FUNERAL ORATION BY JUDGE O. H. HILTON
IN MEMORIAM OF JOE HILL
AT THE WEST SIDE AUDITORIUM, CHICAGO, ILLINOIS,
THURSDAY, NOVEMBER 25th, 1915.

Mr. Chairman, men and women of Chicago:

It gives me unqualified pleasure to be with you here today and to join my tribute to yours for this dead man, and I think as I look into your faces that I read a determination, and a grim one too, to know about this matter and what the facts and circumstances are attendant thereon, and while, as the Chairman has stated to you, I was not familiar as an actor with the trial of the case resulting in his conviction, I only entered the case afterwards, still I have been thoroughly conversant with it since that time, and I want to tell it, all of it to you today.

I am going to do that without rancor, without prejudice, without malice. The cold facts as I understand them to be, and I want anyone of you here if you feel so disposed, to ask any questions. I shall be glad to answer; it will not interfere with me at all, I assure you.

Standing here in the precincts of the City of Chicago that has been broadened by the learning of David Swing, and holds in loving memory the tenderness and broad humanity of Robert Ingersol, I feel that it becomes us here to reverently and earnestly speak upon the serious matter before us today, and without prejudice to see if we can gather from the facts of their tragic occurrence something, somehow that will aid the onward march of humanity.

Men are born into the world and die out of it generation upon generation. A distinguished orator once said, "Man, the noblest work of creation, is the sport of every wind that blows, of every tide that flows. In the morning he rises up and flourishes; in the evening he is cut down,
the individual withering but the world growing more and more."

But occasionally, my friends, a life is taken away from our midst under such circumstances as makes us pause and brings to mind with distinctness the bitter truth that man's inhumanity to man makes countless thousands mourn. The personality of men like Leo Frank down in Georgia or Joe Hillstrom in Salt Lake City is not a matter of so great importance, but the communities' spirit of injustice, of intolerance and despotism that ultimately wipes out that personality from existence, - that is a matter of inquiry, and that is what is interesting us today.

The genesis of this transaction and of this tragedy out in Salt Lake City took its rise in that bureaucratic power that the pioneer fathers of Illinois detected in the early attitude of the Mormons towards cherished and established principles, and which lead to the expulsion of the Mormons from the State of Illinois, not because of their religious belief, my friends, not that, but because of those peculiar tenets and practices that threatened to undermine a well ordered community; to deprive the individual of his liberty and to lash him and whip him into submission by threats of the power of vengeance by the leaders of the Church, a spirit that resulted in the Danites, and execution of the commands of the Mormon Church, a power that adopts any means to accomplish its own personal ends.

And so when they were expelled from Illinois they sought a theatre in the far West for the peculiar practices of the Mormon Church. It was arranged with Bridgeman, the discoverer of the Great Salt Lake, and with Wiggins, a scout, his companion, who died only a few years ago in Denver, - with these two men as guides of these pilgrims that went out from Illinois, - that they should start for that region piloted by these two men, Bridgeman and Wiggins and they were led by Brigham Young, and they were after a new land that they might go in and possess it, and after they had passed the
...summit of the Rocky Mountains upon their pilgrimage and had gone down into the peaceful slopes of the beautiful Weber Canyon, Brigham Young told these two guides that their destination must remain a secret, and that they must appear to some suddenly into the promised land, and so Wiggins told him that just around that Mountain in the distance he would see the beautiful Salt Lake, and so he said to Wiggins and to Bridgeman, "I will hold the body of the pilgrims here and I will go forward and I will strike upon the ground three times with my staff and then the Lake will suddenly appear as a revelation from the Almighty," and that was agreed upon, and so Brigham Young goes back to his people and he says, "Beloved, see what I through the Lord have brought to you," and they raised up their eyes, and there, with a firm belief that it was created by the omnipotent power of their leader, when they saw the great Salt Lake spread its beauty before their almost enchanted eyes. When they looked upon the summits of the mighty Wasatch Mountains clad with forests of pine and fir, and lifting their crowns into the eternal fields of snow, the long tramp through the dry and dusty desert was forgotten and the people believed that they had at last come into a veritable promised land, one flowing with milk and honey.

Now this is history. It must be conceded that Brigham Young was one of the greatest executive men of the world; that as an empire builder he was without a peer, but the moral slant of the man, his great selfishness, his lust for individual aggrandizement, and his destruction of the family ties and of womanhood narrowed and scarred his work, and today over and above that mighty empire there is a bureaucracy dominated by greed, selfishness and a plentitude of power that has defied the government of the United States decade after decade, and today teaches the followers that supreme power resides in the Church, and that it will visit with vengeance upon any questioning of that power.

Don't let anybody, my friends, fool you into the belief with the lying story that this power is diminishing. It was never as powerful as it
is today, never before so dangerous, and remember right here and now that
Governor William Spry is a Mormon of the Mormons.

Oh, ladies and gentlemen, that I had the time and that this was
the appropriate occasion to tell you more fully of that hideous, slimy
monster, the Mormon Church, which made this crime here possible.

Don't you know that it is the vilest thing in our national life
today, the admitted menace to every institution worth preserving, — Mormon-
ism. Do you realize that like a filthy, rotting cancer, it holds the states
of Utah, Idaho, Arizona and New Mexico utterly powerless today in its
strangling grasp, and is sweeping down into Colorado like a prairie fire.

A Mormon jury to convict him and a Mormon Governor to deny him
the poor boon of a commutation. Do you believe, men and women of Chicago,
that this silent form would be in your midst today if Joe Hillstrom had
been a good Mormon, paying his tithes promptly to the Church, and had had
two, three or four wives to call him husband? Go and listen, every one
of you, if you can, to the address of the Hon. Frank J. Cannon, at one
time Senator from Utah, son of a Mormon Bishop, contemporary with
Brigham Young, and himself one of a family of twenty children. Listen to
that remarkable address called "Under the Prophets" and you will under­
stand. He is in New York; he will be in Chicago soon.

On a magnificent bronze and marble tablet just in front of the
Utah Hotel in the City of Salt Lake there are the names of 150 of the
early Mormons who led that band into the valley, and the fourth name
from the top in the first column is the name of Robert C. Kimball, who
succeeded Brigham Young. Herbert C. Kimball, his nephew, one of the
most prominent men in the Mormon Church, was the foreman of the jury
that convicted Joe Hill. And when that jury was sworn, Joe Hill's fate
was sealed. That is all there was to it. And when the villainy of the
conviction became known and its awful import swept over the land; when
more than a hundred thousand petitioners, grand men and women from
every state wrote and wired the Board of Pardons and Gov. Spry; when
meetings here, in New York, in Milwaukee, Toledo, San Francisco,
attended by thousands, all unite by resolutions; when the Swedish
minister and our own gracious President Wilson, all beseech and beg,
"Give Joe Hillstrom a fair change; give him a show," what does Gov.
Spry reply? He sent the -- you saw it in the papers -- this defiant
answer: "Mind your own business, President Wilson; you are interfering
with justice in the State of Utah."

I am not disposed, men and women here today, to do Gov. Spry
any injustice. I shall not abuse or vilify him. I deplore violence
and I wish him no harm. A cause is a poor one indeed that enlists
disciples of hate or indites abusive, anonymous, threatening letters.
Gov. Spry has said that he has received many of these. Those things
don't pay. Just remember that God holds the scales of Justice and
of Right with an even poise in his omnipotent hand, and that he has
said, "Vengeance is mine; " will repay."

But I was telling you somewhat of this Mormon Church and of
its resources and its power. That it is in many respects beneficent
to is not be denied. That it has built out there a mighty city, a
glorious city, and developed a wonderful country, which is a great
credit in its upbuilding capacity is equally certain. Into this
community, after they were established there many people, Gentiles,
like you and me and Joe Hill, -- they call them Gentiles, -- they were
naturally attracted there and they came and settled down. This is
history now. And the Mormons, with this same spirit of intolerance,
jealous, vindictive, sullen, looked at them and they said to them-
selves, "We will get them out of here, if not one way, then another,"
and they had a man by the name of Lee, John Lee, who was quite willing
and capable of doing their bidding. And so Lee went among the Gentiles
and he said, "Now you are not getting along here very well with the
Mormons, and I tell you what I want to do. I am going to lead you away from here and I am going to bring you to a fairer land than this. We will go to California." All a put-up job with the Mormons. And so Lee one day marches out of Salt Lake with the Gentiles at his back, and instead of taking them out into the promised land, over the plains and through the desert, he led them into the mountain fastnesses, and there they were set upon by those Danites disguised as Indians, Mormons disguised as Indians, and every one of the 300 members of that band, men, women and children, some of them at their mother's breast, were butchered on the mountain fastnesses and left there rotting, a prey to the wolves and the coyotes, and every one of that devoted band were scalped. That was the Mountain Meadow Massacre.

So that, at all times since then, the coming of the Gentiles has been looked upon with suspicion, and while its power well knows that its uprooting would follow any open defiance, it has never hesitated to embrace those forms of countless persecutions.

Now, into these surroundings not long ago came a young man, a Swedish boy, by name Joseph Hillstrom, better known as Joe Hill. A boy of some superior education according to his station in life. Himself a working man, he sought friends, naturally, among that class. Then, too, he was somewhat of a dreamer of dreams. It is not believed that because a man's hands showed the stress of daily toil, that because his housing was poor and oftentimes inefficient, that because he dwelt in the depths where men labor, that he was any less a man, and he lived among these people singing his songs for their amusement, sympathizing with them, and being one of them and looking forward to that bright dawn, as he hoped, of an industrial freedom and liberty.

All of a sudden there came a tragedy in that city. A man by the name of Morrison, who kept a grocery store and had two young boys, was slain in his store by two men who went in there in the night time.
with handkerchiefs over their faces, burst open the door and shouted, "We have got you now," and fired shots that killed Morrison and one of his boys. The boy fired back at the assailants, and the revolver with one chamber empty was found by the dead body of the boy close by his outstretched hand.

Joe Hillstrom, six miles away, and a few hours after that, applied at a doctor's office for the treatment of a wound. He had been shot through the body. The doctor inquired into the circumstances, and Joe told him that he had received his wound in a quarrel over a woman, and that he did not care to have anything said about it. The doctor gave him a sedative and called the police.

The officers based upon this fact that Hillstrom had been wounded, a prosecution, but the evidence was entirely uncertain, circumstantial, inconclusive, but the criminal machinery had been set in motion against a young man, who was inclined to laugh at it. Surely it had not terrors for him. He believed as he had been taught, that great protection was always thrown around an innocent man, and that it was impossible that justice could miscarry; that those in authority would be as eager to protect him as any other man, but when the toils were drawn tighter and tighter he began to be alarmed. Here was a man, Morrison, the deceased, who was prominent in the city, and it was known throughout Salt Lake City that he, Morrison, had very many pronounced enemies that had threatened his life. He had been robbed and held up on two other occasions before the time when he was killed, and he knew, he said in his lifetime to others, he knew who his assailants were, and that they were after his life, not his money, and on the very day of the homicide he had prepared his revolver as if he had expected the coming of his enemies where he could handily reach it, but when the man broke into the store Morrison was engaged in handling a sack of potatoes down in the middle of the room and he could not get to his revolver.
As I say, those two men first opened the door and said, "We have got you now," and immediately the shots rang out and Morrison was killed, together with his boy, the older boy, Merlin. Now what did Joe Hill know or think about it, or what did he care concerning a feud, a quarrel between parties that he did not know? But when the criminal machinery is set in motion it is going to strike a victim. And woe to that man to whom it directs its suspicion, for innocence is no protection against the cunning web that is cast around them and drawn tighter and tighter until it is stained with his life's blood.

There was no motive on Hillstrom's part. He had no acquaintance with this man Morrison; no robbery of the store, you see, at all, but the machinery was in motion and it was moving toward Joe, and no lack of motive, no lack of knowledge could stay its inexorable course. He was a doomed man.

His trial came on. He had two lawyers to defend him, a man by the name of Scott and a man by the name of McDougal. The jurors were being brought in from the other divisions to make up the panel and Joe noticed that and he said, "I don't like the idea that a jury shall be brought in from the other divisions. I want the jury that shall try me. I want them drawn from the box. I don't want a hand picked jury." He told this to his lawyers and he said, "Object to this manner of examining a jury", and his lawyers did not object.

Finally he arose to his feet in the court room. He said, "If your Honor pleases, there are too many prosecutors in this case, and I am going to get rid of two of them right now. Mr. Scott and Mr. McDougal, do you see that door over there? Get out of that door. I will try this case myself. I can try it better than you can." The court of course was thunderstruck. It was then about half past eleven or thereabouts in the morning, and the court and the District Attorney held a consultation together and they said, "Well, we recognize your
right to discharge your counsel, but we will take this matter up, and at the incoming of court at two o'clock it will be decided." At two o'clock in the afternoon, when court convened, the judge said, "I recognize, Mr. Hillstrom, that you have a right to employ counsel of your own choice; that is undisputed. It is your constitutional right, your privilege. Have you any means to employ any other counsel?" And Joe said, "No, I have not." Those other men had been paid all the money he had. Well, the court proceeded and he said, "I am at a loss to see where these two lawyers have not carefully guarded your interests thus far. I think they have been loyal to you, but however, do you want the court to appoint other attorneys to defend you?" And Joe said, "Yes". "Very well", the court answered, "Very well, I will appoint two lawyers as amicussorium," that means friends of the court, "to defend you, and I will appoint Mr. Scott and Mr. McDougal, the two lawyers that Joe had just discharged."

Joe leaped to his feet instantly and he said, "Why, what do you mean? I have just fired these men. You appoint them over again to defend me? I am the defendant. I have some rights here. I am on trial for my life." The court said, "Don't make any difference. If you are not satisfied with these two men you can cross examine the witnesses yourself after they get through, and so with that beautiful arrangement, with that kind of administration of justice, that President Wilson is interfering with, according to Governor Spry, they went to trial. Joe never spoke to his lawyers again.

At that moment Virginia Stephens, an earnest woman in the cause came to Denver and told me of it and wanted me to hurry to Salt Lake City, but Denver is a good ways from Salt Lake City, and she had been nearly two days coming and it would take me as long to go, and I knew that it would be all over before I could get there, and so I wired a very good friend of mine and a very able lawyer by the name of
Christianson to get down into the court room as quick as he could and help Joe in his peril and in his distress.

And so Christianson went to the court room with my telegram in his hand, and as he entered that court room and gazed into the faces of those jurors as they were seated in the box, just one glance, he turned to Joe and whispered in his ear, "Joe, great God, proofs or no proofs, you are gone." And he was, right then and there.

Let me show you now where the trial was unfair, and to do this I must trespass a little on your patience, for now I want to read for you from the record in this case, the solemn writing that shows the facts. First you all know that there is the great presumption of innocence, that humane provision of the law that shields every man charged with crime with the presumption that he is innocent. You all understand about that, and that that presumption always is supposed to continue throughout the whole case until the prosecution makes his guilt appear to the satisfaction of the jury and beyond any reasonable doubt. You understand that doctrine of law. It is familiar to every layman. It is enjoined upon every jury the moment that they enter the box.

Then we should look for a motive. That is always important in the trial of a case, for all actions spring from motives, for as one of the great law writers observeth "An action without a motive is an effect without a cause." Why, you know motive is the main spring of every action in life that any of us do. It is the hidden monitor that governs and controls every act of ours. So long prior to the homicide and at a time when it was impossible for Joe Hill to have been present even in the City, Morrison, the dead man, had said that he knew who his enemies were and that they were after his life, not his money, and there was a reporter of one of the papers that was down in the court room who had talked to Morrison in his lifetime, and he offered to take the stand to
testify that Morrison had told him that he knew who his enemies were and
that they were after his life and not his money, and the testimony was re-
fused by the trial judge, and he was not permitted to testify.

You can see at a glance what the motive was. The exulting
expression of those men as they first entered the door, "We have got
you now", showed the clians of a personal feud. It was always known
that there were persons in Salt Lake City who had a motive to kill
Morrison, and a proper and a patient inquiry would eventually have
lead to the discovery of those persons, which is the clearest proof in
the world that Hillstrom, not knowing the man, could have had no motive,
and hence the state failed to create the suspicion of a motive.

Papers all over this land contained the lying statement that
Joe was shown by the proofs of the case to have been in Morrison's store
on the afternoon of the murder. Not a living human being testified on
the trial to anything of the kind. Every particle of that is manufactured
in Salt Lake and sent out to the world, a miserable lying story as every
was uttered by the Ten Piutes. No man, no witness sworn in the case ever
testified to any such thing as that.

Then of course, if there was no motive shown, you see there was no
attempt made to rob the store. Here was money right here in the till, no
attempt made to take it. Nobody reached over and took out the money.
Nobody said hands up, nothing of that kind.

Another thing, the bullet that Joe was shot with entered about
here, as shown by the court, but entered the body in about this position,
four inches lower. All the bullets that were fired by the assailants were
found in the store, but the bullet that was fired through Joe's body was
never found, and there was only enough bullets found in the store to
match the wounds that were in the body of the boy and in the body of
Morrison, so Joe was not shot there, that's a cinch. He was shot some-
where, somehow, when he had his hand in the air like this, which would
bring the coat exactly up to the point of the entrance here, and the ball went entirely through Joe's body, in here and out about in that position.

Now, there must be an identification, and here is what the prosecution undertook to do in showing an identification. No motive now; no earthly witness that had ever seen Joe down at the store or that had ever seen him speak to Morrison or anybody else that knew Morrison. Now what about the identification? You have got to have an identification so that every man in that jury box must be able to say, "I am satisfied beyond a reasonable doubt of the guilt of this defendant." That is the rule. The young man, the man that was not shot, the youngest boy that was in the store when these men entered the store, he testified, and I am taking this from the record, "I saw Hillstrom at the jail." They took him down there to see if he could identify him. "He compares just about the same as the man I saw. Both men used the same words, 'We have got you now'. I did not see the man's countenance nor the shape of his head. It is a kind of a guess with me."

Now the next was a woman who was crossing the street about half past nine with her husband, half past nine or ten o'clock, and she said that she was crowded away off of the sidewalk by two men who passed her, and that she looked at them and they looked at her. One was slightly taller than the other. "I have seen Hillstrom at the jail." They sent her down there to see if she would identify him, told her that he was the man and to go down to the jail and identify him. "I have seen Hillstrom at the jail and his height is the same as that of the man who turned and looked at me." "Well," says the State's Attorney to this woman, "How did they compare?" She says, "Well, they look a good deal alike to me." Further on she says, "I have an honest doubt as to the identity of Hillstrom with the man who turned and looked at me on the street," and later she says, "No, I won't say that he is the same man."
Then comes another woman witness, and I am going to give you all, all there was to the identification, "I saw two men on the Northeast corner of Morrison's store the night of the shooting. They came towards me and I noticed one of them had a red sweater around his neck, and one was taller than the other, and his height corresponds very much with the height of Hillstrom. As far as face and features are concerned, I took no particular note. One man wore a cap, the other a hat. I think the taller of the men had a cap on.

Then another woman says, "The night of the shooting I heard a moaning noise across the street and a man cough. I did not look out, but the next morning I found a phony patch of blood as I went across the street on the snow."

Now a woman who lived exactly opposite the store says, "I heard some shots that night and I saw a man across the street and he said, "Oh, Bob, I am shot!" loud enough so that I could hear, and Hillstrom compares with the man that I saw coming out of Morrison's store, and Hillstrom's voice when I heard it down to the jail sounded like that of the man coming from the store." The identification of a voice at the jail sounding like that of the man that came from the store.

Then another woman said, "Why, I saw a man running from the store and I heard him say, 'I am shot!', and he was tall and slender and had a dark coat and a soft hat, and all I can say is he was tall and thin and so is Mr. Hillstrom."

There, men and women, is every particle of the prosecution's case against Joe Hillstrom, every word of identification. What was it, Sir?
A VOICE: How old was the Morrison boy?
Judge Hilton: Which one of them?
THE VOICE: The one that testified.
JUDGE HILTON: The one that testified was about twelve. The one that was shot was in the vicinity of eighteen, thereabouts, I am not
exactly sure of the ages.

Now let us go just a step further. I want you to know all about this Hill case. About the blood stains, it is claimed in the evidence that Mr. Morrison's son got the revolver and fired one shot. All the bullets, as I have said, that were fired from the guns of the assailants, they were all found, and that bullet, it is undisputed, as I have said to you, that did hit Hillstrom, wherever he got it, which he has never told, went clear through his body, and the district attorney said that he would find that bullet if he had to take off every piece of paper on the wall of that store in order to find it, but he never did, because it wasn't there, but a witness says about the blood stains, "We found some blood stains down an alley, and between two barns we found a red handkerchief," and the witness who was with him said, "There was some blood tracks and dog prints with blood tracks that lead to an old dairy house, and we found where the dog had been going in the snow, and we found the dog that had the sore foot, and we saw the tracks, whether we concluded it was a dog's blood or not." And the chemist who made an analysis of the blood that was found on the snow and on the sidewalk said that he could testify to was that the blood was of mammalian origin. That means that it was not fishes' blood. It was blood of some warm blooded animal, but he could not tell what.

And another witness said in the same connection that he found a red handkerchief in a room which he was told had once been occupied by Hillstrom, and that he never talked with Hillstrom on that subject at all, and only stated what had been told him.

How is that for proof against a man when on trial for his life? And this doctor to whom Joe applied to dress his wound, testified that "Hillstrom, or Joe Hill, as I called him, explained to me that he was shot in a quarrel over a woman; that he was as much to blame as the other fellow was, and he wanted it kept quiet," and Dr. Bird testi-
fied that he took Joe to the Eucelius House at the request of the other doctor, and that the lights were turned out of the machine when they were approaching the house, and the people from the Eucelius House came out and they asked Joe if that was where he was hurt. "No."

No two witnesses in that trial testified to any consecutive fact. One witness testified that the taller of the two men was about the height of Hillstrom and that he wore a cap, another says the same thing, and insists that the taller man wore a slouch hat.

Now it most always happens when two men meet one is taller than the other, and yet on these inconsequential, detached facts Hillstrom is convicted.

Now, knowing that the Supreme Court of Utah had condemned that sort of testimony, and knowing that the law of Utah requires that a defendant in a criminal action shall be presumed to be innocent until the contrary is proven, and in case of a reasonable doubt whether his guilt is satisfactorily shown, he shall be entitled to an acquittal, and realizing that the train of evidence must be unbroken and established beyond a reasonable doubt, realizing that this is the law, and no man will quarrel with me about it, that where the evidence in any case is circumstantial, every fact and circumstance must be consistent with the guilt of the accused and inconsistent with any other reasonable hypothesis, - it does not do that the circumstances make equally for guilt as well as for innocence, - they must make alone for guilt and render the hypothesis of innocence irrational, illogical and absurd. That is the rule of law in a circumstantial evidence case. Now realizing that that was the law and that it has been promulgated in every court all over this land, Mr. Christiansen and myself went to the Supreme Court full of confidence that the law of Utah meant what the legislature said it should mean, and that the Supreme Court would follow the law of the State, and that this poor friendless boy might find absolute protection and speedy relief from this un-
just verdict. And so the case was presented to them with all the earnestness that we possessed, and from what the judges intimated during the arguments made in the Supreme Court, and their comments upon the evidence as we went along, there seems to be no doubt but that the case would be reversed and a new trial granted.

Up to this point this case had created no special interest in Salt Lake City. The good citizens who heard it said, "Well, every man is innocent until the contrary appears beyond a reasonable doubt and we guess our laws will be justly administered," and passed on occupied with their own affairs. The State's attorney had given it a number and looked upon it as a part of his daily grist to be ground out in a routine way by the judicial mills. The jury thought that if they had made a mistake the judge would correct it, and the judge felt that if he was wrong, why of course the Supreme Court would say so, everybody relying upon somebody else seemed content to endanger and to take a human life in the routine way.

But with that sixth sense which we cannot name, but which we know exists, the common people, the working people, the people upon whom the crushing hand of the law bears with such force and power, they knew that something was wrong. They sensed danger. They felt that compared with the sacredness of human life that that evidence was paltry and trifling. They did not need to be lawyers to know it was insufficient. The instinct of self preservation was gone; there was a fellow man in danger. Could such evidence go unrebuked by a court and a man be condemned to death by it? Why it seemed incredible. If this could take place in the District Court, why might it not take place in the Supreme Court, and they began in the only way that men have, to beseech of the Supreme Court, and to protest against the judicial wrong that was about to be done against Joe Hill. And so they began. The judges, too, set themselves against the people. The poor boy had protested that his attorneys did not know how to handle his case and he had discharged them from his case, and thereupon the
trial judge reappointed them over again against his protest. Hillstrom knew that something, somewhere, somehow was wrong, and the boy who laughed at the idea of connecting his with the murder began now, as well he might, to be alarmed, to have a great concern for his own welfare. He saw that the presumption of innocence was an empty form; that the State's attorney, instead of seeking the proof only, was seeking one thing and but one thing, and that was conviction.

Now, the Supreme Court is aroused. Why, these common people,—they are common after election,—were really asking what the Supreme Court was going to do about the Joe Hill case, and then Joe Hillstrom ceased to be an impersonality in the eyes of the law, and the presumption of the people must seek a rebuke, and it did. When a case does not arouse personal interest in the court, the justices meet and one man is selected of the judges who writes the opinion, the rest concur, none of them feeling any personal interest in the matter, but when a case of importance arises, and there is a personal interest in it, each one seeks to voice his own opinion, with more affirmance than logic in this case.

Now the law of Utah provides this: Any man accused of crime can take the stand as a witness or not and testify in his own behalf, and if he does not testify, the rule of law is that there shall be no presumption for or against him on that account. That is the law all over the union; there is no different.

Now, here is the language of the Supreme Court through the chief justice. The only question that they had any hesitancy on was Hillstrom's refusal to tell where he got that wound. That is what done the business for him. Not that he was to be proven guilty, but he must prove his innocence, and tell where he got that bullet wound. Now remember the strict rule of law is there is no presumption against a defendant because he does not testify, no inferences against him at all; they are all for him. But listen to what the Chief Justice says: "The defendant may not avoid the natural and reasonable inferences deducible from proven facts
by merely declining to take the stand or remaining silent."

Now the law says that no inferences shall be deduced. The Chief Justice says that they shall be deduced, and that he cannot avoid the natural and reasonable inferences. And this is followed by the concurring opinion of Justice McCarthy, and he says because Joe would not tell where he was wounded, he says this: "The fact that the appellant herein was not required to take the stand and testify in his own behalf, as pointed out by the Chief Justice, cannot affect the inferences that naturally spring from the uncontroverted facts and circumstances."

And still harping upon the silence of Joe Hill, the boy who would not tell where he was wounded, the third justice, Mr. Frick says this: "His refusal to inform the officers of the place and the circumstances under which the alleged quarrel over a woman took place was so unusual as to justify the jury in finding that the explanation given of his wound was false."

Now, my friends, would you want to be condemned in a capital case upon inferences and fancied resemblances of this sort? Even you can now see the particulars wherein the trial was unfair, and that some influence, some preponderating influence was brought to bear upon that Supreme Court to persuade it to take an attitude of hostility toward Hillstrom. I do not say that this was done by direct influence other than the imponderable and undefined but always present and always dominating fear of the Mormon Church, and that the views expressed by the Supreme Court are in consonance with the views of the Church.

Well, the judgment was affirmed and he was ordered executed. There was one hope left, and that was to go before the Board of Pardons. It might be possible that the judges had pronounced the strict letter of the law, and yet the Board of Pardons, might, through its consideration of extenuating circumstances, lean to the merciful side and prevent the execution upon purely circumstantial and inconclusive evidence; that as judges they might be bound by the letter of the law, but as men sitting
as a Board of Pardons they might be controlled by the spirit of the law; and then we went before the Board of Pardons with Joe's case, and what do you suppose we found?

The same men, as a Board of Pardons, that had set upon his case as Supreme Judges, with the addition of the Governor. There sat the attorney general with whom I had argued the case in the court below, here with the Supreme Court Justices, and over in the middle sat Spry. Now, I said to them as we started in, "Now, gentlemen, you are here, the same men, it is true, but probably because there may be some things that appeal to the humanities, as men, that you are at liberty to consider, that you could not consider as judges. Take the case of Frank down here in Georgia, gentlemen. You remember he was convicted in the nisi prius court. The judgment was affirmed in the Supreme Court, and the United States Supreme Court affirmed the judgment, and yet no lawyer would quarrel with it that no man on any one of those tribunals but what, if they sat as a Board of Pardons today, would say Leo Frank was probably innocent, because they believed the negro convict killed the girl, and not Frank. Now, if we are here, gentlemen, in that capacity, if you as men now”—Joe was sitting there before them—"As men now and as companions of this condemned man are here willing to look at this case over from the broad standpoint of humanities, there are some things I want to discuss with you. You are no longer Chief Justice Straub; you are Citizen Straub now. You are no longer Associate Justice McCarthy; you are Citizen McCarthy now. You are no longer Associate Justice Frick; you are Citizen Frick, to be moved by those humanities that you could not bear as judges."

Now that was pretty plain, wasn't it? "Now, if that is the case, and that is the way you look at those things, I want to discuss with you, sir, Citizen Straub, I want to discuss with you the opinion of Chief Justice Straub when he delivered this opinion." Well, he was furious in a minute, and in less than five minutes from that time I had them all on their feet, and I said, "Why, I cannot talk to you three men at once. I
will take you one at a time." And so from two until six o'clock I insisted that the law was thus and so, and they said, "Why, that is only your opinion, sir". I said, "That may be, but my opinion is infinitely better than your because the law is behind me and it is not with you."

Well, the hearing was concluded at six o'clock. There wasn't a chance in the world. They were bound to consider only that preconceived opinion as judges. Finally the Governor said, "Say, Hilton, can't you make that fellow talk over there?" "Well," I said, "What do you want him to say?" "Well, I want him to give an explanation of where he received the wound". See? Still strying to make him prove himself innocent. I said, "He don't have to do it; that isn't the law. The people should prove him guilty, and I stand by that principle of law. I don't care, Joe can talk if he wants to, but I am not going to ask him to, because he is right and you are wrong, and you know it, and I say to you here and now, there is not a text book that was ever written but what contains that elemental doctrine, and you know it as lawyers, and you are not honest with yourselves or with him." I said, "Joe"--took him to one side, I said, "Do you want to say anything?" "Well," he said, "I don't mind; I would just as soon say a word or two." So we came back and they all in chorus said, "Did you get him to say he would say something?" I said, "Possibly, you may ask him". So the Governor said, "If you will talk and tell us this story here and now we will pardon you right here, if we find out that it is true." Joe was sitting there in his chair in his prison suit with his shirt turned down showing his naked breast, handsome and resolute, and he rose to his feet and he said, rather brokenly, "Gentlemen, I would not go across the street for your commutation. You say that you will pardon me. Why, a pardon presupposes that I have done something to be forgiven for. I am innocent of this affair, and all I want is a fair and an honest trial before a jury of twelve unprejudiced men, and I will show my innocence, and that you are going to give me." And then he stated this wonderful sentence. You will find it on your program. "Gentlemen, the cause I
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stand for, that of a fair and honest trial, is worth more than any human life—much more than mine," and he sat down.

They asked me to go into his cell the next day, which was Sunday, and see if I could not persuade him, and Spry said, "If you talk and tell us the circumstances I will commute his sentence at the eleventh hour, and I went up there and I saw Joe again, and I told him, I said, "Do you want to say anything more?" And he said, "What is the use? No." I told him, "Joe, the wound, you see, they want to find out where you obtained that, and unless you feel like talking about it, it is time and energy mispent."

So an appeal was made to the Swedish minister. We stated to them before the Board of Pardons if this man was judicially murdered there would be international complications arise because he was not a naturalized subject. And so I went on to Washington and interviewed the Swedish minister, a very kindly, intelligent man, who immediately got into communication with his Government and did all he could, and through him an appeal, was made to that kindly figure that stands out today as the representative of an honorable peace, to a distressed and blood stained world, and yet whose broad humanity is such that he could and would reach up a protecting hand to the poor friendless swedish boy sitting in the shadow of the curtain behind which lurked a dishonorable death, Woodrow Wilson. To those of you, my friends, who have come from foreign lands, and to those of you who have just received the full rights of American citizenship, President Wilson had said: "You were drawn across the ocean by some beckoning finger of hope, by some belief, by some vision or a new kind of justice, by expectation of a better kind of life. You dreamed dreams of this Country, and I hoped you brought those dreams with you. A man enriches the Country to which he brings dreams, and you have brought them and have enriched America in so doing. A man does not go out and seek the thing that is not in him. A man does not hope for the thing that he does not believe in, and if some of us have forgotten what
Amerioe believed in, you at any rate imported in your own hearts a renewal
of that belief. Each of you, I am sure, brought a dream, a glorious shin­
ing dream, a dream worth more than gold or silver, and that is the reason
why I welcome you here."

Those are President Wilson's words, and, my friends, that was
why this man, speaking as he did, that was why this mighty man stretched
his hands to poor Joe Hill, this dreamer of dreams, this singer of songs,
this player of music, who sought to lighten the dreary gray and unrelieved
blackness of the lives of his fellow workmen, and he sang in a crude yet
heartfelt way his verses of a better and a brighter day, such as he, the
President, had in his mind when in words so fitly spoken they seemed to
stand out like apples of gold in pictures of silver.

But before the President could act, the relentless and unswerv-
able power and hate that had sent its influence through the land, as I
told you, and lead men and women in the dead of night to a fearful death
in the mountain fastnesses at the mountain meadow massacre, —this power
still survives, and through the land the life was sent through every
avenue that Joe Hill was a criminal, and they said that he had a criminal
record, hunting for anything that might blacken his memory. And so they
denied a commutation, and at the same time the Salt Lake City papers
stated where Joe had been a criminal; that he was a criminal in Southern
California in connection with the MOfHamra Case; that he led a revolution
into Mexico; when the facts are that he never was arrested but once in
his life, and that was for violating a City ordinance down in San Pedro,
and who is a man that never took a drop of intoxicating liquor, never
even used tobacco in his life, and when I heard it—I had gone home to
Denver—I saw in the papers that they had been trying to slander him in
that way, I had an open letter sent to all of them/printed in the Salt
Lake papers;

To the Board of Pardons of the State of Utah,
Salt Lake City, Utah.
Assuming that your reasons for denying clemency to Joseph Hillstrom are correctly set forth in the public press this morning, and for the purpose of showing that they are not founded on either the law of facts in the case, but are intended to and do pollute and deceive the public, I respectfully make the offer to publically discuss the facts at any time in any city in the United States — I was willing to go to Salt Lake to see them — "with any member of your Board or all of them, such discussion to be before the date assigned for his execution.

"I make this request to afford an opportunity to refute, as I believe I can, among other things, the false, wicked and cowardly aspiration on his character, that Hillstrom had heretofore committed any crime, that he has now or ever has had any criminal record, now for the first time so strongly urged by you as a sufficient justification for taking his life. This matter, as you must realize, is one now of national if not international importance, and has excited intense interest from New York to San Francisco, and I would be, as the attorney for this condemned man, of meaner stuff than men are made of if I did not in the brief time of life now allotted him challenge you and each of you to the proofs. I am only anxious and determined that if Hillstrom is judicially murdered the people of this Country, the great jury to whom we must all go at last, shall fully understand just where rests the full measure of responsibility for the deep damnation of his taking off.

Any communication will reach me addressed to this City.”

Do you suppose I ever heard from that? Oh no; I could not smoke them out. And from that time till this they have been as silent as the grave.

Then the President sent his representative, and he returned with the message that he could find nothing against this young man, and again the President said these words, with an affected hesitation, but with great earnestness, "I beseech you to spare his life until a further investigation can be had." But could that effect the cross brutality of a man like
Spry? No. He and his kind had driven fathers and mothers and children to their deaths in the mountain meadow massacre. Not that Hillstrom was guilty, but Spry was the instrument of that dominating, relentless power, and in open defiance of Federal Authority, and so he said this to President Wilson by wire: "The convict"—see, he calls him a convict. No man is a convict until he has served a term in the penitentiary. He did not say Hillstrom, or the man in the case at bar, he didn't say that. He says, "The convict was there­upon, Mr. President, resentenced to be shot. Your interference is elevating the case to an undue importance. Your suggestion that this convict has not had justice is not justified." And so they denied any further commutation and made preparations for the execution.

Now in Utah instead of hanging or instead of the chair they shoot them. They have the privilege of electing between being hung and shot, and they have four or five fellows in Salt Lake who have acted as public executioners, and they have a large black screen and there are port holes out of that black screen, and five rifles are provided, and one of them is empty, so that any man of the five can say that he held the empty rifle, see? and they stand or set the man in a chair, or stand him up, as the case may be, and they bind a piece of white paper over his heart, and at the word, "Fire" these men behind the screen, to vile and cowardly to let their miserable identity be known, they fire, and they are taken away in a close automobile so nobody knows who they are. And when I was in Salt Lake City two years ago, they executed a young fellow by the name of Reilly, and the marksmen were either so drunken or blundering that they could not find the mark, and they did not hit him in a vital spot, and he rolled upon the ground screaming in his agony for thirty minutes before death came to his relief. They could not shoot him but once. They could not do, as the Mexican humane law is, somebody step up and give the shot of mercy, and there he rolled screaming for thirty minutes before the end came. And that is the humanity of Salt Lake City in this enlightened age.
They were paying them twenty-five dollars a shot, but after that execution they struck for higher wages. I don't think that they were identified with any parent organization. I don't think they are affiliated with any organization, but, however, they wanted more money, and they— it is remarkable what incursions organized labor is making all over the land— but they raised the price to forty dollars, and these executioners were paid forty dollars, as I understand it.

So that on this fateful morning, it would seem almost as if the sun ought not to rise above the gray hills, for there before the curtain sits this young man, not yet reached life's zenith. They had tried, you saw the reports, they had tried to break his spirit by giving him whisky, but he said, no, and he only took a little grape juice, and there he sat, and when the sheriff raised his hand and he looked at Hillstrom with his eyes bandaged and his hands bound, and when the sheriff said "Aim!" Joe Hillstrom's intrepid spirit bounded out to meet it, and Joe says, "Fire!", and then the shots rang out and when Joe Hillstrom's head fell forward on his breast and he sank limp into his chair, I say to you, men and women, that justice and labor shrieked at the awfulness of this tragedy.

And before the natural warmth had left his body this Governor, this first man in the State, not content with insulting the President, looked at it and said, as your Chairman has said to you, "I am going to drive the Industrial Workers of the World out of the State, and if the police don't do it, I will." He would outgeneral Lee, John Lee, He would lead these unpaid working men from the mines and from the smelters away out into the North and into the mountain meadow, and there let them perish as did their forefathers years ago at the hands of John Lee.

Today, these industrial workers of the world are down in the depths of these mines out there, with their lives in their hands every moment, or before the flames belching furnaces in the smelters, protected only by handkerchiefs, the men must breathe those poisonous gases until they can piece out the hours of their lives, and so earn the pittance that is paid them a day.
It is true that the tax paid by the Industrial Workers of the World in Utah is that which pays the unearned salary of the unworking Governor of Utah.

But hate still continues its libel of the dead. A suit of clothes, Joe wanted to be buried in a black suit of clothes, and they bring one to him and it does not fit him, he is so emaciated, and there in that suit of clothes that have sewed a piece of cloth upon which the word Morrison is written, and they take it to Mrs. Morrison and they say, "Is this your husband's handwriting?" "No", she says, "I cannot say it is my husband's handwriting", but you see it serves a new purpose for this judicial assassination, and they telegraph it all over the Country. Think of the depth of infamy to which men may go to give color to their unjust judgment. First he is pictured as a dynamiter and criminal. Searching the land through they are disappointed not to find a single blot on his name. Then as he lies before them in the stillness of death they search the very garments that he has asked to be buried in, and the name of the maker is found in them, and straightway they take him from the class of dynamiters and try to make him out a sneak thief, and try to show that he has stolen the very clothes he asks to be buried in.

It makes the hear sick to contemplate the fiendishness of men like Spry. He defies and insults the Federal Government, because it is one of the foundation stones of Mormon belief that the Mormon State of Utah is for them alone, and that the Federal Government is an oppressor secretly to be defied and regarded as an intruder; that the line must always be drawn between the self styled saints on the one side and the gentiles on the other.

But while they have--don't misunderstand me--some very wise and just laws on their statute books, when you test them by the real every day application, it is guided and governed entirely by what Mormon leaders may decree as to the expediency of the moment.

Now just a word more and I will close. I often went in and talked with Joe in the last hours of his life; whenever I was in the City; I visited him in the jail very many times and in the penitentiary many times. I studied the man and I felt that if there was anything in the way of
consciousness of guilt he would tell me of it before the Supreme end came. They always do. I never knew it to fail in my life. There are two men they will always be honest with, if they are guilty, and that is the doctor and that is the lawyer. I looked to see if any such consciousness of guilt would display itself by any furtive look, and expression, some uneasy apprehension, some element of fear, but nothing of the kind. He was always clear eyed, fearless and unafraid. He said to me one day, he said, "Judge, duty is the principle thing. There is always some sweetness sooner of later in doing that, but without it the best things will turn to ashes and to dust." And I want to repeat that: Duty is the principle thing. There is always some sweetness sooner or later in doing that, but without it, the best things will turn to ashes and to dust.

If you can find a midnight assassin with such an exposition of the principles of right doing, then I confess that the entire fabric of our nature is false and untrue.

Joe Hill had an obsession, an obsession to duty. He was not learned, and his years were too few to give him experience, but he knew, men and women, that great wrongs stalked unchecked through the land, and that the working man bore the blunt of it all. He had no quarrel with society as it is organized. He did not wish to seize the scheme of things into his own hands and remold it to make for his individual desires; not at all; but his protest always was against those who seize and misapply the privileges that should be distributed with even handed justice to the rich and to the poor alike. He could not write upon the principles of sociology, but he could and did know that power and greed were using these practices to oppress and grind down scores of his fellow men, the small merchant, the small shop keeper, the small man who stood nearest to the great forces of labor, and that unworking and unearned greed would never willingly lessen its grip upon mankind. Joe knew all of that. Joe lived it, and in this way he protested against it. He lived a wholesome, clean life. He wrote his earnest, if crude, verses as embodying his thoughts, and he had sublime
faith that justice and integrity must triumph, and a heart crammed of loving tenderness towards all of God’s oppressed and unhappy children, a boundless charity, even towards his slanderers. And this is the life story of this man who lies before us today, whose clam dead face looks back at us today wreathed in the unfading calm of immortality, a memory for us all, and an inspiration to better thoughts and a more steadfast course.

And so, men and women, we delight today to drop a tear upon this coffin and a flower into this grave. I think there is one thought that comes to us all on an occasion of this kind, and that is that our beloved dead do not ever wholly die; that the twilight lingers after the setting of the sun; that we have the strange power of summoning back the dear departed ones, in vesting them anew with all the old tender ties and recollections, until their memory is never shadowy, but becomes a real satisfying and abiding presence in the soul; that from away and beyond the stars they seem to come floating down again to us, an earnest and delightful prophecy of the resurrection in the great hereafter.

It is said that on the rugged and inhospitable coast of Wales, where the inhabitants eke out a precarious livelihood by fishing, that there are huge chasms and fissures in the rocks made by the waves in their ceaseless beatings for centuries, and that these waves make strange music, confined within these granite walls as the tide ebbs and flows. In the gray of the morning when these wild, weird notes sound out, the wives, mothers, and sweethearts of these fishermen hasten from their bed, betake themselves to the rocky beach, and there with songs and loving acclamations welcome home their loved ones, these toilers of the sea, and help them with their nets and burdens up the rocky way. So it will be, men and women, with and with Joe Hill. As you read his inspiring poems, and as your hearts beat in unison with him, when you sing his sweet song, so ever in tenderest memory he will come to us again a sweet, gentle, musical echo of the ripple of that eternal tide upon the shore of time.
And so we say, rest softly, kind mother earth, over this poor mutilated form, and to you, soldier poet, martyr and hero, with the flush of this magnificent oncoming industrial freedom upon your brow, all hail and all hail!

O. K.

O. M. Hilton.