

## Darrow's Plea to the Jury for the Life of Adams

Your Honor, Gentlemen of the Jury:

I have been somewhat interested and possibly amused at what I suppose was the argument that has preceded me in this case. Mr. Knight has told you how young and inexperienced he is. I think his argument shows it; still we all learn some things in the books before we begin practicing law. Amongst those we learn that a prosecutor should tell in a plain, straightforward way, what he thinks are the reasons—that he thinks is the evidence—that finds the defendant guilty.

A defendant pleading for a man's life may be excused for some things; he often goes further than he ought. I do, many times. Many times I regret it. But if you are pleading for a man's life you can be excused; but if you are trying to take it away, that is another thing.

A prosecutor should be judicial; he should be fair. The defendant has no chance to talk, his lips are sealed. You may call him a dastardly coward and a criminal, he can say nothing about it. He is there to wait to find out whether twelve men are to tie a rope around his neck, and that is all there is about it. And it is the duty of a prosecutor, if I understand it, not to beg for a verdict, as Mr. Knight has so pitifully begged, before this jury. Why, one would almost believe that Mr. Knight would never have another case in the world unless he got Steve Adams hanged; he talks as if he would not. I never heard anybody beg for a verdict the way he begged in this case. Now, if it would help Knight's law practice, Steve has stood a good deal, and I suppose he could stand this. We have not heard any analysis of the evidence; we have not heard any discussion of the facts. We have heard the words "dastard" and "criminal", and we have heard talk of the "greatest" and "worst" and "blackest" criminal act ever performed in the history of the world.

If you had cut "dastard" out of Mr. Knight's speech I don't believe he would have made one.

### Mistreatment of Adams

I don't think that is the way a defendant should be treated. This defendant had been treated badly enough, God knows, before he got into this court; and, as I say, and as the law says, and as your own sense and justice would say, a man in defending may be forgiven much; he may be intemperate in his language; he may go beyond what he ought. But in the prosecution it is another thing.

It is just as much murder to tie a rope around the neck of a man, under the guise of law, if he has not been proven guilty, as it is to shoot him in the head; and a man who would carelessly and lightly do it has just as much to answer for.

You have every proof, we are told by Mr. Knight, that Adams is the worst man on the face of the earth. You would think Steve Adams did not need any lawyer at all, he could have come into this court with detective McParland and the counsel for the State and his rights would have been well preserved.

Gentlemen, I cannot agree with Mr. Knight. I think if ever a man needed a lawyer Steve Adams needed one, and I am not here to dodge any responsibilities in this case or to deny any of the facts in this case or to deny any of the facts in this case or to deny any of the facts in this case. There is a powerful organization on both sides, and Steve Adams is mighty lucky that he has got somebody to pay the expenses of his trial or else he would be ground to pieces by the power of the state.

### A Great Knight

I cannot attempt to follow all that Mr. Knight has said. He has quoted from some authorities that are unfamiliar to me; he has quoted from the Bible and Shakespeare. I have heard of these. He said something about Nietzsche; I suppose Nietzsche is some man that lives up at Wallace whom I never met before, so I will have to pass Nietzsche. He seems to be familiar with him. I have not criticized Mr. Knight's grammar or his English. If I were to give my opinion, I would say that has been about all there was to his argument, the grammar and the English. Mr. Knight has told you that we are up here in a rural town amongst farmers; and I suppose the inference would be that grammar and English would not be specially needed up here, in what he characterizes as an obscure town.

Now, so far as I am concerned, I want to argue this case upon the facts as they are before this jury plainly, in as straightforward a way as I can. I want to take the facts of this case, and I want the jury to remember, as I know they will, that a man's life is at stake in this trial.

Mr. Knight has informed you that this is more than a mere murder case. Now, I don't know exactly what that means; I don't know exactly what he means by "a mere murder case". If there is anything on earth that is higher or more important than a mere murder case I don't know what it is, I never have found it, I never understand it.

Here is a case where you twelve men are charged with the responsibility of saying whether one of your fellow citizens shall live or die. If you can get any greater responsibility, gentlemen, I don't know what it is. I would not take it. I would not take the responsibility that you twelve men have. There is nothing any more important than "a mere murder case".

### The Real Issue

But, Mr. Knight says, you are not trying a mere murder case, you are trying republican institutions, to see whether the Republic is safe. Well, now, I have got an idea that

the Republic will jog along if this jury in this "obscure town" should go wrong in this case. It has survived some time over a good many mistakes of juries and a good many mistakes of Judges, and I think it would jog along anyhow. It might hurt Mr. Knight's law business but not hurt the Republic.

I can't understand how a Republican form of government is on trial, as Mr. Knight has said. Steve Adams is on trial for his life. Mr. Knight says the case is broader than simply a question of whether Adams killed Tyler. There's some truth in that, and it is. Mr. Knight says we claim that it is, some way connected with what might be called reform movements. In a way that is true. Not that the question of whether Steve Adams killed Tyler is in anyway connected with it; not that. But we claim that from beginning to the end the prosecution of Steve Adams is a humbug and a fraud; that there is not a particle of honesty, a particle of conscience or a particle of justice in the prosecution, from beginning to the end. We are not trying Steve Adams for murder; he is placed on trial for his life before an Idaho jury because he dared go back on McParland. That is what he is on trial for, not for murder.

The State through its officials has been playing with this man's life; they have been playing with it as a cat would play with a mouse. They have considered his body and his soul and his feelings and his family as pawns upon the board to play a game. And I will show it to you so you all know it.

### Dares State to Hang Adams

If Steve Adams was tried in this court, or if any one was tried, for the murder of Fred Tyler, well and good; there would be nothing to it, excepting what Mr. Knight characterized as a mere murder case. But that is not the issue in this case, as Mr. Knight has well said, and Steve Adams is not tried for that.

Every species of beggary, every species of artifice, every species of ingenuity, every sort of stage-setting and clap-trap has been paraded before this jury to get it to render a verdict against Steve Adams. What for? Do you think they want to hang him? I say to you, gentlemen, find him guilty if you will, the State of Idaho does not dare hang Steve Adams.

Do you mean to tell me that Governor Gooding, Senator Borah, Mr. Hawley and McParland would dare take a poor ignorant man like Steve Adams and beguile him and coax him and threaten him and use him, and then tie a rope around his neck? Oh no, I am not worried about Steve Adams' life. There is not a man in the bunch that would think of doing it, or would ever dare do it. If the officials of this state, charged with the prosecution of cases would dare take a man's life whom they had petted, feasted, associated with, cared for and used and got his evidence, and then hang him, they would put a blot and a stain upon the State of Idaho which could never be washed away. No! No! No! I am not afraid of that, and that is not the game.

Now, let us take a few of the facts of this case, and let us see to what extent the State has gone. Not to hang him; that is not the game. No, they believed if they could keep this man under their thumb that McParland could use him to hang Haywood. And they could not. And they now think if this jury should put a noose around his neck, that they may use him still to hang Pettibone or Moyer. That is a beautiful job, that is turned over to a Kootenai County jury by the officers of Shoshone county and the prosecutors of the State, and that all there is to this case. Now let me see whether I am right.

### Crocodile Tears

Mr. Knight has been shedding some tears over Mrs. Thomas the mother of Fred Tyler. Now I don't want to be misunderstood in this matter. There is not any man who does not feel sorry for Mrs. Thomas—the most pathetic figure in this trial to any man—and we all have the same instincts down deep in us, we all feel sorry for her and if anybody in this case, on either side could do anything to bring back her son everybody knows they would do it. She is a mother, like other mothers and has a mother's feeling and a mother's grief.

But when, gentlemen of the jury, did the State develop their strong interest in Mrs. Thomas? When did they commence to shed their tears over this mother's sorrow? Every tear they shed is a crocodile tear, and they care no more for Mrs. Thomas than they do for Steve Adams. Let us see whether they do or not.

I have been censured by Mr. Knight because I said that when the death of Bouley was heralded through the woods amongst the homesteaders it was welcome news. So it was. Now I am not here to split hairs as to whether the homesteaders did right or wrong in welcoming this news.

I have not got any homestead up there; I have not suffered because some man permitted himself to be used by a great lumber corporation to drive out the homesteaders. Until I have, I am not in a position to judge of it, but the facts are plain in this case that there was not a man in the whole Marble Creek district that did not rejoice when Bouley was dead. They rejoiced just as they would if a mad dog had been killed, and you know it, and they know it.

### No Interest Shown

But let us see. Mr. Angus Sutherland, who was Sheriff of Shoshone County when Bouley was killed—a man who has been hot on the trail of poor Steve Adams, and who has moved heaven and earth to convict him, when he failed over in Shoshone

County, he made an affidavit that the people of his county were so prejudiced that the State could not get a fair trial at home, and he turned the job over to you. He was there when Bouley was killed and was Sheriff, charged with enforcing the law; he was sheriff very soon after Tyler disappeared; he was sheriff when this skeleton was dug up. Did he do anything about it? Where was Mr. Knight, the man who loves law, in those days, when these murders were committed? Probably taking a fee from somebody else. Where was Mr. Hanson? Where was the State's attorney? Where was Mr. Gyle? Where was everybody? Anybody after Bouley's slayers? Anybody trying to track the men who killed Tyler? Anybody interested in the poor old woman—who has been deked up and dressed up and fixed up, so that you people will hang a man. When some bones were discovered in August 1905, and they were believed to be Tyler's bones, did anybody send word to his mother? Did they even buy her a crepe veil? Did they care? I wonder, gentlemen, whether anybody ever saw a case with such clap-trapery and humbuggery as this since the world began? Did they try to learn who the mother was, or the sister, or send them even a letter?

We won't stop there. That was in 1905, in July or August—and I am not speaking of the mother now—but the officers of the state took those bones, without preserving one single particle of evidence; they threw away the shoes; they threw away the finger; they preserved nothing, and they bundled them up, with some more old clothes and dumped them in the ground, in a coffee box. And now they talk about how they love this mother; talk about it so you jurors will kill Steve Adams. That is why they talk about it.

Let us go a step further. Nobody paid any attention to this find up in the woods. Bouley was dead, and they were glad of it. They did not hold an inquest over him—not even an inquest. The Sheriff did not care, the Coroner did not care. Nobody cared. Some bones were found that were supposed to be Tyler's, and they were glad about it, and they did not hold an inquest over those bones, and they did not preserve a single scrap of evidence they had, and they buried him in the ground and he was forgotten. Where were the officers of the law, gentlemen? What were these lawyers and this sheriff, who shed these tears over Mrs. Tyler, doing then? You know what they were doing. They were glad of it. Remember, some of them held homesteads themselves; they were glad to get rid of the man Bouley, who was up there leading in man after man to take the fruits of the labor and the privation and the toil of the homesteaders, who had gone out in the wilderness to make homes for themselves and their families. You know that, and everybody connected with this case knows it.

### Activity Begun

But let us go a step further than that. A big man was killed, a man who had once been Governor of the State. Now, I have a belief that one man's life is worth just as much as another. Steve Adams' life is worth just as much to him as anybody else's life is worth to them, and he deserves the same protection as every other man's life, and the same effort should have been made to find the murderer of Gov. Steunenberg, Fred Tyler and Bouley as to find the murderer. But, notice the difference, gentlemen. When Governor Steunenberg was killed then Heaven and earth and hell were ransacked—not to find the murderer, oh no, not that, but to convict the officers and important members of the Western Federation of Miners. When Tyler and Bouley were killed, one of them was buried beside the trail with his dog and his horse, and the other in the Potter's Field, and no other and no coroner ever held an inquest on the remains, or sought to arrest anybody, and no lawyer laid down his book long enough to bring a prosecution against any human being.

Now that is the difference in this land of "equality". Mr. Knight says it is "the greatest on earth. Perhaps it is."

But that is not all. After Governor Steunenberg was killed, the officers arrested a man, and then they sent out for Steve Adams. Now, I will discuss Steve Adams' "confession" a little later. I just want to get another fact before this jury. And see whether I tell you anything that is not true in this whole case.

### Turned Over to Father Confessor

They brought Steve Adams to Boise, to the penitentiary, although he had never been convicted of anything, and there they turned him into the cell with Harry Orchard, and turned him over to the tender mercies of this wonderful man—who Mr. Knight says is practically a Saint, and who has been an enemy or a traitor to crime, this great preacher of modern days, Detective James M. Parland, they turned Adams over to him. Now, I will discuss McParland when I get to him.

But they got the confession from Steve Adams, and they got that confession on the 27th day of February, 1906, and that confession said that Steve Adams murdered Tyler, and that he murdered Bouley, and the confession further said that Mason and Glover helped him kill Tyler; that Glover and Simpkins and a settler up helped him kill Bouley. They got that confession on the 27th day of February, it was put into the hands of the Governor, into the hands of the lawyers for the prosecution and into the hands of the Sheriff of Shoshone County. Then what did they do? Did

the mother of the murdered man? They go and hunt up poor Mrs. Thomas. Did they go to dry her tears and settle her doubts? Did they write her a letter? Did they care a continental whether Tyler ever had a mother, or a father, or a sister, or a brother, or who he was? Now, you know, gentlemen, whether I am telling this straight or not. The Governor of the State of Idaho, the Great Detective of the Pinkerton Agency, James McParland—forty years a sleuth—a Senator of the United States (Mr. Borah), Mr. Hawley, Special Prosecutors, and Angus Sutherland, the Sheriff of Shoshone County—all of these men of power and influence and position, with the State Treasury of Idaho at their command, had this statement or "confession" about the death of Tyler in February, 1906, and they did not even send a word to his bereaved mother. She never heard about it. Nobody even deigned to write her a letter, until they wanted to hold Steve Adams in their clutches, and then they sent her word in September to come down to Wallace and testify.

More than that, gentlemen. Let us see what there is in this case. That "confession" said that Mason and Glover were guilty of murder; that "confession" said that another man, who was and is running at large, a settler up here in the woods was guilty of murder. Did they send out to apprehend those murderers? They got this information in February, 1906. Did any of these numerous Sleuths or lawyers or officers make any investigation or attempt to catch the other man? Did they care one continental who killed Fred Tyler, or who killed Ed. Bouley? Or was every single act a fraud, and were they working simply to convict somebody else? You know the truth; everybody knows it. In February, 1906, they were told who had committed these murders, and not a man raised his hand or his voice until September, 1906, when Steve Adams applied for a writ of Habeas Corpus to get out of the penitentiary. Then, they got busy, didn't they? Got busy for what? To find the slayer of Tyler, to find the slayer of Bouley? Oh, no, not that at all. We are told there is nothing against Alvin Mason, although Mr. Knight, for the prosecution, informed us at the last trial of this case in Wallace, that he would prosecute Alvin Mason as soon as he was done with this case. He is a little slow about it. They did not get busy to avenge the death of Bouley; they did not get busy to avenge the death of Tyler; they did not get busy to find out who was guilty of the murder of these men, but they got busy to try to hang Steve Adams.

### Late Mournings

Go a step further. We have been given certain reasons for believing that Tyler was dead, and that it was his skeleton that was found in the Marble Creek Country. I don't know whether it was his skeleton or not; there are reasons for and there are reasons against believing it. Did the mother believe it was her son's skeleton? She ought to know as much about it as any one. She is the one who pined his feet, who said the soles were thick; she is the one who said he hurt his finger playing base ball. Did she believe it was his skeleton? Yet, this skeleton was found in July or August, 1905, and her husband and two of her sons—in-law were there, and they went with it to the Head of Navigation, and they returned and told her about it. Now, I am not going to find fault because she did not go to Wallace, but gentlemen, I cannot help thinking that it is a little strange that a mother, who did not even take the pains to plant one flower over her boy's grave, or make one visit to her son's grave or buy one crepe veil to mourn his death, should come here to this courtroom so heavily laden with mourning, three years after it is passed and gone, and when a Jury is asked to kill Steve Adams. Do you think there is anything strange about it? Is this real grief that is paraded here, or it is the trappings of the theater, that are brought into this Court of Justice in order to get you to do a job which they cannot get done over in Shoshone County, where the thing happened?

Now, that is not all. This woman, this mother, might have still hoped and when that body was discovered that it was not her son's. But she was written to in September, 1906, and told that Adams had "confessed", and she came down to the hearing in September, 1906, and between February and September of that year not a word had been said to her by any of these men—who so loved the law and who so love justice! Not a word! She had been left alone. She was written to in September to come down to Wallace and testify—not to see her son's remains, not to come down to assist in giving him a decent burial, but to come down and help convict Steve Adams, that was what she was written for; and she came and heard the "confession", and she testified and went back home; but she did not even buy a crepe veil in Wallace. She had not then begun to be so certain about her son's death that she would wear mourning.

### Adams' Life a Pawn

But the trial came up in February, 1906, and she came to Wallace in her regular clothes; two years and a half after her son was dead she came to Wallace, and while she was still there at the trial, attending the trial she bought crepe and mourning for the courtroom and has got it on now. Now, gentlemen, do you think that is "fixed up"? Let me say this: The prosecution are so anxious to get a rope around Steve Adams' neck that they have been willing to play with

him, they have been willing to use his life as a pawn; they have been willing to drive him, hither and yonder, over the length and breadth of the land; they have been willing to play with him, as a cat would play with a mouse; they have been willing to trifle with his feelings and affection; they have been willing to trifle with his family, his wife and his children, and they have been willing to take a mother's love and a mother's tears and a mother's sorrow and a mother's mourning and work those up into the coin of the realm, that they might tie a rope around Steve Adams' neck. They are using this mother, they are using these feelings, they are using these sentiments to get a verdict, and they care as much about her as they did for Fred Tyler's remains, or the skeleton they buried in the Potter's Field, without any investigation, without any effort to find whether he came to his death by fair means or foul. And then you are told, gentlemen, that you twelve men up here have nothing to do except to perform a job, which they could not get a Jury to perform at home. All right, gentlemen. Go ahead and do it, if you think you ought, go ahead, but I want to say if an Idaho Jury could take this man, under the circumstances of this case—even if they knew he was guilty, would take him out and hang him, they would place a blot upon the fair fame of this State, which it could not live down until the last man should die.

### Death of Bouley

Let us take one more fact in this case. I want to discuss the question of whether Steve Adams is guilty of this crime or not. Let us take one more fact and see who is really responsible in the case. I don't know whether Fred Tyler is dead or not. Those may have been Tyler's bones that were found in the Marble Creek district and they may not have been. Perhaps you gentlemen can tell, I can't, but I do know Ed. Bouley was killed, that is certain. Bouley was shot on the trail, and his horse was killed and his dog was killed. Now, that is true, gentlemen. I do know, also, that what the State claims about this is true, that he was killed because he was a "jumper"; some fifty or seventy-five shots were fired at him, five or ten taking effect in Bouley; he was killed away up there in the wilderness, where Alvin Mason and Newt Glover and the rest had gone to hew out homes for themselves and their little ones. And if Tyler is dead—the evidence is fairly plain to me, that the same influences and probably the same people killed Tyler who killed Bouley. Bouley was killed and notices were tacked up on the trees that this would be the fate of all "jumpers", and he was left in the trail, and nobody held an inquest or cared anything about him.

Gentlemen, who killed Bouley? Let us be fair about this; who killed him? Was it Steve Adams? Why, Warden Whitney, in his blundering, clumsy, impossible way—he is about as delicate as an elephant—told you that Adams said that he had the shell from which the bullet came that killed Tyler. But let it go. Nobody pays any attention to what Whitney says anyway. Of course, there were fifty or seventy-five shots fired at Bouley, so nobody knows who did kill him. Who did it, gentlemen? Now, let us be fair about this for a minute. You will be fair about it, I know. I never yet saw twelve men that did not have the common instinct of justice and humanity down deep in them, and you have got them, whether this is an obscure town or not. Mr. Knight said I would try to say something to hang the Jury. I don't want to hang anybody; he is the one that seeks to hang somebody; I am not looking for any hanging, either of the Defendant or of the Jury. If there is any one man in this panel who would convict Steve Adams in this case, if he knew he was guilty, then, gentlemen, I have missed my guess, that is all, and I don't "size you up" right. If a fraud like this could be consummated in any Jury box in the United States, I have got something to learn. I don't believe it.

### Trial of Civilization

Now, who killed Bouley? Let us see about him. Fifty or seventy-five shots were fired. If you take Adams' "confession" there were at least four men there, but if you were to take Phillips' evidence alone there were fifty or seventy-five shots fired. Let us remember something further than that. Eighteen or twenty men were gathered together out in the woods, out in the dense forest taking counsel among themselves as to how they would defend their homes against the jumpers, met there just a few days before—eighteen or twenty of those sturdy homesteaders, who have laid the foundation of the civilization of Idaho—not only of Idaho, gentlemen, but of every State in the Union; the same kind of men who years ago landed upon the bleak shores of New England and who slowly fought their way across the continent, fought with the Indians, fought with the "jumpers", until they reached the State of Idaho—and there is not a graveyard that has marked the whole course of this civilization that has not been filled with "jumpers", not one. You cannot civilize a great nation by reading hymn books alone, and it has not been done that way. Away back beyond the time of Daniel Boone these men with their trusty rifles defended their fireside and their homes against the invaders, who would go over there to take them away. And I do say that it was the gladdest news that ever crossed the hills and the mountains and the forests of the Marble Creek district when it was announced that

Bouley was killed; and you gentlemen know it.

### Defending Their Homes

These sturdy settlers up there in the Marble Creek district may be bad men. Poor old Alvin Mason, the father of eight children, who came up here into the Idaho wilderness, whose sole possession was a wife and seven children, and who Mr. Knight says ought to be hanged by the neck until dead—but, gentlemen, I undertake to say that if every man in Idaho, who is as bad as Mason is hanged, before you get through you will probably find it very hard work to get a Jury to pass on the remainder. I will take my stand and run my chances alongside of Alvin Mason, in preference to any "jumper" who ever came over the trail that the settlers built to steal the settlers' homes, no matter who it is. Eighteen or twenty men got together out in the forest, and they got together at other places, and they formed what Phillips called the "Jumper Killers' Association". Now, there is no doubt about that, is there? That is what they did, up in the Marble Creek District. I am not defending them. If they ever got into trouble, I should be glad to. I know that no men are all good or all bad. As Mr. Knight's friend Nietzsche says, there is a good deal of the wolf and the lamb about us. And when I heard him pleading so hard for you to hang Steve Adams, I felt dead sure that it was true. Men are not all good and they are not all bad; and these men, who could leave the steam-heated flats of the cities and go away up here in the wilderness of Idaho, with their wives and children, and undergo the privations of men who settle up a new country, would be very apt to carry a gun along with them to help settle it. And there has not been a single part of America that has been settled in any other way; and they are good fellows too, mighty good fellows.

### Bloody Lord Angus

Here is what I am complaining of, gentlemen, in this case—and I want to know what you think about it—Bouley was killed by the whole settlement; however many men were responsible for the specific act, they were all glad of it, and they all participated in it, and they all brought about the sentiment that killed him. Is there any doubt about that? When the news spread out over the prairies, I take it that pretty nearly every man there was glad of it; and I take it that Mr. High Sheriff, Sutherland—who would "lick his chops with ghoulish glee" if he could get at Steve Adams' blood—Mr. High Sheriff Sutherland was as glad as anybody else, because he did not try to find out who had committed the deed. Oh, no, not Angus. He did not send his Deputy Hicks, his Deputy Williams or anybody else out to endeavor to find out who killed Bouley. But here is an idea, gentlemen, I want to put to you twelve men. Adams did not live in the Marble Creek country; he was up there visiting Jack Simpkins; very likely he attended this meeting; very likely Bouley was killed by all the settlers up there, and when George H. Root got upon the stand and hedged, and quibbled and dodged, it was pretty plain why—because he was in it, just the same as all the rest of the settlers. They were all in it, and they wanted to get rid of Bouley, because day after day he was leading some new men down for the Barbour Lumber Company, to settle on some other man's home; today it might be mine, tomorrow it might be Newt Glover's; the next day it might be Root's; the next day it might be your's. Nobody knew when their turn would come, and, of course, those men were glad of his death. That whole community was responsible for the death of Tyler—if Tyler is dead—and you twelve men are asked to pass them all by, are you not? You are asked to leave Fred Engstrom, who Bouley said was the man who was after him—you are asked to leave every settler in the Marble Creek District, you are asked to leave every man out and at large, untouched and unharmed, every man in this section of Idaho, and visit the consequences of this crime of the killing of Bouley on Steve Adams.

Now, do you think that is fair? All right; if you do, go ahead; you have got the power; nobody else can hang a man legally in this country excepting a Jury. If you want to have it written down, for yourselves in after years to reflect upon, and your children and your children's children, to point to in the future, that you permitted the State of Idaho to leave every man at large, responsible for Tyler's death, unprosecuted and unpunished, and you visited your vengeance upon this poor miner, all right. You cannot find a man on the face of the earth elsewhere who would do it.

### Better Made Idaho a Wilderness

Our friend Knight talks about a "hung Jury". I never saw one member of this Jury before. Do you suppose a man who has any knowledge of the way men feel or think would have any doubt about how an honest man would think or feel in a case like this, or what a business man would think or feel, or what any unprejudiced man would think or feel? Gentlemen, if the farmers or the people of Idaho, knowing that a large number of his citizens were interested in this killing, knowing that they all profited by it, knowing that whenever a settler went home and went to bed at night, he felt safer because Bouley was dead, knowing that he felt his property was secure when this man was killed, if a Jury, knowing this, could find it in their hearts and in their consciences to pass all these men by, and single out this one victim, less interested than the rest, then, gentlemen, I would

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If you had cut "dastard" out of Mr. Knight's speech I don't believe he would have made one.

**Mistreatment of Adams**  
I don't think that is the way a defendant should be treated. This defendant had been treated badly enough, God knows, before he got into this court; and, as I say, and as the law says, and as your own sense and justice would say, a man in defending may be forgiven much; he may be intemperate in his language; he may go beyond what he ought. But in the prosecution it is another thing.

It is just as much murder to tie a rope around the neck of a man, under the guise of law, if he has not been proven guilty, as it is to shoot him in the head; and a man who would carelessly and lightly do it has just as much to answer for.

You have every proof, we are told by Mr. Knight, that Adams is the worst man on the face of the earth. You would think Steve Adams did not need any lawyer at all, he could have come into this court with detective McParland and the counsel for the State and his rights would have been well preserved.

Gentlemen, I cannot agree with Mr. Knight. I think if ever a man needed a lawyer Steve Adams needed one, and I am not here to dodge any responsibilities in this case or to deny any of the facts in this case or to deny who is defending him. There is a powerful organization on both sides, and Steve Adams is mighty lucky that he has got somebody to pay the expenses of his trial or else he would be ground to pieces by the power of the state.

**A Great Knight**  
I cannot attempt to follow all that Mr. Knight has said. He has quoted from some authorities that are unfamiliar to me; he has quoted from the Bible and Shakespeare. I have heard of these. He said something about Nietzsche; I suppose Nietzsche is some man that lives up at Wallace whom I never met before, so I will have to pass Nietzsche. He seems to be familiar with him. I have not criticized Mr. Knight's grammar or his English. If I were to give my opinion, I would say that has been about all there was to his argument, the grammar and the English. Mr. Knight has told you that we are up here in a rural town amongst farmers; and I suppose the inference would be that grammar and English would not be specially needed up here, in what he characterizes as an obscure town.

Now, so far as I am concerned, I want to argue this case upon the facts as they are before this jury plainly, in as straightforward a way as I can. I want to take the facts of this case, and I want the jury to remember, as I know they will, that a man's life is at stake in this trial.

Mr. Knight has informed you that this is more than a mere murder case. Now, I don't know exactly what that means; I don't know exactly what he means by "a mere murder case". If there is anything on earth that is higher or more important than a mere murder case I don't know what it is, I never have found it, I never understand it.

Here is a case where you twelve men are charged with the responsibility of saying whether one of your fellow citizens shall live or die. If you can get any greater responsibility, gentlemen, I don't know what it is. I would not take it. I would not take the responsibility that you twelve men have. There is nothing any more important than "a mere murder case".

**The Real Issue**  
But, Mr. Knight says, you are not trying a mere murder case, you are trying republican institutions, to see whether the Republic is safe. Well, now, I have got an idea that

the Republic will jog along if this jury in this "obscure town" should go wrong in this case. It has survived some time over a good many mistakes of juries and a good many mistakes of Judges, and I think it would jog along anyhow. It might hurt Mr. Knight's law business but not hurt the Republic.

I cannot understand how a Republican form of government is on trial, as Mr. Knight has said. Steve Adams is on trial for his life. Mr. Knight says the case is broader than simply a question of whether Adams killed Tyler. There's some truth in that, and it is. Mr. Knight says we claim that it is, some way connected with what might be called reform movements. In a way that is true. Not that the question of whether Steve Adams killed Tyler is in anyway connected with it; not that. But we claim that from beginning to the end the prosecution of Steve Adams is a humbug and a fraud; that there is not a particle of honesty, a particle of conscience or a particle of justice in the prosecution, from beginning to the end. We are not trying Steve Adams for murder; he is placed on trial for his life before an Idaho jury because he dared go back on McParland. That is what he is on trial for, not for murder.

The State through its officials has been playing with this man's life; they have been playing with it as a cat would play with a mouse. They have considered his body and his soul and his feelings and his family as pawns upon the board to play a game. And I will show it to you so you all know it.

**Dares State to Hang Adams**  
If Steve Adams was tried in this court, or if any one were tried, for the murder of Fred Tyler, well and good; there would be nothing to it, excepting what Mr. Knight characterized as a mere murder case. But that is not the issue in this case, as Mr. Knight has well said, and Steve Adams is not tried for that.

Every species of beggary, every species of artifice, every species of ingenuity, every sort of stage-setting and clap-trap has been paraded before this jury to get it to render a verdict against Steve Adams. What for? Do you think they want to hang him? I say to you, gentlemen, find him guilty if you will, the State of Idaho does not dare hang Steve Adams.

Do you mean to tell me that Governor Gooding, Senator Borah, Mr. Hawley and McParland would dare take a poor ignorant man like Steve Adams and beguile him and coax him and threaten him and use him, and then tie a rope around his neck? Oh no, I am not worried about Steve Adams' life. There is not a man in the bunch that would think of doing it, or would ever dare do it. If the officials of this state, charged with the prosecution of cases would dare take a man's life whom they had petted, feasted, associated with, cared for and used and got his evidence, and then hang him, they would put a blot and a stain upon the State of Idaho which could never be washed away. No! No! No! I am not afraid of that, and that is not the game.

Now, let us take a few of the facts of this case, and let us see to what extent the State has gone. Not to hang him; that is not the game. No, they believed if they could keep this man under their thumb that McParland could use him to hang Haywood. And they could not. And they now think if this jury should put a noose around his neck, that they may use him still to hang Pettibone or Moyer. That is a beautiful job, that is turned over to a Kootenai County jury by the officers of Shoshone county and the prosecutors of the State, and that all there is to this case. Now let me see whether I am right.

**Crocodile Tears**  
Mr. Knight has been shedding some tears over Mrs. Thomas the mother of Fred Tyler. Now I don't want to be misunderstood in this matter. There is not any man who does not feel sorry for Mrs. Thomas—the most pathetic figure in this trial to any man—and we all have the same instincts down deep in us, we all feel sorry for her and if anybody in this case, on either side could do anything to bring back her son everybody knows they would do it. She is a mother, like other mothers and has a mother's feeling and a mother's grief.

But when, gentlemen of the jury, did the State develop their strong interest in Mrs. Thomas? When did they commence to shed their tears over this mother's sorrow? Every tear they shed is a crocodile tear, and they care no more for Mrs. Thomas than they do for Steve Adams. Let us see whether they do or not.

I have been censured by Mr. Knight because I said that when the death of Bouley was heralded through the woods amongst the homesteaders it was welcome news. So it was. Now I am not here to split hairs as to whether the homesteaders did right or wrong in welcoming this news.

I have not got any homestead up there; I have not suffered because some man permitted himself to be used by a great lumber corporation to drive out the homesteaders. Until I have, I am not in a position to judge of it, but the facts are plain in this case that there was not a man in the whole Marble Creek district that did not rejoice when Bouley was dead. They rejoiced just as they would if a mad dog had been killed, and you know it, and they know it.

**No Interest Shown**  
But let us see. Mr. Angus Sutherland, who was Sheriff of Shoshone County when Bouley was killed—a man who has been hot on the trail of poor Steve Adams, and who has moved heaven and earth to convict him, when he failed over in Shoshone

County, he made an affidavit that the people of his county were so prejudiced that the State could not get a fair trial at home, and he turned the job over to you. He was there when Bouley was killed and was Sheriff, charged with enforcing the law; he was sheriff very soon after Tyler disappeared; he was sheriff when this skeleton was dug up. Did he do anything about it? Where was Mr. Knight, the man who loves law, in those days, when these murders were committed? Probably taking a fee from somebody else. Where was Mr. Hanson? Where was the State's attorney? Where was Mr. Gyde? Where was everybody? Anybody after Bouley's slayers? Anybody trying to track the men who killed Tyler? Anybody interested in the poor old woman—who has been deked up and dressed up and fixed up, so that you people will hang a man. When some bones were discovered in August 1905, and they were believed to be Tyler's bones, did anybody send word to his mother? Did they even buy her a crepe veil? Did they care? I wonder, gentlemen, whether anybody ever saw a case with such clap-trapery and humbuggery as this since the world began? Did they try to learn who the mother was, or the sister, or send them even a letter?

We won't stop there. That was in 1905, in July or August—and I am not speaking of the mother now—but the officers of the state took those bones, without preserving one single particle of evidence; they threw away the shoes; they threw away the finger; they preserved nothing, and they bundled them up, with some more old clothes and dumped them in the ground, in a coffee box. And now they talk about how they love this mother; talk about it so you jurors will kill Steve Adams. That is why they talk about it.

Let us go a step further. Nobody paid any attention to this find up in the woods. Bouley was dead, and they were glad of it. They did not hold an inquest over him—not even an inquest. The Sheriff did not care, the Coroner did not care. Nobody cared. Some bones were found that were supposed to be Tyler's, and they were glad about it, and they did not hold an inquest over those bones, and they did not preserve a single scrap of evidence they had, and they buried him in the ground and he was forgotten. Where were the officers of the law, gentlemen? What were these lawyers and this sheriff, who shed these tears over Mrs. Tyler, doing then? You know what they were doing. They were glad of it. Remember, some of them held homesteads themselves; they were glad to get rid of the man Bouley, who was up there leading in man after man to take the fruits of the labor and the privation and the toil of the homesteaders, who had gone out in the wilderness to make homes for themselves and their families. You know that, and everybody connected with this case knows it.

**Activity Begun**  
But let us go a step further than that. A big man was killed, a man who had once been Governor of the State. Now, I have a belief that one man's life is worth just as much as another. Steve Adams' life is worth just as much to him as anybody else's life is worth to them, and he deserves the same protection as every other man's life, and the same effort should have been made to find the murderer of Gov. Steunenberg, Fred Tyler and Bouley as to find the murderer. But, notice the difference, gentlemen. When Governor Steunenberg was killed then Heaven and earth and hell were ransacked—not to find the murderer, oh no, not that, but to convict the officers and important members of the Western Federation of Miners. When Tyler and Bouley were killed, one of them was buried beside the trail with his dog and his horse, and the other in the Potter's Field, and no other and no coroner ever held an inquest on the remains, or sought to arrest anybody, and no lawyer laid down his book long enough to bring a prosecution against any human being.

Now that is the difference in this land of "equality". Mr. Knight says it is "the greatest on earth. Perhaps it is."

But that is not all. After Governor Steunenberg was killed, the officers arrested a man, and then they sent out for Steve Adams. Now, I will discuss Steve Adams' "confession" a little later. I just want to get another fact before this jury. And see whether I tell you anything that is not true in this whole case.

**Turned Over to Father Confessor**  
They brought Steve Adams to Boise, to the penitentiary, although he had never been convicted of anything, and there they turned him into the cell with Harry Orchard, and turned him over to the tender mercies of this wonderful man—who Mr. Knight says is practically a Saint, and who has been an enemy or a traitor to crime, this great preacher of modern days, Detective James M. Parland, they turned Adams over to him. Now, I will discuss McParland when I get to him.

But they got the confession from Steve Adams, and they got that confession on the 27th day of February, 1906, and that confession said that Steve Adams murdered Tyler, and that he murdered Bouley, and the confession further said that Mason and Glover helped him kill Tyler; that Glover and Simpkins and a settler up helped him kill Bouley. They got that confession on the 27th day of February, it was put into the hands of the Governor, into the hands of the lawyers for the prosecution and into the hands of the Sheriff of Shoshone County. Then what did they do? Did

the mother of the murdered man? They go and hunt up poor Mrs. Thomas, Did they go to dry her tears and settle her doubts? Did they write her a letter? Did they care a continental whether Tyler ever had a mother, or a father, or a sister, or a brother, or who he was? Now, you know, gentlemen, whether I am telling this straight or not. The Governor of the State of Idaho, the Great Detective of the Pinkerton Agency, James McParland—forty years a sleuth—a Senator of the United States (Mr. Borah), Mr. Hawley, Special Prosecutors, and Angus Sutherland, the Sheriff of Shoshone County—all of these men of power and influence and position, with the State Treasury of Idaho at their command, had this statement or "confession" about the death of Tyler in February, 1906, and they did not even send a word to his bereaved mother. She never heard about it. Nobody even deigned to write her a letter, until they wanted to hold Steve Adams in their clutches, and then they sent her word in September to come down to Wallace and testify.

More than that, gentlemen. Let us see what there is in this case. That "confession" said that Mason and Glover were guilty of murder; that "confession" said that another man, who was and is running at large, a settler up here in the woods was guilty of murder. Did they send out to apprehend those murderers? They got this information in February, 1906. Did any of these numerous Sleuths or lawyers or officers make any investigation or attempt to catch the other man? Did they care one continental who killed Fred Tyler, or who killed Ed. Bouley? Or was every single act a fraud, and were they working simply to convict somebody else? You know the truth; everybody knows it. In February, 1906, they were told who had committed these murders, and not a man raised his hand or his voice until September, 1906, when Steve Adams applied for a writ of Habeas Corpus to get out of the penitentiary. Then, they got busy, didn't they? Got busy for what? To find the slayer of Tyler, to find the slayer of Bouley? Oh, no, not that at all. We are told there is nothing against Alvin Mason, although Mr. Knight, for the prosecution, informed us at the last trial of this case in Wallace, that he would prosecute Alvin Mason as soon as he was done with this case. He is a little slow about it. They did not get busy to avenge the death of Bouley; they did not get busy to avenge the death of Tyler; they did not get busy to find out who was guilty of the murder of these men, but they got busy to try to hang Steve Adams.

**Death of Bouley**  
Let us take one more fact in this case. I want to discuss the question of whether Steve Adams is guilty of this crime or not. Let us take one more fact and see who is really responsible in the case. I don't know whether Fred Tyler is dead or not. Those may have been Tyler's bones that were found in the Marble Creek district and they may not have been. Perhaps you gentlemen can tell, I can't, but I do know Ed. Bouley was killed, that is certain. Bouley was shot on the trail, and his horse was killed and his dog was killed. Now, that is true, gentlemen. I do know, also, that what the State claims about this is true, that he was killed because he was a "jumper"; some fifty or seventy-five shots were fired at him, five or ten taking effect in Bouley; he was killed away up there in the wilderness, where Alvin Mason and Newt Glover and the rest had gone to bew out homes for themselves and their little ones. And if Tyler is dead—the evidence is fairly plain to me, that the same influences and probably the same people killed Tyler who killed Bouley. Bouley was killed and notices were tacked up on the trees that this would be the fate of all "jumpers", and he was left in the trail, and nobody held an inquest or cared anything about him.

Gentlemen, who killed Bouley? Let us be fair about this; who killed him? Was it Steve Adams? Why, Warden Whitney, in his blundering, clumsy, impossible way—he is about as delicate as an elephant—told you that Adams said that he had the shell from which the bullet came that killed Tyler. But let it go. Nobody pays any attention to what Whitney says anyway. Of course, there were fifty or seventy-five shots fired at Bouley, so nobody knows who did kill him. Who did it, gentlemen? Now, let us be fair about this for a minute. You will be fair about it, I know. I never yet saw twelve men that did not have the common instinct of justice and humanity down deep in them, and you have got them, whether this is an obscure town or not. Mr. Knight said I would try to say something to hang the jury. I don't want to hang anybody; he is the one that seeks to hang somebody; I am not looking for any hanging, either of the Defendant or of the jury. If there is any one man in this panel who would convict Steve Adams in this case, if he knew he was guilty, then, gentlemen, I have missed my guess, that is all, and I don't "size you up" right. If a fraud like this could be consummated in any jury box in the United States, I have got something to learn. I don't believe it.

**Late Mournings**  
Go a step further. We have been given certain reasons for believing that Tyler was dead, and that it was his skeleton that was found in the Marble Creek Country. I don't know whether it was his skeleton or not; there are reasons for and there are reasons against believing it. Did the mother believe it was her son's skeleton? She ought to know as much about it as any one. She is the one who pined his feet, who said the soles were thick; she is the one who said he hurt his finger playing base ball. Did she believe it was his skeleton? Yet, this skeleton was found in July or August, 1905, and her husband and two of her sons—in-law were there, and they went with it to the Head of Navigation, and they returned and told her about it. Now, I am not going to find fault because she did not go to Wallace, but, gentlemen, I cannot help thinking that it is a little strange that a mother, who did not even take the pains to plant one flower over her boy's grave, or make one visit to her son's grave or buy one crepe veil to mourn his death, should come here to this courtroom so heavily laden with mourning, three years after it is passed and gone, and when a jury is asked to kill Steve Adams. Do you think there is anything strange about it? Is this real grief that is paraded here, or it is the trappings of the theater, that are brought into this Court of Justice in order to get you to do a job which they cannot get done over in Shoshone County, where the thing happened?

Now, that is not all. This woman, this mother, might have still hoped and when that body was discovered that it was not her son's. But she was written to in September, 1906, and told that Adams had "confessed", and she came down to the hearing in September, 1906, and between February and September of that year not a word had been said to her by any of these men—who so loved the law and who so love justice! Not a word! She had been left alone. She was written to in September to come down to Wallace and testify—not to see her son's remains, not to come down to assist in giving him a decent burial, but to come down and help convict Steve Adams, that was what she was written for; and she came and heard the "confession", and she testified and went back home; but she did not even buy a crepe veil in Wallace. She had not then begun to be so certain about her son's death that she would wear mourning.

**Adams' Life a Pawn**  
But the trial came up in February, 1906, and she came to Wallace in her regular clothes; two years and a half after her son was dead she came to Wallace, and while she was still there at the trial, attending the trial she bought crepe and mourning for the courtroom and has got it on now. Now, gentlemen, do you think that is "fixed up"? Let me say this: The prosecution are so anxious to get a rope around Steve Adams' neck that they have been willing to play with

him, they have been willing to use his life as a pawn; they have been willing to drive him, hither and yonder, over the length and breadth of the land; they have been willing to play with him, as a cat would play with a mouse; they have been willing to trifle with his feelings and affection; they have been willing to trifle with his family, his wife and his children, and they have been willing to take a mother's love and a mother's tears and a mother's sorrow and a mother's mourning and work those up into the coin of the realm, that they might tie a rope around Steve Adams' neck. They are using this mother, they are using these feelings, they are using these sentiments to get a verdict, and they care as much about her as they did for Fred Tyler's remains, or the skeleton they buried in the Potter's Field, without any investigation, without any effort to find whether he came to his death by fair means or foul. And then you are told, gentlemen, that you twelve men up here have nothing to do except to perform a job, which they could not get a jury to perform at home. All right, gentlemen. Go ahead and do it, if you think you ought, go ahead, but I want to say if an Idaho jury could take this man, under the circumstances of this case—even if they knew he was guilty, would take him out and hang him, they would place a blot upon the fair fame of this State, which it could not live down until the last man should die.

**Defending Their Homes**  
These sturdy settlers up there in the Marble Creek district may be bad men. Poor old Alvin Mason, the father of eight children, who came up here into the Idaho wilderness, whose sole possession was a wife and seven children, and who Mr. Knight says ought to be hanged by the neck until dead—but, gentlemen, I undertake to say that if every man in Idaho, who is as bad as Mason is hanged, before you get through you will probably find it very hard work to get a jury to pass on the remainder. I will take my stand and run my chances alongside of Alvin Mason, in preference to any "jumper" who ever came over the trail that the settlers built to steal the settlers' homes, no matter who it is. Eighteen or twenty men got together out in the forest, and they got together at other places, and they formed what Phillips called the "Jumper Killers' Association". Now, there is no doubt about that, is there? That is what they did, up in the Marble Creek District. I am not defending them. If they ever got into trouble, I should be glad to. I know that no men are all good or all bad. As Mr. Knight's friend Nietzsche says, there is a good deal of the wolf and the lamb about us. And when I heard him pleading so hard for you to hang Steve Adams, I felt dead sure that it was true. Men are not all good and they are not all bad; and these men, who could leave the steam-heated flats of the cities and go away up here in the wilderness of Idaho, with their wives and children, and undergo the privations of men who settle up a new country, would be very apt to carry a gun along with them to help settle it. And there has not been a single part of America that has been settled in any other way; and they are good fellows too, mighty good fellows.

**Bloody Lord Angus**  
Here is what I am complaining of, gentlemen, in this case—and I want to know what you think about it—Bouley was killed by the whole settlement; however many men were responsible for the specific act, they were all glad of it, and they all participated in it, and they all brought about the sentiment that killed him. Is there any doubt about that? When the news spread out over the prairies, I take it that pretty nearly every man there was glad of it; and I take it that Mr. High Sheriff, Sutherland—who would "lick his chops with ghoulish glee" if he could get at Steve Adams' blood—Mr. High Sheriff Sutherland was as glad as anybody else, because he did not try to find out who had committed the deed. Oh, no, not Angus. He did not send his Deputy Hicks, his Deputy Williams or anybody else out to endeavor to find out who killed Bouley. But here is an idea, gentlemen, I want to put to you twelve men. Adams did not live in the Marble Creek country; he was up there visiting Jack Simpkins; very likely he attended this meeting; very likely Bouley was killed by all the settlers up there, and when George H. Root got upon the stand and hedged, and quibbled and dodged, it was pretty plain why—because he was in it, just the same as all the rest of the settlers. They were all in it, and they wanted to get rid of Bouley, because day after day he was leading some new men down for the Barbour Lumber Company, to settle on some other man's home; today it might be mine, tomorrow it might be Newt Glover's; the next day it might be Root's; the next day it might be your's. Nobody knew when their turn would come, and, of course, those men were glad of his death. That whole community was responsible for the death of Tyler—if Tyler is dead—and you twelve men are asked to pass them all by, are you not? You are asked to leave Fred Engstrom, who Bouley said was the man who was after him—you are asked to leave every settler in the Marble Creek District, you are asked to leave every man out and at large, untouched and unharmed, every man in this section of Idaho, and visit the consequences of this crime of the killing of Bouley on Steve Adams.

**Trial of Civilization**  
Now, who killed Bouley? Let us see about him. Fifty or seventy-five shots were fired. If you take Adams' "confession" there were at least four men there, but if you were to take Phillips' evidence alone there were fifty or seventy-five shots fired. Let us remember something further than that. Eighteen or twenty men were gathered together out in the woods, out in the dense forest taking counsel among themselves as to how they would defend their homes against the jumpers, met there just a few days before—eighteen or twenty of those sturdy homesteaders, who have laid the foundation of the civilization of Idaho—not only of Idaho, gentlemen, but of every State in the Union; the same kind of men who years ago landed upon the bleak shores of New England and who slowly fought their way across the continent, fought with the Indians, fought with the "jumpers", until they reached the State of Idaho—and there is not a graveyard that has marked the whole course of this civilization that has not been filled with "jumpers", not one. You cannot civilize a great nation by reading hymn books alone, and it has not been done that way. Away back beyond the time of Daniel Boone these men with their trusty rifles defended their fireside and their homes against the invaders, who would go over there to take them away. And I do say that it was the gladiolus news that ever crossed the hills and the mountains and the forests of the Marble Creek district when it was announced that

Bouley was killed; and you gentlemen know it.

**Better Made Idaho a Wilderness**  
Our friend Knight talks about a "hung jury". I never saw one member of this jury before. Do you suppose a man who has any knowledge of the way men feel or think would have any doubt about how an honest man would think or feel in a case like this, or what a business man would think or feel, or what any unprejudiced man would think or feel? Gentlemen, if the farmers or the people of Idaho, knowing that a large number of his citizens were interested in this killing, knowing that they all profited by it, knowing that whenever a settler went home and went to bed at night, he felt safer because Bouley was dead, knowing that he felt his property was secure when this man was killed, if a jury, knowing this, could find it in their hearts and in their consciences to pass all these men by, and single out this one victim, less interested than the rest, then, gentlemen, I would

## Darrow's Plea to the Jury for the Life of Adams

Your Honor, Gentlemen of the Jury:

I have been somewhat interested and possibly amused at what I suppose was the argument that has preceded me in this case. Mr. Knight has told you how young and inexperienced he is. I think his argument shows it; still we all learn some things in the books before we begin practicing law. Amongst those we learn that a prosecutor should tell in a plain, straightforward way, what he thinks are the reasons—what he thinks is the evidence—that finds the defendant guilty.

A defendant pleading for a man's life may be excused for some things; he often goes further than he ought. I do, many times. Many times I regret it. But if you are pleading for a man's life you can be excused; but if you are trying to take it away, that is another thing.

A prosecutor should be judicial; he should be fair. The defendant has no chance to talk, his lips are sealed. You may call him a dastardly coward and a criminal, he can say nothing about it. He is there to wait to find out whether twelve men are to tie a rope around his neck, and that is all there is about it. And it is the duty of a prosecutor, if I understand it, not to beg for a verdict, as Mr. Knight has so pitifully begged, before this jury. Why, one would almost believe that Mr. Knight would never have another case in the world unless he got Steve Adams hanged; he talks as if he would not. I never heard anybody beg for a verdict the way he begged in this case. Now, if it would help Knight's law practice, Steve has stood a good deal, and I suppose he could stand this. We have not heard any analysis of the evidence; we have not heard any discussion of the facts. We have heard the words "dastard" and "criminal", and we have heard talk of the "greatest" and "worst" and "blackest" criminal act ever performed in the history of the world.

If you had cut "dastard" out of Mr. Knight's speech I don't believe he would have made one.

**Mistreatment of Adams**  
I don't think that is the way a defendant should be treated. This defendant had been treated badly enough, God knows, before he got into this court; and, as I say, and as the law says, and as your own sense and justice would say, a man in defending may be forgiven much; he may be intemperate in his language; he may go beyond what he ought. But in the prosecution it is another thing.

It is just as much murder to tie a rope around the neck of a man, under the guise of law, if he has not been proven guilty, as it is to shoot him in the head; and a man who would carelessly and lightly do it has just as much to answer for.

You have every proof, we are told by Mr. Knight, that Adams is the worst man on the face of the earth. You would think Steve Adams did not need any lawyer at all, he could have come into this court with detective McParland and the counsel for the State and his rights would have been well preserved.

Gentlemen, I cannot agree with Mr. Knight. I think if ever a man needed a lawyer Steve Adams needed one, and I am not here to dodge any responsibilities in this case or to deny any of the facts in this case or to deny any of the facts in this case or to deny any of the facts in this case.

**A Great Knight**  
I cannot attempt to follow all that Mr. Knight has said. He has quoted from some authorities that are unfamiliar to me; he has quoted from the Bible and Shakespeare. I have heard of these. He said something about Nietzsche; I suppose Nietzsche is some man that lives up at Wallace whom I never met before, so I will have to pass Nietzsche. He seems to be familiar with him. I have not criticized Mr. Knight's grammar or his English. If I were to give my opinion, I would say that has been about all there was to his argument, the grammar and the English. Mr. Knight has told you that we are up here in a rural town amongst farmers; and I suppose the inference would be that grammar and English would not be specially needed up here, in what he characterizes as an obscure town.

Now, so far as I am concerned, I want to argue this case upon the facts as they are before this jury plainly, in as straightforward a way as I can. I want to take the facts of this case, and I want the jury to remember, as I know they will, that a man's life is at stake in this trial.

Mr. Knight has informed you that this is more than a mere murder case. Now, I don't know exactly what that means; I don't know exactly what he means by "a mere murder case". If there is anything on earth that is higher or more important than a mere murder case I don't know what it is, I never have found it, I never understand it.

Here is a case where you twelve men are charged with the responsibility of saying whether one of your fellow citizens shall live or die. If you can get any greater responsibility, gentlemen, I don't know what it is. I would not take it. I would not take the responsibility that you twelve men have. There is nothing any more important than "a mere murder case".

**The Real Issue**  
But, Mr. Knight says, you are not trying a mere murder case, you are trying republican institutions, to see whether the Republic is safe.

The Republic will jog along if this jury in this "obscure town" should go wrong in this case. It has survived some time over a good many mistakes of juries and a good many mistakes of Judges, and I think it would jog along anyhow. It might hurt Mr. Knight's law business but not hurt the Republic.

I cannot understand how a Republican form of government is on trial, as Mr. Knight has said. Steve Adams is on trial for his life. Mr. Knight says the case is broader than simply a question of whether Adams killed Tyler. There's some truth in that, and it is. Mr. Knight says we claim that it is, some way connected with what might be called reform movements. In a way that is true. Not that the question of whether Steve Adams killed Tyler is in anyway connected with it; not that. But we claim that from beginning to the end the prosecution of Steve Adams is a humbug and a fraud; that there is not a particle of honesty, a particle of conscience or a particle of justice in the prosecution, from beginning to the end. We are not trying Steve Adams for murder; he is placed on trial for his life before an Idaho jury because he dared go back on McParland. That is what he is on trial for, not for murder.

The State through its officials has been playing with this man's life; they have been playing with it as a cat would play with a mouse. They have considered his body and his soul and his feelings and his family as pawns upon the board to play a game. And I will show it to you so you all know it.

**Dares State to Hang Adams**  
If Steve Adams was tried in this court, or if any one were tried, for the murder of Fred Tyler, well and good; there would be nothing to it, excepting what Mr. Knight characterized as a mere murder case. But that is not the issue in this case, as Mr. Knight has well said, and Steve Adams is not tried for that.

Every species of beggary, every species of artifice, every species of ingenuity, every sort of stage-setting and clap-trap has been paraded before this jury to get it to render a verdict against Steve Adams. What for? Do you think they want to hang him? I say to you, gentlemen, find him guilty if you will, the State of Idaho does not dare hang Steve Adams.

Do you mean to tell me that Governor Gooding, Senator Borah, Mr. Hawley and McParland would dare take a poor ignorant man like Steve Adams and beguile him and coax him and threaten him and use him, and then tie a rope around his neck? Oh no, I am not worried about Steve Adams' life. There is not a man in the bunch that would think of doing it, or would ever dare do it. If the officials of this state, charged with the prosecution of cases would dare take a man's life whom they had petted, feasted, associated with, cared for and used and got his evidence, and then hang him, they would put a blot and a stain upon the State of Idaho which could never be washed away. No! No! No! I am not afraid of that, and that is not the game.

Now, let us take a few of the facts of this case, and let us see to what extent the State has gone. Not to hang him; that is not the game. No, they believed if they could keep this man under their thumb that McParland could use him to hang Haywood. And they could not. And they now think if this jury should put a noose around his neck, that they may use him still to hang Pettibone or Moyer. That is a beautiful job, that is turned over to a Kootenai County jury by the officers of Shoshone county and the prosecutors of the State, and that all there is to this case. Now let me see whether I am right.

**Crocodile Tears**  
Mr. Knight has been shedding some tears over Mrs. Thomas the mother of Fred Tyler. Now I don't want to be misunderstood in this matter. There is not any man who does not feel sorry for Mrs. Thomas—the most pathetic figure in this trial to any man—and we all have the same instincts down deep in us, we all feel sorry for her and if anybody in this case, on either side could do anything to bring back her son everybody knows they would do it. She is a mother, like other mothers and has a mother's feeling and a mother's grief.

But when, gentlemen of the jury, did the State develop their strong interest in Mrs. Thomas? When did they commence to shed their tears over this mother's sorrow? Every tear they shed is a crocodile tear, and they care no more for Mrs. Thomas than they do for Steve Adams. Let us see whether they do or not.

I have been censured by Mr. Knight because I said that when the death of Bouley was heralded through the woods amongst the homesteaders it was welcome news. So it was. Now I am not here to split hairs as to whether the homesteaders did right or wrong in welcoming this news.

I have not got any homestead up there; I have not suffered because some man permitted himself to be used by a great lumber corporation to drive out the homesteaders. Until I have, I am not in a position to judge of it, but the facts are plain in this case that there was not a man in the whole Marble Creek district that did not rejoice when Bouley was dead. They rejoiced just as they would if a mad dog had been killed, and you know it, and they know it.

**No Interest Shown**  
But let us see. Mr. Angus Sutherland, who was Sheriff of Shoshone County when Bouley was killed—a man who has been hot on the trail of poor Steve Adams, and who has moved heaven and earth to convict him, when he failed over in Shoshone

County, he made an affidavit that the people of his county were so prejudiced that the State could not get a fair trial at home, and he turned the job over to you. He was there when Bouley was killed and was Sheriff, charged with enforcing the law; he was sheriff very soon after Tyler disappeared; he was sheriff when this skeleton was dug up. Did he do anything about it? Where was Mr. Knight, the man who loves law, in those days, when these murders were committed? Probably taking a fee from somebody else. Where was Mr. Hanson? Where was the State's attorney? Where was Mr. Gyde? Where was everybody? Anybody after Bouley's slayers? Anybody trying to track the men who killed Tyler? Anybody interested in this poor old woman—who has been deked up and dressed up and fixed up, so that you people will hang a man. When some bones were discovered in August 1905, and they were believed to be Tyler's bones, did anybody send word to his mother? Did they even buy her a crepe veil? Did they care? I wonder, gentlemen, whether anybody ever saw a case with such clap-trapery and humbuggery as this since the world began? Did they try to learn who the mother was, or the sister, or send them even a letter?

We won't stop there. That was in 1905, in July or August—and I am not speaking of the mother now—but the officers of the state took those bones, without preserving one single particle of evidence; they threw away the shoes; they threw away the finger; they preserved nothing, and they bundled them up, with some more old clothes and dumped them in the ground, in a coffee box. And now they talk about how they love this mother; talk about it so you jurors will kill Steve Adams. That is why they talk about it.

Let us go a step further. Nobody paid any attention to this find up in the woods. Bouley was dead, and they were glad of it. They did not hold an inquest over him—not even an inquest. The Sheriff did not care, the Coroner did not care. Nobody cared. Some bones were found that were supposed to be Tyler's, and they were glad about it, and they did not hold an inquest over those bones, and they did not preserve a single scrap of evidence they had, and they buried him in the ground and he was forgotten. Where were the officers of the law, gentlemen? What were these lawyers and this sheriff, who shed these tears over Mrs. Tyler, doing then? You know what they were doing. They were glad of it. Remember, some of them held homesteads themselves; they were glad to get rid of the man Bouley, who was up there leading in man after man to take the fruits of the labor and the privation and the toil of the homesteaders, who had gone out in the wilderness to make homes for themselves and their families. You know that, and everybody connected with this case knows it.

**Activity Begun**  
But let us go a step further than that. A big man was killed, a man who had once been Governor of the State. Now, I have a belief that one man's life is worth just as much as another. Steve Adams' life is worth just as much to him as anybody else's life is worth to them, and he deserves the same protection as every other man's life, and the same effort should have been made to find the murderer of Gov. Steunenberg, Fred Tyler and Bouley as to find the murderer. But, notice the difference, gentlemen. When Governor Steunenberg was killed then Heaven and earth and hell were ransacked—not to find the murderer, oh no, not that, but to convict the officers and important members of the Western Federation of Miners. When Tyler and Bouley were killed, one of them was buried beside the trail with his dog and his horse, and the other in the Potter's Field, and no other and no coroner ever held an inquest on the remains, or sought to arrest anybody, and no lawyer laid down his book long enough to bring a prosecution against any human being.

Now that is the difference in this land of "equality". Mr. Knight says it is "the greatest on earth. Perhaps it is.

But that is not all. After Governor Steunenberg was killed, the officers arrested a man, and then they sent out for Steve Adams. Now, I will discuss Steve Adams' "confession" a little later. I just want to get another fact before this jury. And see whether I tell you anything that is not true in this whole case.

**Turned Over to Father Confessor**  
They brought Steve Adams to Boise, to the penitentiary, although he had never been convicted of anything, and there they turned him into the cell with Harry Orchard, and turned him over to the tender mercies of this wonderful man—who Mr. Knight says is practically a Saint, and who has been an enemy or a traitor to crime, this great preacher of modern days, Detective James M. Parland, they turned Adams over to him. Now, I will discuss McParland when I get to him.

But they got the confession from Steve Adams, and they got that confession on the 27th day of February, 1906, and that confession said that Steve Adams murdered Tyler, and that he murdered Bouley, and the confession further said that Mason and Glover helped him kill Tyler; that Glover and Simpkins and a settler up helped him kill Bouley. They got that confession on the 27th day of February, it was put into the hands of the Governor, into the hands of the lawyers for the prosecution and into the hands of the Sheriff of Shoshone County. Then what did they do? Did

they go and hunt up poor Mrs. Thomas, Did they go to dry her tears and settle her doubts? Did they write her a letter? Did they care a continental whether Tyler ever had a mother, or a father, or a sister, or a brother, or who he was? Now, you know, gentlemen, whether I am telling this straight or not. The Governor of the State of Idaho, the Great Detective of the Pinkerton Agency James McParland—forty years a sleuth—a Senator of the United States (Mr. Borah), Mr. Hawley, Special Prosecutors, and Angus Sutherland, the Sheriff of Shoshone County—all of these men of power and influence and position, with the State Treasury of Idaho at their command, had this statement or "confession" about the death of Tyler in February, 1906, and they did not even send a word to his bereaved mother. She never heard about it. Nobody even deigned to write her a letter, until they wanted to hold Steve Adams in their clutches, and then they sent her word in September to come down to Wallace and testify.

More than that, gentlemen. Let us see what there is in this case. That "confession" said that Mason and Glover were guilty of murder; that "confession" said that another man, who was and is running at large, a settler up here in the woods was guilty of murder. Did they send out to apprehend those murderers? They got this information in February, 1906. Did any of these numerous Sleuths or lawyers or officers make any investigation or attempt to catch the other man? Did they care one continental who killed Fred Tyler, or who killed Ed. Bouley? Or was every single set a fraud, and were they working simply to convict somebody else? You know the truth; everybody knows it. In February, 1906, they were told who had committed these murders, and not a man raised his hand or his voice until September, 1906, when Steve Adams applied for a writ of Habeas Corpus to get out of the penitentiary. Then, they got busy, didn't they? Got busy for what? To find the slayer of Tyler, to find the slayer of Bouley? Oh, no, not that at all. We are told there is nothing against Alvin Mason, although Mr. Knight, for the prosecution, informed us at the last trial of this case in Wallace, that he would prosecute Alvin Mason as soon as he was done with this case. He is a little slow about it. They did not get busy to avenge the death of Bouley; they did not get busy to avenge the death of Tyler; they did not get busy to find out who was guilty of the murder of these men, but they got busy to try to hang Steve Adams.

**Late Mournings**  
Go a step further. We have been given certain reasons for believing that Tyler was dead, and that it was his skeleton that was found in the Marble Creek Country. I don't know whether it was his skeleton or not; there are reasons for and there are reasons against believing it. Did the mother believe it was her son's skeleton? She ought to know as much about it as any one. She is the one who pined his face, who said the soles were thick; she is the one who said he hurt his finger playing base ball. Did she believe it was his skeleton? Yet, this skeleton was found in July or August, 1905, and her husband and two of her sons—in-law were there, and they went with it to the Head of Navigation, and they returned and told her about it. Now, I am not going to find fault because she did not go to Wallace, but, gentlemen, I cannot help thinking that it is a little strange that a mother, who did not even take the pains to plant one flower over her boy's grave, or make one visit to her son's grave or buy one crepe veil to mourn his death, should come here to this courtroom so heavily laden with mourning, three years after it is passed and gone, and when a jury is asked to kill Steve Adams. Do you think there is anything strange about it? Is this real grief that is paraded here, or it is the trappings of the theater, that are brought into this Court of Justice in order to get you to do a job which they cannot get done over in Shoshone County, where the thing happened?

Now, that is not all. This woman, this mother, might have still hoped and when that body was discovered that it was not her son's. But she was written to in September, 1906, and told that Adams had "confessed", and she came down to the hearing in September, 1906, and between February and September of that year not a word had been said to her by any of these men—who so loved the law and who so love justice! Not a word! She had been left alone. She was written to in September to come down to assist in giving him a decent burial, but to come down and help convict Steve Adams, that was what she was written for; and she came and heard the "confession", and she testified and went back home; but she did not even buy a crepe veil in Wallace. She had not then begun to be so certain about her son's death that she would wear mourning.

**Adams' Life a Pawn**  
But the trial came up in February, 1906, and she came to Wallace in her regular clothes; two years and a half after her son was dead she came to Wallace, and while she was still there at the trial, attending the trial she bought crepe and mourning for the courtroom and has got it on now. Now, gentlemen, do you think that is "fixed up"? Let me say this: The prosecution are so anxious to get a rope around Steve Adams' neck that they have been willing to play with

him, they have been willing to use his life as a pawn; they have been willing to drive him, hither and yonder, over the length and breadth of the land; they have been willing to play with him, as a cat would play with a mouse; they have been willing to trifle with his feelings and affection; they have been willing to trifle with his family, his wife and his children, and they have been willing to take a mother's love and a mother's tears and a mother's sorrow and a mother's mourning and work those up into the coin of the realm, that they might tie a rope around Steve Adams' neck. They are using this mother, they are using these feelings, they are using these sentiments to get a verdict, and they care as much about her as they did for Fred Tyler's remains, or the skeleton they buried in the Potter's Field, without any investigation, without any effort to find whether he came to his death by fair means or foul. And then you are told, gentlemen, that you twelve men up here have nothing to do except to perform a job, which they could not get a jury to perform at home. All right, gentlemen. Go ahead and do it, if you think you ought, go ahead, but I want to say if an Idaho jury could take this man, under the circumstances of this case—even if they knew he was guilty, would take him out and hang him, they would place a blot upon the fair fame of this State, which it could not live down until the last man should die.

**Death of Bouley**  
Let us take one more fact in this case. I want to discuss the question of whether Steve Adams is guilty of this crime or not. Let us take one more fact and see who is really responsible in the case. I don't know whether Fred Tyler is dead or not. Those may have been Tyler's bones that were found in the Marble Creek district and they may not have been. Perhaps you gentlemen can tell, I can't, but I do know Ed. Bouley was killed, that is certain. Bouley was shot on the trail, and his horse was killed and his dog was killed. Now, that is true, gentlemen. I do know, also, that what the State claims about this is true, that he was killed because he was a "jumper"; some fifty or seventy-five shots were fired at him, five or ten taking effect in Bouley; he was killed away up there in the wilderness, where Alvin Mason and Newt Glover and the rest had gone to bew out homes for themselves and their little ones. And if Tyler is dead—the evidence is fairly plain to me, that the same influences and probably the same people killed Tyler who killed Bouley. Bouley was killed and notices were tacked up on the trees that this would be the fate of all "jumpers", and he was left in the trail, and nobody held an inquest or cared anything about him.

Gentlemen, who killed Bouley? Let us be fair about this; who killed him? Was it Steve Adams? Why, Warden Whitney, in his blundering, clumsy, impossible way—he is about as delicate as an elephant—told you that Adams said that he had the shell from which the bullet came that killed Tyler. But let it go. Nobody pays any attention to what Whitney says anyway. Of course, there were fifty or seventy-five shots fired at Bouley, so nobody knows who did kill him. Who did it, gentlemen? Now, let us be fair about this for a minute. You will be fair about it, I know. I never yet saw twelve men that did not have the common instinct of justice and humanity down deep in them, and you have got them, whether this is an obscure town or not. Mr. Knight said I would try to say something to hang the jury. I don't want to hang anybody; he is the one that seeks to hang somebody; I am not looking for any hanging, either of the Defendant or of the jury. If there is any one man in this panel who would convict Steve Adams in this case, if he knew he was guilty, then, gentlemen, I have missed my guess, that is all, and I don't "size you up" right. If a fraud like this could be consummated in any jury box in the United States, I have got something to learn. I don't believe it.

**Trial of Civilization**  
Now, who killed Bouley? Let us see about him. Fifty or seventy-five shots were fired. If you take Adams' "confession" there were at least four men there, but if you were to take Phillips' evidence alone there were fifty or seventy-five shots fired. Let us remember something further than that. Eighteen or twenty men were gathered together out in the woods, out in the dense forest taking counsel among themselves as to how they would defend their homes against the jumpers, met there just a few days before—eighteen or twenty of those sturdy homesteaders, who have laid the foundation of the civilization of Idaho—not only of Idaho, gentlemen, but of every State in the Union; the same kind of men who years ago landed upon the bleak shores of New England and who slowly fought their way across the continent, fought with the Indians, fought with the "jumpers", until they reached the State of Idaho—and there is not a graveyard that has marked the whole course of this civilization that has not been filled with "jumpers", not one. You cannot civilize a great nation by reading hymn books alone, and it has not been done that way. Away back beyond the time of Daniel Boone these men with their trusty rifles defended their fireside and their homes against the invaders, who would go over there to take them away. And I do say that it was the gladdest news that ever crossed the hills and the mountains and the forests of the Marble Creek district when it was announced that

Bouley was killed; and you gentlemen know it.

**Defending Their Homes**  
These sturdy settlers up there in the Marble Creek district may be bad men. Poor old Alvin Mason, the father of eight children, who came up here into the Idaho wilderness, whose sole possession was a wife and seven children, and who Mr. Knight says ought to be hanged by the neck until dead—but, gentlemen, I undertake to say that if every man in Idaho, who is as bad as Mason is hanged, before you get through you will probably find it very hard work to get a jury to pass on the remainder. I will take my stand and run my chances alongside of Alvin Mason, in preference to any "jumper" who ever came over the trail that the settlers built to steal the settlers' homes, no matter who it is. Eighteen or twenty men got together out in the forest, and they got together at other places, and they formed what Phillips called the "Jumper Killers' Association". Now, there is no doubt about that, is there? That is what they did, up in the Marble Creek District. I am not defending them. If they ever got into trouble, I should be glad to. I know that no men are all good or all bad. As Mr. Knight's friend Nietzsche says, there is a good deal of the wolf and the lamb about us. And when I heard him pleading so hard for you to hang Steve Adams, I felt dead sure that it was true. Men are not all good and they are not all bad; and these men, who could leave the steam-heated flats of the cities and go away up here in the wilderness of Idaho, with their wives and children, and undergo the privations of men who settle up a new country, would be very apt to carry a gun along with them to help settle it. And there has not been a single part of America that has been settled in any other way; and they are good fellows too, mighty good fellows.

**Bloody Lord Angus**  
Here is what I am complaining of, gentlemen, in this case—and I want to know what you think about it—Bouley was killed by the whole settlement; however many men were responsible for the specific act, they were all glad of it, and they all participated in it, and they all brought about the sentiment that killed him. Is there any doubt about that? When the news spread out over the prairies, I take it that pretty nearly every man there was glad of it; and I take it that Mr. High Sheriff, Sutherland—who would "lick his chops with ghoulish glee" if he could get at Steve Adams' blood—Mr. High Sheriff Sutherland was as glad as anybody else, because he did not try to find out who had committed the deed. Oh, no, not Angus. He did not send his Deputy Hicks, his Deputy Williams or anybody else out to endeavor to find out who killed Bouley. But here is an idea, gentlemen, I want to put to you twelve men. Adams did not live in the Marble Creek country; he was up there visiting Jack Simpkins; very likely he attended this meeting; very likely Bouley was killed by all the settlers up there, and when George H. Root got upon the stand and hedged, and quibbled and dodged, it was pretty plain why—because he was in it, just the same as all the rest of the settlers. They were all in it, and they wanted to get rid of Bouley, because day after day he was leading some new men down for the Barbour Lumber Company, to settle on some other man's home; today it might be mine, tomorrow it might be Newt Glover's; the next day it might be Root's; the next day it might be your's. Nobody knew when their turn would come, and, of course, those men were glad of his death. That whole community was responsible for the death of Tyler—if Tyler is dead—and you twelve men are asked to pass them all by, are you not? You are asked to leave Fred Engstrom, who Bouley said was the man who was after him—you are asked to leave every settler in the Marble Creek District, you are asked to leave every man out and at large, untouched and unharmed, every man in this section of Idaho, and visit the consequences of this crime of the killing of Bouley on Steve Adams.

Now, do you think that is fair? All right; if you do, go ahead; you have got the power; nobody else can hang a man legally in this country excepting a jury. If you want to have it written down, for yourselves in after years to reflect upon, and your children and your children's children, to point to in the future, that you permitted the State of Idaho to leave every man at large, responsible for Tyler's death, unprosecuted and unpunished, and you visited your vengeance upon this poor miner, all right. You cannot find a man on the face of the earth elsewhere who would do it.

**Better Made Idaho a Wilderness**  
Our friend Knight talks about a "hung jury". I never saw one member of this jury before. Do you suppose a man who has any knowledge of the way men feel or think would have any doubt about how an honest man would think or feel in a case like this, or what a business man would think or feel, or what any unprejudiced man would think or feel? Gentlemen, if the farmers or the people of Idaho, knowing that a large number of his citizens were interested in this killing, knowing that they all profited by it, knowing that whenever a settler went home and went to bed at night, he felt safer because Bouley was dead, knowing that he felt his property was secure when this man was killed, if a jury, knowing this, could find it in their hearts and in their consciences to pass all these men by, and single out this one victim, less interested than the rest, then, gentlemen, I would

## Darrow's Plea to the Jury for the Life of Adams

Your Honor, Gentlemen of the Jury:

I have been somewhat interested and possibly amused at what I suppose was the argument that has preceded me in this case. Mr. Knight has told you how young and inexperienced he is. I think his argument shows it; still we all learn some things in the books before we begin practicing law. Amongst those we learn that a prosecutor should tell in a plain, straightforward way, what he thinks are the reasons—what he thinks is the evidence—that finds the defendant guilty.

A defendant pleading for a man's life may be excused for some things; he often goes further than he ought. I do, many times. Many times I regret it. But if you are pleading for a man's life you can be excused; but if you are trying to take it away, that is another thing.

A prosecutor should be judicial; he should be fair. The defendant has no chance to talk, his lips are sealed. You may call him a dastardly coward and a criminal, he can say nothing about it. He is there to wait to find out whether twelve men are to tie a rope around his neck, and that is all there is about it. And it is the duty of a prosecutor, if I understand it, not to beg for a verdict, as Mr. Knight has so pitifully begged, before this jury. Why, one would almost believe that Mr. Knight would never have another case in the world unless he got Steve Adams hanged; he talks as if he would not. I never heard anybody beg for a verdict the way he begged in this case. Now, if it would help Knight's law practice, Steve has stood a good deal, and I suppose he could stand this. We have not heard any analysis of the evidence; we have not heard any discussion of the facts. We have heard the words "dastard" and "criminal", and we have heard talk of the "greatest" and "worst" and "blackest" criminal act ever performed in the history of the world.

If you had cut "dastard" out of Mr. Knight's speech I don't believe he would have made one.

**Mistreatment of Adams**  
I don't think that is the way a defendant should be treated. This defendant had been treated badly enough, God knows, before he got into this court; and, as I say, and as the law says, and as your own sense and justice would say, a man in defending may be forgiven much; he may be intemperate in his language; he may go beyond what he ought. But in the prosecution it is another thing.

It is just as much murder to tie a rope around the neck of a man, under the guise of law, if he has not been proven guilty, as it is to shoot him in the head; and a man who would carelessly and lightly do it has just as much to answer for.

You have every proof, we are told by Mr. Knight, that Adams is the worst man on the face of the earth. You would think Steve Adams did not need any lawyer at all, he could have come into this court with detective McParland and the counsel for the State and his rights would have been well preserved.

Gentlemen, I cannot agree with Mr. Knight. I think if ever a man needed a lawyer Steve Adams needed one, and I am not here to dodge any responsibilities in this case or to deny any of the facts in this case or to deny any of the facts in this case or to deny any of the facts in this case. There is a powerful organization on both sides, and Steve Adams is mighty lucky that he has got somebody to pay the expenses of his trial or else he would be ground to pieces by the power of the state.

**A Great Knight**  
I cannot attempt to follow all that Mr. Knight has said. He has quoted from some authorities that are unfamiliar to me; he has quoted from the Bible and Shakespeare. I have heard of these. He said something about Nietzsche; I suppose Nietzsche is some man that lives up at Wallace whom I never met before, so I will have to pass Nietzsche. He seems to be familiar with him. I have not criticized Mr. Knight's grammar or his English. If I were to give my opinion, I would say that has been about all there was to his argument, the grammar and the English. Mr. Knight has told you that we are up here in a rural town amongst farmers; and I suppose the inference would be that grammar and English would not be specially needed up here, in what he characterizes as an obscure town.

Now, so far as I am concerned, I want to argue this case upon the facts as they are before this jury plainly, in as straightforward a way as I can. I want to take the facts of this case, and I want the jury to remember, as I know they will, that a man's life is at stake in this trial.

Mr. Knight has informed you that this is more than a mere murder case. Now, I don't know exactly what that means; I don't know exactly what he means by "a mere murder case". If there is anything on earth that is higher or more important than a mere murder case I don't know what it is, I never have found it, I never understand it.

Here is a case where you twelve men are charged with the responsibility of saying whether one of your fellow citizens shall live or die. If you can get any greater responsibility, gentlemen, I don't know what it is. I would not take it. I would not take the responsibility that you twelve men have. There is nothing any more important than "a mere murder case".

**The Real Issue**  
But, Mr. Knight says, you are not trying a mere murder case, you are trying republican institutions, to see whether the Republic is safe. Well, now, I have got an idea that

the Republic will jog along if this jury in this "obscure town" should go wrong in this case. It has survived some time over a good many mistakes of juries and a good many mistakes of Judges, and I think it would jog along anyhow. It might hurt Mr. Knight's law business but not hurt the Republic.

I cannot understand how a Republican form of government is on trial, as Mr. Knight has said. Steve Adams is on trial for his life. Mr. Knight says the case is broader than simply a question of whether Adams killed Tyler. There's some truth in that, and it is, Mr. Knight says we claim that it is, some way connected with what might be called reform movements. In a way that is true. Not that the question of whether Steve Adams killed Tyler is in anyway connected with it; not that. But we claim that from beginning to the end the prosecution of Steve Adams is a humbug and a fraud; that there is not a particle of honesty, a particle of conscience or a particle of justice in the prosecution, from beginning to the end. We are not trying Steve Adams for murder; he is placed on trial for his life before an Idaho jury because he dared go back on McParland. That is what he is on trial for, not for murder.

The State through its officials has been playing with this man's life; they have been playing with it as a cat would play with a mouse. They have considered his body and his soul and his feelings and his family as pawns upon the board to play a game. And I will show it to you so you all know it.

**Dares State to Hang Adams**  
If Steve Adams was tried in this court, or if any one was tried, for the murder of Fred Tyler, well and good; there would be nothing to it, excepting what Mr. Knight characterized as a mere murder case. But that is not the issue in this case, as Mr. Knight has well said, and Steve Adams is not tried for that.

Every species of beggary, every species of artifice, every species of ingenuity, every sort of stage-setting and clap-trap has been paraded before this jury to get it to render a verdict against Steve Adams. What for? Do you think they want to hang him? I say to you, gentlemen, find him guilty if you will, the State of Idaho does not dare hang Steve Adams.

Do you mean to tell me that Governor Gooding, Senator Borah, Mr. Hawley and McParland would dare take a poor ignorant man like Steve Adams and beguile him and coax him and threaten him and use him, and then tie a rope around his neck? Oh no, I am not worried about Steve Adams' life. There is not a man in the bunch that would think of doing it, or would ever dare do it. If the officials of this state, charged with the prosecution of cases would dare take a man's life whom they had petted, feasted, associated with, cared for and used and got his evidence, and then hang him, they would put a blot and a stain upon the State of Idaho which could never be washed away. No! No! No! I am not afraid of that, and that is not the game.

Now, let us take a few of the facts of this case, and let us see to what extent the State has gone. Not to hang him; that is not the game. No, they believed if they could keep this man under their thumb that McParland could use him to hang Haywood, and they could not. And they now think if this jury should put a noose around his neck, that they may use him still to hang Pettibone or Moyer. That is a beautiful job, that is turned over to a Kootenai County jury by the officers of Shoshone county and the prosecutors of the State, and that all there is to this case. Now let me see whether I am right.

**Crocodile Tears**  
Mr. Knight has been shedding some tears over Mrs. Thomas the mother of Fred Tyler. Now I don't want to be misunderstood in this matter. There is not any man who does not feel sorry for Mrs. Thomas—the most pathetic figure in this trial to any man—and we all have the same instincts down deep in us, we all feel sorry for her and if anybody in this case, on either side could do anything to bring back her son everybody knows they would do it. She is a mother, like other mothers and has a mother's feeling and a mother's grief.

But when, gentlemen of the jury, did the State develop their strong interest in Mrs. Thomas? When did they commence to shed their tears over this mother's sorrow? Every tear they shed is a crocodile tear, and they care no more for Mrs. Thomas than they do for Steve Adams. Let us see whether they do or not.

I have been censured by Mr. Knight because I said that when the death of Bouley was heralded through the woods amongst the homesteaders it was welcome news. So it was. Now I am not here to split hairs as to whether the homesteaders did right or wrong in welcoming this news.

I have not got any homestead up there; I have not suffered because some man permitted himself to be used by a great lumber corporation to drive out the homesteaders. Until I have, I am not in a position to judge of it, but the facts are plain in this case that there was not a man in the whole Marble Creek district that did not rejoice when Bouley was dead. They rejoiced just as they would if a mad dog had been killed, and you know it, and they know it.

**No Interest Shown**  
But let us see. Mr. Angus Sutherland, who was Sheriff of Shoshone County when Bouley was killed—a man who has been hot on the trail of poor Steve Adams, and who has moved heaven and earth to convict him, when he failed over in Shoshone

County, he made an affidavit that the people of his county were so prejudiced that the State could not get a fair trial at home, and he turned the job over to you. He was there when Bouley was killed and was Sheriff, charged with enforcing the law; he was sheriff very soon after Tyler disappeared; he was sheriff when this skeleton was dug up. Did he do anything about it? Where was Mr. Knight, the man who loves law, in those days, when these murders were committed? Probably taking a fee from somebody else. Where was Mr. Hanson? Where was the State's attorney? Where was Mr. Gyde? Where was everybody? Anybody after Bouley's slayers? Anybody trying to track the men who killed Tyler? Anybody interested in the poor old woman—who has been deked up and dressed up and fixed up, so that you people will hang a man. When some bones were discovered in August 1905, and they were believed to be Tyler's bones, did anybody send word to his mother? Did they even buy her a crepe veil? Did they care? I wonder, gentlemen, whether anybody ever saw a case with such clap-trapery and humbuggery as this since the world began? Did they try to learn who the mother was, or the sister, or send them even a letter?

We won't stop there. That was in 1905, in July or August—and I am not speaking of the mother now—but the officers of the state took those bones, without preserving one single particle of evidence; they threw away the shoes; they threw away the finger; they preserved nothing, and they bundled them up, with some more old clothes and dumped them in the ground, in a coffee box. And now they talk about how they love this mother; talk about it so you jurors will kill Steve Adams. That is why they talk about it.

Let us go a step further. Nobody paid any attention to this find up in the woods. Bouley was dead, and they were glad of it. They did not hold an inquest over him—not even an inquest. The Sheriff did not care, the Coroner did not care. Nobody cared. Some bones were found that were supposed to be Tyler's, and they were glad about it, and they did not hold an inquest over those bones, and they did not preserve a single scrap of evidence they had, and they buried him in the ground and he was forgotten. Where were the officers of the law, gentlemen? What were these lawyers and this sheriff, who shed these tears over Mrs. Tyler, doing then? You know what they were doing. They were glad of it. Remember, some of them held homesteads themselves; they were glad to get rid of the man Bouley, who was up there leading in man after man to take the fruits of the labor and the privation and the toil of the homesteaders, who had gone out in the wilderness to make homes for themselves and their families. You know that, and everybody connected with this case knows it.

**Activity Begun**  
But let us go a step further than that. A big man was killed, a man who had once been Governor of the State. Now, I have a belief that one man's life is worth just as much as another. Steve Adams' life is worth just as much to him as anybody else's life is worth to them, and he deserves the same protection as every other man's life, and the same effort should have been made to find the murderer of Gov. Steunenberg, Fred Tyler and Bouley as to find the murderer. But, notice the difference, gentlemen. When Governor Steunenberg was killed then Heaven and earth and hell were ransacked—not to find the murderer, oh no, not that, but to convict the officers and important members of the Western Federation of Miners. When Tyler and Bouley were killed, one of them was buried beside the trail with his dog and his horse, and the other in the Potter's Field, and no other and no coroner ever held an inquest on the remains, or sought to arrest anybody, and no lawyer laid down his book long enough to bring a prosecution against any human being.

Now that is the difference in this land of "equality". Mr. Knight says it is "the greatest on earth. Perhaps it is."

But that is not all. After Governor Steunenberg was killed, the officers arrested a man, and then they sent out for Steve Adams. Now, I will discuss Steve Adams' "confession" a little later. I just want to get another fact before this jury. And see whether I tell you anything that is not true in this whole case.

**Turned Over to Father Confessor**  
They brought Steve Adams to Boise, to the penitentiary, although he had never been convicted of anything, and there they turned him into the cell with Harry Orchard, and turned him over to the tender mercies of this wonderful man—who Mr. Knight says is practically a Saint, and who has been an enemy or a traitor to crime, this great preacher of modern days, Detective James M. Parland, they turned Adams over to him. Now, I will discuss McParland when I get to him.

But they got the confession from Steve Adams, and they got that confession on the 27th day of February, 1906, and that confession said that Steve Adams murdered Tyler, and that he murdered Bouley, and the confession further said that Mason and Glover helped him kill Tyler; that Glover and Simpkins and a settler up helped him kill Bouley. They got that confession on the 27th day of February, it was put into the hands of the Governor, into the hands of the lawyers for the prosecution and into the hands of the Sheriff of Shoshone County. Then what did they do? Did

the mother of the murdered man? They go and hunt up poor Mrs. Thomas. Did they go to dry her tears and settle her doubts? Did they write her a letter? Did they care a continental whether Tyler ever had a mother, or a father, or a sister, or a brother, or who he was? Now, you know, gentlemen, whether I am telling this straight or not. The Governor of the State of Idaho, the Great Detective of the Pinkerton Agency James McParland—forty years a sleuth—a Senator of the United States (Mr. Borah), Mr. Hawley, Special Prosecutors, and Angus Sutherland, the Sheriff of Shoshone County—all of these men of power and influence and position, with the State Treasury of Idaho at their command, had this statement or "confession" about the death of Tyler in February, 1906, and they did not even send a word to his bereaved mother. She never heard about it. Nobody even deigned to write her a letter, until they wanted to hold Steve Adams in their clutches, and then they sent her word in September to come down to Wallace and testify.

More than that, gentlemen. Let us see what there is in this case. That "confession" said that Mason and Glover were guilty of murder; that "confession" said that another man, who was and is running at large, a settler up here in the woods was guilty of murder. Did they send out to apprehend those murderers? They got this information in February, 1906. Did any of these numerous Sleuths or lawyers or officers make any investigation or attempt to catch the other man? Did they care one continental who killed Fred Tyler, or who killed Ed. Bouley? Or was every single act a fraud, and were they working simply to convict somebody else? You know the truth; everybody knows it. In February, 1906, they were told who had committed these murders, and not a man raised his hand or his voice until September, 1906, when Steve Adams applied for a writ of Habeas Corpus to get out of the penitentiary. Then, they got busy, didn't they? Got busy for what? To find the slayer of Tyler, to find the slayer of Bouley? Oh, no, not that at all. We are told there is nothing against Alvin Mason, although Mr. Knight, for the prosecution, informed us at the last trial of this case in Wallace, that he would prosecute Alvin Mason as soon as he was done with this case. He is a little slow about it. They did not get busy to avenge the death of Bouley; they did not get busy to avenge the death of Tyler; they did not get busy to find out who was guilty of the murder of these men, but they got busy to try to hang Steve Adams.

**Death of Bouley**  
Let us take one more fact in this case. I want to discuss the question of whether Steve Adams is guilty of this crime or not. Let us take one more fact and see who is really responsible in the case. I don't know whether Fred Tyler is dead or not. Those may have been Tyler's bones that were found in the Marble Creek district and they may not have been. Perhaps you gentlemen can tell, I can't, but I do know Ed. Bouley was killed, that is certain. Bouley was shot on the trail, and his horse was killed and his dog was killed. Now, that is true, gentlemen. I do know, also, that what the State claims about this is true, that he was killed because he was a "jumper"; some fifty or seventy-five shots were fired at him, five or ten taking effect in Bouley; he was killed away up there in the wilderness, where Alvin Mason and Newt Glover and the rest had gone to hew out homes for themselves and their little ones. And if Tyler is dead—the evidence is fairly plain to me, that the same influences and probably the same people killed Tyler who killed Bouley. Bouley was killed and notices were tacked up on the trees that this would be the fate of all "jumpers", and he was left in the trail, and nobody held an inquest or cared anything about him.

Gentlemen, who killed Bouley? Let us be fair about this; who killed him? Was it Steve Adams? Why, Warden Whitney, in his blundering, clumsy, impossible way—he is about as delicate as an elephant—told you that Adams said that he had the shell from which the bullet came that killed Tyler. But let it go. Nobody pays any attention to what Whitney says anyway. Of course, there were fifty or seventy-five shots fired at Bouley, so nobody knows who did kill him. Who did it, gentlemen? Now, let us be fair about this for a minute. You will be fair about it, I know. I never yet saw twelve men that did not have the common instinct of justice and humanity down deep in them, and you have got them, whether this is an obscure town or not. Mr. Knight said I would try to say something to hang the jury. I don't want to hang anybody; he is the one that seeks to hang somebody; I am not looking for any hanging, either of the Defendant or of the jury. If there is any one man in this panel who would convict Steve Adams in this case, if he knew he was guilty, then, gentlemen, I have missed my guess, that is all, and I don't "size you up" right. If a fraud like this could be consummated in any jury box in the United States, I have got something to learn. I don't believe it.

**Late Mournings**  
Go a step further. We have been given certain reasons for believing that Tyler was dead, and that it was his skeleton that was found in the Marble Creek Country. I don't know whether it was his skeleton or not; there are reasons for and there are reasons against believing it. Did the mother believe it was her son's skeleton? She ought to know as much about it as any one. She is the one who pined his feet, who said the soles were thick; she is the one who said he hurt his finger playing base ball. Did she believe it was his skeleton? Yet, this skeleton was found in July or August, 1905, and her husband and two of her sons—in-law were there, and they went with it to the Head of Navigation, and they returned and told her about it. Now, I am not going to find fault because she did not go to Wallace, but, gentlemen, I cannot help thinking that it is a little strange that a mother, who did not even take the pains to plant one flower over her boy's grave, or make one visit to her son's grave or buy one crepe veil to mourn his death, should come here to this courtroom so heavily laden with mourning, three years after it is passed and gone, and when a jury is asked to kill Steve Adams. Do you think there is anything strange about it? Is this real grief that is paraded here, or it is the trappings of the theater, that are brought into this Court of Justice in order to get you to do a job which they cannot get done over in Shoshone County, where the thing happened?

Now, that is not all. This woman, this mother, might have still hoped and when that body was discovered that it was not her son's. But she was written to in September, 1906, and told that Adams had "confessed", and she came down to the hearing in September, 1906, and between February and September of that year not a word had been said to her by any of these men—who so loved the law and who so love justice! Not a word! She had been left alone. She was written to in September to come down to Wallace and testify—not to see her son's remains, not to come down to assist in giving him a decent burial, but to come down and help convict Steve Adams, that was what she was written for; and she came and heard the "confession", and she testified and went back home; but she did not even buy a crepe veil in Wallace. She had not then begun to be so certain about her son's death that she would wear mourning.

**Adams' Life a Pawn**  
But the trial came up in February, 1906, and she came to Wallace in her regular clothes; two years and a half after her son was dead she came to Wallace, and while she was still there at the trial, attending the trial she bought crepe and mourning for the courtroom and has got it on now. Now, gentlemen, do you think that is "fixed up"? Let me say this: The prosecution are so anxious to get a rope around Steve Adams' neck that they have been willing to play with

him, they have been willing to use his life as a pawn; they have been willing to drive him, hither and yonder, over the length and breadth of the land; they have been willing to play with him, as a cat would play with a mouse; they have been willing to trifle with his feelings and affection; they have been willing to trifle with his family, his wife and his children, and they have been willing to take a mother's love and a mother's tears and a mother's sorrow and a mother's mourning and work those up into the coin of the realm, that they might tie a rope around Steve Adams' neck. They are using this mother, they are using these feelings, they are using these sentiments to get a verdict, and they care as much about her as they did for Fred Tyler's remains, or the skeleton they buried in the Potter's Field, without any investigation, without any effort to find whether he came to his death by fair means or foul. And then you are told, gentlemen, that you twelve men up here have nothing to do except to perform a job, which they could not get a jury to perform at home. All right, gentlemen. Go ahead and do it, if you think you ought, go ahead, but I want to say if an Idaho jury could take this man, under the circumstances of this case—even if they knew he was guilty, would take him out and hang him, they would place a blot upon the fair fame of this State, which it could not live down until the last man should die.

**Better Made Idaho a Wilderness**  
Our friend Knight talks about a "hung jury". I never saw one member of this jury before. Do you suppose a man who has any knowledge of the way men feel or think would have any doubt about how an honest man would think or feel in a case like this, or what a business man would think or feel, or what any unprejudiced man would think or feel? Gentlemen, if the farmers or the people of Idaho, knowing that a large number of his citizens were interested in this killing, knowing that they all profited by it, knowing that whenever a settler went home and went to bed at night, he felt safer because Bouley was dead, knowing that he felt his property was secure when this man was killed, if a jury, knowing this, could find it in their hearts and in their consciences to pass all these men by, and single out this one victim, less interested than the rest, then, gentlemen, I would

**Defending Their Homes**  
These sturdy settlers up there in the Marble Creek district may be bad men. Poor old Alvin Mason, the father of eight children, who came up here into the Idaho wilderness, whose sole possession was a wife and seven children, and who Mr. Knight says ought to be hanged by the neck until dead—but, gentlemen, I undertake to say that if every man in Idaho, who is as bad as Mason is hanged, before you get through you will probably find it very hard work to get a jury to pass on the remainder. I will take my stand and run my chances alongside of Alvin Mason, in preference to any "jumper" who ever came over the trail that the settlers built to steal the settlers' homes, no matter who it is. Eighteen or twenty men got together out in the forest, and they got together at other places, and they formed what Phillips called the "Jumper Killers' Association". Now, there is no doubt about that, is there? That is what they did, up in the Marble Creek District. I am not defending them. If they ever got into trouble, I should be glad to. I know that no men are all good or all bad. As Mr. Knight's friend Nietzsche says, there is a good deal of the wolf and the lamb about us. And when I heard him pleading so hard for you to hang Steve Adams, I felt dead sure that it was true. Men are not all good and they are not all bad; and these men, who could leave the steam-heated flats of the cities and go away up here in the wilderness of Idaho, with their wives and children, and undergo the privations of men who settle up a new country, would be very apt to carry a gun along with them to help settle it. And there has not been a single part of America that has been settled in any other way; and they are good fellows too, mighty good fellows.

**Bloody Lord Angus**  
Here is what I am complaining of, gentlemen, in this case—and I want to know what you think about it—Bouley was killed by the whole settlement; however many men were responsible for the specific act, they were all glad of it, and they all participated in it, and they all brought about the sentiment that killed him. Is there any doubt about that? When the news spread out over the prairies, I take it that pretty nearly every man there was glad of it; and I take it that Mr. High Sheriff, Sutherland—who would "lick his chops with ghoulish glee" if he could get at Steve Adams' blood—Mr. High Sheriff Sutherland was as glad as anybody else, because he did not try to find out who had committed the deed. Oh, no, not Angus. He did not send his Deputy Hicks, his Deputy Williams or anybody else out to endeavor to find out who killed Bouley. But here is an idea, gentlemen, I want to put to you twelve men. Adams did not live in the Marble Creek country; he was up there visiting Jack Simpkins; very likely he attended this meeting; very likely Bouley was killed by all the settlers up there, and when George H. Root got upon the stand and hedged, and quibbled and dodged, it was pretty plain why—because he was in it, just the same as all the rest of the settlers. They were all in it, and they wanted to get rid of Bouley, because day after day he was leading some new men down for the Barbour Lumber Company, to settle on some other man's home; today it might be mine, tomorrow it might be Newt Glover's; the next day it might be Root's; the next day it might be your's. Nobody knew when their turn would come, and, of course, those men were glad of his death. That whole community was responsible for the death of Tyler—if Tyler is dead—and you twelve men are asked to pass them all by, are you not? You are asked to leave Fred Engstrom, who Bouley said was the man who was after him—you are asked to leave every settler in the Marble Creek District, you are asked to leave every man out and at large, untouched and unharmed, every man in this section of Idaho, and visit the consequences of this crime of the killing of Bouley on Steve Adams.

**Trial of Civilization**  
Now, who killed Bouley? Let us see about him. Fifty or seventy-five shots were fired. If you take Adams' "confession" there were at least four men there, but if you were to take Phillips' evidence alone there were fifty or seventy-five shots fired. Let us remember something further than that. Eighteen or twenty men were gathered together out in the woods, out in the dense forest taking counsel among themselves as to how they would defend their homes against the jumpers, met there just a few days before—eighteen or twenty of those sturdy homesteaders, who have laid the foundation of the civilization of Idaho—not only of Idaho, gentlemen, but of every State in the Union; the same kind of men who years ago landed upon the bleak shores of New England and who slowly fought their way across the continent, fought with the Indians, fought with the "jumpers", until they reached the State of Idaho—and there is not a graveyard that has marked the whole course of this civilization that has not been filled with "jumpers", not one. You cannot civilize a great nation by reading hymn books alone, and it has not been done that way. Away back beyond the time of Daniel Boone these men with their trusty rifles defended their fireside and their homes against the invaders, who would go over there to take them away. And I do say that it was the gladdest news that ever crossed the hills and the mountains and the forests of the Marble Creek district when it was announced that

Bouley was killed; and you gentlemen know it.