

HICKS MURDER TRIAL ENDS DEFENDANT FOUND "NOT GUILTY" LESSON TO UNION PICKETERS

Not guilty was the verdict returned at 4:53 Friday afternoon in the case of the State against Burt Hicks, owner of an open-shop machine shop, who was indicted for murder in the first degree for the killing of William A. Wortman, a striking machinist and picketer. The jury was out from 10:39 in the morning, but took two hours off for lunch.

The tragedy occurred in the entrance of the store of W. H. Markell & Co., on East Morrison street, between Union and Grand avenues, about 5:30 on the afternoon of November 2, 1911. Hicks had been in the county jail from that time until Friday afternoon.

The verdict of the jury was received with wild cries of approval from all sections of the courtroom.

Everybody Shakes Hands.

Everybody shook hands with everybody else. There was a rush to be the first to congratulate the defendant. After greeting his friends he advanced to meet the jurors filing from their box and to each he gave a fervent handshake and a word of thanks. Mrs. Hicks and Miss Lillie B. Hicks followed his example wringing the hands of the jurors with great enthusiasm and bubbling expressions of thanks.

Radiant smiles were visible on the countenances of the attorneys for the defense, Dan J. Malarkey, John F. Logan, Chris A. Bell and John H. Stevenson. They modestly refused to accept praise when congratulations were thrust upon them.

The expression of Mr. Bell to Mrs. Hicks, "I am sorry that we could not have done it sooner. It's really too bad that he had to spend more than five months in jail," was characteristic of their general attitude. John F. Logan strove to execute a jig on the courtroom floor, but pronounced himself a failure at the terpsichorean art. The face of Dan Malarkey bore the smile characteristic with him when his cause has triumphed. Mr. Stevenson, who is a candidate for delegate to the Democratic convention, quietly murmured his campaign slogan, "The people's choice is my choice."

Many Friends Greet Hicks.

There was too much joy among those most interested in the outcome to permit of venom. All of the close relatives and many of the personal friends of Hicks were present and his arm became tired before all had finished showering their congratulations. As he wended his way from the courtroom they crowded around him like a group of school children let loose for the summer vacation.

Within ten minutes janitors were at work cleaning up the courtroom, which had been the scene of the longest and most bitterly contested criminal trial in the court history of Multnomah county and probably the State of Oregon. The selection of the jury began on Monday, February 19, and the trial had been in progress every day since, with the exception of Saturdays when Judge Gatens was occupied with the Juvenile Court. Several night sessions during the past two weeks expedited matters.

"The verdict is what I have honestly and conscientiously expected it to be since the time I concluded investigating the circumstances surrounding the homicide," declared Mr. Malarkey. "I have been satisfied from the first that Mr. Hicks was not guilty."

Warning to Union Men.

"I might also say that the verdict is the best thing that could happen to union labor. Union men must learn that nothing is to be gained by allowing agitators to conduct their affairs by violence and invective.

"The District Attorney's office would have done better had Hicks been indicted for manslaughter in the first place instead of first degree murder. This would have satisfied the public demand for a trial and brought the same state of facts to light. It is demonstrated that the community will not place its stamp of approval on a strike conducted as this machinists' strike has been conducted."

It is believed that the question of the jurors' standing on the possibility of returning a verdict of guilty was the first and only one to come up for consideration in the jury-room. At first the jury, according to reliable reports, stood 9 to 3 for acquittal. Later, after several ballots had been taken, there was a temporary secession of one of those favoring a verdict of not guilty, but within an hour of this time the vote stood 11 to 1 for acquittal. The sound of cheers issued from the jury-room about a quarter of an hour before the 12 men filed back into the courtroom. It is believed that this was the welcome given the 12th man.

"I am satisfied with the verdict," said Hicks. "I have known in my heart all along that I was guiltless of crime. As I said on the witness stand, I shot in self-defense. I am sorry that it had to be done. I wish to express my thanks to the many loyal friends who have stood by me and my family during our trouble. I am glad it is all over."

"You remember I told the jurors that I would have no criticism to make of their verdict, whatever it might be," said Special Prosecutor Davis, when asked for a statement. "I do not believe that I care to say anything further."

Killing Sometimes Justifiable.

"The assault is justified in killing his assailant if necessary to avert the consequences upon himself and need not consider on the moment whether he may avert the impending danger or avoid the taking of the life of his antagonist by retreating or re-

More offensive words do not justify the taking of human life, said the judge, but the fact that Hicks may have used offensive language was not sufficient to deprive him of the right of self-defense unless accompanied by circumstances clearly showing an intent on his part to provoke some kind of an affray.

"If you find from the evidence that by reason of Wortman's remark to him and by reason of the previous conduct of the picketers, Hicks became irritated and angry and, for the purpose of punishing the picketers and in a spirit of retaliation, took occasion to bring on the affray for the purpose of killing Wortman, in a spirit of revenge, then you will disregard the defendant's plea of self-defense.

"You must not presume, however, anything against the defendant concerning his right of self-defense because he was carrying a pistol concealed. It may be considered by you in determining which was the aggressor and in passing upon the question of premeditation.

"Mere threats alone, without some overt act indicating an intention to carry the threat into execution, would not authorize the killing by the defendant."

Bitterness Marks Trial.

The trial of the case was characterized by the utmost bitterness between the attorneys. Special Prosecutor Davis, employed by the labor unions, and Dan J. Malarkey and John F. Logan, for the defense, indulged in almost daily exchange of personalities and abuse.

Hicks' attorneys entered a plea of self-defense, urging that acts of violence, threats of bodily harm and vile language by the pickets had driven their client to desperation and that he was being ferociously attacked by Wortman when he fired the fatal shot. Hicks, the prosecution contended, had started the melee and had been the aggressor throughout.

One hundred and eight witnesses were examined and nearly 2,000,000 words of testimony were taken. Each day's evidence was placed in the hands of the attorneys in typewritten form the same night. The hearing started February 19 and was concluded yesterday, occupying all but eight days of two months.

I. W. W. MEMBER RAIDS HOUSE NEAR SALEM

SALEM, Or.—After being fired upon four times by Mrs. M. Williams, whose home three miles from this city he entered while she was visiting at a neighbor's, and finally held up at the point of a shotgun held in the hands of T. G. Steiger, Ralph Onness, a member of the Industrial Workers of the World, is in jail here on the charge of larceny.

Onness, together with two other members of this order, made his appearance at the Steiger home yesterday afternoon. He asked Mrs. Steiger if she would sell him 5 cents' worth of salt, and upon her delivering it to him, he placed the money back in his pocket, and started to leave. Upon her inquiring if he intended to pay her he became abusive and left.

Mrs. Williams was visiting at the Steiger home and in looking through the window saw Onness go into her house through the rear door. She returned home, entering through the front door, and the next scene that greeted the eyes of Mrs. Steiger was Onness fleeing through the back yard with Mrs. Williams pumping lead at him with an automatic pistol. About this time, Mr. Steiger, who had been at work about the place, became aware of the trouble and, armed with a shotgun, he intercepted Onness and forced him to throw up his hands. While Onness stood with his hands in the air Mrs. Steiger communicated with the police, and when Chief Hamilton reached the scene Steiger still had his man under cover. His two companions made use of the opportunity offered to effect an escape.

A search of the person of Onness revealed the fact that he is a paid-up member of the Industrial Workers of the World. His card was just recently issued by the secretary of the order at Hoquiam, and it is presumed that he was one of those involved in the strike there.

FALLACY OF SOCIALISM---IF PUT IN PRACTICE WOULD MEAN DESPOTISM AND SLAVERY TO ALL

LITTLE FALLS, Wash. — Socialism is defined by its advocates as a scheme wherein the people shall own and operate all means of producing and distributing wealth, the land, mines, railroads and factories. They like to dwell on the "co-operative commonwealth," where the workers in each industry shall manage that industry, where "every man shall own his job." Men may work well together, that is co-operatively, where there are two or even three partners, but when a larger number attempt it and each has an equal voice in the management, the enterprise generally fails. This has been the usual fate of the many socialistic communities that have been started. Every business must have a head.

The nearest that the engineers, brakemen, dispatchers and other railroad workers could come to managing a railroad would be to elect a head man to represent them. Socialism would have to work along this principle of delegated authority. Its advocates may use the term "co-operative commonwealth" or any other words that strike their fancy, but the scheme is essentially that of government ownership and operation of the land, mines, railroads and factories. Many managers would be needed in every line, and they would be in fact if not in name government officials. It would be the duty of these officials to see that food was raised and clothing spun sufficient for the wants of every man in the commonwealth. With this responsibility they must be given the power to produce these things. Having to provide for the laborer they must have the power to control him. When the wheat is ripe the government must get the workers there to harvest it and use force if there is any delay. The system could be made practicable by placing the workers in armies with captains over hundreds and colonels over thousands with strict military discipline. Everything would have to be by government regulation.

When a negro in the South was a slave his master was responsible for his keep, but when he became a free man and could regulate his own movements, he must assume the responsibility and risk of providing for himself. If the Government assumes the responsibility of providing for the negro, it must assume control of his movements, make a slave of him again.

Germany and France are both military despotisms. The fact that one has the form of a monarchy and the other that of a republic seems to make little difference in results. In each the government maintains immense armaments, engages in more industries and has more regulations over the affairs of the people than we in the United States have ever dreamed of even in a nightmare. These countries are the homes of the socialist, for the citizens already believing in so much government activity and regulation, need only carry the same idea a little further to accept socialism. The socialist will tell you that Germany is more "advanced" than the United States.

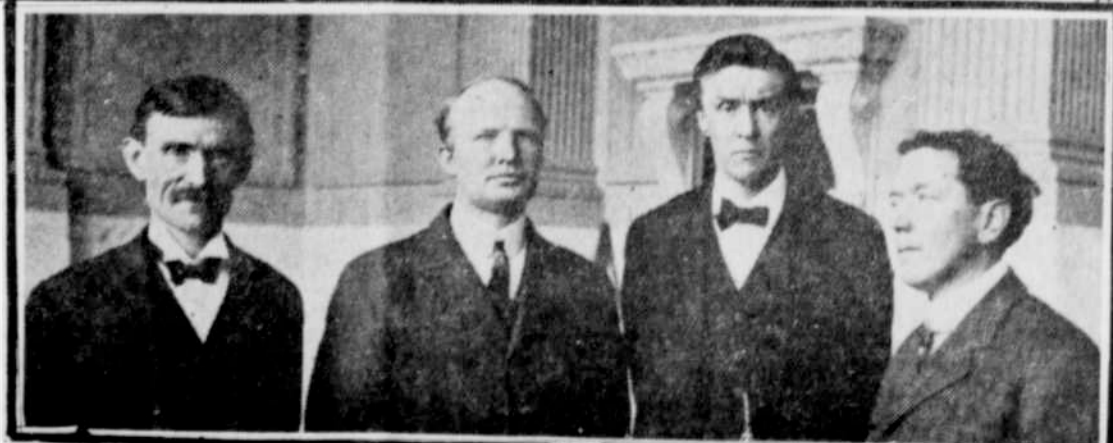
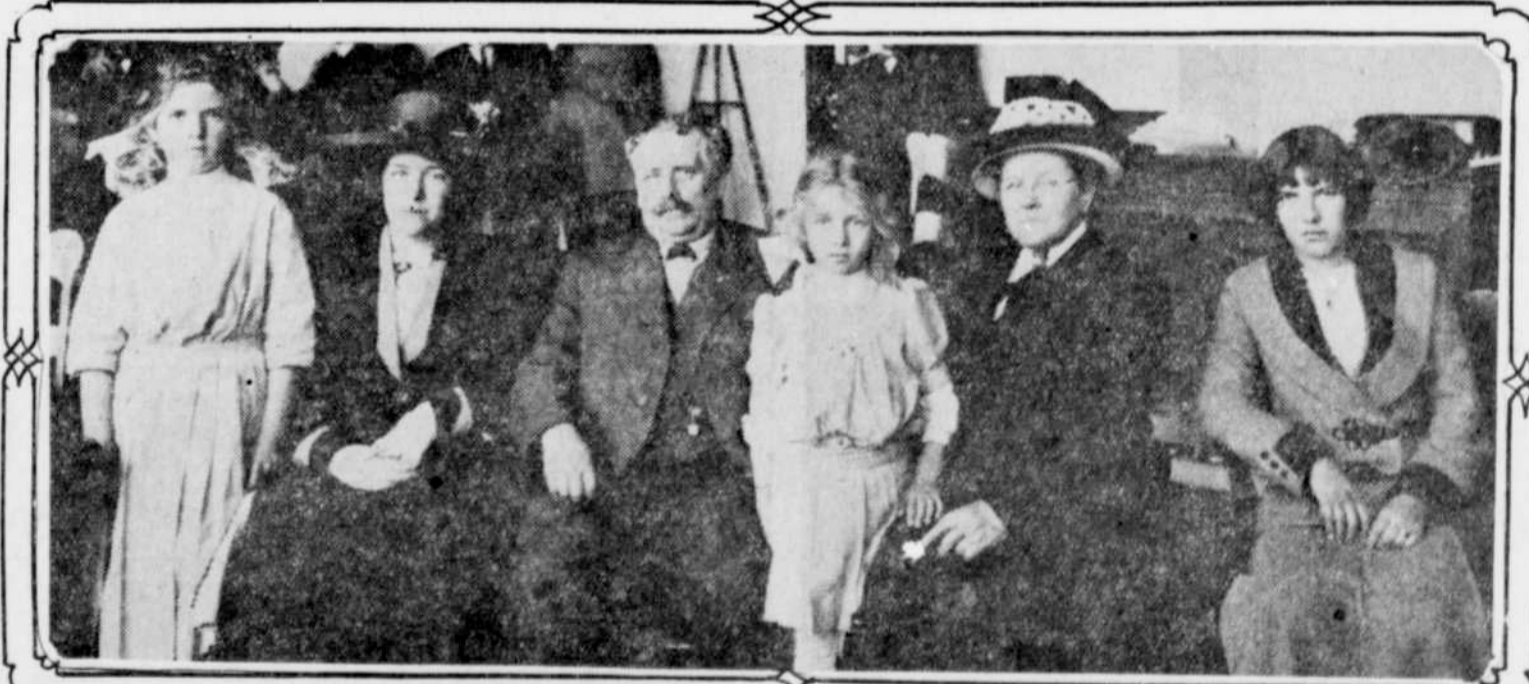
The socialist assures us that there can be no slavery, for each man will have a vote and an equal voice in regulating the mass. Freedom for me consists in regulating my own movements, not in having a share in regulating the movements of others. It is a personal individual something, not a manufactured product or to be attained by losing one's self in the mass. A ring of politicians like Tammany Hall, having many favors to dispense builds up great power, and the individual voter counts for little. In socialism the officials would have dominion over everything and their power in consequence would be many times greater than that of any political ring we have ever known. The individual voter would be too small to consider. The socialist complains that at present keen selfish men grab the lion's share. No matter what the scheme, however brainy foreful men get on top, and if everything were consolidated in to one immense pile it seems that it would only facilitate this grabbing. There is a futility in the weak trying to restrain the strong. When socialism comes the leading men in Portland will be found in the movement, dominating as now, but with vastly greater power.

The soap-box orator says that nothing could be worse than "wage slavery." At present the worker can, at least, change masters, get another job, but in socialism there could be but one master, this immense "co-operative commonwealth." I see no slavery in a man working every day to supply the wants of other men, when other men are working every day to supply his wants. It is a free contract and employer and employee must each have the right to seek a change, that is, to decline to renew the contract at any time. Men like other animals must work to supply their animal wants. If this is slavery, old mother nature, not the capitalist, is the slave driver.

If a man shows class in what he can do, if he can deliver a sermon like Paul or a punch like Johnson, or well direct large and useful production like Carnegie, he usually gets the finer things in life; but how can he expect to be arrayed in purple and fine linen if he can only produce raw cotton, or ride in automobiles if he can only cobble rough shoes? People with mediocre talents had better be content with mediocre results. Apart from land monopoly I see no necessary injustice in our present industrial system. The business man incapable of directing labor so as to produce good results must quit, and work under the guidance of some one else. The business man who directs labor well and supplies the

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Man Acquitted of Murder Charge, Members of His Family and Attorneys Who Defended Him.



Above—Susie Hicks, Miss Lillie B. Hicks, Burt Hicks, Elizabeth Hicks, Mrs. Hicks and Helen Hicks. Below—John F. Logan, Chris A. Bell, John H. Stevenson and Dan J. Malarkey.

sorting to some other expedient less violent.

"It is not necessary that the danger should in fact have existed at the time if the defendant had reason to believe and did believe that it did exist; actual and real danger to the defendant's comprehension as a reasonable man as it appeared to him in good faith is sufficient. But the standard by which this subject must be considered is not that of an unreasonable, angry or foolish man."

The jurors were instructed that labor organizations may legally be formed and that picketing of industrial establishments, if peaceably conducted, is lawful