle fields of the American Civil War.

As the signs of revolt on the part of Labor became more evident, the pusillanimous business aristocracy of America, composed of railroad KINGS, merchant PRINCES, coal BARONS, CAPTAINS of industry and the lesser sprigs of DOLLAR NOBILITY, through their vassals in the various branches of Governmental service, sought and obtained extraordinary privileges, intrenched themselves behind special legislation and by use of the military forces of the country, aided by the private mercenaries their wealth could command, decided to either suppress or destroy the forces of Organized Labor.

Unafraid and undismayed, inspired by victory and learning wisdom through occasional defeat, the army of organized toil, under difficulties innumerable and apparently insurmountable, kept consistently at its self-appointed task of humanizing the existing policy of commercializing want and the trading upon human misery, restoring to the Nation's babies, the childhood of which they had been robbed; giving back to the young girls their youth and beauty, taken from them by business greed; replacing woman's crown of feminine virtues and glory, lost in the enforced struggle for bread; returning to the boys the opportunities for an education and a broader life, so long denied them; renewing man's waning strength and faltering independence almost destroyed by the demands of profit. How well Trades Unionism has succeeded in its efforts, history is ready to advise the interested.

This never ending struggle between the contending employers and employes, is based upon the employer's desire to either rule or ruin and the employes' refusal to tamely submit to the deliberate draining of their vitality by enforced competition with the tireless energy of machinery and the destructive and debasing tendency of the modern efficiency systems in vogue and the further knowledge that when exhausted they will be cast upon the scrap-heap as a profitless commodity, none care to burden themselves with and whose only refuge is a suicides' grave.

Like the war of Nations, the industrial war consists of many battles, fought at different times, in different places and by different

troops, with this distinction, that among nations both sides occupy a plane of comparative equality, as regards the use of publicity agencies, information bureaus and the use of an organized and efficient spy system, while in an industrial conflict, such advantages are the sole prerogative of BIG BUSINESS AND ITS REPRESENTATIVES.

Encounters, if of enough importance in either killed or wounded, losses sustained or victories gained, may eventually find a place in history, otherwise all information not favorable to the LORDS of HIGH FINANCE is religiously eliminated and forgotten, except in the hearts and minds of those who actually fought and bled at the front, or endured war's sorrows and sacrifices in the homes.

Among the many conflicts that have taken place and are being waged, none have been or are more spectacular in character, more replete with evidence of the venomous hatred and malign influence of the corporate interests involved, than the fight of the Illinois Central and Harriman Railroad Lines, to prevent the shop craftsmen in their employ, from following the example set by the roads themselves, by forming and maintaining a System Federation through the medium of which these Trade Unions could act jointly on all matters affecting their common interests, in the same manner that the railroads employing them transacted their business.

All the ancient and modern tactics of war were put into practice, every advantage that unlimited dollars could purchase or procure; from legal persecution and the use of a prostituted press, to mislead the public, to the employment of cheap crooks, professional gun men, thugs and strike-breakers was resorted to in a desperate effort to insure a quick and decisive victory.

Though illy equipped financially for an engagement of such magnitude, the shop craftsmen involved met every corporate move with such determined and intelligent resistance, that the easy triumph expected by the Railroad Kings has failed to materialize even up to date.

The campaign of malicious misrepresentation conducted by the subsidized press, not only failed to blind the public, but also opened the eyes of the strikers and from their ranks came one, who both saw and understood the need of the hour.

Carl E. Person, one of the striking Machinists, located at Clinton, Illinois, undertook with the sanction and aid of the strikers, the establishment of a Union Publication, to be known as the "Strike Bulletin," the columns of which were dedicated to the telling of the truth, the whole truth and nothing but the truth, without fear or favor.

Under Person's able management the Bulletin turned the searchlight of uncompromising honesty upon the lawless methods of Big Business and sent a pencil of blinding light along the slimy trail of the hell spawned reptiles crawling on the deadly mission entrusted to them by organized and conscienceless dollars.

Rascality always stands in dread of publicity, its blatant self-assurance shrinks to a feeble and whining denial of its guilt, it realizes that the truth signifies ruin, utter and complete; the Strike Bulletin in the hands of courageous and incorruptable Carl E. Person became, not an instrument of vengeance, but a safe guide for a long lost, blind and bewildered JUSTICE, it imbued the railroad corporations with terror and spread consternation in their camp, while it animated the ranks of the strikers with renewed zeal and vigor by replacing despondency with hope and joy and carried to the Trades Union world, as a whole, a weekly message of good cheer.

The Strike Bulletin and Carl E. Person were in time regarded by the railroad plunder-bund as a Nemesis, composed of twin evils that had to be silenced by fair means if possible, by foul means if necessary.

It logically followed that the abortive attempts to suppress the Bulletin and destroy the printing plant, together with the murderous assaults made upon Carl E. Person, were not entirely unexpected, each failure to accomplish the end sought, rendered these business buccaneers more desperate in their next venture and ultimately cost the life of Tony Musser, chief of the Illinois Strike Breakers, in his endeavor to carry out orders to get Person. Though acting in self defense Person was treated as a desperate character unworthy of any consideration. While penniless, Person was not friendless, for upon notification of his plight, the Chicago Federation of Labor established an institution known as The Person Defense League of Chicago, consisting of a delegate body, representing the various Chi-

chicago Trades Unions. This league later received the unqualified endorsement of the Illinois State Federation of Labor, The Railway Employes Department of the American Federation of Labor and its affiliated International Unions.

To the Person Defense League was assigned the duty of soliciting funds to defray the expenses, incidental to securing a fair and impartial trial for Carl E. Person, on the various indictments and charges in the Federal and other courts, ranging from murder to damage suits.

As the Person Defense League was aware of Carl E. Person's desire to voice his appreciation of the efforts of those laboring in his behalf, in the preparation of this pamphlet, space was reserved and tendered to Person in which to express such sentiments. Person embraced the opportunity offered and his statement is herein presented, together with the eloquent and soul stirring address of the talented attorney Frank Comerford of Chicago, Chief Counsel for Person at the murder trial, held at Lincoln, Logan County, Illinois.

This speech not only embodies a complete recital of all the incidents and details of the System Federation strike up to and including the killing of Tony Musser, with all the human interest features presented in a manner that compels attention and maintains to its very end an absorbing interest that never flags and as a whole, constitutes the most masterful presentation of Labor's bill of grievances ever voiced in a court room.

The Person Defense League of Chicago in presenting this booklet to the Trades Unionists of America and their friends, makes no pretense of offering, either a brilliantly cut and polished literary gem, or a typographically perfect production, it is tendered as a plain and simple statement of facts in connection with the age old struggle of humanity to retain their birth right of freedom, the liberty to organize not only into Unions, but also into Federations, or any other method of obtaining that unanimity of action which will serve as a key to unlock the door that bars Labors' entrance into the land of promise, where honesty and justice reign, real freedom exists, want and misery are unknown, truth and happiness is the rule and not the exception.

*Person Defense League of Chicago.*

## FOREWORD

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There is little for me to say. Mine has been a small part in this struggle. To others has been the larger accomplishment. I can only send out my gratitude. Had I the eloquence of all the tongues that ever spoke or the skill of all the pens that were ever wielded, the depth and strength of that gratitude would still be untold.

Alone I would have gone down. You, my brothers in Organized Labor, shouldered the burden. It matters not whether you gave me heartfelt good wishes or the needed mite, my gratitude cannot be measured.

I feel unworthy of it all. Yet from my experience one Truth flames. When he is made target in the service of organized labor, the humblest card carrier has back of him all unionism.

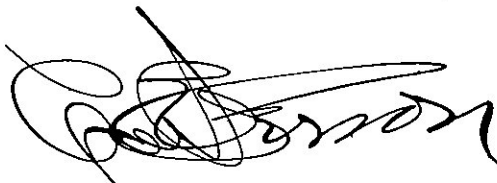
This has been my strength and my comfort.

I am helpless when I try to tell how I feel. So many helped. They helped generously, unselfishly and were untiring. To them alone, in the ranks and otherwise, is the credit due.

A book could not tell what the Person Defense League, organized by the Chicago Federation of Labor and indorsed by the Illinois State Federation of Labor, has accomplished in my behalf. Repetition of my gratitude in special mention is surely allowable here.

And mention, too, brief as it must be, of my brothers in the Railway Department of the American Federation of Labor.

To you all I send my gratitude and my greetings.

A handwritten signature in black ink, appearing to read "Carl E. Person". The signature is written in a cursive, somewhat stylized script with a large initial "C" and "P".





**CARL E. PERSON**  
**Editor, System Federation Strike Bulletin**  
**Victim of Corporate Hatred**

## Epitome of Events

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In the history of law, the trial of Carl Person is a notable one. He was accused of murdering Anton Musser in Clinton, Illinois, on the afternoon of December Thirtieth, 1913. The tragedy was the outcome of a strike on the Illinois Central and Harriman lines in which thirty-five thousand men were involved. Person was strike secretary for the men and up to the time of the killing of Musser, underwent a remarkable series of systematic persecutions that have perhaps, been unequaled in the history of the labor movement. His trial ended in an acquittal on the grounds of self defense.

Following is an epitome of the principal events connected with the case:

September 30, 1911, thirty-five thousand employees of the two railroads were locked out because they refused to disband their System Federation.

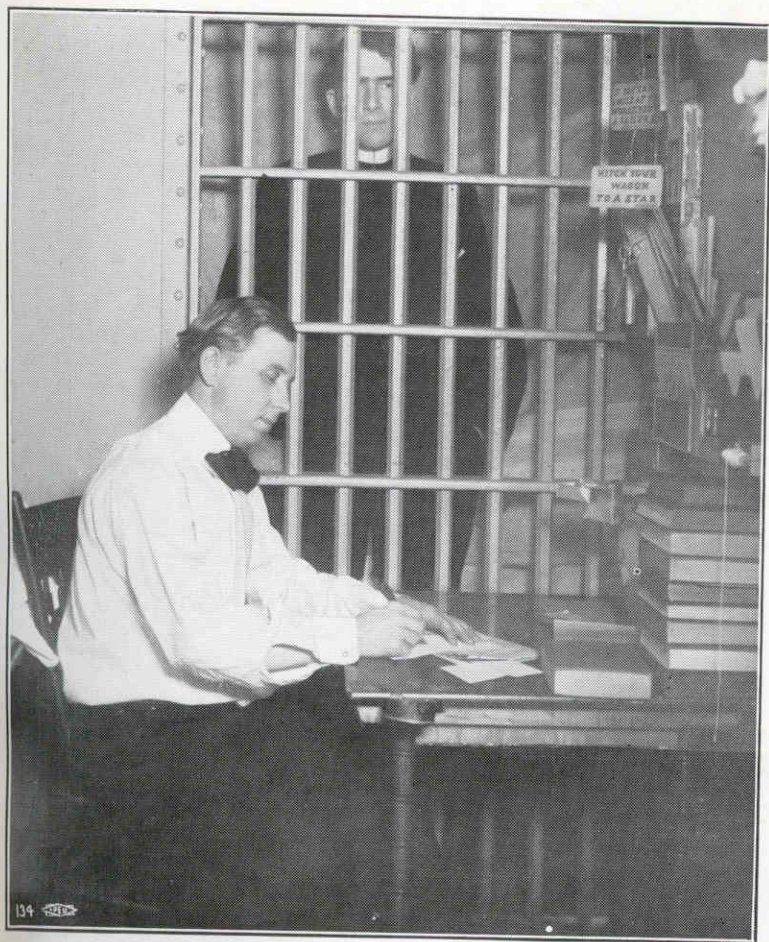
Soon afterward Person was elected Strike Secretary and launched the Strike Bulletin, a newspaper in which the facts concerning the strike were given to the public.

Result, the stock of the Illinois Central dropped from 160 to 110. Dividends from 7% to 5%.

In May, 1913, Editor Person was slugged by Illinois Central gun men.

In May, 1913, the Strike Bulletin office was raided by Illinois Central detectives and United States marshals. Person was arrested and a federal indictment was returned against him. The charge was that he used the United States mails to reflect injuriously upon the conduct of the Illinois Central Railroad. Conviction carried a penalty of thirty-five years in a federal prison and a fine of \$35,000.00.

June, 1913, Editor Person was again attacked by Illinois Central gun men on the streets of Decatur, Ill. He was left insensible on the street.



**CARL E. PERSON IN HIS CELL IN THE CLINTON JAIL**

Preparing copy for the Strike Bulletin and conferring with Attorney Comerford standing on other side of cell door

December 30, 1913, Editor Person was decoyed from his office, by a fake telephone call. The call was from Anton Musser, former chief of police of Clinton, Ill. At that time he was chief strikebreaker for the Illinois Central. Waylaid and beaten, Editor Person shot and killed Musser.

Charged with murder, Person was put in jail. Remained there for five months. He was denied hearing for bail in De Witt County and he was finally released on \$12,000.00 bail by Chief Justice Charles M. Walker, of the criminal court of Cook county, sitting in the city of Chicago. A writ of habeas corpus was used to take Editor Person out of the custody of the De Witt county officials.

Application for a change of venue in the case was made in June, 1914. The prosecution bitterly contested the application, filing 467 affidavits against change of venue. The defense filed 512 affidavits and were granted change of venue to Lincoln, Logan County, Illinois.

An attachment suit was started against Person for \$10,000.00. The Strike Bulletin property was seized by the sheriff.

The murder trial was set for September 22, 1914.

On September 3, 1914, Editor Person was again arrested and thrown in jail. This charge was criminal libel.

The murder trial began September 22, 1914. The case went to the jury on October 4, 1914. The jury was out twenty-four hours and returned a verdict of "not guilty."

In November, 1914, Editor Person was again arrested, charged with criminal libel.

Carl Person is still on the job at Clinton. The Strike Bulletin is issued weekly.

The other criminal prosecutions against Person are still pending and will be tried soon. So will the attachment suit.

**Following is a List of All Witnesses Sworn in the Case of  
The People vs. Carl E. Person**

L. W. Lemon	J. J. Rolofson	Phillip Wolf
Joseph Barnett	Charles A. Cline	Geo. H. Brown
Harry Osborne	John T. Hand	L. F. Slick
Louis Edward Nicholson	Thos. C. Wampler	Delmer Bryant
Asa Rudisell	W. H. Armstrong	Joe Moore
Clarence Reed	Roscoe Williams	Fred Wade
W. B. Rundell	Fred Ball	G. W. Hughes
Weldon Ward	George Perryman	Dr. S. A. Graham
C. G. Oakman	Dr. G. S. Edmonson	Chas. Dickerson
George Kane	H. A. Moore	Douglas Scott
Myrtle Hinkle	H. D. Griffith	Jas. Meagher
Geo. Cavanaugh	Sam Hagler	Arthur Rathburn
Charles Rowsey	Bert Foist	Ellis Baker
Frank Meadors	Helen McCann	Claude Bush
Edna Matthews	Fred Kirk	Ernest Mitchell
Julia Duckworth	Clarence Thorpe	W. H. Armstrong
Florence Stuart	Philip Johnson	James Jordan
Joachim Willson	S. A. Early	Jesse Newcomb
Dr. John J. Condon	Don Maxfield	John Taylor
Homer Short	Rebecca Fry	Dr. B. M. Pugh
Ira Davenport	Helen Jones	Mrs. Len Barnett
George W. Harrison	John C. Gray	George Seigman
Philo J. Crum	O. F. Burr	Mrs. Hattie Porter-Wilson
George Surcamer	Leland Lawrence	Charles Robbins
Oliver Lane	August Duesing	J. R. Bosserman
L. E. Stone	Geo. Marvel	Edward Bowles
H. A. Campbell	Joseph Bordenkecker	John Murphy
B. F. Wasson	Patrick Raleigh	Geo. Houchins
Mrs. E. J. Flatt	Harry Mehan	Sam Dunbar
Albert Jones	Sam Sullivan	William Geer
Andrew Hall	George Potter	B. E. Conley
Bert Simmons	John Matthews	William Holland
A. Duckworth	Geo. Delbridge	Alva Trogie
M. Monahan	Lewis Bridgewater	Geo. Shore
William Petard	William McCord	Frank Duey
Charles Garrett	C. Duckworth	Samuel Bowman
K. K. Moreland	Carl Person	Dick Bryant
E. J. Spick	Emmet Glenn	Joe Ives
Bert Foist	Harry Weene	Pete Burk
Frank Minch	John T. Greene	Bart Cox
Dr. U. Davis	Geo. Thorpe	Henry Van Orsden
Harry Scott	Logan Merida	John A. Freeman
John Cox	C. C. Brown	

Respectfully yours,

HETTIE MARTIN SHEETS.

Court Reporter.

## **Plea of Frank Comerford, of Chicago, Illinois, in defense of Carl Person's Life**

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**MADE OCTOBER FOURTH, NINETEEN HUNDRED FOURTEEN**

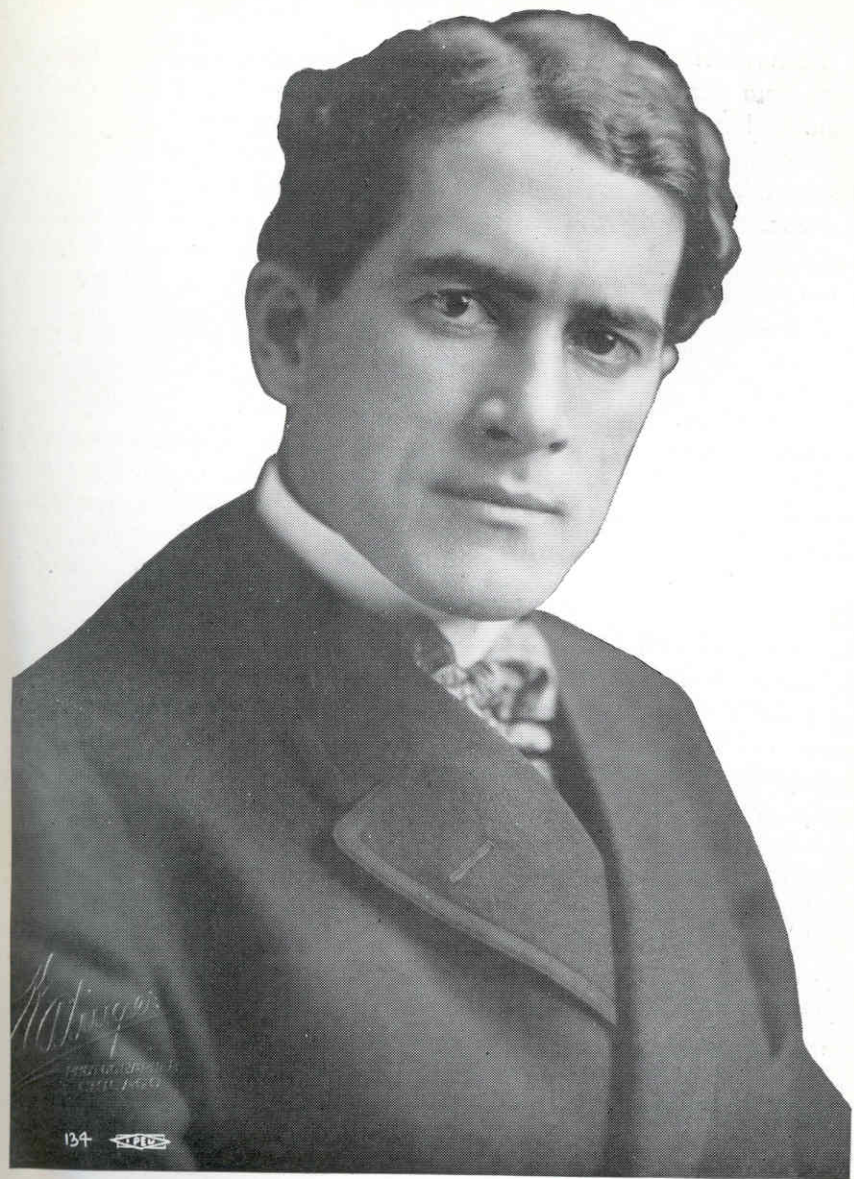
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May it please the court and gentlemen of the Jury;

I rise to protest against the methods used by conscienceless dollars in their warfare upon the toiler. I speak for man—not alone for this defendant but for the cause he represents. Carl Person is but one. The struggle of which he is part is the struggle of mankind. Organized Labor has its honor to maintain. Because this young defendant undauntedly took and kept his place on the firing line in a great battle for Human Rights between a Greed Captained corporation, the Illinois Central Railroad Company, and thirty-five thousand men; fathers, sons, husbands, citizens, Union card carriers, he stands today in the prisoners dock accused of murder.

The bringing of a defendant to the bar is called a prosecution. It is brought in the name of the people of the State. Of this powerful plaintiff Carl Person is one. He is a citizen, not a subject. You are asked to take a free man's blood in the name of your state and in the name of his state. You, Gentlemen of the Jury, are his fellow citizens. The judge himself, is not more. We are in the House of Justice builded by the hands of free men. Here, if nowhere else in the land, equality must be undefiled if Freedom is to live. Inconsistent with the spirit of this place is the riotous injustice and flagrant blood lust which have made of this trial a man hunt. The conscience of the people of the State of Illinois is moved neither by maudlin malice nor by cruel cunning. The case of Carl Person has been something less than a trial. It has been something more than a prosecution.

My responsibility in this case has been a large one. I have devoted myself to its discharge with every ounce of courage and ability that I possess. I have vigorously disagreed with the court as to the law that should govern this case. I have dissented from rulings made by the court that I, in good faith, believed denied to the defendant the full measure of Justice awarded to him by the law.



**FRANK COMERFORD, ATTORNEY-AT-LAW**  
**Chicago, Illinois**  
Chief Counsel for Carl E. Person

If I have been vigorous in my vigilance I am justified in the light of my own conscience for I have been fighting for the life of an innocent man. I have acted in good faith in my disagreement with the court as to the law. I have nothing to retract. I reaffirm every position I have taken. If there may have been some sting in my words, some evidence of impatience at his Honor's rulings, I now make the apology that one gentleman makes to another and I say that while I am still firm in the conviction that the court erred in a way costly to my client's cause, I bear the Judge no ill will. Nor does the defendant bear him ill will.

Of special prosecutor Judge Herrick and States Attorney Smith of Logan County and States Attorney Williams of De Witt County, I have but one thing to say. They have been untiring, resourceful and enthusiastic in seeking the conviction of Carl Person. For nine months past they have been eager and energetic in their pursuit of this defendant.

#### **Conduct of State's Attorney Williams**

I regret that Mr. States Attorney Williams was so stimulated by ambition for victory in this case that in his closing address to this jury he slandered a neighbor and a brother attorney, Mr. Arthur Miller, of Clinton, Illinois. By innuendo and slur, Mr. Williams suggested that Mr. Miller and myself were guilty of bad faith in presenting this defendant's cause. For myself, I can truthfully say that I am indifferent to Mr. Williams' opinion of me. Had his attack been directed at me alone I assure you it would have passed unnoticed. But in view of the fact that I have directed the case from the beginning and assume undivided responsibility for what has been done, I feel it my duty to comment for a moment upon the Honorable States Attorney's assault upon my associate, Mr. Miller. Had Mr. Williams been specific and pointed to a single act showing bad faith upon the part of any one connected with this defense, he would have at least shown himself to be an enemy in the open, using the honorable methods of warfare. Then we could and would have made answer. I want to remind the prosecutor of De Witt County that a general attack unsupported by truth, unwarranted by occasion, marks its maker an assassin of character. ¶ There are some who prize character even more than life. Honor is to the right thinking, well bred man, the chiefest of possessions. Reputation makes man one with his



fellows. He who would strike it down in a court room by ruffianly innuendo is guilty of an offense that cannot be excused by his enthusiasm and ambition to win glory in a law suit which involves the life of a man. I measure Prosecutor Williams' conduct by his enthusiasm and ambition. In this I am merciful to him. I am reminded that Brutus slew his dearest friend in the name of ambition. Judas sold his Master in the same agony of vanity. Benedict Arnold betrayed his country when this poison seethed through his brain. It is not strange that in our day, a man of smaller stature, Williams by name, eager and greedy with ambition should attempt to coat with slime the names of those whose only offense has been loyalty to a cause representing the life, liberty and honor of a human being

#### **Reasons for Accepting Jury of Farmers**

I am a stranger to you. My home is in the city of Chicago. We are not near neighbors. The occupation of this defendant is a very different one from yours. Your problems are those of the farm. His are those of the Industrial Struggle. I make no apology for not living in your neighborhood. I make no excuse for the defendant's part in the struggle for Industrial Justice.

When you took your seats in this jury box, I questioned you. I learned that you were all farmers. I knew of the rumor current that a jury of farmers would not do justice to a Labor Union leader. I knew, too, that Person would stand forth as that militant type of uncompromising labor leader who is often branded anarchist by the newspapers. You read the newspapers and have no doubt read the dollar inspired slanders upon organized labor which are printed in the newspapers. I was not ignorant of the effect that this poisoned publicity has had upon the public opinion of the country. I knew your life problems were not the problems of the men who work in the factories and in the mines and in the shops. It was easy for me to comprehend how you might fail to understand and appreciate the real motive and purpose of organized labor. Understanding begets intelligent sympathy. Not understanding, you might be moved to withhold from this defendant the degree and quality of justice guaranteed to him under our law.

You live in God's great out of doors. You have a place in the sunshine. Your lives are natural. You put your brain and your brawn into partnership with the ground and with the rain and the

sunshine, and you live an independence unknown to your brothers who toil and sweat and starve in the great industries of our country. Occupation, after all, is only incidental and accidental to life. Occupation does not make the man. When I accepted you as jurors, I had faith that back of occupation and entirely unaffected by it, there lives in each of you a sense of fair play and an openmindedness that makes your vision straight, your hearing sensitive to truth and your judgment responsive to conscience. I felt that the humblest in our state could petition you for justice and not be denied. I knew that the lowliest among men could bring truth to you and you would accept it. This is America. We are living in the Twentieth Century. Two thousand years have come and gone since the Nazarene died in the name of the Brotherhood of Man. One hundred and thirty-four years ago the social brotherhood of man was written in the Declaration of American Independence. As Americans these things are your inheritances and they are living parts of you. Therefore my faith in you.

I believe now as I believed, when with the full realization of my responsibility, I accepted you to try Carl Person for his life, that you will accord to him the same kind of justice that you would if he were a farmer boy. The fellow who works in a factory, the man who sweats for a railroad company, the man who writes a nation's sonnets, he who lives for his art, the farmer whose plow is back of it all,—all are kin! Our destinies unite us. Our common feelings, our common ambitions and our common ideals bind us together. Only misunderstanding separates us. The separation is not real, it is not lasting. It is but a mist, a fleeting mist that hides from us our true relations to each other. With better understanding it disappears. The "Our Father" message of Him, first called anarchist will be remembered last by the last called Christian. Our government will be a failure when the workers in the field and in the factory forget that both are workers, that both are citizens, that both are human beings destined to live and succeed in brotherhood. Prosecutor Williams is Person's brother even as you are, though he may have forgotten it. His forgetfulness does not change the fact.

Before accepting you as jurors in this case, I asked you question after question. You all made answers, gentlemen of the jury. The law writes down my purpose in questioning you by saying it was to determine your competency to serve as jurors. My object was wider than the law defined purpose. You remember that I said in the be-

ginning of this case that men live on hill tops. While each man has eyes like the eyes of his brothers, strangely enough, men see the same things from different angles. Each man views the thing that he sees from his height. A farmers' experiences, his joys, his sorrows, his sufferings, his struggles, his problems, his contact with life and life's contact with him—these build the elevation from which he views the subtle thing called a fact. The fellow in the mines, in the railroad shops, in the pulpit, in the studio, in the lawyer's office, each has his experiences which fashion his attitude of mind toward life. This hill top residence of mind we commonly call man's "point of view." The many, many questions I asked each of you were neither idle nor curious inquiries. I was searching for your point of view. I wanted acquaintance with the real YOU in each of you. Your answers to my questions gave me the addresses of your hill tops.

I placed Carl Person's life in your hands. You made a contract with me—a contract you are going to keep, the consideration for this contract is the best and biggest that can make a contract binding. It was sealed with character. The law recognizes the binding quality of this contract. This court will instruct you that the answers you made to my questions were the consideration which moved the defendant to place his life in your hands and that it is your solemn duty to stand by those answers now and in the jury room as much as when you made them.

#### **Presumption of Defendant's Innocence**

You were asked if you could and would presume the defendant innocent. You were told that the law commanded you to so regard him. I explained to you that the Mosaic law, the bulwark of an ancient justice, laid down the doctrine of revenge, "an eye for an eye, a tooth for a tooth, a life for a life." The Mosaic doctrine was born of hate, and was administered appropriately by persecution rather than by prosecution. It had its day—it ran its course. There came upon the plains of Galilee the Lonely One. He brought to Life a bigger, nobler, more beautiful conception of Justice. By His life and teachings He repealed the pagan law of hate and set in its place one of love. From the tablets He erased the monstrous doctrine of vengeance and behold the world was kin—a new Justice was born.

In our country the administration of criminal justice is touched every place with the tenderness of the Christ's teachings. Thus it is

that we inherit the doctrine of law that commands you to presume the defendant innocent. The court will instruct you that it is your duty to listen to the evidence, to listen to the arguments of counsel, listen to the instructions of the court, march to the jury room and there take up the consideration of the evidence, always bearing in mind that the defendant is presumed to be innocent. Even more, that you must weigh the evidence in the light of this presumption and reconcile it if possible upon any reasonable hypothesis consistent with the innocence of the defendant.

### **Doctrine of Reasonable Doubt**

The law is that you must not find the defendant guilty if you have a single reasonable doubt as to his guilt. The court will instruct you that this is the law. This does not command you to find the defendant guilty if you believe that the evidence establishes his guilt by a preponderance or greater weight of the evidence. Think on the words as I repeat them; If you have one single reasonable doubt as to Carl Person's guilt, you must acquit him. Give that thought room in your minds now and let it live in your verdict later. This splendidly human provision of our law is not an accident. Lo! these many years it has been written and accepted everywhere that it were better a thousand times that a thousand men, aye, ten thousand men who are guilty, should go free than that one innocent man should be convicted. This, too, is an inheritance from Him who drove the money changers from the temple and preached of love and brotherhood. It is not strange that a free country applies this wisdom in its law. The prosecution is brought in the name of the people. If Carl Person should be found guilty by a jury which entertains a reasonable doubt as to his guilt, it would be a crime on the part of the great State of Illinois. The jury would make criminals of five and a half millions of citizens who live within the state. Think of the illegal hanging of one man in the name of all the people and by all of the people!

A "reasonable doubt"! What meaning lives in the phrase? There is not a jurist or a lawyer in Illinois who can fix in words the exact mental attitude labeled "reasonable doubt"! Every man must define it for himself. The inner man, the better man, the real man in you, knows its meaning exactly. It is an infinite knowledge that

cannot be expressed in finite words. Measure it by conscience. View it with love in your eyes.

### **American Law of Self Defense**

The court will instruct you as a matter of law that we in America, have abandoned the antiquated theory of self defense. In England there was a time when man was the plaything of property. Those were the days of the feudal lords. Then a man was compelled to retreat to the wall before the right of self defense arose. The common law of that day, when the few were landed barons and the many were tenant serfs, read, "that the right of self defense did not arise until every effort to escape, even to retreating until an impassable wall or something of that nature had been reached."

Today, in our country when all men are equals, the law is that a man, if unlawfully assaulted, in a place where he has a right to be and put in danger, real or reasonably apparent, of losing his life, or receiving great bodily harm, is not required to endeavor to escape from his assailant but may stand his ground and repel force with force, even to the taking of the life of his assailant, if necessary or in good reason, apparently necessary for the preservation of his own life or to protect himself from receiving great bodily harm. I will not urge upon you the appropriateness and the wisdom of this rule of law. Were you less than free men, it might be necessary. To the free man it is only common sense. Had it not been proclaimed by the courts it would have been invoked by the juries.

After you were sworn to try this case I addressed you. My first words were and I now call upon you to bear me witness, "That a promise made is a debt unpaid." The words are those of a young poet, Mr. Robert Service. At that time no evidence had been presented. Under the rules of practice the State's Attorney for the prosecution and I for the defendant, addressed you and made promise of the proof we would offer. I have before me the promise made by the prosecution. All the evidence is now before you. Have they kept faith?

### **Prosecution's Offer of Proof**

"I am going to be fair." With this promise, prosecutor Williams began his offer of proof. Alas! It was only a promise! A promise like the promise of a politician, frequently repeated, seldom kept. I

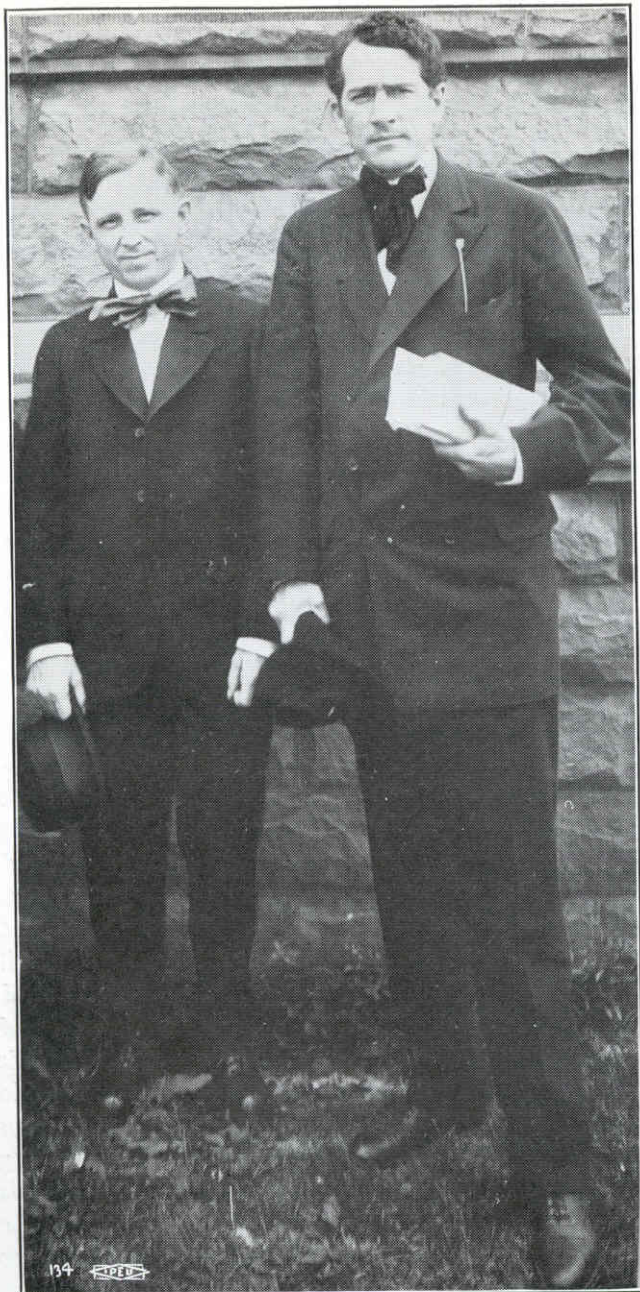
did not dare promise you that I could be fair. My loyalty, my affection for the defendant and my responsibility as his counsel, make me incapable of absolute fairness. I make no claim that I can free my vision from the influence of my heart feeling, but if I have erred and if I have been prejudiced, thank God it has been on the side where is balanced a human life and the honor of a name! To err on the side of mercy is at least human, to err in ambition's cause and become a man hunter, is quite a different matter. Mercy has excused many sins, ambition has never justified one.

In this same offer to prove the prosecutor thundered out, "Not only you should not have a reasonable doubt, but you will have no doubt from the evidence, but that this defendant did kill and murder Anton Musser in cold blood." This they promised to prove—murder, cold blooded murder. The charge came from the responsible officer of this court charged under the law with the duty of representing the people of the State of Illinois. He must have been conscious of its terrible meaning. He offered to prove, beyond every doubt, that Carl Person was a murderer. He made it after nine months of investigation. He made it after having used the grand jury as a clearing house in which he gathered, examined and arranged the facts. He made it in the name of the people of the State of Illinois. I accept the challenge. I accept it with the full permission of the defendant, whose life is at stake and now solemnly declare to court and jury that if that promise of proof has been fulfilled, then Carl Person should pay with his life the full penalty for his crime.

We demand an unconditional vindication or a conviction for murder. This is not the time for compromise. This is not the place to compromise. We stand on the battle line they drew. If Person is guilty of cold blooded murder, I make no plea for him in the name of mercy. If he is not guilty of murder then with all my soul, I protest against a compromise in the name of conviction. That Person shot and killed the deceased Tony Musser, we have not denied. That he was compelled to do it in defense of his life is our defense.

In his offer of proof, the prosecutor further said, "The prosecution will show that the defendant rushed at the deceased"; "That Person fired nine shots into the back of the deceased."

These two promises of proof represent the vital and essential elements of proof necessary to the conviction of the defendant. We



**CARL E. PERSON AND HIS COUNSEL, ATTORNEY FRANK  
COMERFORD, WITH CLINTON COUNTY  
JAIL IN BACKGROUND**

accept the issue tendered. We address the issue to you, gentlemen of the jury.

With the positions of the defense and of the prosecution sharply defined and clearly before you, come with me to a brief and hurried consideration of the arguments submitted by the prosecution after the evidence was all before you and the time had arrived for the summing up of the case.

#### **Prosecutor Williams' Closing Argument**

Prosecutor Williams said in his closing argument, and I quote him literally, using a transcript prepared by the court reporter, "There is a sharp conflict in the evidence. I apprehend you will have to determine which class of witnesses you will believe and which you will not believe."

I agree with the prosecutor, that there is a sharp conflict in the evidence. It is as distinct as a battle line. It runs through the entire case. I reply to the prosecutor that the very clash and conflict which you argue is found in the testimony is the best and most conclusive reason for this jury's finding the defendant not guilty. This conflict compels a reasonable doubt of the defendant's guilt and therefore under the law, commands a "not guilty" verdict from the jury. The states attorney has unwittingly served justice. When a cunning man's mouth is open truth sometimes escapes! If a single witness here, an eyewitness to the tragedy, testified in direct opposition to the witnesses for the prosecution concerning matters material to the issue here, then you, gentlemen of the jury, must on your oaths as jurors, say that that witness was guilty of perjury before you can in good conscience and under the law, vote the defendant guilty. For should you believe there might be truth in the testimony of a single witness to the tragedy whose testimony made out a case of self defense, that belief is a reasonable doubt as to the guilt of the defendant. To remove all reasonable doubt you must annihilate all evidence consistent with the innocence of the defendant. You must brand all evidence consistent with the defendant's innocence with the ugly mark of perjury before you can say that you are without a reasonable doubt as to the defendant's guilt. You must believe that every witness who testified for the defendant, whose evidence clashed with the testimony offered by the prosecution is a perjurer, or it follows as truly as the night follows the day that such testimony disturbs the moral certainty of your conviction that the defendant is guilty.



We have two kinds of law suits—civil and criminal. In a civil suit money and property rights are in issue. In the criminal case life, liberty and honor are involved. The law protects dollars and property. It is wise and just that it does. Law is human. It does more than protect life, liberty and honor. It safeguards them. In a civil case where dollar values alone are at stake, the prosecution is entitled to a verdict under the law when it establishes its side of the case by a greater weight of the evidence, even though the preponderance be ever so slight. In a criminal case the prosecution must go further. The law recognizes human values as of more importance than dollar values. In a criminal case the prosecution must prove its charge to the point that you, sir, and you, conscientious citizens that you are, can say in the presence of your God, that the defendant is proved guilty to a moral certainty and that no reasonable doubt disturbs your peace of mind in uttering your verdict of terrible condemnation. The State's Attorney has tried to make it appear that you are here to decide which side has the greater weight of the evidence. That is not your duty. If you followed the prosecutor's lead it would be your crime. When the time comes in America that the lives and the honor and the liberties of those who inherited freedom from Valley Forge and Gettysburg, are placed on the same plane with dollars, we will turn the hands of the clock back and set the civilization of the New World in the hour of the Feudal Baron and the Tenant Serf. We will have driven the Christ out of the temples and set the money changers in His place.

#### **Life Story of Carl Person**

In Sweden twenty-five years ago a child was born to an honest, hard working couple. He was named Carl Person. His parents had heard of the larger freedom, the greater opportunity, beyond the ocean. Here they came. At the age of nine Carl was drafted into the great army of toil. Poverty drove him into the world of work in his very childhood. A great steel wire factory made him its slave. Ten hours a day they worked him—a dollar and a half a week they paid him. Exactly three months and three days was Carl Person allowed to go to school. This was the extent of his education in schools—the rest was work, work, work!

Carl Person never had a play time. He has never known the joys of boyhood. As a child the world placed upon him the duties

and cares and responsibilities of a man. From the wire factory he went to the machine shop of a railroad company at Joliet, Illinois. There he learned his trade. To get his job he was compelled to lie about his age. Since that day he has been compelled to repeat the lie. It was not Carl Person's lie, it was the sin of poverty. Mr. Herrick and State's Attorney Williams have made much out of the fact that Carl Person lied about his age in securing employment. The lie is that he said he was older than he in fact was. They would have you think that he is untruthful because conditions compelled him to lie to get bread.

We have many, many laws upon the statute books in the State of Illinois. For many years we have had laws prohibiting the employment of children under a certain age. Carl Person's poverty compelled him to starve or go to work, the statute to the contrary, notwithstanding. If he told the truth about his age the statute prohibited his employment. There was but one course open to him. That was to lie about his age—lie to get a chance to sweat and struggle for bread and shelter. I have often wondered if those who pass statutes prohibiting child labor think that by so doing they abolish child slavery. As long as conditions prevail that compel children to be bread winners, child labor will flourish. Two reasons make unassailable this truth. First, greed will willingly despoil child life in the making of profits. Second, poverty compels child life to offer itself victim. What could child slave Person do? Or any of his kin in poverty? Except go to work.

We have other statutes. One makes stealing a crime. Person and his kind must have bread and clothes and a place to sleep. The law commanded him not to steal but nowhere do I remember the law's punishing for larceny those who steal the playtime and school time of the children of our country. Nowhere do I recall a law which orders punishment of those who rob from young bodies the strength of youth. Yes, Person lied about his age. Sinned against, you now call him sinner.

### **35,000 Men Locked Out**

On September thirtieth, nineteen hundred eleven, thirty-five thousand American citizens, plain, honest working men, of whom Carl Person was one, were commanded to surrender a free man's right or give up their jobs. Two powerful railroad companies sent

out the order. It was unconditional. The right to organize was the right involved. Organization meant everything to the workers. Through it they had bettered the conditions of their homes, the lives of their children and of their wives and of themselves. No question of wages or terms of employment was involved. The railroad companies challenged the right of the men to organize into a logical, economical and efficient union, through which, as workers, they could compel reasonable treatment and living terms of employment.

These men made answer. They laid down their tools and faced the starvation of the empty pay envelope rather than surrender a right necessary to their freedom and existence. These men are men even as you and I are men. They live and hope and love and dream. They are blood and brawn and brain. They have souls. They are the doers of work, the makers of prosperity, the strength of society, the builders of civilization, the makers of homes, the sons of mothers, the fathers of children. They are free men in a free country. The spirit that made our nation a free land and gave us our inheritance of citizenship rather than the slavery of subjection, still lives! It lived in these men when they welcomed sufferings for themselves and for their families rather than surrender a single free man's right.

#### **Partnership Between Railroad and State**

One of these masters, a heartless thing was born in Illinois. It was named at birth, the Illinois Central Railroad Company. The law of the state of Illinois gave it being. Its right to existence is a charter. From the state of Illinois it got that charter. Under the terms of the charter the state of Illinois receives a percentage of the earning of the railroad company. This is direct participation by the state in the earnings of the company. Under the terms of the charter, the governor of the state is a director of the Illinois Central Railroad Company. The participation by the state of Illinois in the management and earnings of this railroad constitute a partnership within the meaning of both common sense and law.

A corporation is in fact an organization of dollars as truly as a Labor Union is an organization of men. On the thirtieth day of September, nineteen eleven, the railroad company took away from men the right to organize although the right to organize dollars was the very essence of its own life. Even more, the state of Illinois, as the partner of the railroad company and the creator of its corporate

identity was placed in the position of sanctioning and consenting to a command that stripped citizens of the state of a right that the law of the state freely and cheerfully gives to dolars.

Carl Person left his bench in the Illinois Central shops at Clinton, Illinois in protest against the corporation command that the men tear up their union cards. He had traveled some since the day when at the age of nine, he entered the struggle to earn his living. It had been a rough journey. Experiences were many and the hurts and knocks were hard. He was now twenty-two. Life had robbed him of many things but it had given him a mind. Person had treasured the gift and taken good care of it. While others spent time and money unwisely, Person used what little of both he had in getting an education. Carl Person could think. What is more he did think. What is still more important, he thought unselfishly.

#### **Birth of Strike Bulletin**

Paid advertisements began to appear in the daily newspapers throughout the entire strike zone. The railroad paid for them. These advertisements told a story as unfair to the men as it was untrue. The cost was large, the purpose was plain. It was a publicity campaign designed to poison the public mind against the men and their cause. Idle, hungry men, who earned their daily bread by the sweat of their faces, who have families to clothe and feed and shelter, cannot buy space in the daily newspapers. Person saw the paid advertisements libeling the cause of himself and his union brothers. He read statements branding himself and his brothers as anarchists and agitators. He read bold falsehoods placing the men and their loved cause in a bad light before the public. He realized the power of public opinion. He knew the poverty of the cause—the poverty in dollars, although rich in faith and loyalty. The public must have the truth—the facts! Person thought hard. He had an idea—a justice serving idea. He had the stuff in him to put the idea to work. He started a newspaper and called it the "Strike Bulletin." Person was its first as he has been its only editor. He printed the truth; printed it fearlessly, intelligently and effectively. The pickets on the firing line were made reporters. Each was armed with a camera. Paid publicity began to find a foeman worthy of its steel. Truth was the weapon Person used and he used it mightily. The reporters and the cameras began to get in their work. The circulation of the Bulletin went up

in leaps. One edition reached a hundred thousand copies. Another went into the million class. The cameras were at work. So were the reporters. Whenever there was a wreck due to bad equipment and incompetent employees, the cameras clicked and the reporters wrote it down. Maybe it wasn't literature, but it was TRUTH, spelled in big letters. No one could gainsay or deny it. No one tried. Person had been at first a bit of a joke to the corporation. Now he became a menace. From that time he was a marked man.

### **Person Hurts Business — Becomes Target**

The Strike Bulletin's exposure of the Illinois Central hurt that railroads business. A corporation is without a heart but it has in its anatomy one vital organ—its pocketbook. The labor editor struck deadly blows. He struck them right and left. Never for an instant were the cameras and the picket reporters asleep on the job. Through a corporation's veins flows in place of red blood, a curious yellow fluid—gold they call it. Where Person hit, it gushed forth in a mighty hemorrhage. Dividends shriveled from seven to five percent. The reporters and the cameras were mighty busy in those days. Stock tobogganed from one sixty to less than a hundred and ten. And still the cameras clicked, the picket reporters stuck to their task and Person published it all. The injury measured in dollars amounted to millions. The corporation began to writhe in frantic spasms of revenge. Instead of a joke and a harmless but irritating crank, Carl Person, twenty-two years old, labor editor, had become a dangerous man.

There is but one fate for a really dangerous man. He must be put out of the way. The "Strike Bulletin" must be silenced. "Get Person," was the command that was sent out.

An injury to dividends is seldom forgiven. Never forgotten. To attack the value of a corporation's stock is to commit mortal sin. It has been written by the mammon worshipers that of all sins, the greatest is the dishonoring of dollars. In the religion of greed this is the law and the prophets. Most grievously had Carl Person broken this commandment.

Who was this Person—mere working man and by grace of what God or law, dared such a lowly one oppose and expose respectable dollars? Soiled by toil, he now soiled by speech that which he hath not and that which all the world is commanded to worship—GOLD! Where and when have dollars been less than respectable? So much

have dollars been termed respectable in our day that many men take all the respectability they have from their dollars. The dollarless only, seem outside the pale of respectability as the world too often measures the meaning of the word.

Pioneers sometimes become trail makers. Carl Person was blazing trails for a movement so worthy that should it ever hit the right road, every wrong before it is doomed. The divine right of GOLD was menaced by Person's pioneering, therefore Person must be "got!" The wound that caused the yellow hemorrhage must be revenged.

Certain ones who live and work in the shadows were set to work. To them was assigned the job of disposing of the young editor and silencing the "Strike Bulletin." It was figured an easy job. The marked victim was a youth, he was of no particular consequence. Others had withered in fear of the gun man and the murder agent.

### **Threats Against Person**

Person began to receive ugly threats. Some were anonymous. Others were brought to him by his fearful friends. All of these came from the Illinois Central Railroad shops. Murmurings and rumors that Person had better depart from Clinton if he wished to escape the ignominy of being tarred and feathered, persisted. Men with the mark of the gun man on their low brows hung around the Bulletin office where Person worked during the day and where he slept on his narrow cot at night. At length some of his most courageous friends became alarmed. Not so, Person. Unafraid he refused to leave his post. The Bulletin was issued each week regularly and each week continued its assault upon the pocketbook heart of the railroad companies. Its blows were direct and telling. Each one was harder and truer than the last.

Threats failed. Person could not be scared. He could not be bulldozed, nor browbeaten, nor intimidated. Person knew himself. He trusted himself. He was cool of head. He had never taken a drink of intoxicating liquor in his life. His nerves were steady. He had never had a fight in his life. By fight I mean that he had never been mixed up in a brawl. His whole life has been a fight and one against great odds—a fight to survive individually and a part in the fight for the betterment of his brother workers.

### **Person Slugged**

In the month of April, 1913, Person was in Decatur, Ill.,—a city just twenty miles from Clinton. He was there in the interest of the cause. Evening came and his work done, he started for the station to take the car home. Under cover of the darkness thugs set upon him and brutally assaulted him. The attack came from the rear. The beating was without warning. It was a surprise. It was unprovoked. As they beat and kicked Person to the ground they cursed into his ears a promise of death if he did not quit Clinton and stop the publication of the Bulletin. To make binding their promise they gave him a final kick and left him prostrate upon the street.

With his face discolored and swollen from the bruises, and his head and body aching, Person got back to his office and the next issue of the Bulletin came out on time.

### **Person Slugged Again**

Two months later, in June of 1913, Person was again in the city of Decatur and for a second time he was struck down on the public streets and battered and beaten and threatened. Again the assault was made under cover of darkness. Again the cowardly assailants had struck him from the rear. Again he was commanded to leave Clinton and threatened with death if he disobeyed.

This second attack failed of its purpose. The Strike Bulletin came out on time.

### **Person Buys Revolver**

They had threatened Person. They failed to drive him from his duty. They had emphasized the good faith of the threats by administering to Person two terrible beatings. Calmly and coolly Person made up his mind that he would not quit the firing line and further that he would not be driven from it. Up to this time Person had never in his life owned or carried a revolver. The last beating in Decatur brought him to a decision. Quietly he went to a hardware store in Clinton and openly and without comment purchased a thirty-two caliber magazine gun and a box of cartridges. He went back to his newspaper office, loaded the revolver and put it in his pocket. This was all done so quietly that James J. Meagher and Lewis Nicholson, who were in daily association with him, did not know that Person

had taken steps to protect his life against gunmen. This was in July, 1913,—just six months before the tragedy. The first time Person ever shot this revolver (or any other) was on the afternoon of December 30th, 1913, when he sent nine of its steel bullets into the body of "Tony" Musser.

### **Musser Assigned "To Get" Person**

Anton Musser, terror of Clinton, formerly its chief of police and later chief strikebreaker for the Illinois Central Railroad company, took personal charge of the "getting" of the daring editor of the Bulletin. Musser's reputation as a bully and fighter was honestly won. He was a muscular giant—a man of enormous physical strength. He towered above ordinary men. He measured a good six feet two. He weighed two hundred and twenty pounds. In complexion he was dark and wore a long black mustache which intensified his fierce look. In his veins ran riot the hot blood of the Portuguese. Musser sent word to Person a day or two after Christmas to leave town before the first of the year or dreadful things would happen to him.

Person made no move to obey. He gave no evidence that he feared the threat.

On December twenty-ninth, 1913, Musser canvassed the situation concerning Person out at the Illinois Central shops. Rousey was one of the strikebreakers with whom Musser conferred on the evening of December twenty-ninth. From him Musser learned that Person ate his meals at the Interurban Cafe. Musser arranged to have Rousey come with him that evening at supper time to the restaurant. Rousey and Musser went to the cafe—at least this much of truth we wrung from the unwilling lips of Rousey. Musser stayed outside. Rousey went in to reconnoiter. Person missed dinner that night because the work in the office was too pressing to permit of his leaving. If he had not who doubts but he would have been lured by Strikebreaker Rousey from the restaurant and under cover of night, murdered in the alley adjoining the station.

### **Musser Decoys Person**

December thirtieth was cold. The year was coming to an end. The Bulletin was growing in circulation and power. Person was still on the job. The promise that Person would be "gotten" and put out



of business before the beginning of the New Year had not been made good. The Illinois Central was still bleeding its yellow drops of gold.

Shortly before two o'clock, the great hulk of Tony Musser could have been seen entering the saloon of Bryant & Cackley on the northwest corner of North Monroe and East Main Streets. One block north was the office of The Strike Bulletin. One block to the south was the Interurban station. Just between the two, on North Monroe Street is Bryant & Cackley's saloon, into which Musser had just entered. Musser asked if he might leave his overcoat in the saloon. The privilege was granted him. He took his overcoat off and hung it on the wire fence adjoining the bar. At the other end of the bar is a telephone. The number of this telephone is 687. Musser walked to the telephone, took down the receiver and called 736. The subscriber to telephone 736 is Carl Person. Telephone 736 is in the office of The Strike Bulletin. The operator made the connection. Telephone bell 736 rang. Person answered the call. The voice at the other end of the line was the voice of "Tony" Musser. He said to Person:

"This is Fred Kirk, from Decatur. Come down to the Interurban station. I have some important strike news to give you. I have only a few minutes between cars or I would come up."

I have shown you, gentlemen of the jury, how carefully thought out and planned the "getting" of Person was. You remember that Fred Kirk testified here. Fred Kirk was one of the men who had gone on strike with Person. Kirk was working at Memphis at the time. He was raised in Clinton and Musser knew that Kirk knew Person and that Person knew Kirk. Thus he used the name of Fred Kirk as an alias. Musser, in luring Person to his trap, baited him with a friend's name.

Person put on his overcoat and hat, left the office of the Bulletin and walked south on Monroe Street toward the station two blocks away.

Musser having set his trap by the fake telephone message, left Bryant & Cackley's saloon overcoat-less and ready for action. Quickly he moved to the Interurban cigar store which adjoins the station. There he waited in ambush for his victim.

Person reached the interurban station and made a search for Kirk, who was nowhere to be seen. After waiting four or five minutes

on the platform, Person turned his steps toward his office and his work.

In the cigar store the murder agent waited. To make sure of his decoyed game he asked Ernest Mitchell, the clerk, if the little fellow coming down the platform was Carl Person. The clerk assured him that it was.

In appearance Person is mild and gentle. He looks younger even than his twenty-five years. In height he measures scarcely five feet four inches and he weighs only one hundred and twenty pounds.

#### **Musser Attacks Person**

On to his doom walked Person, unsuspecting the foul plan that lured him from his office in the name of his friend. Musser concealed himself in the recess of the door. He could see Person as he came. Person could not see him and did not suspect that he was being way-laid. As Person passed the door the crouching Musser sprang from his place of hiding, pounced upon Person from the back, dealt him a terrific blow upon the head and felled him to the pavement. Musser jumped upon him. He dug his great hard knees into Person's chest. His strong left hand seized Person's throat. The fingers tightened around Person's windpipe. Person gasped for breath. Musser answered the gasps with curses. He beat Person's head against the brick pavement. With his great right clenched fist Musser rained blow after blow upon Person's upturned face. Blood flowed. It was the warm blood of this defendant. His scalp was broken. The white bone of his skull showed plainly. A woman in front of the interurban station screamed and fainted. Jack Taylor, the big honest farmer, cried out:

"He is killing that little fellow!" and rushed over to Musser and seized him by the shoulders. You saw Taylor on the stand. He is a powerful man. He tussled with and pulled at the giant Musser, but he could not budge him. Other strong men rushed to his assistance. Four of them struggled fiercely with Musser to keep him from killing Person. A voice from the crowd cried:

"Let him kill the s— of a b—."

Musser continued to choke and batter the almost insensible Person. Finally the combined strength of four able-bodied men, straining themselves to the last ounce, brought Musser to his feet. The big brute still clung to Person. He held the young man's throat in a grip of steel and when he was unwillingly pulled to his feet, he brought

the half dead Person to his feet. Musser demanded of his holders that he be released. He had work to do. His job was not finished. He still held at arm's length by the throat the collapsed Person. With renewed energy, shocked by the sight of Person, these men fought to compel Musser to release his death grip upon Person's throat. They succeeded. Person stood there, a pitiful sight. His face was swollen and discolored. A stream of blood flowed from a great ugly wound in the head. The white bone of his skull showed ghastly where the scalp had been laid open. His neck and throat were discolored and there were the imprints of fingers which were silent evidences of the choking. He gasped for breath. His tongue hung out of his mouth loosely. His body drooped; his knees trembling and bent under him, scarcely upheld him. His eyes looked out wearily, weakly. They looked pain. Person stood a moment. Then he wobbled backward, slowly and weakly. Musser's appetite for blood had been whetted. In the back of his head was the order to "get" the editor of The Strike Bulletin. Musser threw his whole strength into a final effort to free himself. He swore lustily. He bellowed madly language too vile to repeat. Time after time he cried out:

"Get out of town before night or I'll 'get' you."

Person was backing away. He had been struck from behind. The decoy, the ambush, the surprise of the assault—all confused him. It was not a fight. There never was a fight so far as Carl Person was concerned. He had never had a chance from the moment he left his office, betrayed by the fake telephone message.

#### **Person Shoots Musser**

As Person moved away, slowly and weakly, Musser followed him with glaring eyes and terrible threats and ugly oaths. Musser wrenched mightily with his great shoulders. He swung his strong arms fiercely. He fought madly, desperately, superhumanly, to throw off those who were restraining him from the fulfillment of his master's orders. The strength of the big man triumphed. He threw off his holders. He rushed toward Person. Person heard and saw. He stopped. He stood there, slight, pale, weak, weary, dripping with blood. Into his whirling senses nearer and nearer came the shouted curses and threats—"I'll 'get' you! I'll get you! I'll get you! I'll get you!"

Through a curtain of his own red blood he saw the giant Musser coming. The meaning of it all broke on him in an instant—the threats of the last two years—the brutal assaults in Decatur in April and in June—the oath worded order that he leave Clinton by the first or he would be taken out feet forward. Shots—nine of them—in rapid succession, rang out. At Person's feet in the streets of Clinton fell Musser. The murder agent was dead but his master still lived!

### **Evidence Bottled by Prosecution**

Hundreds of people witnessed the shooting, many of them live in Clinton. Others had come to the city to shop and were waiting for the interurban cars which were to leave in ten minutes. The law seized Person, dragged him to jail, threw him into a steel cell and locked the door. While he lay in a heap, his body racked with pain, the law was busy outside. In jail Person could do nothing for himself. Nor at that time was there any one on the outside to help him. He was at the mercy of the officers of the law whom he was to learn later were neither just nor merciful. He was alone. Even his presumption of innocence did not companion him. In the name of the people of the state of Illinois, the sheriff's office, the states attorney's office and the police department moved through the crowd interviewing witnesses and securing their names and addresses. If in doing this, they had remembered that Person, too, was one of the people of the state of Illinois, there would have been no injustice in the proceeding. The defendant was entitled to know the names and addresses of the witnesses so he could be on an equal footing with the prosecution.

A coroner's jury was impanelled. The state's attorney, the coroner and the jury held an unusual session. From the hundreds of names of witnesses that they had obtained, they called five to testify. This was to keep Person in the dark as to whom the witnesses were. It was a bottling up of the evidence. The five witnesses called gave no evidence except that Person shot and killed Musser. The shooting and killing of a man is not murder unless it is done with deliberation and with malice. A shooting may be an accident or it may be justifiable. Yet without any evidence this coroner's jury verdicted Person murderer and directed that he be held in jail without bail. A grand jury was convened which returned an indictment against the defendant charging him with murder. The defendant is not allowed to

appear before the grand jury, neither is he allowed to be represented. Its sessions are directed by the state's attorney. The law makes it the duty of the prosecutor and the grand jury to indorse upon the indictment the names of the witnesses upon whose testimony the grand jurors found the indictment. It is only fair that the defendant know the names of the witnesses who have testified against him. In this case justice to Carl Person demanded that the law be strictly complied with because he was in jail and helpless. The prosecutor deliberately failed in his duty. The law was ignored. Person was not given a complete list of the witnesses. I charge that this was an effort to send Person to the gallows blindfolded. While it was done in the name of the people of the State of Illinois, I deny that the people wanted it done.

#### **Person Denied Bail**

Finally these tactics on the part of the state's attorney's office became a state-wide disgrace. We sought a hearing for Person in the circuit court of De Witt county but were unable to obtain it. We knew that on a hearing Person was entitled to be admitted to bail. We knew that his liberty was necessary for the proper preparation of his defense. For over five months he was kept in jail. Finding that justice was not available in De Witt county, we were compelled to resort to an extreme measure—a precedent making measure. We invoked the aid of the criminal court of Cook county by means of a petition for a writ of habeas corpus. The court issued the writ commanding the sheriff of De Witt county to bring the body of Carl Person before the bar of the Cook county criminal court that he might be dealt with according to law and justice. After hearing testimony, Chief Justice Charles M. Walker, of the criminal court of Cook county, ordered that Person be released on bond. This decision amounted to a judicial finding that Person had been in jail for five and a half months without warrant in law.

#### **Fight for Fair Trial**

A fair trial is every free man's right. On this rock we have built our justice. A trial by a jury of one's peers is a blood purchased American right. None is so low that to him this right should be denied. None so powerful that he should secure more. Person charged with the most capital of crimes—murder—facing the most

horrible of punishments if found guilty—death on the gallows—petitioned for a trial by a jury of his peers drawn from a county unprejudiced toward him. De Witt county was inflamed with base, low, coarse passion—in part revenge, in part hate, in part misunderstanding. The strike situation of over two years duration had made bitter the feeling against organized labor. The Illinois Central was undisputed master of the politics of Clinton. The officials were its political creatures.

For months the great struggle between the Illinois Central railroad and its striking employes made tense the situation in Clinton. The town had been turned into a strike breakers' camp. Person remained almost alone on the firing line, fighting for what many thought was a lost cause. The railroad had seen to it that he was not popular. Its surgeon—one of its payroll patriots—was mayor of the city. And yet the state's attorney wanted to try Person in De Witt county. The prosecution fought the defendant's demand for a change of venue. Illinois beheld the sad spectacle of a county wide election to determine whether or not a man about to be tried for his life should be given a chance to present his cause to an open minded jury free from prejudice. Thirty days the court solemnly gave for the gathering of affidavits in which the citizens of the county voted either to give Person a chance for his life by granting him a change of venue to another county or condemning him to be tried in De Witt county. The people's time and money were spent. It was a wild fight. Five hundred and twelve voted to give him a chance for his life. Four hundred and sixty-seven voted to support the state's attorney in his demand that Person be tried in De Witt county. And by the industry of our electioneering in this strangest of all elections, we, gentlemen of the jury, are here in Logan county asking for justice.

### **Spectacular Attempt to Defeat Justice**

Gentlemen of the jury, each of you promised me that you would not be swayed by sympathy, that you would be unaffected by passion in the making up of your verdict. I told you that the defendant whose life blood is the issue here, did not ask for mercy, that he wanted only justice. Surely the people of the State of Illinois are not crying for the defendant's blood with a passion so lawless that they would wring from a jury a verdict of "guilty" based upon passion and

sympathy. Mercy always pleads for the defendant. She never seeks revenge.

Did I not ask you if the old father of the defendant came here, might not his presence stir within you emotions unfair to justice? You answered that you would render justice unmoved and unswayed by passion. Each of you so answered. At that time, in the beginning of this trial, no one was here except the lawyers and officers of the court. You were selected and sworn to try the case. Instantly the stage was set! The prosecution brought inside the rail a lonely woman in widow's weeds accompanied by three sweet faced children. It was a brutalization of justice; it was a cold-blooded attempt to so move your hearts that your heads might be controlled against your reasons. It was cruel, cruel to the widow, it was worse than cruel to the children—it was ghoulish. It chilled my heart—this unholy parade. The bringing in of the children of the deceased's blood and the widow of his bed and compelling them to listen to the terrible story, shocked every finer sense of my manhood. You recall when the first eyewitness to the tragedy placed on the witness stand by the prosecution, reached the point in his testimony that dealt with the terrible oaths which Musser shouted at Person, I could stand it no longer and I rose and moved the court to order those tender minded children from the court room. My motion was not based on law. It was an act of simple humanity. The children had not done any wrong. Their lives before them, I did not want burned into their souls memories of their father that might mar their peace of mind during all of their tomorrows. The prosecution was silent, the court caught the meaning in an instant and he directed the sheriff to remove the little ones at once. Inside the rail at your feet the sad faced, black garbed silent woman still sat, alone in her grief, an unwilling spectator at an inquisition that must have wrung blood from her heart as it did tears from her eyes. Oh cowardly ambition, that would so mutilate and torture the grief stricken one and so violate justice in her own temple. There have been times in the trial of criminal cases when those representing the life at stake have in their zeal to save it brought to the bar of the court in the presence of the jury, the loved ones of the living defendant, but when and where has an honorable prosecution so made a show place of the court room and sought by foul and unworthy means to wring from the emotions of men a verdict that their unmoved con-

science and brains could not justify. I did not blame the unhappy widow nor the fatherless children. They did not leave their home and come here of their own free will. Who will dare say that they welcomed the parts they were compelled to play? They served a purpose unknown to them; they came when they were commanded, led by the prosecutor and placed within the rail—there held hostages to unfairness.

It was thought that because you are red blooded men, with firesides at which are children and wives, for whom you are now lonely, that you would rush blindly into the pitfall and in passion vote away the life of this defendant. How little, Oh how little, of the human heart do some men know. How small do they set down the minds of men! Love begets love and your very devotion to your firesides makes you stand aghast at this play upon the sympathies.

#### **Comerford Declines Unfair Advantage**

Our solicitude for the widow and children has been genuine. I closed the door when it was unwittingly opened by the prosecution. The door they opened was one of advantage to us. It was an opportunity to place upon the records of this court that all the world might see, the story of the private life of the deceased. The blunder of States Attorney Williams opened the door. You will remember a line of questions started by Prosecutor Williams when he asked whether or not the widow was at the time of the tragedy living with the deceased. She and her children were sitting here when the question was asked. I objected and the court sustained the objection. I said we would not let the door be opened upon the private life of the deceased. Special Prosecutor Herrick knows that I know the awful story which I might have forced into this record, dealing with the private life of the dead man, had I been willing to take advantage of the opportunity thus thrust upon me through the blunder of his associate. There are some things more important than winning a law suit even when the winning of that law suit means the saving of a life.

#### **Fair Deal Denied Person**

Immediately after the tragedy Carl Person was dragged to jail. He was covered with blood. He lay in a heap, torn by pain. He had been beaten almost to death. Attorney Miller visited him within a half hour. Miller realized that one of the important things which



should be done was to preserve the evidence of Person's physical condition. This evidence would show the murderous assault made on Person and would be material and essential in justifying the shooting and killing of Musser. Miller knew that months would go by (just as nine of them have have gone by) before the trial. In the meantime the wounds, the bruises and discolorations would yield to time and medical treatment and disappear. He knew that the prosecution would make light of the injuries Person received. Miller resolved to preserve the truth. You have heard the prosecution deny that Person was brutally and murderously assaulted. Miller made a demand that a photograph be taken of Person immediately after the tragedy. A camera would be neither a witness for the defense nor for the prosecution. A camera preserves accurately and without prejudice or partizanship, that which comes within its focus. Its truth-seeing eye sees and its sensitized film records with integrity. The photograph would have taken the stand for justice. It would have been truth in the witness chair. The sheriff of DeWitt County denied the defendant this important and necessary legal right. We were not allowed to take the photogarph. The sheriff is part of the legal machinery of the county. The States Attorney who sits here at the head of counsel for the prosecution, was and is the legal adviser of the sheriff. As a lawyer he knew that it was only a right we asked and that it was a necessary and important right—a justice making right. Is this a prosecution or a persecution?

#### **Criminal Misuse of Subpoena**

Scores of witnesses were subpoenaed here by the States Attorney. They were compelled to report to the prosecutor every morning at the opening of court. All of them had been interviewed by the States Attorney before they were brought here. Many of them had testified before the grand jury which returned this indictment. The writ of subpoena served on them by the prosecutor commanded them to appear and testify on behalf of the prosecution. These witnesses were kept in the corridor of the court room day after day. Finally the prosecution closed its case without calling dozens of them to the stand. I ask why? Why this misuse of power? Was it accidental? Nine months have come and gone. A coroner's jury and a grand jury have acted in this case. The prosecution has had the police department, the sheriff's office and the great power of the

office of States' Attorney to learn what the testimony of these witnesses would be. After all of this scores of witnesses are subpoenaed by the State. You are promised that they will testify for the state. Was it the purpose of the prosecutor to intimidate and brow beat these witnesses? Was it a campaign of terrorization? Maybe these witnesses refused to testify in accordance with the views of the state's attorney. Then you, the jury are to be given only the testimony of witnesses who fit in with the prosecutor's scheme of conviction. You are to be denied the truth and the denial comes from the man who represents the people of the State of Illinois. Or were these witnesses people whose testimony the prosecutor knew would clear the defendant and notwithstanding this fact, were subpoenaed by him? If so the writ of subpoena was criminally used. By its use the prosecution promised witnesses they did not expect to call. The only purpose such conduct could serve would be to place in the control of the state the witnesses for the defense. Remembering the power of the legal machinery under the control of the state's attorney, its influence over citizens living within DeWitt county, the fear of the law entertained by the humble, the limit to which a conscienceless prosecutor might go should his ambition be thwarted, we have the measure and meaning of this indefensible move.

#### **Testimony of City Physician Pugh**

Doctor Pugh is the city physician of Clinton, Ill. The tragedy took place on the street immediately in front of his office. Dr. Pugh was in his office and saw the entire lamentable affair. He it was who came to Musser and applied medical aid. Dr. Pugh went to the hospital in the ambulance and on the way examined the gunshot wounds in the body of Musser. Dr. Pugh it was pronounced Musser dead when the ambulance reached the hospital. Returning to his office, he was called by the sheriff to wait on Carl Person at the County jail. He responded and examined Person within thirty minutes after the shooting. Dr. Pugh testified before the coroner's jury. Dr. Pugh testified before the grand jury. Dr. Pugh was officially engaged by DeWitt County and paid out of the county funds to make a post mortem examination upon the body of Tony Musser. Dr. Pugh made the only post mortem examination, probing the nine bullet wounds, determining and fixing the cause of death. Dr. Pugh was subpoenaed by the prosecution to testify in the name of the

people of the State of Illinois. Surely his testimony was important to truth and justice. He had accurate and direct knowledge of the tragedy as an eyewitness. As a physician he had examined Person at the request of the sheriff and could tell scientifically and accurately the nature and extent of Person's injuries. Having made the post mortem for the people of the state of Illinois he alone knew the course the bullets took upon entering the body of Tony Musser. He alone knew the exact medical cause of death. Now Doctor Pugh is an honorable gentleman, a physician of the highest standing. He comes here with official confirmation of his honesty and skill as a physician. He is, as I have observed, the city physician of Clinton, Illinois. He was, as you know, selected and paid by the county to officially make the autopsy. He has been kept in the corridors of this court house for five days. Finally, to the amazement and wonder of every one, the prosecution rested its case without calling Dr. Pugh to the witness stand. Was the prosecution serving truth in this concealment of evidence? Were they playing fair with you in keeping his testimony from you? Were they giving the defendant the square deal—the shiboleth of our criminal jurisprudence? Is this the application of the golden rule to your fellow man whose life is in the balance? Men of Illinois, I fear to dwell more upon this point. Brazen injustice, such as this, inflames the honest man's mind too much. I want a dispassionate verdict.

We called Dr. Pugh. We had no fear of truth. Truth is our defense. He who should have been called by the prosecution took the witness stand at our request, after the prosecution had subpoenaed him and refused to place him on the stand. Without previous conference with him, we, the defendant and his counsel, heard for the first time, Dr. Pugh's story at the same time you did. No word of attack did the prosecution dare direct at the evidence of the fearless and truth telling physician. Had he been guilty of the slightest misstatement of the facts they had his testimony taken before the grand jury and could have impeached him by calling the grand jurors. Had his reputation for truth and veracity in the community in which he has lived not been the very highest, they could and would have brought witnesses here to attack him.

#### **Assault on Truth Telling John Taylor**

John Taylor was subpoenaed by the state's attorney and com-

pelled to wait around Lincoln day after day when he would have preferred being at his work and with his family. Taylor had testified before the grand jury. Taylor was the man who shouted "My God! that big man is killing the little man under him!" Taylor was the first man who went to the rescue of Person. He was in the best position to give you the whole truth. He did not know either Musser or Person. He was not placed on the stand by the prosecution although subpoenaed to testify for the state. We put him on the stand. He told the truth in his simple, homely way. It aggravated the prosecution. Taylor is only a tenant farmer. This fact seemed to give the prosecution consolation and courage. It seems that from their point of view the weight to be given to the testimony of a witness should be determined by his material prosperity. Of course this is not the law in the state that gave to the Union the first citizen of our civilization, a rail splitter sprung from the loins of tenant country people. For his service to justice Taylor was marked for the most bitter attack I have ever known to be made upon a witness in a court room. Failing to trap him into a single inconsistency they resolved to annihilate Taylor. A dozen scandal mongers, neighborhood gossips, cheerfully came to the witness stand and swore Taylor's reputation for truth and veracity was bad. They were not only willing witnesses but they were eager witnesses. They seemed to enjoy their part in the cruel and dastardly attempt to destroy Taylor's character. On cross examination, I asked each of these character assassins by whom they heard Taylor's general reputation for truth and veracity assailed. Each of the dozen named the eleven others. It was an infamous round robin of willing breakers of the commandment. "Thou shalt not bear false witness against thy neighbor." I next sought to find the motive for this unthinkable attack upon Taylor. By questions I learned that these men were grocers and butchers and storekeepers to whom Taylor at one time or another in his life had been indebted. I sought to find out what form and style of lies Taylor had told upon which they based the merciless slander. From the very lips of the witnesses you learned and I learned that Taylor, having become their debtor, made promises of payment that he could not, because of his poverty, fulfill. Adversity and the human impulse to feed his children had wrecked Taylor's reputation with these ghouls who now enjoyed the chance to publicly brand him a liar. For his poverty I sympathize with Taylor as I do with all those who are poverty stricken. On this

attack they rely and will ask you to disregard Taylor's testimony. Why didn't they bring the grand jurors here and impeach Taylor's testimony given before the grand jury? Taylor testified to the truth before the grand jury just as he did here. If there had been a single variance between Taylor's testimony before the grand jury and his evidence here, the grand jurors would have been brought here and Taylor would have been impeached.

### **Grand Jury Used Against Witness Foist**

Bert Foist, a bartender, worked for Dick Bryant. It was to this saloon that Musser came on the afternoon of the tragedy. Foist testified before the grand jury. There he said, in response to questions, that Musser came into the saloon shortly before the tragedy and asked to be allowed to leave his overcoat there. Before the grand jury he had not been asked about the telephone conversation and as a consequence did not volunteer the information. The state went after him on cross examination and asked him why he did not testify about the telephone conversation before the grand jury. Foist, with straightforwardness said that after the tragedy he was told by the owner of the saloon, his boss, not to say anything about the fact that Musser had used the phone in the saloon to decoy Person to the scene of the tragedy. The saloon keeper's desire to keep the saloon out of the affair after the terrible results that followed the telephoning does not require any comment from me. Did you not hear the prosecution defend the saloon keeper and attack the bar keeper? Then, too, you will remember that they brought no witnesses to attack the reputation of Dr. Pugh as a truth teller. Neither did they bring grand jurors to impeach him. In the case of John Taylor they did not bring grand jurors to impeach him but they brought forth a dozen men to attack his reputation for truth and veracity. Now that Foist was to be attacked, injustice plays still another role. No witnesses are brought forth to question Foist's reputation for truth and veracity, but the entire grand jury are solemnly paraded before you and each testified from memory, months old, that Foist did not tell of the telephone message in his testimony before them.

### **A Blind Chief of Police**

Chief of Police Burr, of Illinois Central-owned Clinton, took the

witness stand. He testified that he went to the saloon of Dick Bryant after the shooting and got the overcoat and kept it in his possession until the present time. I asked him whose overcoat it was. His answer still echoes in my ears. "I haven't the slightest idea." This, though a small link in the chain, coming as it did from the chief of police of Clinton, like the proverbial straw, shows the way of the wind. Did that wind blow from a prosecution or from a persecution?

### **Person's Good Character Established**

That you might know the kind and manner of man this defendant has been and is, I called from stores and shops, from the banks and from the professions, witnesses to speak the truth concerning Person's character. The first, I believe, was a banker. He said that Person's reputation for peacefulness and good citizenship could not be better. The malignancy and the unkindness of the prosecution hissed out on cross examination a question: "Even so, you wouldn't associate with him, would you, Mr. Marvel?" Special Prosecutor ex-Judge Herrick was the interrogator. Ah, Herrick, I wonder if you fully appreciate the meanness of your tone and your words. Maybe the motive for your course is the retainer that made you special prosecutor.

### **Vicious Cross Examination of Person**

There is an old saw that any fool can ask questions that a wise man cannot answer. Cross examination exemplifies the truth of this proverb. It takes a bitter questioner, with a superlatively vindictive motive to be willing to put a defendant whose life is at stake on the rack of questions double in form. One can ask a witness on cross examination whether he has stopped beating his wife yet and then command the witness to answer yes or no. If the witness says "yes," it means he used to beat his wife, but doesn't any more. If he answers "no," it means he is still a wife-beater. Question after question was shot at Carl Person on cross examination, followed by a shout demanding that the defendant answer yes or no. Even the court was touched by the unfairness of the prosecution toward a man on trial for his life. This court has been a stern one and a severe one and yet the humanity of the judge broke through the judicial veneer and he expanded the rule—he almost in a technical sense, violated it, he said: "Yes, Carl,

you can explain." In passing observe the language of the court, the man whom the prosecution styled coldblooded murderer, pursued even to the witness stand, is addressed by the presiding judge as "Carl!" He did not call him "the defendant" nor the "prisoner." It was an unconscious bit of human feeling, slipping out from under the judicial mask. Carl Person won it from the court, not by the words of his counsel, but by the calm and dignified way he has stood up under the most terrific strain a human being can undergo.

### **Prosecutor's Effort to Suppress Evidence**

In the story of Helen Jones, who testified here the other day, we find the most disgraceful disclosure that ever marred the fairness and justice of a prosecution begun in the name of the people of the state of Illinois. Helen Jones is a young newspaper woman of Clinton. She lives with her father and mother and brothers and sisters. She witnessed the shooting. The prosecutor sent for her. She told her story. It was the truth. It vindicated the defendant. It justified Carl Person in killing Tony Musser. The thought of being called upon to testify in a sensational murder case frightened her. She asked the prosecutor to excuse her from testifying. He said he would hear her story first. She told it to him. She was in the office of State's Attorney Williams at the time. After hearing her story he told her that he would excuse her. He kept his word. She was not subpoenaed. He did more. He gave her some advice. She was told not to tell Attorney Comerford what she knew about the case, that if she did the defense would call her as a witness. He advised her to be silent if she wanted to escape the ordeal of attending court as a witness. A rumor brought to my ears the name of Helen Jones. I went out in an automobile with Attorney Miller to find her. It was in the afternoon. We came upon her on the public street about two blocks from her home. Mr. Miller introduced me to her. I asked her to step into the car and ride to her home. She did. There I met her father. I talked to her. She told me the full story as you heard it on the witness stand. I told her it was her duty to bear witness to the truth—that a life was at stake. I advised her to counsel with her father and assured her that he would agree that it would be unwomanly to shirk a responsibility so important to justice for another human being. We subpoenaed her. On the witness stand,

with the candidness of a girl and the courage of a woman she told the truth. From her lips came not only a vindication of the defendant, but a terrible indictment against Prosecutor Williams. She charged State's Attorney Williams with the unpardonable crime of trying to suppress evidence in a murder trial. Special Prosecutor Herrick was assigned to the task of breaking down her statement. He failed utterly, miserably. Truth in the mouth of a girl baffled the astuteness and cunning of the cross examiner. Defeated in his efforts to confuse Helen Jones, Judge Herrick took another tack. After consultation with State's Attorney Williams and State's Attorney Smith, Mr. Herrick began to lay the foundation for the impeachment of Helen Jones. He asked her who was present besides State's Attorney Williams and herself in the state's attorney's office at the time Mr. Williams told her not to disclose her evidence to the attorneys for the defense. She answered promptly and directly. Her answer was, "Mr. Pierpont Wright, the state's attorney's stenographer." The telling of truth on her part was fraught with danger. She not only laid herself open to impeachment, but to an indictment and conviction for the crime of perjury. If she falsified it was obvious that there were two witnesses who could assail her, one State's Attorney Williams, the other his stenographer, Mr. Wright. Both were in the court room when Miss Jones gave her testimony. From the moment Helen Jones left the stand until this case was closed I waited expectantly for the state's attorney and Mr. Wright to take the stand. Both have been here every day. The charge of Helen Jones stands uncontradicted. Those who could have challenged it if it were untrue have been silent. What is the deduction? Helen Jones told the truth. I confess that I am not quite able to grasp, to the fullness, the meaning of this conduct on the part of the prosecution. It staggers my understanding. Moral turpitude is the unit by which we measure crime. This act, measured by its moral turpitude, is too terrible to contemplate calmly. I say to you, sir, State's Attorney Williams, that if you had succeeded in silencing Helen Jones and keeping from the jury the truth as she told it here and this jury had found the defendant, Carl Person, guilty and sentenced him to die, then sir, in the judgment of God, you would have been a murderer! If justice had miscarried through the success of your efforts, on your death bed the angel of truth would have dangled before your eyes the swinging corpse of Carl Person. I forgive you, but I am sorry for you.



### **Barnet a Modern Ananias**

In football they have used these many years a formation known as the flying wedge. Somewhere I have read that this idea comes out of a military maneuver known to the ancient Greeks. The plan is to put your strength at the apex of a V and make your attack by battering through the enemy's line. The prosecution designed a flying wedge and put at the point of attack its strongest witness. J. A. Barnet is the name of the wedge man. He said he was a farmer. I know you are farmers. Farmers haven't any copyright on truth any more than other people have. You know that. So do I. I say that J. A. Barnet in his testimony, out-Ananiased Ananias. His testimony hasn't a single symptom of truth about it. He it was who swore that Person struck at Musser. One hundred and thirty witnesses have testified here and Barnet alone makes this statement. This might be a mistake—an honest mistake, if it were the only statement made by Barnet planned to hang Person and designed in falsehood. But Barnet went further. He said that when Musser and Person were on the pavement, Person had his legs wrapped around Musser's and his hands in Musser's hair. One hundred and thirty witnesses testified and not one of them corroborated Barnet. He let his disguise slip. He went too far, even for a perjurer. He said that Person was not hurt, that there was but a slight pin scratch upon his face and that just before the shooting Person deliberately smeared the few drops of blood over his face to make it appear that he had been badly beaten. Barnet would have you believe that Person, in the moment just before he shot Musser, was preparing his defense. No other witness at the trial corroborated Ananias Barnet. Dozens of witnesses for both the state and the defense, including doctors, swore to the terrible beating Person received.

### **Witness Moore Trapped**

Joseph Moore followed Barnet on the witness stand. He testified on behalf of the prosecution. A week after the shooting he made an affidavit to Mr. George Kavanaugh in which he completely exonerated the defendant. Nine months after the tragedy he comes here and brazenly and boldly tries to hang this defendant. On cross examination I produced the affidavit. I compelled Moore to admit that it bore his signature; that he read it before he signed it, that he was

sworn to its truth by Mr. Kavanaugh. Strange how truth and memory change! I am wondering what influences have been at work that so completely changed Mr. Moore's version of the shooting. Surely it was fresher in his mind a week after it happened than it is now. Moore makes no explanation. He sullenly insists that he is telling the truth now. Mr. Moore must remember that to be a good liar one must have a good memory. He should cultivate the latter before he practises the former.

I put Mr. Kavanaugh on the stand. He told you how he had come to Chicago to attend the New Year's celebration at the Press Club, of which both Mr. Kavanaugh and myself have the honor of being members, that out of friendship for me he consented to investigate this case. Mr. Kavanaugh is a newspaper man of training and experience. I did not want to employ a detective. I wanted a man free from the suspicion under which the detective works. I wanted a man of rugged honesty and possessed of a clear head. Such is George Kavanaugh. By innuendo and slurring reference the prosecution have tried to cheapen and belittle my friend, George Kavanaugh. Mr. Kavanaugh is in the court room. I call upon him to stand up that you may the better remember him. He wears the nasty scar made by a bolo knife on the firing lines when in the service of news he marched with the American Army in the Philippines. He followed the flag in Cuba. He was at the Boxer uprising in China. He carried back a mauser bullet in his shin. The late Dr. Nicholas Senn, who served in Cuba as a United States surgeon, removed it in Chicago after the war. There is a story connected with the operation that I think should be told. Kavanaugh's sense of duty caused him to carry the bullet until the war was over. When he returned to Chicago it bothered him. He went to the Presbyterian Hospital. Dr. Senn was back from the field. He operated. During Kavanaugh's convalescence a bill was presented to him while he was still in bed. It was a charge of \$500.00 for the operation. When Dr. Senn next visited him, Kavanaugh told him of the bill and asked that he be patient until Kavanaugh was discharged from the hospital. Senn was surprised that a bill had been presented. He asked to see it. Kavanaugh brought it forth from under his pillow. Dr. Senn looked at it, took his fountain pen from his pocket and wrote across the face of it, "Paid in full in Cuba." This is the George Kavanaugh who under my direction investigated this case for the defense.

### Illinois Central Conspiracy

Tony Musser was chief strikebreaker. The uncontradicted evidence is that he lured Person from his office by a fake telephone message. The unquestioned testimony is that the telephone message came from the saloon of Bryant & Coakley at about two o'clock. Joaquin Wilson, son of Deputy Sheriff Wilson of De Witt county, swore that he passed this saloon at about five minutes after two on the afternoon of December thirtieth, 1913; that he saw George Cain, an Illinois Central strikebreaker and Charles L. Dickerson, a traveling engineer for the railroad, standing in the doorway of the saloon.

At this very moment Musser was decoying Person from his office by the telephone message. Cain and Dickerson testified for the prosecution. They tried to tie a noose around the defendant's neck. Does it not seem strange that Cain and Dickerson were in the doorway of the saloon at the same time that their fellow strikebreaker, Musser, was inside trying to inveigle Person into a death trap; that both of them saw the tragedy and yet pleaded under oath that they did not know Musser was in the saloon; that they had not seen him or talked to him on that day before the shooting. It is significant that other Illinois Central strikebreakers were present and saw the tragedy. Were they there by accident or by design? Were they there to see Musser carry out the job of "Getting" Person, to be used later, to supply the evidence that would vindicate Musser if he succeeded in killing Person? Musser failed in his plan to "get" Person and he paid the price with his life. Now we find the witnesses that would have vindicated him if he had succeeded, testifying desperately to send Person to the gallows.

Not one of the Illinois Central strikebreakers who was present made an effort at any time, to pull Musser off of Person. They witnessed the assault and although four disinterested onlookers interfered to prevent Musser from killing Person, not one of them was an Illinois Central strikebreaker! The relative sizes of Musser and Person would have commanded any red blooded man to interfere in Person's behalf.

A half dozen witnesses said that while Musser was on top of Person, choking and beating him, they heard a voice cry out:

"Let him kill the s—of—a—b—!"

Two witnesses, Ira Davenport and Homer Short, positively identified strikebreaker George Cain as the author of this murderous phrase. This is the same George Cain who stood in the front door of the saloon of Bryant & Coakley while Musser was telephoning to Person from the saloon. This is the same George Cain who testified for the prosecution and went to such terrible lengths in his efforts to send Person to the gallows. You remember how I put the question to him, how confused he became, how he hung his head and stammered. The question was "Did you say,

"Let him kill the s—of—a—b—?"

"No, but I heard it come over my shoulder."

Dwell for a moment on the picture! A young man, slight of frame—five feet four, weighing one hundred and twenty-five pounds, prostrate on the brick pavement. On him a powerful man, six feet two, weighing over two hundred and twenty. The young man is being beaten and choked to death. His face is covered with blood. He is utterly helpless. What attitude of mind must have moved the lips that urged murder in that horrible oath-framed phrase? I say that the same malice must have been in that man's mind and the same poison in his heart that were in the mind and heart of the man who was doing the deed! It was a twinship of infamy! A conspiracy in motive and thought. Only a previous understanding and an agreement between Musser and Cain can explain it. Who will dare assert that Cain's words were those of a disinterested bystander, moved to speech by the scene before him? It is unthinkable. It is unbelievable. It is impossible. Once in another day there was a Cain who slew his brother. Of his blood and stock is the George Cain of this case, inheriting all the qualities of murder from his notorious ancestor but lacking the courage of the first Cain to do the deed. He acted as a coach and spur in the conspiracy.

### **Defendant on Stand Challenges Prosecution**

Person on the witness stand told the story of his life calmly and frankly. No technical objections were used as a shield to protect him from the carefully prepared and planned cross examination to which he was subjected. Herrick went through his life with a fine tooth comb. He plotted to trip and trap Person but there are no

pitfalls for the truth teller. Herrick asked Person about the first slugging in Decatur in April, 1913. He wanted to know if Person could give him the names of those who slugged him. Person answered,

"Yes," and added, "I can give you their addresses, Mr. Herrick, too."

Every one in the courtroom framed the question which should have been the next asked by the prosecutor. The expected question was,

"Who were the men you claim slugged you in Decatur in April, 1913?"

That question was not asked. There was a reason. Herrick didn't dare ask the question. We had no right to ask the question. Herrick could have asked the question and could have brought the sluggers into court and put them on the stand. Their evidence would have been competent for the prosecution in the impeachment of the defendant. Herrick knew that these sluggers would have been shown to be Illinois Central sluggers and the bringing of them into court would have brought into this record another link in the evidence establishing the conspiracy of the railroad to "get" the defendant.

Then Herrick devoted himself at length to a cross examination of Person concerning the slugging in June, 1913. You recall how he shouted at Person.

"Do you know who slugged you in June in Decatur?"

Person's answer is still ringing in my ears.

"Yes, an Illinois Central Gun Man and I'll give you his name, Mr. Herrick, if you want it!"

Here was a direct charge made under oath. The defendant had challenged from the witness stand the integrity of the entire prosecution. There was a pause. Herrick had trapped himself again. I tried to taunt Herrick into asking the name of the railroad gun man. He dodged and ducked in confusion. He didn't want to know. He didn't want you to know. If Person was building a defense out of falsehood, here was a chance to undo him! The record before you

stands with the sworn charges of the defendant uncontradicted, that he was slugged by Illinois Central gun men.

### **Railroad's Hand in Prosecution**

The Illinois Central was drawn upon at every angle. Failing to "get" Person by threats, failing to drive him from his post by the beatings in Decatur, and finally Musser's failing to "get" him on December thirtieth, the man hunt is not abandoned. Even now they are reaching into this court to "get" him in the name of the law. Dr. George Edmonson, the mayor of Illinois Central owned Clinton, on the payroll of the road as one of its district surgeons, abandoned all professional ethics and decency when he took the witness stand and testified. He said that he and his brother, who is also a doctor, a resident of Peoria and also a district surgeon for the Illinois Central, attended the post mortem examination on the body of Musser. He tried to make it appear that all of the nine shots had entered Musser's back. On cross examination we were all surprised to learn that City Physician Pugh had done the autopsy and that the two district surgeons for the railroad merely witnessed it. Why were they there? Dr. Pugh, you remember, was not called by the state. The city physician who performed the autopsy could not be depended upon. The Edmonsons, being on the railroad's payroll, were usable and dependable. Mayor Edmonson's answers were pitiful. He was compelled to admit that his answers were guesses. He was willing to guess away the life of a human being. He was doing it in the service of the Illinois Central railroad. Mayor Edmonson, in his eagerness to serve, let the mask fall. He admitted that he had said Person was "a dangerous man, a red shirted anarchist." These things he confessed he had said to many people in Clinton. I asked him to name a single act in the life of Carl Person upon which he, as mayor of Clinton and as a man, based his slander of the defendant. He hummed, he hawed, he adjusted his diamond scarf pin. Finally he answered,

"His attacks upon the Illinois Central and his participation in this strike."

Struggling truth was liberated. The story was out. The last link in the conspiracy was unwittingly confessed to by a salaried agent of the railroad company, the mayor of a city. Person was an un-

desirable citizen in the opinion of this man because he dared to protest against the infallible Illinois Central railroad. It is a sin to be a man. It is a crime to question the right of organized dollars to enslave men.

It has been written down in the records of this case that all of these things were done in the name of the people of the State of Illinois, but I say to you that these injustices have come to pass in the name of the Illinois Central railroad.

It was the Illinois Central railroad that said to citizens of the state:

"Surrender your union cards or give up your jobs!"

It was the Illinois Central railroad that "locked out" the men when they refused to obey its command.

It was Carl Person who struck at the pocket book heart of the railroad.

It was the Illinois Central that started to "get" Carl Person.

#### **Essentials Versus Non-Essentials**

Tolstoi, sage and teacher, philosopher and humanitarian, voiced for modern humanity one mighty truth when he laid down the rule that before wise judgments can be rendered, there must be clear distinction between "essentials" and "non-essentials." Your judgment, to be just, must be based upon the essential facts which have come to light in the testimony given in this case. The little discrepancies in the testimony accentuate the truthfulness of the witnesses. These bits of conflict and contradiction represent the fallibility of honest minds. The human mind seizes upon the great vital facts of a transaction and remembers and reports such facts relatively accurately. The mind as observer and reporter cannot be depended upon when called upon to present details. A systematic attempt has been made by the prosecution in this case to magnify the importance of small and natural discrepancies and contradictions in the evidence presented in behalf of the defendant. They would have you make up your judgment upon the "non-essentials" in this case. By collecting together and parading before your minds "non-essentials" they would take your attention from the real and important facts. When I have finished this argument the last word will have been said for and in behalf of Carl Person. Under our practice the prosecution has the great

advantage of addressing you last. I warn you against what I am sure will be the method used by special prosecutor, Judge Herrick, who will close this case for the state.

You remember the testimony of Roscoe Williams, the brother of State's Attorney L. O. Williams. He was an eye witness to the tragedy. Mr. Williams is a man of education. He is a school principal by profession. His daily duties tend to develop and make acute, accuracy of observation and memory. He came to the witness stand and testified. On cross examination, you recall, I asked him whether or not Carl Person wore an overcoat at the time Williams said he saw Person pull from his coat pocket a revolver and shoot Tony Musser. Mr. Williams, without hesitation, answered in positive and direct manner and word: "Mr. Person did not have an overcoat on. I saw him pull the revolver from the coat pocket of his suit." I asked him if he were as positive about that fact as he was about the other matters to which he testified and he unequivocally answered: "Yes!"

I take this single illustration to point out to you the danger of building your judgment upon "non-essentials." Mr. Williams was not guilty of an intentional falsehood. It was the honest error of his mind in reporting a detail of what happened. I will not further emphasize the danger of this pitfall. As thinking conscientious men I am sure that you would have avoided it without any alarm from me.

From the cross examination by the prosecution it is plain to me that Judge Herrick will analyze and argue adroitly and astutely concerning the direction which Musser and Person faced and moved during every instant up to and including the fraction of a second when the last shot was fired. Mr. Herrick will partition seconds and measure movements in fractions of inches in his effort to destroy the evidence offered on behalf of the defendant. He is compelled to resort to this method of argument or be without anything to say. In no essential was Mr. Herrick able to attack the truth as it came from the witnesses whose sworn testimony has so completely established the innocence of this defendant.

We freely admit that witnesses for the defense told varying stories as to the direction Musser faced and the cardinal point toward which Person moved—varying stories as to the number of feet and inches separating Musser and Person at different times—varying



stories as to the number of shots Person fired—varying stories as to the number of seconds in which the shooting occurred. This, we argue confidently, is the proof of the absolute truthfulness of our witnesses. Had their testimony been nicely exact and uniform in every particular, it would have conclusively shown one of two things; either that our witnesses were blessed with infallibility of observation and memory or were schooled in their evidence. Honest testimony carries with it all of the failings and inaccuracies of mortal mind.

If you, my friend, were to go to a theatre to witness a drama you would be able the next day or the next week to recall accurately the essentials in the play. Your memory would serve you faithfully as to the essentials of the plot and the essentials in the dramatic presentation of it by the actors. I venture the guess that you would not even attempt to tell with a profession of accuracy how many feet the villain was from the hero when the fatal shots were fired. Neither would you do anything more than guess at the directions in which the principals moved immediately prior to the tragedy in the play. In the opera house you would be a witness sitting in a comfortable chair enjoying repose and peace of mind, viewing the spectacle on a perfectly lighted stage, elevated and without anything obstructing your view. Then, too, the drama would only be a make believe tragedy. How different the position and condition of the witnesses to this real tragedy! Excited, suddenly brought face to face with a terrible struggle between a giant man and a young man who is a mere boy in size, a crowd quickly collected, the sight of blood, the terrible roar of the assailant's curses and threats, everything moving rapidly, tensely; shrieking women, excited men, would you under such circumstances give weight and consideration to testimony that mathematically divided seconds and measured in inches.

All of the witnesses who testified here, both for the state as well as for the defense, showed a failing common to humanity. It is the disposition of the human being to try to answer any question that is put to him. We are all disinclined to say, "I do not know." Our egotism makes us so. Each witness, unconscious of the fact that he was guessing, made some answer to every one of the many questions addressed to the minutest details of the tragedy of December 30, 1913. While in neighborly conversations the indulgence in guessing under the respectable apology that it is our best recollection, may be toler-

ated, yet in a court room, where a brother's blood, a man's honor, a name, are at stake, twelve men of blood and honor and good name will not take from the defendant the things they themselves hold most dear on testimony as light and unvaluable as these non-essential measurings and guessings. May I reaffirm my own humble position by citing a great living authority whose experiments and whose writings upon the psychology of evidence are standard. Hugo Munsterburg, savant, who holds the chair of psychology at Harvard University, has exposed the unreliableness of the human mind in reporting details of observation. He has shown the meets and bounds of our mental limitations and the danger of forming judgments on testimony pretending to accurately represent with minuteness the movements of men and the measuring of time and distance. I willingly leave with you the task of determining the guilt of Carl Person undisturbed by the fear that you will not be able to judge between the "essentials" and the "non-essentials" in this case—undisturbed by the fear that flyspecks of error will blind your eyes to mountains of truth.

#### **Innocent or Guilty?**

The days of this trial have been long and many. One hundred and thirty witnesses have taken the stand. Out of the facts that all of them have told has been spun a skein. Week by week, day by day, hour by hour, minute by minute, Truth's strong and busy fingers have woven from the tangled threads a fine fabric. Deftly she wields her shuttle. Long has she been a weaver in the House of Justice. A robe for the innocent, she fashions. And ever as her fingers gleam white and strong, while her shuttle flies in and out, close beside her sits Hunchback Falsehood and strives with evil patience to so entangle the threads that gentle wondrous Truth shall despair of her labor, lay aside her shuttle and leave her fabric unfinished. Haggard eyed, crooked bodied, ghastly faced, the tresspasser Falsehood twists and snarls the yarn. Endlessly and enviously busy are her claw like hands—calloused and cruel from their sinful labor. And as the days and hours and minutes pass, she braids and braids and braids—a hangman's noose! A monstrous hag is Falsehood and as she braids, a lie song is the music in her heart. Now gentlemen of the jury, the weaver's work is done. Has Truth woven her robe for innocence or has Falsehood braided her hangman's noose? Every answer from the witness stand has been a thread either in the hands of Falsehood or of Truth!



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Reading from left to right—Standing, John T. Smith, Deputy Sheriff of Cook County; John Fitzpatrick, President, Chicago Federation of Labor; Seymour N. Cohen, Attorney at Law, Chicago, Ill.; Arthur F. Miller, Attorney at Law, Clinton, Ill.; Frank Comerford, Attorney at Law, Chicago, Ill. Sitting—Carl E. Person, Editor Strike Bulletin, Clinton, Ill.

### **Case Given to Jurors**

On the memorable day and date of Saturday, October 3, 1914, exactly at 3:08 p. m., the various jury addresses, which followed Attorney Comerford's brilliant oration, were concluded and the case was given to the jury to render decision in the name of the people of the State of Illinois.

### **The Jury Reports**

On Sunday afternoon at 2:15 o'clock, one of the jurors came to the window and shouted "We win." This was the signal for a demonstration by the crowd around the court house such as has never been heard before in Logan county.

At 2:30 p. m. Circuit Judge Harris of Lincoln ordered the jury brought before him. The court room was crowded. At 2:35 p. m. Attorney Comerford and Editor Person arrived at the court room. The verdict of not guilty was returned amid a demonstration that lasted for ten minutes.

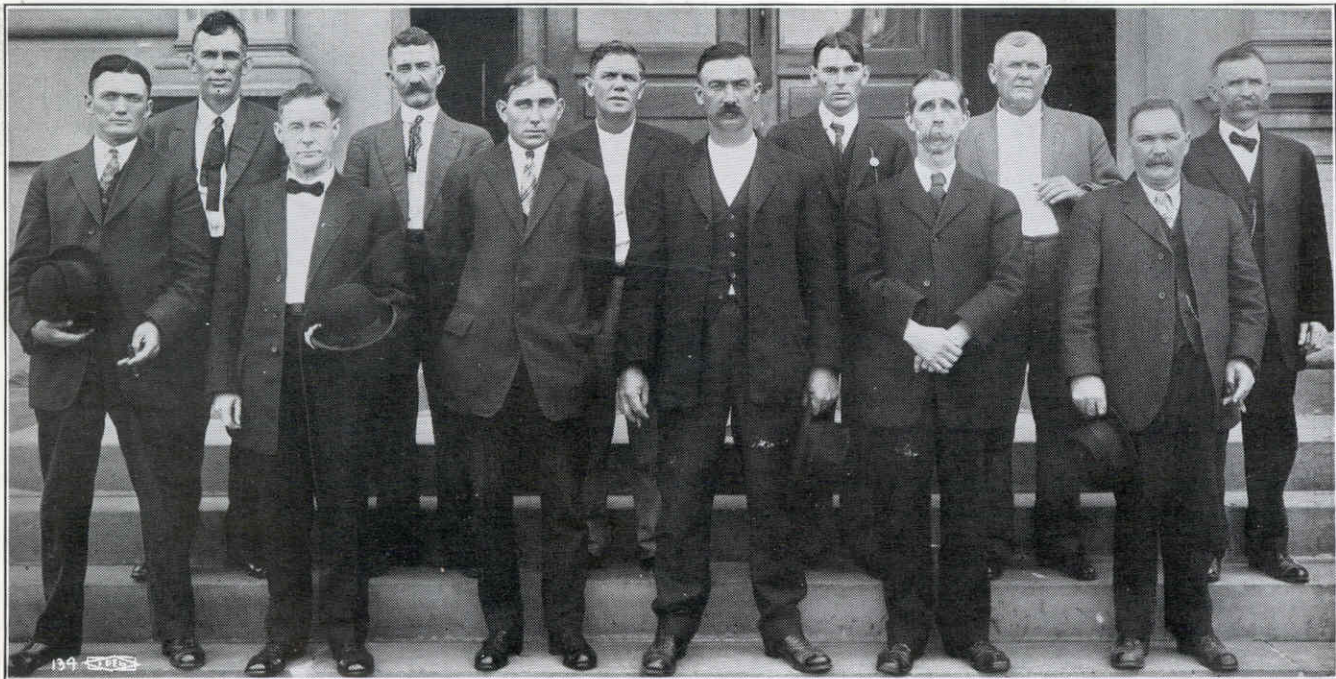
After the verdict was read and the jury polled Attorney Comerford, chief counsel for the defense, arose and said: "Gentlemen of the jury, you are farmers and yet you have vindicated by your verdict the cause of organized labor. Your acquittal of the defendant finds the Illinois Central guilty of a man hunt. You have taken your stand on the side of man in his struggle against organized dollars. Carl Person, the defendant, desires to address you.

### **Person Thanks the Jury**

A hush fell over the court room. The people surged forward. The editor-defendant arose to his feet. In tones of earnestness he said: "I thank you for my vindication. Even more I thank you for your vindication of the thirty-five thousand men that I represent. Your verdict is not as important to me as it is to organized labor. You men, a jury of farmers, have by your verdict marked the end of the murder agent and the gunman. This is significant. It means that the farmer who is being farmed and the worker who is being worked have joined forces against their common enemy, organized greed."

### **Life Saved, Liberty Threatened**

Volumes would be required to chronicle the details of the huge conspiracy of the Plunderbund and its agents in this man hunt. Their duplicity had failed of expected results, their intrigues and chicanery



**THE PERSON JURY**

**Top Row, left to Right—Thomas Brandt, Robert Gimberling, James Humphrey, William Smith, W. H. Williams, Stephen Powers.  
Bottom Row—Elmer Landis, Ellis Dillon, Henry Goldhammer, James Dunn, C. A. Armstrong, John Oglesby.**

had availed them nothing. UNVEILED TRUTH, using the farmers' jury as its medium, proclaimed the innocence of Carl E. Person and the cause he served and in no uncertain manner voiced the guilt of the railroads involved.

Chagrined at its failure to intimidate Organized Labor through the legal murder of one of its representatives, the Plunderbund and its agents invoked the aid of the courts once more and brought several new charges against Person, hoping that among a multiplicity of cases, their wealth purchased influence might enable them to secure the coveted conviction to be utilized as a soothing balm and a healing lotion that would ease the smarting and pain of the Bulletins' exposure of the hideous putrefaction that befouled their corporate bodies.

Attorney Comerford's public statement of the latest move on the legal chessboard, as printed in the columns of the Strike Bulletin, tells the story in so plain and brief a fashion, that it cannot be improved upon and is therefor without alterations or comment.

#### **United States versus Carl E. Person**

The effort of the Illinois Central to send Carl Person to the Federal penitentiary for 35 years has failed.

Indictments number 15244 in the United States District Court, Southern District of Illinois, was called up for trial in the Federal Court in Springfield, Illinois, by Judge J. Otis Humphrey, on Tuesday, January 5, 1915. The title of the case was "The United States versus Carl Person."

In the month of May, 1913, Illinois Central detectives and United States marshals raided the office of the Strike Bulletin, and Carl Person was taken before a United States commissioner, who bound him over to await the action of the Federal Grand Jury on the charge of having mailed libelous, scurrilous and defamatory matter through the United States mails, in violation of section 212 of the United States criminal code. Person gave bond and was released from custody.

Subsequently, the Federal Grand Jury returned an indictment against Carl Person. The indictment contained seven counts. In it Person was charged with sending through the mails matters of a libelous and defamatory character, calculated and intended to reflect injuriously upon the conduct of the ILLINOIS CENTRAL RAILROAD. The matter upon which the counts were based was:

THE ILLINOIS CENTRAL KILLED OLD MAN HARRI-

HAN AT KINMUNDY. WHERE WILL THEY KILL YOU? BIG STRIKE ON. WHEN YOU ARE ABOUT TO TRAVEL, BEAR IN MIND THAT THE ILLINOIS CENTRAL IS THE GRAVE YARD LINE. BIG STRIKE ON THE ILLINOS CENTRAL AND HARRMAN LINES. HUMAN BLOOD FLOWS, AND FLESH AND BONES HAVE NO PROTECTION. FIVE KILLED IN THE BALKAN WAR, AND FORTY-FIVE KILLED ON THE ILLINOIS CENTRAL. I DO NOT RIDE THE ILLINOIS CENTRAL. DO YOU?

The penalty clause of section 212 of the United States penal code reads:

SHALL BE FINED NOT MORE THAN FIVE THOUSAND DOLLARS, OR IMPRISONED FOR NOT MORE THAN FIVE YEARS, OR BOTH.

There were seven counts against Carl Person. He was facing a possible maximum penalty of 35 years in the penitentiary and a fine of thirty-five thousand dollars. Carl Person assumed the full responsibility for his act. There was no plea for mercy and no attempt to escape by a technicality.

The court heard the story, a plain story of facts, and those who were there to send Carl Person to the penitentiary failed. The struggle to get Person must have cost thousands of dollars. It began with a raid on the "Strike Bulletin." This took the time of the Illinois Central detectives and United States marshals. It occupied the time and attention of a United States commissioner sitting as an examining magistrate, and of a United States Grand Jury, and a United States District Attorney's office. And the United States Court made the fine ONE HUNDRED DOLLARS.

Still the beast is on Person' trail. Person is under bond to answer to the charge of criminal libel in the county court of DeWitt county, for calling a scab a scab in the columns of the Strike Bulletin. In another indictment Person is charged with criminal libel for publishing a poem and a cartoon of a humorous nature which poked fun at some of the friends of the ILLINOIS CENTRAL RAILROAD.

In a trumped-up civil suit, Person is sued for \$10,000.00 by the Musser estate. As a result of this suit, the equipment of the Strike Bulletin and the funds of the Illinois Central System Federation are attached.

In the trials that are to come Person will be vindicated, as he has

been vindicated in those of the past. He has violated no law, but has been the victim of the Illinois Central railroad because of his efforts in behalf of the striking shopmen.

The cost of it all in dollars and cents will be much less than that of any criminal trial or trials of like magnitude in the history of the labor movement. The money subscribed up to this time has all been spent in the preparation of Person's defense. I have spent over a year of my time in this fight. Up to the present time, I have used every dollar contributed to the defense of Person to protect him and the labor movement against the larger piles of dollars in the hands of the Illinois Central Railroad company. Not one cent has been appropriated to my own use as a fee.

#### **Appreciation of Illinois Trades Unionists**

The enemies and pessimistic critics of Organized Labor being prone to contend that the besetting sin of the organized forces of toil is INGRATITUDE.

The Person Defense League of Chicago, animated by an earnest desire to refute in some convincing manner so slanderous an assertion, after consulting with the organized workers in city and state, tendered to Frank Comerford, in the name of the Trades Unionists of the State of Illinois and the City of Chicago, the self-explanatory resolution in engrossed form, as illustrated on the pages following:

Person Defense League of Chicago, Chicago Federation of  
Labor and Illinois State Federation of Labor to  
Frank Comerford

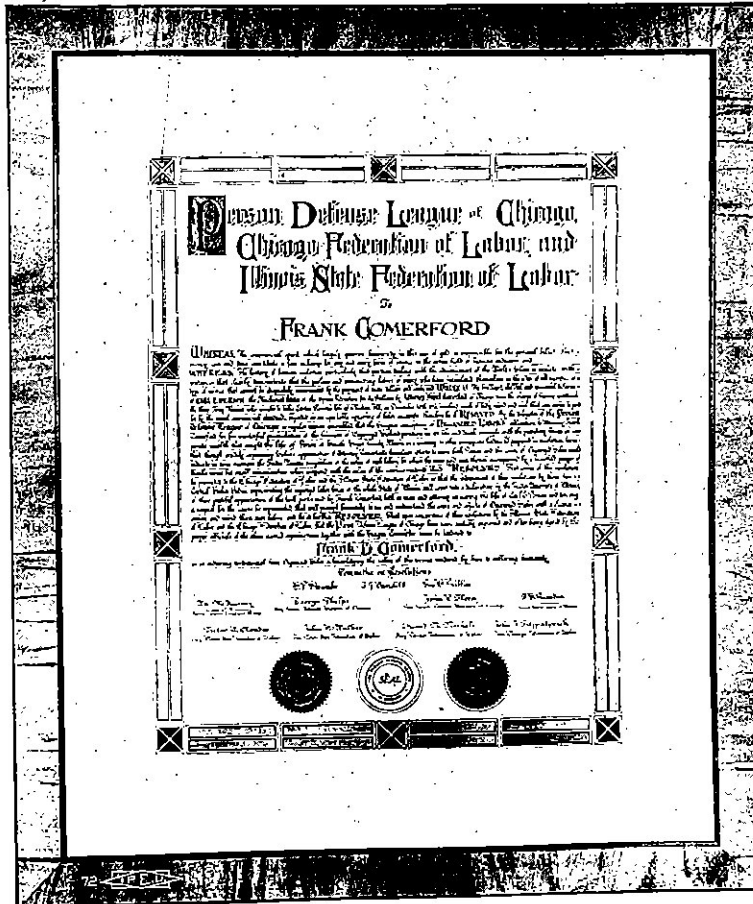
WHEREAS, The Commercial spirit which largely governs humanity in this age of gold, is responsible for the general belief, that money can and does constitute a fair exchange for any and every form of service in the entire field of human endeavor, and

WHEREAS, The history of human evolution, particularly that portion dealing with the advancement of the World's toilers is replete with instances that clearly demonstrate that the zealous and unremitting labors of many who have immolated themselves on the altar of self sacrifice, is a type of service that cannot be adequately compensated by the payment of mere dollars and cents, and

WHEREAS, The brilliant, skillful and successful defenses of CARL E. PERSON, the Machinist Editor of the System Federation



Strike Bulletin by ATTORNEY FRANK COMERFORD of Chicago, from the charge of having murdered the thug, Tony Musser, who sought to take Editor Person's life at Clinton, Ill., on December 30,



1913, involved work of body, mind and soul, that can never be paid for by the usual commercial standards, regarded as an equitable squaring of labor accounts, therefore, be it

RESOLVED, By the delegates of the PERSON DEFENSE LEAGUE OF CHICAGO in regular session assembled, that the League's conception of ORGANIZED LABOR'S obligation to Attorney Frank Comerford, for his masterful presentation of the fairness of Organized Labor's position in its life and death struggle with the

predatory forces of corporate wealth that sought the life of Person at Lincoln, Logan County, Illinois, as a warning to other courageous leaders, be prepared in resolution form; that though crudely expressing Labor's appreciation of Attorney Comerford's herculean efforts to serve both Person and the cause of organized labor would indicate in some measure the Trades Unions' recognition of the value of such labors, for which the wage paid, even though accompanied by a heartfelt prayer of thanks, seems but small remuneration when compared with the value of the services rendered, and,

RESOLVED, That copies of this resolution be presented to the Chicago Federation of Labor and the Illinois State Federation of Labor so that the indorsement of these resolutions by those two Central Labor Bodies, representing the organized labor forces of the whole State of Illinois, will constitute a declaration, by the Trades Unionists of Illinois, of their grateful appreciation of the task performed by Frank Comerford, both as man and attorney in saving the life of Carl E. Person and forcing a respect for the cause he represented that will prompt humanity to see and understand the aims and objects of Organized Labor with a clearer vision and mind than ever before, and be it further

RESOLVED, That upon concurrence of these resolutions by the Illinois State Federation of Labor and the Chicago Federation of Labor, that the Person Defense League of Chicago have same suitably engrossed and after being signed by the proper officials of the above named organizations, together with the League Committee, same be tendered to

**Frank D. Comerford**

as an enduring testimonial from Organized Labor acknowledging the value of the service rendered by him to suffering humanity.

COMMITTEE ON RESOLUTIONS,

L. P. STRAUBE,	I. J. CUNDIFF,	GEO. L. GRIFFIN.
WM. McINERNEY,	GEORGE PHELPS,	
Financial Secretary, Person De- fense League of Chicago.	Sec'y Person Defense League of Chicago.	
JOHN C. FLORA,	T. L. RIORDAN,	
Pres., Person Defense League of Chicago.	Treasurer, Person Defense League of Chicago.	
VICTOR A. OLANDER,	JOHN H. WALKER,	
Sec'y Illinois State Federation of Labor.	Pres., Illinois State Federation of Labor.	
EDWARD N. NOCKELS,	JOHN J. FITZPATRICK,	
Sec'y Chicago Federation of Labor.	Pres., Chicago Federation of Labor.	

### **Conclusion**

In conclusion the Person Defense League of Chicago, while reiterating its previously expressed thanks to those who have contributed to the Leagues appeals for financial aid, desires to impress upon the readers of this little booklet, that Labor's past victories in the legal arena, in behalf of Carl Person, has but made the Plunderbund more viciously determined than ever it was to strike Labor a staggering blow that may prove its undoing; to avoid such a contingency, requires funds, and these funds must be furnished by organized labor, for even in the game of matching dollars with the monopolistic powers of America, by virtue of its numerical strength, labor need feel no cause for alarm if its members will exhibit the same degree of solidarity which has won for them whatever progress has been attained in the industrial field.

In contributing to the Person Defense League of Chicago, and helping to make a fair trial for Carl E. Person in the still pending cases a possibility, trades unionists are but paying an insurance premium that will afford them a degree of industrial protection procurable by no more effective or cheaper method. Organized Labor's motto reads,

### **An Injury to One, is the Concern of All**

Does this say what it means, or mean what it says as regards the relationship supposed to exist among the rank and file of organized labor? If it does, Carl E. Person's troubles are your troubles, his dangers are shared by you, the loss of his liberty will jeopardize your own freedom and to properly safeguard your own welfare all assistance rendered to Person in this, his time of trial, will be converted into the magical bread cast upon the waters that will return to you magnified a thousand fold.

### **"United We Stand, Divided We Fall"**

Labor's success will be measured by your response to this call. "As we sow, so shall we reap," is a scriptural quotation as true as it is brief, therefor fairness to SELF and justice to the CAUSE suggests a literal compliance with the safe guidance of the GOLDEN RULE.

**"Do Unto Others, as You Would Have Others  
Do Unto You"**

For, as the well known author Berton Braley, aptly describes it in verse

Well, after all, the whole thing's up to us,  
However we may try to shift the shame,  
It's you and I that really are to blame  
If things are tangled up and in a muss.

If might is right, if goodness yields to greed,  
If mammon thrives, and God is quite forgot,  
If evil reigns in many a beauty spot,  
It is because We have not taken heed.

The wrongs that live are those we tolerate  
Because we have not tried to make them right;  
If darkness is where justice calls for light,  
If love is trampled out by wrath and hate;

If little children toil and women slave,  
If some men starve while others feast and waste,  
If truth is lost and liberty disgraced,  
If millions fast from childhood to the grave,—

It is because, for all our noise and fuss,  
We stay content with matters as they are,  
We have the final chance to make or mar—  
Well, after all the whole thing's up to us!



EXECUTIVE COMMITTEE PERSON DEFENSE LEAGUE  
(From Left to Right)

Authorized by the Chicago Federation of Labor. Endorsed by the Illinois State Federation of Labor

# The Person Defense



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