

# Reviews

*Edited by Richard Bushman*

*Most Mormons have never heard of Joe Hill, the I.W.W. song-writer, or of the furor that his execution in Utah caused. The review essay in this issue tells the story and questions the merits of a recent book that revives the old stories of business and Church complicity in his death.*

## THE "LEGEND" AND THE "CASE" OF JOE HILL

*Vernon H. Jensen*

*The Case of Joe Hill.* Philip S. Foner. New York: International Publishers, 1965. 127 pp. \$.95. Vernon Jensen is Professor of Industrial and Labor Relations and Associate Dean in the New York State School of Industrial and Labor Relations, Cornell University. He is the author of two books on the nonferrous metals industry.

Legends often live on simply because believers like them. Some people like them so much they want to prove them. Legends may have their origins in real situations and may have relationships to some facts, whereas all the facts would serve to discredit them. This is the status of the "Legend of Joe Hill."

Perhaps because of certain writings and disclosures in recent times,<sup>1</sup> which have cast doubt upon the legend, or upon certain key elements in it, believers have felt called upon to defend it. The most ambitious has been Philip Foner's book. He not only tries to prove the legend but, in great detail, strives to demonstrate that the legend is true in all its parts, that Joe Hill was the victim of a colossal frame-up by certain elements in the business

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<sup>1</sup> Wallace Stegner, *The Preacher and the Slave* (Boston: Houghton Mifflin Co., 1950); Vernon H. Jensen, "The Legend of Joe Hill," *Industrial and Labor Relations Review*, April 1951, pp. 356-366.

community of Utah (mainly the "copper barons"), the Mormon Church, and the government of the State of Utah.

Joe Hill was a member of the Industrial Workers of the World, an indigenous radical labor organization which gained notoriety, roughly in the period from 1905 into the early 1920's, through its revolutionary image and militant challenges to the social and property institutions of our society and

to the conservative labor movement, that is, the American Federation of Labor. Although not exclusively active in the Western states, many of the most notable events associated with the organization centered in the West. People in Western communities found the revolutionary speeches of I.W.W. soap-box orators offensive and abhorred the direct action techniques used in struggles with the employing classes. Mormons were no less alarmed and disturbed than people in other communities. A local headquarters maintained in Salt Lake City undoubtedly was disliked, and members of the revolutionary organization were considered "undesirable citizens" by the Mormons as well as by others. Nevertheless, these attitudes do not prove, as the legend asserts, that a



conspiracy existed to send Joe Hill to his death. Because Dr. Foner restates the old charges implicating the Mormon Church, both his book and the facts warrant some attention.

### THE CASE

Dr. Foner starts with Joe Hill (Joseph Hillstrom, born Joel Hagglund) when he was an I.W.W. song writer, touches upon his version of labor troubles in Utah, recounts the murder of John G. Morrison and his son in their grocery store on Saturday night, January 10, 1914, in Salt Lake City, gives an account of the arrest of Joe Hill and the preliminary hearing, and contends that Hill was found guilty before his trial. In much greater detail he treats the trial, the defense campaign, the appeal to the State Supreme Court, the appeals to the Board of Pardons, the interventions of the Swedish Minister, and the intercessions of President Woodrow Wilson. In the final chapters the funeral, the repercussions, and conclusions follow in staccato fashion.

The prodigious canvass of materials and the numerous references can be deceiving to the unwary. What is lacking and what is sorely needed is an unprejudiced review of all the documents and all the evidence. Reporting done without loaded words, without slanted adjectives, and without innuendos is a must for any publication purporting to be based on research. But starting with a theory of sinister machinations, Dr. Foner sets out to prove a story. The preconceived end of this work is its greatest defect.

Because of my earlier account of events,<sup>2</sup> including evidence not published before which demolishes the central point in the legend, I have come in for certain criticisms by Foner. To reveal the nature of his presentation and to give any serious student a better basis for judging the truth, various of his criticisms of my article on Joe Hill warrant special rebuttal. Foner says he does not see how I could say, "From a legal standpoint it is clear that Hillstrom had a proper trial." It is a little annoying that I am taken out of context; what I said in the next sentence reveals more fully my judgment of the trial: I said it was a poor one. But this is not my major objection. The most amazing aspect of Foner's treatment of this sentence of mine is that twice he had Judge Hilton, Joe Hill's attorney during the appeal stages — and certainly one of Foner's heroes in the episode, say the same thing I said. For example, Foner reviews the major points made by Judge Hilton before the Board of Pardons. Note this sentence: "The evidence was insufficient to warrant conviction: *the trial was legal, but the outcome was unjust*" (p. 66; italics supplied). Foner also quotes a statement of Judge Hilton to the Swedish Minister to the United States, W. A. F. Ekengren, asserting that it would be "a waste of time and money and energy to any att[orne]y to endeavor to set aside the conviction . . . *for any technical irregularity or insufficiency of any kind*" (p. 85; italics supplied). It is also of interest that Foner cites one of Ekengren's statements as follows: "I have read the case of Hillstrom in the Pacific Reporter and must state as my opinion that while the *procedure might have been perfectly regular* the evidence on which the State bases its case seems too weak to warrant execution of capital punishment" (p. 73; italics supplied).

The important aspect about our legal system which Foner does not discuss in making judgments about the trial of Joe Hill is the importance of *procedure* to the preservation of the integrity of government by law. In a different context he might be the first to insist upon it. In recent times its importance has been demonstrated time and again, for example, in a whole range of cases involving convictions of Communists under a variety of statutes, a multitude of other civil rights cases, and even with respect to criminals (or alleged criminals) where actions against them have been set aside for procedural lapses. It should be obvious that the "rule of law" cannot survive without the preservation of the integrity of procedure. Procedure, therefore, is basically more important than substance, as important as that is, because there can be no assurance of the substantive law without rigorous ob-



<sup>2</sup> "The Legend of Joe Hill," *Industrial and Labor Relations Review*, April, 1951, pp. 356-366. It may be also that I am made into a "straw man" who needs to be discredited because of my other publications: *Heritage of Conflict — Labor Relations in the Nonferrous Metals Industry up to 1930* (Ithaca, New York: Cornell University Press, 1950); *Nonferrous Metals Industry Unionism, 1932-1954, A Story of Leadership Controversy* (Ithaca, New York: New York State School of Industrial and Labor Relations, 1954).

servance of procedure. This was one of the issues running through all the appeals made in Joe Hill's behalf and was the thing which bound the Supreme Court in the State of Utah. You have to ignore this to find any fatal defect in the action of the State Supreme Court. But Foner can find only prejudice and sinister machinations.

While one can argue that it was a poor system to have had the Supreme Court judges on the Board of Pardons, the plain fact is that the Board of

## FELLOW WORKERS:



*Remember!*

WE ARE IN HERE FOR YOU; YOU ARE OUT THERE FOR US

Judge Ritchie had instructed the jury differently on how to handle circumstantial evidence, as Foner insists he should have, it is possible that Hill would not have been convicted. Yet this would not have proved he did not commit the crime. It is a well-known fact that it is difficult to convict criminals, but this does not establish their innocence.

The key disclosure in my article is the substance of an interview I had with Dr. Frank McHugh in July, 1946. Foner goes to great pains to discredit Dr. McHugh, who had treated Joe Hill for his gunshot wound, and to depict him as a hostile witness. Unless he can make his case here, he loses an essential link in the chain of his story.

The circumstances under which I became acquainted with Dr. McHugh's role in the Joe Hill case are particularly significant. I had only recently decided to do research on unionism and labor relations in the nonferrous metals industry, although for a number of years while at the University of Colorado I had been interested in the subject and had read quite widely. Early in 1946 the first post-war dispute in the industry had begun, and the Secretary of Labor had appointed a fact-finding board, which held hearings in Denver.

Pardons did almost everything possible to set the conviction aside, but Hill would not cooperate. No one knew this better than Judge Hilton and Foner allows him to say it (pp. 67, 82).

Foner's treatment of the testimony of Merlin Morrison is instructive as to his basic method. When it serves Foner's purpose to do so he discredits Morrison (pp. 19, 30). When the testimony can help Foner it is used to make his case. There are a number of unfounded assertions and conclusions based on nothing but a preconceived theory and strong emotion. For example, Foner asserts that the "jurymen did not render their verdict impartially" (p. 54). What is the evidence for this assertion? Apparently it is only because they did not find for an acquittal. It may be said that if



"What's he been doin'?"  
"Overthrowin' the govment."

One of the members of this board was Judge James H. Wolfe of the Utah State Supreme Court, with whom I already had a passing acquaintanceship. When the Regional War Labor Board was established in 1943, we needed a public representative from Utah. I had suggested Judge Wolfe's name, only to discover that the employer members of the board vetoed the choice on the ground that "he would be just another vote for labor." Obviously he was no "labor baiter." When I told him in Denver in April, 1946, of my research plans, he asked me what I was going to do with Joe Hill. I said I did not know but was aware that there were plenty of stories about how he was "framed." He gave me a word of caution and said: "Before you finish with your research go to Dr. Frank McHugh, when you are in Salt Lake City, and tell him I sent you. He has some very important information." At the time, I had not realized that a doctor still practicing in Salt Lake City had treated Joe Hill for his gunshot wound. Naturally, I looked him up, and because Judge Wolfe had sent me Dr. McHugh gave me his story. The information which he supplied directly contradicts Foner's case and yet seems trustworthy, despite Foner's objections, because McHugh shared Foner's sympathy for Hill.

### THE STORY

The best way I know to present a reader a perspective with which to judge the value of Foner's presentation is to retell some aspects of the story.<sup>3</sup> At about 9 p.m. on January 10, 1914, two men with red bandana handkerchiefs over their faces entered John G. Morrison's grocery store at 778 South West Temple Street. The grocery man and his two sons, Arling, age 17, and Merlin, age 14, were alone; no customers were in the store. Merlin Morrison was the only eyewitness, and he testified that two men came in and said, "We've got you now," and opened fire, killing his father and brother. Merlin's recollection of what the two men said led the police to the belief that the killings were motivated by revenge. The elder Morrison had been a member of the Salt Lake City police force some seven years earlier.<sup>4</sup> The revenge motive led to a wide-spread hunt for Frank Z. Wilson, who had just finished a penitentiary term following an arrest in which Morrison, as a police officer, had taken part.

The boy's recollection later gave the I.W.W. and Hill's attorney a basis for contending that the killings were motivated by revenge and that, therefore, Hill could not possibly have been implicated. He had no reason for desiring revenge. It is a fact that twice before, within a period of a few months, the store had been robbed, and Morrison kept a loaded pistol handy. It might also have been that the boy misheard and that, upon entering the store for the purpose of robbery, the two men had said, "We've got you covered." As their plans were thwarted they fired to defend themselves and fled without accomplishing their purpose. Merlin said his father was shot first and that, as the men were rushing from the store, one of them was shot by Arling, who had secured his father's pistol. One of the men then turned and shot Arling. A trail of blood was traced southward from the store to a

<sup>3</sup> What follows is drawn from my previous article, cited above. Permission has been granted by the editor of the *Industrial and Labor Relations Review* to reuse materials contained in it.

<sup>4</sup> *Salt Lake Tribune*, January 11, 1914, p. 1; January 12, 1914, p. 1.

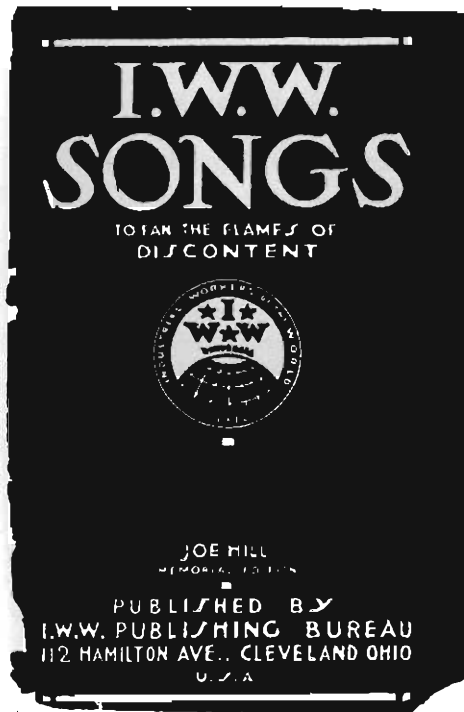
ditch near the corner of 12th South (now 21st South) and 1st West, near the Denver and Rio Grande railroad tracks, where the trail was lost.<sup>5</sup>

At 11:30 that night Joe Hill appeared at the office of Dr. Frank McHugh at 14th South (now 33rd South) and State Street, about two and one-half miles from the scene of the homicide, seeking treatment for a gunshot wound in his left side. Dr. McHugh was then a member of the Socialist Party and had met Hill on a previous occasion. The wound looked serious, and it was apparent that Hill had lost a lot of blood and had walked a considerable distance. Hill explained that he had received the wound in a fight over a woman; that he was as much to blame as the other fellow; that to protect the woman he would not reveal her name; and that he would like to keep the matter private. When his wound was dressed, he was sent to the Eselius home in Murray for recuperation.<sup>6</sup>

The next day Dr. McHugh was out in the country on a difficult confinement case and did not get an opportunity to see the newspapers until the following morning. As soon as he read the headlines of the killing of Morrison and his son, he surmised that Hill might have been involved. Thereupon he visited the Eselius home to see Hill, who, when confronted, said, as nearly as Dr. McHugh could remember, "I'm not such a bad fellow as you think. I shot in self-defense. The older man reached for the gun and I shot him and the younger boy grabbed the gun and shot me and I shot him to save my own life." He also added, "I wanted some money to get out of town."<sup>7</sup>

Dr. McHugh immediately went to Sheriff Peters of Murray and told him of treating Hill. He advised the sheriff that Hill had a pistol, was a cool fellow with lots of nerve, and might shoot it out if the sheriff tried to take him. He then emphasized that he was going to give Hill a shot of morphine, which he needed in his treatment, and suggested to the sheriff that an investigation

could then be made. Apparently Sheriff Peters arrived too soon, for when he entered Hill appeared to make a move for his pistol. As he did so, Sheriff Peters shot him through the hand and then placed him under arrest. Hill later said he threw his pistol away after leaving Dr. McHugh's office on his way to Murray, but it was never recovered. It is of some interest also that



<sup>5</sup> Ibid., January 11, 1914, p. 1.

<sup>6</sup> Ibid., January 14, 1914, p. 1; State vs. Hillstrom, 150 *Pacific Reporter*, 935.

<sup>7</sup> Conversation with Dr. Frank M. McHugh, Salt Lake City, July 17, 1946; also, letter from Dr. McHugh, January 26, 1948.

Hill's close friend, Otto Applequist, was last seen at the Eselius home at 1:15 Sunday morning, January 11, a short time after Hill was brought there from the doctor's office. He was never seen again.<sup>8</sup>

Hill was brought to trial in June. When the State was halfway through its case, he suddenly stopped the proceedings and discharged his attorneys, announcing that he would handle his own case. This unusual occurrence came at a most crucial point in the trial. One of the most damaging witnesses was testifying. The court could not leave Hill without counsel, and the judge appointed the attorneys as "friends of the court." After the noon recess, an attorney, Soren Christensen, appeared and asked that his name, at the request of the defendant and his friends and at the special request of an attorney in Denver, Judge O. N. Hilton, be entered as counsel for the defendant. From then on, with Hill's consent, all three attorneys represented him.<sup>9</sup>

From a legal standpoint it is clear that Hill had a proper trial. But from the standpoint of his defense, the record built in the court was a damaging and poor one. This was partly a matter of his own doing. At the same time, perhaps a more alert counsel could have parried the most damaging questions by the district attorney. The emphasis placed upon the inadequate defense



JOE HILL

was originally designed to win a new trial. Afterward the attempt was made to prove Hill had been made a victim of malicious injustice. Judge O. N. Hilton of Denver, who handled cases for the I.W.W. and for the Western Federation of Miners, handled the appeal for Hill.

Dr. McHugh was called as a witness. As a Socialist and a disbeliever in capital punishment, he did not want to see Hill executed. Considering the information given by Hill as confidential and privileged and not wishing to harm him, Dr. McHugh divulged only the information directly requested of him. When asked what explanation of the wound Hill had given him the night Hill received treatment, Dr. McHugh repeated the "protected woman" story. He was never asked whether Hill had given any other explanation of his wound, and he left the witness stand without divulging what Hill had told him at the time of the second visit.<sup>10</sup>

<sup>8</sup> *Salt Lake Tribune*, January 16, 1914, p. 1.

<sup>9</sup> *State vs. Hillstrom*, 150 *Pacific Reporter*, 935 *et passim*.

<sup>10</sup> Conversation with Dr. Frank M. McHugh, Salt Lake City, July 17, 1946.

Hill repeatedly refused to testify in his own behalf, beyond reiterating the explanation that he had received his wound in a quarrel over a woman. In this story he was never caught in a contradiction. It is obvious that the evidence introduced against Hill was circumstantial, although highly convincing. If an error was made, it was an error of judgment on the part of the jury. It was the jury's function to determine the credibility of the evidence and to assign to it its proper weight. When on June 27, 1915, the jury found Hill guilty of murder in the first degree, making no recommendation for leniency, which might have produced a sentence of life imprisonment, it sealed his fate. It was mandatory upon the court to sentence him to death, and he was sentenced to die on October 1, 1915.<sup>11</sup>

It was not until after Hill was sentenced that the I.W.W. really attempted to exert much influence. In April his friends had sought financial aid for him by appealing to the organization. A request for funds was printed in *Solidarity*, the I.W.W. publication. Note was made of Hill's songwriting, but it was also stated that Hill was being made a victim of a "conspiracy of the Utah Construction Company, the Utah Copper Company, and Mormon Church," because he was a "thorn in the side of the master class." The space allotted and the location in the newspaper reveals that this appeal for funds was a modest one.<sup>12</sup> Whether any money was sent is doubtful. No other news item is found in *Solidarity* until the end of the trial. Probably no direct assistance was given until Judge Hilton came into the case. The local attorney who came into the court proceedings toward the end of the trial had been enlisted by Virginia Snow Stephens, daughter of a former president of the Mormon Church. After the trial, however, the I.W.W. rose to the occasion. Elizabeth Gurley Flynn visited Hill in his cell. The I.W.W. press claimed that Hill was being "railroaded" to prison. In mid-July, when plans for an appeal were being made and the problem of funds was a tough one, Hill wrote to his attorney, Judge Hilton, saying, "I am afraid we'll have to let it go as is . . . because I cannot expect my friends to starve themselves in order to save my life." He was sincere when he concluded by saying: "If circumstances are such that nothing can be done, I want to thank you for what you have already done for me. And you can just bet your bottom dollar that I will show this gang of highbinders that are operating here in the name of Justice, how a Man should die."<sup>13</sup>

The I.W.W., however, came through with funds, and Judge Hilton approached the appeal with the intention of showing that the constitutional safeguards prescribed to assure a fair, impartial, and unprejudiced trial had not been met. He argued that, because guilt had not been proven beyond a reasonable doubt and because a motive had not been established, the court should have been convinced that the verdict should not stand and that the sentence should be set aside.<sup>14</sup> Nevertheless, the Utah Supreme Court could find no legal basis upon which to set aside the verdict. If the defense was poor and if the case made for the defendant was weak, it was, nevertheless,

<sup>11</sup> *Salt Lake Tribune*, June 28, 1915, p. 1; *Solidarity*, July 11, 1914, p. 1.

<sup>12</sup> *Solidarity*, April 18, 1914, p. 2.

<sup>13</sup> *Solidarity*, July 31, 1915, p. 3.

<sup>14</sup> "Judge O. N. Hilton in the Joe Hill Case," *International Socialist Review*, September 1915, pp. 171-172.



a proper trial. Nothing was amiss procedurally, and the jury had found the man guilty.

The case was then carried to the Board of Pardons, which met in special session on September 18 to consider the case. Again Judge Hilton made an appeal. Hill also addressed the Board and denied that he had killed Morrison and said that he knew nothing about it. He closed his address by pointing up the implication that he was being tried for being a member of I.W.W. rather than for murder, saying: "The cause I stand for means more than any human life . . . much more than mine." The Board of Pardons, composed of Supreme Court members who had denied him a new trial, pleaded with Hill to submit evidence which would justify granting a pardon since he could not be given a new trial. "I don't want a pardon," he said. "I don't want a commutation. I want a new trial and vindication. If you can't give me a new trial, that is all there is to it. I don't want anything else."

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# THE SALT LAKE HERALD-REPUBLICAN

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SALT LAKE CITY, UTAH, FRIDAY, NOVEMBER 15, 1912 PRICE FIVE CENTS

## GOVERNOR TURNS DEAF EAR TO WILSON'S APPEAL; HILLSTROM TO BE SHOT TO DEATH THIS MORNING

### 'INTERFERENCE' NOT JUSTIFIED

**Executive and Board of Pardons After Full Deliberation Decline to Act.**

### ACTION IS INDORSED

**In Reply to President, Governor Resents Imputation Convict Has Not Had Fair Trial**

Washington, Nov. 14. Governor Spry's blizzard was made public as the Utah House tonight passed a resolution. Officially informed that the President had been so badly misled by the evidence in the case of Hillstrom, and that he had refused to act on the appeal, the House passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified. The House also passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified. The House also passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified.

### HILLSTROM TO FACE FIRING SQUAD TODAY

11:00 a. m. two life-size magnified photographs of August Hillstrom, executed yesterday afternoon at the firing squad in the penitentiary here. The first was taken at the penitentiary. The second is a portrait of the condemned man. The first is a portrait of the condemned man. The second is a portrait of the condemned man.

### Governor Spry's Reply to President.

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### VISITORS TALK WITH PRISONER

**Hillstrom Converses Freely but Gives No Hint of Identity of 'Woman'**

### SLEEPS PEACEFULLY

**Mention of Dead Mother Brings Suspicion of Moisture to Eyes; Maintains Innocence**

Beginning in the city last night from the Governor to President Hillstrom, the latter was given a full and complete hearing. The Governor, who has been so badly misled by the evidence in the case of Hillstrom, and that he had refused to act on the appeal, the House passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified. The House also passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified.

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**Seen Last Sunset.**  
 The shadow of death was made all too clearly revealing across the life of August Hillstrom, as he lay in his cell at the Utah Penitentiary, looking out at the dark night of the penitentiary and, toward the full moonlight that shone upon the snow-capped peaks of the mountains, and the stars that twinkled in the sky. The Governor, who has been so badly misled by the evidence in the case of Hillstrom, and that he had refused to act on the appeal, the House passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified. The House also passed a resolution to the effect that the Governor's action in refusing to act on the appeal was justified.

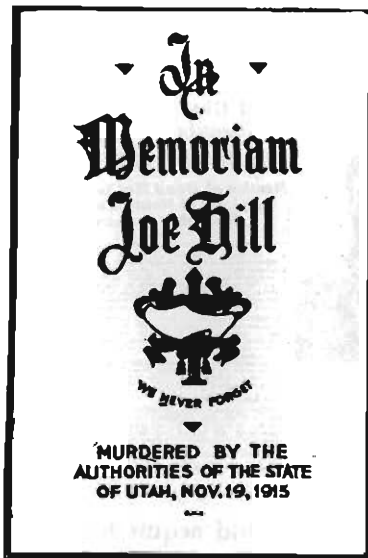
Hill insisted that he could produce evidence that would acquit him, but members of the Board of Pardons explained that they were powerless to grant him a new trial, a fact which had already been explained to him by his attorneys. The Board of Pardons said, however, that it could set aside the sentence, if supplied with evidence that would justify such action. Hill reiterated: "I've said all I care to say. What does my measly life amount to? What do I care if I have to die? I don't want the humiliation of commutation or pardon. What I want is an acquittal. If I can't be given a new trial, I don't want anything. I've stated my position. That's all I can say." Chief Justice D. N. Straup then suggested that the attorneys ask their client questions which might give the Board more information. The attorneys said

that they preferred that the judge ask the questions, but again Hill said he had nothing more to say. Then the judge suggested that a five-minute recess be taken to give Hilton and Christensen, Hill's attorneys, a chance to see if they could not prevail upon him to talk further; but Hill could not be moved. Said he, "I don't need to consult with anyone. I am a man. I know my own mind. I know what I want to do." Afterwards one of his attorneys remarked: "It seems that he wants to be considered a martyr." Even *Solidarity* pointed out that "Hill thinks he is a martyr," and that he was dying for "improvement of fair trials in Utah for workers."<sup>15</sup>

Judge Hilton pleaded that the Board had the power to release Hill in the same way that the Governor of Georgia had released Waldo Frank in a famous case. In that instance, as in this one, nothing amiss in the court record could be developed, but it was obvious that a poor and a weak trial had been the basis of the conviction. Hilton reiterated his conviction of Hill's innocence and emphasized that circumstantial evidence in a homicide case is always most dangerous and should never be the basis for a conviction.<sup>16</sup> The Board, however, still begged for the evidence which Hill pledged that he would produce if given a new trial. It even went so far as to promise Hill that if he would divulge the woman's name to the warden, who would make a secret investigation, and if his story proved to be true, a full pardon would be granted, and the warden would forever keep the name secret. He stubbornly refused, and the board could do nothing but deny his plea.

The case then took on an international aspect. W. A. F. Ekengren, Swedish Minister to the United States, although advised by O. W. Carlson, Swedish vice consul in Utah that he had examined the record and that Hill had been given a fair trial, appealed to the White House for a stay of execution. The day before the scheduled execution President Wilson asked for a postponement. Thereupon Governor Spry granted a reprieve until the next meeting of the Board of Pardons. Although the Board again begged Hill for something upon which to act, nothing new was developed at the October 16 meeting. Accordingly, the Board again denied the plea. Thereafter President Wilson sent a second request for a postponement, but Governor Spry rejected it in a sharp letter.

On the morning of November 19, 1915, Hill died before a firing squad. The night before he sent two telegrams to Bill Haywood, the dynamic leader of the I.W.W., the first of which read: "Goodbye Bill. I will die like a true blue rebel. Don't waste any time in mourning — organize." The other read:



<sup>15</sup> *Salt Lake Tribune*, September 19, 1915, pp. 1, 12; "Joe Hill to the People of Utah," *International Socialist Review*, October 1915, p. 222; In re Hilton, 158 *Pacific Reporter*, 693 et passim.

<sup>16</sup> *Salt Lake Tribune*, September 19, 1915, pp. 1, 12.

"It is 100 miles from here to Wyoming. Could you arrange to have my body hauled to state line to be buried? Don't want to be found dead in Utah."<sup>17</sup>

Edward Rowan, secretary of the I.W.W. local, said: "Authorities of this state will have reason in the near future to remember that they took Joe Hill out at sunrise and shot him." Oscar Larson, who was active in the I.W.W. organization and who later became active in the local Communist group and was deported to Sweden in the middle 1930's, bitterly attacked the Mormon Church.

At the request of Bill Haywood the body was sent to Chicago, where a funeral was arranged in the West Side Auditorium. Three thousand persons crowded into the building. Two or three times that number, who could not get in, stood in the streets. A quartet dressed in overalls sang I.W.W. songs composed by Hill. Judge Hilton traveled from Denver to Chicago to speak at the funeral. Without a doubt Judge Hilton gave the greatest individual boost to the growth of the legend about Joe Hill. He described "the brutal murder of a martyr to the cause of revolution," and spoke to the crowd in great detail about the proceedings before the courts and the Board of Pardons. "He was condemned," said Hilton, "not for what he did but because he refused to gratify the curiosity of the officers as to the place and circumstances of his wound." In summation, he declared: "You can now see the particulars wherein the trial was unfair, and that some influence was brought to bear upon the Supreme Court to persuade it into an attitude of hostility toward Hill. I do not say this was done by direct influence other than the imponderable and undefined but always present and dominating fear of the Mormon Church, and that the views expressed by the Supreme Court are in consonance with the views of the Church."<sup>18</sup>

Bill Haywood and big Jim Larkin gave impassioned, revolutionary talks. Emblazoned on a huge banner was the message: "In Memorium, Joe Hill, We Never Forget. Murdered by the authorities of the State of Utah, November 19, 1915." The body was cremated and small packets of the ashes were sent to each state, except Utah, and to various countries throughout the world. On May Day, 1916, they were distributed with quiet but touching ceremony.<sup>19</sup>

### THE LEGEND

The morning after the execution of Hill, the *New York Times* in an editorial worried that his execution might "make Hill dead more dangerous to social stability than he was when alive." This was an inference which had substance. The *Times's* presumption that "there will grow up in the revolutionary group of which he was a prominent member a more or less sincere conviction that he died a hero as well as a martyr,"<sup>20</sup> was prophetic even if not wholly accurate, for the I.W.W. did not intend to let Joe Hill

<sup>17</sup> *International Socialist Review*, December 1915, pp. 328-331.

<sup>18</sup> For making this and other charges against the Mormon Church and because of other statements, spoken and written, Hilton was called before the courts in Utah, and, in a trial which brought up most of the details of the Hill case, he was disbarred (In re Hilton, 158 *Pacific Reporter*, 693).

<sup>19</sup> Ralph Chaplin, "Joe Hill's Funeral," *International Socialist Review*, January 1916, pp. 400-405; *Solidarity*, December 4, 1915, p. 1.

<sup>20</sup> November 20, 1947, p. 12.

drop from sight. They knew the value of the incident and used it. When the I.W.W. faded away in the early 1920's as an organization and the Communists began to rise as the spokesmen for the extreme radicals, Joe Hill found new sponsors. The ludicrousness of this is not always apparent to the casual observer. The truth, however, is that the I.W.W. philosophically stands poles apart from the Communists. True, a few who were "wobblies" shifted ground and later appeared in the Communist camp or became its followers. But the vast majority of the I.W.W. could not make the jump. As believers in the value of the individual and in the integrity of his personal being, they had built an organization without strong central authority, which allowed freedom to the individual member. The "wobblies" hated authoritarians in any form. Joe Hill of the I.W.W. would never voluntarily have kept company with Communists. He would have rebelled at "the line," the Party, and the authoritarianism.

Joe Hill was not a prominent labor leader even in the I.W.W. He did not organize the Utah construction workers as has been claimed, nor did he win any strike there; no strike was ever won in Utah in those days. Further, it is difficult to see how the "copper barons" could have been involved in the case. They had the labor situation in hand. They had put the powerful Western Federation of Miners out of effective operation within the area in 1912. No I.W.W. threat of any consequence confronted them, although there was considerable street speaking in Salt Lake City at the time.

How the Mormon Church, through its officials, could have been involved is also unclear. True, it had no place within the realm of its activities for labor unions — certainly not for the I.W.W. — and many of its leaders held, and perhaps voiced on occasion, the prevailing unsympathetic attitude toward unions. Morrison, the murdered grocer, was not a Mormon. He had been associated with the old Liberal Party, which was in political power when he became a police officer. This party operated in opposition to the "Church" influence in politics, and the Church had no particular interest in Morrison. The justice of the peace who committed Hill to jail in the first instance, Harry Harper, was a Mason. The judge at the trial was M. L. Ritchie, a vestryman at St. Mark's Episcopal Church. Not one of the three Supreme Court judges, C. J. Straup, J. Frick, or W. J. McCarthy, was a Mormon. The district attorney and the attorney general were not Mormons. The jury was composed of six Mormons and six non-Mormons.

It is true that there was a high degree of emotional hysteria toward the I.W.W. as an organization. But the I.W.W. was really injected into the case only *after* a legal, albeit inadequate, trial had been conducted. It is not disclosed by the record, either in the district court or the Supreme Court, that Hill was a member of the I.W.W. It was not alluded to, nor is there any evidence that the jury had knowledge of the fact. The truth seems to be that the I.W.W. made capital of a situation once they had a martyr. They knew how to dramatize events and to turn them to advantage for propaganda in the work of organizing.

In spite of the fact that Joe Hill was not an important labor leader in his life, and even though he probably never was at Bingham or other mining camps, he has been at many of them in the years since 1915. The legend about him has lived and has carried an appeal because workmen really have felt mistreated and oppressed. It has been easy for them to believe that Joe

Hill was a victim of injustice, for his case has been a reflection of injustice felt by workers everywhere. That such a legend could grow and be so powerful is a sad commentary on our industrial relations practices, for such a legend feeds on the real despair and frustration of workers.

If one were really looking for martyrs, one could be found. The unsung martyr of unionism in Utah is E. G. Locke, for some time the secretary of the Bingham Miner's Union of the Western Federation of Miners, who was effectually blacklisted in Salt Lake City until the tight labor market of World War II made it possible, in his declining years, for him to get his first steady job as an elevator operator in a small hotel. His wife had to go to work in the intervening years to support the two of them. No one has bothered to make him a hero. The I.W.W. would not have done so, because he was opposed to them. No one cared. Without much doubt he suffered more than anyone else who served in a labor organization in Utah.

