

PRISONER INSTEAD OF DEATH MOONEY'S LOT

Sentence Commuted to Life Term at San Quentin.

CONVICT HELD NO MARTYR

California Governor Declares Condemned Man Has Not Proved Real Friend of Labor.

(Continued From First Page.)

liberty of saying to you that if you could see your way to commute the sentence of Mooney it would have a most heart-felt effect upon certain international affairs which his execution would greatly complicate.

(Signed) "WOODROW WILSON."

Further Messages Received.

"In June I received this additional message, the President again urging commutation of sentence:

"The White House, Washington, D. C., June 4, 1918.

"Hon. Wm. D. Stephens, Sacramento, Cal.

"I beg that you will believe that I am moved only by a sense of public duty and of consciousness of the many and complicated interests involved when I again most respectfully suggest a commutation of the death sentence imposed on Mooney. I would not venture again to call your attention to this case did I not know the international significance which attaches to it.

(Signed) "WOODROW WILSON."

Governor Reviews Case.

"At the time of the receipt of these messages the case was still pending in the Supreme Court of the state. Not until August 23 was the case finally disposed of by the California courts, and on November 13 by the Supreme Court of the United States.

"I have carefully reviewed all the available evidence bearing on the case. There are certain features connected with it which convince me that the extreme sentence should not be executed. Therefore and because of the earnest request of the President for commutation and conscious of the duty I owe as Governor of this state to all of its people, I have decided to commute Mooney's sentence to life imprisonment, doing so I accept full responsibility for the wisdom and justification of the action. The record of the trial in the Superior Court was reviewed by the Supreme Court of our state and it found no reason for upsetting the judgment of the lower court.

New Evidence Develops.

"However, there has remained for me to consider in addition certain developments following the conviction that could not be considered by the Supreme Court. It is because of this new evidence that I find justification for commutation of sentence. In arriving at this conclusion I have been obliged to consider evidence presented outside of established legal procedure. In life imprisonment Mooney's case will be in the same status as that of Warren K. Billings, who was convicted of the same crime and received a sentence to life imprisonment.

"The logic that a man is either guilty or innocent and that necessarily the maximum punishment is not justified pardon should follow does not hold, either in theory or in practice.

"It has been so uncommon thing for executives in granting clemency to entertain doubt sufficient to save men from the gallows, but not that degree of 'reasonable doubt' that the law resolves completely in favor of a defendant.

Martyrdom Plea Absurd.

"I refuse to recognize this case as in any fashion representing a clash between capital and labor. I regard the

SNAPSHOT OF NEW YORK'S NEWLY ELECTED GOVERNOR, AND HIS WIFE.



Mr. and Mrs. Alfred E. Smith, Taken Outside of the Public School on Oliver Street, New York City, Immediately After They Had Cast Their Votes at the Recent Elections.

petition of the defendant for clemency solely as that of a man convicted of murder in the first degree. On his behalf a propaganda has been carried on to make it appear that he is a martyr to the cause of labor. This is absurd. The methods pursued in this propaganda have followed largely the system described in the following letter written by Alexander Berkman, an associate of Mooney and an anarchistic agitator:

"I have had some experience in labor matters. I have also participated in the defense work of various labor cases in the East. And all my experience has convinced me that in such matters the thing of chief importance is to create favorable public sentiment. Funds, money for the defense, etc., are of secondary importance. Take, for instance, the case of Alexander Aldemas, the Spanish marine worker. He was arrested during the transport workers' strike of some three years ago, and he was charged with cutting a scab and shooting three policemen. The District Attorney claimed he could give him 40 years.

Propaganda Gets Results.

"I was secretary of the Aldemas defense committee when Simon Pollock, one of our attorneys, came with an offer of compromise from the District Attorney; Aldemas should plead guilty and get off with seven years in state prison. We had little money, Lawyer Darling, of Brooklyn, had squandered several thousand dollars of our hard-earned funds, but we gave him the sack and engaged Pollock, but we did not depend on money. We at once organized a wide campaign of publicity; held numerous mass meetings, agitated the matter in the press and got in touch with the people all over the country for purposes of agitation. When Aldemas was first arrested everyone cried 'hang him. Within a few months of intense agitation we so changed the public mind on the matter that Aldemas was sentenced to one and one-half years instead of the 40 years. The moral is obvious. Stick to your guns—always and under all circumstances. Public agitation to change the psychology of the people is more important in such matters than big funds."

Mooney Held Anarchistic.

"The defendant, Mooney, never has been identified with the labor movement that has achieved so much for the benefit of the workmen and working women of California. His connections have been with a small group of agitators of pronounced anarchistic tendencies. However, the propaganda in his behalf, following the plan outlined by Berkman, has been so effective as to become world-wide. "Mooney's previous record is not such as to enlist faith in him among law-abiding citizens. What character of man he is may be gained from a statement he issued as secretary of the International Workers' Defense League when Governor Johnson had refused to pardon and Subr walk forth free men, convicted of murder. The following is an excerpt from Mooney's statement:

Statement Shows Man.

"The Governor's statement of his reasons for refusing to act at this time shows him up in his true colors as a cowardly cur, despicable, beyond recognition and resorting to the cunning, shrewdness, trickery and cowardice of the average District Attorney in conducting the case. . . . There are some workers at least, Governor Johnson, who may be deceived as to your decision on the Ford and Subr case, and from now on they will attempt to use the only kind of reasoning that will eventually reach you and we hope it will be indulged in until Ford and Subr are out of prison. "And so if violence is committed, Governor Johnson is responsible for it, as he closed the last legal or governmental avenue of action. The workers must act and they will act until Ford and Subr walk forth free men, vindicated to the labor world as their champions in the greatest cause in history. (Signed) "TOM MOONEY, Sec."

Case Decided on Merits.

"In reaching my conclusion I have been guided by what has come before me that bore directly on the case. It is, of course, unnecessary to argue the point that whatever Mooney's character or his past record might have been, this particular case must be determined upon its own merits. "Now, therefore, I, William D. Stephens, Governor of the state of California, do hereby commute the sentence of death imposed upon Thomas J. Mooney in the Superior Court of the state of California, in and for the city and county of San Francisco, to imprisonment for the term of his natural life in the state prison at San Quentin. "In witness whereof, I have hereunto set my hand and caused the great seal of the state of California to be affixed this 29th day of November, 1918. "WILLIAM D. STEPHENS, "Governor."

COMMUNICATION IS PROTESTED

Mooney Says He Prefers Hanging to Passing Days in Prison.

SAN QUENTIN, Cal., Nov. 28.—Thomas J. Mooney issued the following statement tonight:

"Governor Stephens, it is my life you are dealing with. I demand you revoke your commutation of my death sentence to a living death. I prefer a glorious death at the hands of my traducers to a living grave. "I am innocent. I demand a new and fair trial, or my unconditional liberty through a pardon. If I were guilty of the crime for which I have been unjustly convicted, hanging would be too good for me. Then, why commute my sentence to life?"

"Labor everywhere, I say to you tonight, as I said the night that the Chamber of Commerce jury returned a death penalty verdict against me, by my hope, as well as the hope of Billings, Nolan, Weinberg and Mrs. Mooney, was in the solidarity of organized labor. I shall never depart from that statement.

"Workers, it has been my privilege to choose the dishonorable route in this case. That same offer has been made to every one of the defendants, and even to the relatives of the defendants. I would rather hang a thousand times than do as much as even entertain a dishonorable thought. I mean by this that we were to be framed to tell a certain story, the same as all the perjurers were framed against us.

"I refuse to accept the commutation. I now appeal to you again to act, and the sooner the better."

Phone your want ads to The Oregonian, Main 7070, A 6095.

LABOR IS SURPRISED BUT NOT SATISFIED

Commutation for Mooney is Held Inadequate.

NEW TRIAL UNION DEMAND

Movement for Protest Strike Not Yet Called Off and Not Likely to Be Immediately.

Commutation of the death penalty to life imprisonment for Thomas J. Mooney have incited labor leaders a bit of surprise and left the immediate course of labor in the matter somewhat in doubt, according to expressions given last night.

It is certain, said Otto R. Hartwig, president of the State Federation of Labor, that the referendum strike votes will be continued until all unions have expressed themselves. If developments of the next few days indicate, however, that Mooney has a chance to obtain a new trial as a result of investigations in progress or contemplated, then there is excellent chance that no general strike will be called December 3, in Mr. Hartwig's opinion.

"This is not just what we looked for," said Mr. Hartwig, on learning of Governor Stephens' action. "It is not what we want, either," he added, "and leaves it a little problematical as to just what will be done by the unions. It is certain that the referendum votes will be continued. The calls are out for these and will not be canceled."

"I'm sure I am safe in saying that the strike would be held in abeyance if request for such action were to come from the Government, for instance. This would be done, though, merely to give opportunity for completion of investigations in the expectation that Mooney will get the new trial we feel he should have."

E. J. Stack, secretary both of the State Federation and of the Portland Central Labor Council, declared he was taken a little too much by surprise to venture an opinion as to the course local labor unions will pursue.

On Wednesday night the Central Labor Council, after canvassing results of the referendum balloting and finding them generally favorable to the calling of a general strike, adopted a resolution approving a protest strike to start December 3, to be followed with a boycott on all California products should Mooney be executed.

STRIKE PLANS NOT AFFECTED

Not Leniency but Justice, Declared to Be Labor's Demand.

SEATTLE, Nov. 28.—Commutation of Thomas J. Mooney's sentence from death to life imprisonment by Governor Stephens of California will have no effect on the proposed labor strike planned by Seattle labor unions, said labor union officials tonight.

"Our demand was not for leniency, but for justice; for a new trial," explained Bert Swain, secretary of the metal trades unions, "and we can not see that our plan to strike, if necessary, will be altered."

"Governor Stephens' action will not change our determination to strike, if necessary, to secure a new trial or freedom for Mooney," said R. L. Proctor, president of the Central Labor Council.

WIFE IS NOT SATISFIED

"Why Give Life Imprisonment?" Mrs. Mooney Asks.

SAN FRANCISCO, Nov. 28.—When notified of the action of Governor William D. Stephens in commuting the sentence of her husband, Thomas J. Mooney, to life imprisonment, Rena Mooney said:

"The action of Governor Stephens in commuting the sentence of Tom Mooney to life imprisonment is a practical admission on his part that Tom is not guilty of a hanging offense and, of being guilty of a hanging offense, why should he be given life imprisonment?"

TACOMA SHIP IS LAUNCHED

Liberte Last Vessel Constructed Under French Contract.

TACOMA, Nov. 28.—Sponsored by Mrs. George Kingsberry, assisted by Mrs. Bayly Hipkins, the Liberte, the last vessel to be constructed under the original contract for the French government, was launched at 1 o'clock today from the Foundation shipyard. There were shipping men from Tacoma, Seattle and Portland present. With the launching of the Liberte

SHIPBUILDERS GIVE SHOW

Seventy-five Employees of Columbia Yard Appear at Heilig.

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