

The Verdict

July 28th, 1907

“A Good Hanging Spoiled”

By

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Great Grandson of Governor Frank Steunenberg

First off, let me say these are my views and not necessarily shared by other family members. Governor Frank Steunenberg was a loved and respected member of our family who was brutally murdered and even today the emotional scars and disagreements remain from those events of 100+ years ago. I was obviously not around at that time but am forever linked through the documented record of history and the even stronger links of our family. To give a little perspective on where I am in the family chain, my grandfather was Julian Steunenberg, eldest son of the governor who was home from college for the holidays at the time of his father's assassination on December 30th, 1905. Julian later testified briefly at the trial regarding Orchard's presence in Caldwell. Orchard had seen the young Steunenberg in town and under the guise of having an interest in purchasing sheep inquired about the whereabouts of his father. I believe Julian/my grandfather carried the scar of that conversation throughout life and to his grave. My mother is eighty-nine years young Brenda Steunenberg Richards, youngest child of Julian and Francis Steunenberg. She was born in Caldwell and along with my father John Sr. resides not far from me here in San Luis Obispo County, CA.

As an amateur historian I try to separate myself as much as possible from the personal biases and emotions in an attempt to be as objective and as factual as possible when researching these events. Sometimes I am successful in that regard and at other times I am not. Now over a hundred years later the events still trigger debate among our family as they do among all those with an interest in law, labor and the history of the west. My historical studies, my views and my biases are all reflected in the following comments.

Before I get to the verdict, let me say up front that I believe Harry Orchard was generally truthful in his confession. I have read the original confession given to James McParland; the Harper's magazine published version, Orchard's book *The Man God Made Again* and many associated accounts, documents and opinions. There may have been details that were tainted, enhanced or left out but in general I believe he was telling the truth. Did Orchard confess due to the influence of James McParland or to save his neck or because of a religious conversion? Probably all of the above but that doesn't change the basic facts that he was the bomb maker that murdered my great grandfather and Haywood along with Petibone and Moyer were co-conspirators. Haywood was certainly the most radical of the group and espoused violent tactics throughout his involvement in the labor movement. Even Darrow, a firm supporter of labor but with just as firm a belief in non-violence, found it difficult to reconcile the vastly differing viewpoints that existed between himself and Haywood.

In terms of Orchard's much debated religious conversion and whether it was genuine or contrived—I have always viewed it as a moot point as he will be judged by a far greater entity than this mere mortal. Perhaps it was Charles “Pete” Steunenberg, brother of the fallen governor, who found the perfect blend of religion and punishment. Pete said something to the effect that if Harry Orchard had found religion then the sure fire way to guarantee he kept it was to keep him right there in the Idaho

penitentiary! His letter published in the Idaho Statesmen raised a public outcry and served to snuff out a near successful attempt by Gooding, Hawley and others to obtain Orchard's release.

One matter on which much of our family probably does agree is the post-trial treatment of Orchard during the long years he spent at the Idaho penitentiary. He became a trusty, had his own cabin outside the prison walls, was given freedom to roam about as he pleased and was photographed with governors and their children and grandchildren. As he grew older, Orchard was written about and pictured in the press as the nice old grandfatherly type. I cannot think of any mass murderer ever receiving such favorable treatment in the history of the American prison system! One can argue whether Orchard should or should not have swung from the gallows but to go from a wanted poster to a poster child for Idaho was and is a tough pill to swallow for our family and friends. Frank Steunenberg never had his opportunity to grow old or to enjoy being a grandfather to my mother Brenda or his other grandchildren. Were it not for that dastardly deed of Harry Orchard on the evening of December 30th 1905, he would have most likely lived to see some of his great grandchildren—perhaps even this one.

All the above being said, the verdict finding Haywood not guilty was the only verdict that the jury could reach under the then and still existing law in Idaho. I am not a lawyer but I believe Judge Byron Johnson and I agree on this matter. As a side note, I would like to thank Byron for spending some time with me back in March 2007 during my visit to Boise and Idaho Public Television (IPTV) for inviting me to make an appearance on their program "The Trial of the Century." Hopefully Byron and I might someday have an opportunity to discuss the ethics of one Clarence Darrow. But alas, I cannot pick on just Darrow as ethical considerations were not a very high priority in those days and there were few among the defense or prosecution teams, the camps of labor and capital or in Idaho State Government that were not tainted in some way by questionable practices. Byron would be pleased to know that my recent readings have focused a great deal on his hero Darrow and I have mellowed a bit in my views.

The "not guilty" verdict in the Haywood trial was not an O.J. Simpson moment in history. This was NOT jury nullification and there was no evident tampering or payoffs (not to say that such efforts weren't made). This trial was essentially over before it started when Steve Adams recanted his confession as that would have served as the legally required corroboration of Orchard's testimony. Without Adams it is questionable if the trial should have even gone forward. If the case had been of lesser importance and without the accompanying publicity it probably would have been tossed out by Judge Fremont Wood.

Just like with the jury in that Boise courtroom in 1907, the law was also carried out as best it could be by Governor Steunenberg during 1899 in the Coeur d'Alene. Neither instance was without controversy. Influence pedaling, payoffs and questionable ethical procedures were evident on all sides. Idaho was a young state and we must evaluate these events against the law, the politics and the ethical guidelines (or lack thereof) that existed at the time and not the standards and law practices that exist today.

My great grandfather's murder was a brutal senseless killing as were all those carried out by "dynamite" Harry Orchard. Orchard's use of explosives as a terrorist tactic in the late 1800's and early 1900's provides an historical lesson that remains all too real and applicable well over a century later. I grieve not only over the cold blooded murder of my family member—but for all of the death, mistreatment and suffering inflicted upon miners and other members of the so-called working class.

In July of 1907 twelve Idaho citizens, mostly farmers, withstood the greatest media blitz of the times and came back with the only verdict they could under the law. It certainly would have been easier and more popular in their home state to have done otherwise. Ultimately, even though found not guilty, the violent tactics of Big Bill Haywood were exposed and his influence diminished. Years later

he would flee to Russia, a fugitive from the very justice system that had served him so well in that Boise courtroom.

If Haywood had been found guilty and hanged, he would have become a martyr and a spark for further violence in Idaho and around the country. Governor Steunenberg died a martyr for law and order in 1905—a direct result of the murderous and revengeful views espoused by Big Bill Haywood. The processes, legal procedures and resources in place at the time weren't always perfect and all sides suffered and made mistakes—but the decisions of Governor Steunenberg in 1899 and that Idaho jury in 1907 had to be made. In the end I believe each made the right decision and that the Governor would have felt proud that twelve fellow citizens followed the law...in that jury room...on July 28, 1907...in his beloved state of Idaho.

We cannot envision where we are going in our future unless we first look back at where we have been in our history. The suffering on all sides of the battle between labor and capital was intolerable by any standard of decency—but perhaps unavoidable at a time when law and order in the West was still in its infancy. A small number of greedy mine owners and zealous labor leaders took advantage of a group of miners who merely wished to make a reasonable, respectable and safe living for themselves and their families. Instead they became the pawns in a bloody battle that cost many their lives and resulted in the revenge assassination of a resolute governor that believed in the necessity of establishing and maintaining law and order. None, the governor included, could claim sainthood—but all were the victims of a minority few who were driven by power, greed and violence.

It has now been one hundred years since the end of the Haywood trial. We cannot stand immune from the events of 1899-1907 as evidenced by the subsequent periods of labor unrest and violence that have occurred in the decades following that verdict on July 28th, 1907. Such clashes shall continue in the future if we allow greed in the boardrooms and legislative halls to prevail, the gap between rich and poor to grow, the flames of ethnic discontent to be fanned—and we fail to heed the historical lessons from a century ago in the state Idaho.

