

THE BLIGHT OF THE FEDERATION: JAMES MCPARLAND, THE PINKERTON  
NATIONAL DETECTIVE AGENCY AND THE WESTERN  
FEDERATION OF MINERS, 1892-1907

by

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April 2013

DEDICATION

For my “Uncle,” Harold C. Fleming, Professor Emeritus of Anthropology, Boston University and my “Aunt” Nancy Fleming. You continue to inspire.

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## ABSTRACT

This thesis examines the interaction between the Pinkerton National Detective Agency and the Western Federation of Miners in the American West, through the analysis of two major mining strikes and a prominent trial. Chapter one covers the 1892 strike in the Coeur d'Alene mining district in northern Idaho. Chapter two examines the Cripple Creek labor war of 1903-1904 in Colorado. Chapter three views the 1905 dynamite assassination of Idaho's ex-Governor Frank Steunenberg and the Pinkerton's role in the subsequent investigation and trial. This thesis is based on extensive primary source research including operative reports, and historiographical reading in the fields of labor history, environmental history, history of the American West, social and cultural history, and local history.

The period of 1892-1907 was pivotal in American history, and the conflict between the Pinkerton National Detective Agency and the Western Federation of Miners is representative of the larger fault lines within American society. The evidence suggests that the Western Federation of Miners and the Pinkerton National Detective Agency evolved as organizations based on their interactions and antagonism, and the actions of each organization pushed the other to more extreme measures. Furthermore, the Pinkerton National Detective Agency established durable ties with the mining industry, state governments, and the state National Guard and law enforcement apparatus for the express purpose of breaking the Western Federation of Miners and ensuring the hegemony of the mine owners over their districts.

Furthermore, the organizations and people involved have a legacy that persists today. The Pinkerton National Detective Agency is now doing business as Pinkerton's Government Services, while the pro-union political Left venerates William Haywood and the Industrial Workers of the World. The events and trends analyzed in this thesis had a lasting effect on American society.

## INTRODUCTION

In 1907, Western Division Manager James McParland left Boise. His mood could not have been pleasant, since William “Big Bill” Haywood was also leaving Boise, but not in a casket. McParland had spent the past fifteen years directing a concerted campaign of infiltration and disruption against the radical unionists of the Western Federation of Miners. Hanging Big Bill Haywood, Charles Moyer, and George Pettibone was going to be McParland’s *coup d’grace*, the summation of his long career as the Pinkerton National Detective Agency’s premier union-buster. He supervised operations in California, Colorado, Utah, Nevada, Idaho, Montana, South Dakota, Wyoming, Washington, Oregon, and other western states while trying to destroy the union. Governors and business executives sought his council when faced with unionized miners, as he was very good at what he did. McParland considered his work to be “a life and death struggle” of *good* Americans against “the blight” of subversive, radical unionists.<sup>1</sup>

Despite his efforts, and the efforts of the Mine Owners’ Associations and state governments, the Western Federation of Miners persisted; with each campaign to destroy them, the union miners adapted and ultimately survived rather than submit to the organized forces of capital. Every time the unionists discovered an infiltrator, their resolve hardened. Even when their leaders were jailed or their members deported in cattle cars to the middle of the prairie, the unionists saw that their collective power frightened the mine owners. Every time McParland struck what he thought would be a final blow,

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<sup>1</sup> James McParland to George Bangs, Denver, December 5, 1908; William Pinkerton to Frank Gooding, “J. McP. Reports,” Boise, January 25, 1906, in Records of the Pinkerton National Detective Agency, Library of Congress, Washington.

the Western Federation of Miners adapted and regrouped, evolving from a coalition between the Butte Miners' Union and the Miners' Union of the Coeur d'Alene to the largest organization of hard-rock miners in the United States.

The anti-union activities of the Pinkertons likewise inspired the unionists to transform from small, disconnected, and decentralized local unions to form the Western Federation of Miners, and later the One Big Union, the Industrial Workers of the World. Rather than surrendering to capital, the union demanded more. The relationship between the Pinkertons and the Federation was dialectic; each synthesis radicalized the miners, as they learned the extent of their power and the forces arrayed against them. Between the working conditions underground and the constant, violent repression, the Western Federation of Miners became the most radical union in the United States after the fall of the Knights of Labor and before the specter of the IWW.

Gray Brechin's *Imperial San Francisco* inspired this project with his concept of a "Pyramid of Mining" in California and his mentions of Lewis Mumford's theory of the "megamachine". In *Technics and Civilization*, Mumford theorized a structure that exists alongside of capitalism for the express purpose of mineral extraction. The base of the Pyramid of Mining is metallurgical technology, mechanization, militarism, finance; mining is at the pinnacle. The influence of the Pyramid of Mining both enables and extends the powers of capitalism and centralized government. At the height of the Cripple Creek strike, the full powers of the state and the Pyramid of mining attempted to destroy

the Western Federation of Miners.<sup>2</sup>

Methodologically speaking, the Pyramid of Mining provides a useable framework through which to interpret the interactions among the Pinkertons, the mine owners, and the Western Federation of Miners. This will not be the only methodological device employed; this topic would be incomplete without an examination of the relevant labor history, the history of the American West, and the economic forces behind both western hard rock mining and the private detective business within the larger contest of the industrialization and corporatization of the United States during the Gilded Age.

The common narrative of the Pinkerton National Detective Agency revolves around the morality and business acumen of Allan Pinkerton, a Scottish immigrant, former Chartist radical, and staunch abolitionist. After service in the United States Civil War as head of military intelligence for General McClellan, Allan Pinkerton returned to Chicago to found Pinkerton's National Detective Agency, filling a niche in the economy of the reconstructing nation as well as providing an essential law enforcement apparatus unrestricted by county or state lines and uncorrupted by partisan political processes. Hanging in each office was "an enlarged photograph of Allan Pinkerton and our beloved president, Abe Lincoln, standing side by side near the bloody field of battle," projecting an image of purity and patriotism. Furthermore, the Agency operated on the frontiers of the expanding nation, retrieving bandits and train robbers from the territorial hinterlands and returning them to the states with operating legal systems. Biographer and novelist

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<sup>2</sup> Gray Brechin, *Imperial San Francisco: Urban Power, Earthly Ruin* (Berkeley: University of California Press, 2006), 19; Lewis Mumford, *Technics and Civilization*, (1934; repr., University Of Chicago Press, 2010), 76.

James Horan called them a predecessor to the Federal Bureau of Investigation.<sup>3</sup>

The Pinkerton National Detective Agency proudly claimed the capture or death of several notorious criminal elements, including Jesse James and his gang, and Butch Cassidy and the “Sundance Kid.” They offered their investigative and protective services to railroads and business interests. The notorious incident at the Carnegie Steel Works of Homestead, Pennsylvania represents the black mark on the record of the Agency. However, this traditional narrative deliberately silences the vehemently anti-union activities of the Agency by glorifying its exploits in the name of the defense of property rights and its intrinsic place in the frontier narrative of the American West.

Within the competing historiographies, the activities of the Pinkertons in the West is largely silenced; labor historians largely focus on the organization of unions and the activities of the formal state apparatus while mentioning the Pinkertons and other detective agencies as a footnote, whereas the popular histories focus on the criminal gangs of the west and dismiss the Western Federation of Miners as dynamiters and anarchists rather than laborers with potentially legitimate grievances. The main sources of the Pinkerton National Detective Agency’s profits were, in fact, anti-union activities. The Agency was particularly active in obstructing and suppressing labor organization in hard rock mining in the western regions of the United States in the late nineteenth and early twentieth century. The mine owners actively solicited the services of the Pinkertons and other private detective services in a direct attempt to restrict union activity within their mines; in this way, the Pinkerton National Detective Agency joined the cooperative

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<sup>3</sup> Charles Siringo, *Two Evil Isms: : Pinkertonism and Anarchism*, (Chicago: C.A. Siringo, 1915; Austin: Steck-Vaughn, 1967), 18; James Horan, preface to *Thirty Years a Detective* by Allan Pinkerton, repr. (Montclair, N.J., Patterson Smith, 1975), xx.

association of the mine ownership and affluent citizens dedicated to restricting the rights of laborers.

However, this suppression, occurring covertly and overtly over the course of several decades, had the inverse effect of the plans of the mine owners, as mining labor formed the radical Western Federation of Miners, thereby offering a direct challenge to the supremacy of the capitalist model of mineral extraction as well as asserting the rights of its membership.

This thesis analyzes three pivotal interactions between the agency and hard rock mining labor over the course of fifteen years. The first chapter examines the 1892 strike in the Coeur d'Alene Mountains in northern Idaho—the first documented attempt of the Pinkerton National Detective Agency to break a western labor union. The second chapter explores the 1903-4 Cripple Creek labor war, a violent and deadly series of events that pitted the Pinkertons, the Thiel Detective Agency, the forces of the State of Colorado, and a coalition of capitalists against the Western Federation of Miners. The final chapter recounts the 1905 dynamite assassination of ex-Governor Frank Steunenberg of Idaho, and subsequent kidnapping and trial of members of the executive committee of the Western Federation of Miners. The 1907 trial became a national spectacle, as Clarence Darrow defended the Western Federation from the attack of the best legal talent in Idaho and fabricated evidence from the Pinkertons.

These three events transformed the operations of the Pinkertons and the organizing efforts of the miners' unions in a new, distinct manner. Both the Pinkertons and McParland realized the value of successfully infiltrating the unions and reporting on

their activities while disrupting their strike operations. Furthermore, McParland's model of union-busting, developed against the Irish coal miners of Pennsylvania in the 1870s, proved highly successful. An operative infiltrated the labor organization by getting a job in the mines while fraternizing with his *fellow* miners. The mine supervisor then fired the operative, giving him credibility with the union. With his newfound credibility and general amicability, the operative secured a position of authority within the union, and reported on its actions. The forces of the state then enter the mining district after a violent incident provides the mandate, and the operative testifies against the unionist in court. McParland's testimony in Pennsylvania led to the hanging of nineteen men; Charles Siringo's testimony in Idaho sent the leaders of the Miners' Union to prison. The final development of the Coeur d'Alene mining war was the formation of Mine Owners' Associations, coalitions of capitalists united by their opposition to unionization by their workers. Following the 1892 Coeur d'Alene strike, the miners created into the Western Federation of Miners, inaugurating Local No. 1 in Butte in 1893.

The Cripple Creek war of 1903-1904 demonstrated the power of the Mine Owners' Association to subvert the democratic process and the cooperation of the Pinkertons and Thiel Agency with this process. In addition, the Federation radicalized following this incident and lent its support to the founding of the Industrial Workers of the World in 1905. This further provided McParland with a sense of urgency in his campaign to suppress militant unionism in the mining camps. Colorado displayed a developed Pyramid of Mining. Mining interests combined with high finance and militarism in Denver and Colorado Springs, and they invested and controlled

metallurgical and mechanical technology throughout the region. The Pinkerton and Thiel agencies constituted the covert part of the military interests in Colorado, and they served as a means for enforcing the will of the mining interests.

Events came to a head with the assassination of ex-Governor Frank Steunenberg in 1905, pitting the Western Federation of Miners against the power of the mining interests, the State of Idaho, and the Pinkertons in both the legal system and the court of public opinion. Following “Big Bill” Haywood’s acquittal, the Pinkerton National Detective Agency abandoned McParland’s attempts to decapitate the leadership of the militant unions through the legal system. Instead, it reverted to simple infiltration, reporting, and disruption. Haywood left his role within the WFM amid a widening ideological split between himself and Charles Moyer, and began organizing for the IWW as he fully embraced the ideologies of syndicalism and socialism under the banner of “One Big Union.” Mining capital continued its suppression of union activities as it consolidated its control over the elements of the Pyramid of Mining.

The contest between the Western Federation of Miners and the forces of organized capital, specifically the Pinkerton National Detective Agency, defined the relationship of labor and property regarding mineral extraction in the American West. Detective infiltration of unions forced a change of tactics towards traditional “bread-and-butter” trade unionism among the majority of working men, while radicalizing the dispossessed constituency of the Industrial Workers of the World, imbuing their language of overt class warfare with a sense of immediacy and urgency. The mine owners, informed of the activities of the pesky militant unions, operated with a free hand, and

created persistent zones of ecological damages and economic inequality surrounding their mines. Finally, the private police forces became an economically viable business proposition in the United States. While Allan Pinkerton started the private detective business in the United States, the ability of the Pinkertons and other agencies to turn a profit in the suppression of organized labor and by providing security forces to capital interests proved a business model that thrives today with innumerable private security firms.

#### A Note on Sources

The deliberately secretive nature of the Pinkerton National Detective Agency makes research difficult. If the identity of the undercover operatives were compromised, they faced the wrath of angry and potentially violent miners whom they had infiltrated. Furthermore, public opinion of both the Pinkertons and the Western Federation of Miners was extremely polarized, and the Pinkertons promised confidentiality to their clients. The papers of the Agency are at the Library of Congress, but prior to donation, the Agency purged most of their records of material regarding anti-union activities. This reflects an attempt to control their legacy through control of their archives. An example of this was the Agency's suppression of Charles Siringo's books at the time of their publication. Siringo was the operative tasked with infiltrating the Gem Miners' Union in 1892, and later published *A Cowboy Detective: A True Story of Twenty-Two Years With A World-Famous Detective Agency* and *Two Evil Isms, Pinkertonism And Anarchism*. The Agency immediately challenged both of these works, with operatives buying out newsstands and legal challenges to remove all references to the Pinkertons before publication.

Another major and controversial primary source is Morris Friedman's *The Pinkerton Labor Spy*. Friedman was a stenographer in the Denver branch of the Pinkerton Agency, and took numerous documents regarding the Cripple Creek strife, which he later published during the Haywood trial through the socialist press. Since any attempt to suppress the publication of Friedman's work would lend credence to his claims, the Agency attempted to discredit Friedman in light of his role as defense witness in *Idaho vs. Haywood*. Despite this active suppression, the reports of Pinkerton operatives exist in various other locations, often as correspondence between the agency and its client that the client retained. These locations include the Idaho Historical Society in the papers of prosecuting attorneys James Hawley and William Borah, and records at the University of Colorado- Boulder. Perhaps the best expression of the power of the Pinkerton Agency is in the control of their legacy. If "history is the fruit of power," as Michel-Rolph Trouillot argues, "power is never so transparent that its analysis becomes superfluous. The ultimate mark of power may be its invisibility; the ultimate challenge, the exposition of its roots." The suppression of decades of operative reports and correspondence by the Pinkertons, a massive amount of paperwork, is evidence of their power to dictate their legacy.<sup>4</sup>

The archive of Western Federation of Miners is also at the University of Colorado-Boulder; a similar bias in the archival material exists as the Federation preserved its name for prosperity. Furthermore, the union and socialist press of the era, such as *Miner's Magazine*, sheds light on the activities of the Pinkertons, but this evidence comes with inherent ideological bias. As mentioned previously, the

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<sup>4</sup> Michel-Rolph Trouillot, *Silencing The Past: Power and the Production of History* (Boston: Beacon Press, 1995), xix.

historiography divides along three main lines: labor history, temporal history, and a popular, crime-and-punishment focused approach aimed at glorifying the actions of the Agency while focusing on its more sensational pursuits of bandits and train robbers.

Prominent labor historians who have dealt with these incidents include Melvin Dubofsky, Elizabeth Jameson, Philip Foner, David Montgomery, and Fred Thompson. Monographs of the specific incidents include Robert Smith's *The Coeur d'Alene Mining War of 1892*, George Suggs's *Colorado's War on Militant Unionism*, and J. Anthony Lukas's *Big Trouble*. Histories of the Pinkertons include Frank Morn's *The Eye That Never Sleeps: A History of the Pinkerton National Detective Agency* and James Horan's *The Pinkertons*.

The clash between the Pinkertons and the WFM occurred within the transforming and dynamic American West. In the decades prior to the Coeur d'Alene strike, the United States consolidated control over both the South and the West in Elliott West's Greater Reconstruction. Eric Foner argues that the Civil War and Reconstruction era was the second American Revolution, and profoundly affected the landscape and identity of the nation. Alan Trachtenberg argues that changing business and cultural processes *incorporated* America, transforming the norms and identities of the population. Alfred Chandler traces the trends of bureaucratization and professionalization within the American corporate community.

Systemic repression of organized labor continued well after the Steunenberg trial. Thomas Andrews details how the working environment of the coal miners in southern Colorado bred solidarity and resistance in the months surrounding the 1914 Ludlow

Massacre. James Byrkit examines the 1917 Bisbee Deportation, a series of events that culminated in the county sheriff forcibly removing over thirteen hundred miners into the deserts of New Mexico. Robert Vitalis shows how the American business community exported its anti-union sentiments to the oilfields in Saudi Arabia. Stephen Norwood's work ties notions of American masculinity to strikebreaking, while John Townsend shows how class identity enabled ordinary citizens to act violently against members of the Industrial Workers of the World. These works display the continuation of state-sanctioned repression by social, corporate, and military powers.

## THE EMERGENCE OF ANTAGONISM: THE PINKERTONS IN IDAHO

“Sixth—To prevent by law any mine owner or mining company from employing any Pinkerton detectives or other armed force from taking possession of any mine, except for the lawfully elected or appointed forces of the state, who shall be bona-fide citizens of the county and state.”

– Preamble to the Constitution of the Western Federation of Miners, Adopted at Butte City, Montana, 1893.

Charles Siringo, Pinkerton detective and cowboy, was crawling underneath the buildings of Gem, Idaho to escape the wrath of the Gem Miners’ Union when an explosion shook the canyon walls surrounding the small town. A charge of dynamite blew the Frisco mill into splinters, and the guards and non-union miners of the fortified Gem mine exchanged rifle fire with the striking unionists of the miners’ union. With the report of the Frisco explosion, Siringo’s escape from the town became ever more urgent, as angry unionists searched for the exposed detective. Two days previous, on July 9, 1892, Siringo, under the alias C. Leon Allison, resigned his position as recording secretary of the Gem Miners’ Union when another miner recognized him as a Pinkerton detective. After the dust settled in the Coeur d’Alene district with the arrival of federal troops and martial law, Siringo rounded up unionists, and then served as the star witness in the subsequent trials of the unionists. His action in the Coeur d’Alenes marks the first concerted attempt of the Pinkerton National Detective Agency to infiltrate and obstruct western hard-rock miners’ unions at the behest of a coalition of mine owners.

Through the four decades since its 1850 founding, the Pinkerton Agency actively obstructed union organizing across the United States. Their methods were neither gentle nor subtle; in reality, the anti-union activity of the Agency was prolific and brutal. “From

1869 to 1892,” James Horan, historian of the agency observes, “groups of watchmen, ranging from twenty to three hundred, were hired out at \$5 a day, in seventy-seven strikes during which three strikers were killed.” The presence of armed and uniformed Pinkerton watchmen antagonized the striking workers. The Pinkertons were clear partisans in the industrial disputes of the late nineteenth century, as “by the 1880s, they were retained by most of America’s big business to protect its property during a strike, and its operatives were used to gain evidence of wrongdoing on the part of the union.” The Protective Patrol division of the Agency was guarding industrial properties during the turbulent 1870s and 1880s, and “strike work came to occupy the majority of the Protective Patrol’s time,” as more than twenty thousand strikes occurred in the turbulent last decades of the nineteenth century.<sup>5</sup>

Siringo’s actions in the Coeur d’Alene mining district demonstrate the anti-union strategy of the Pinkerton National Detective Agency and its appeal to mining capitalists. The Pinkerton model of infiltrating the union leadership during a strike, reporting the actions of the union to the mine owners, catalyzing an incident that justifies state intervention and then assisting in the judicial persecution of the unionists was effective in disrupting the Coeur d’Alene Miners’ Union. This strategy met the needs of the mine owners, as they attempted to control their workforces and prevent union formation under the dominant ideology of capitalist private property in the late nineteenth century.

One of the Agency’s most famous operations involved the infiltration of James McParland into the Pennsylvania anthracite coal-mining region to disrupt the

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<sup>5</sup> James Horan, *The Pinkertons: The Detective Dynasty That Made History* (New York: Crown Publishers, 1967), 329; Robert Michael Smith, *From Blackjacks to Briefcases: A History of Commercialized Strikebreaking and Unionbusting in the United States* (Athens: Ohio University Press, 2003), 6.

Workingman's Benevolent Association (WBA) following the Panic of 1873. Franklin Gowen, president of the Philadelphia and Reading Railroad and the Pennsylvania and Reading Coal and Iron Company, asked Allan Pinkerton to dispatch an operative to infiltrate a secret society of Irish-American coal miners known as the Molly Maguires, supposedly related to the Ancient Order of Hibernians of Ireland. Gowen and Pinkerton claimed the Molly Maguires held the good, hardworking coal miners of Pennsylvania under a reign of terror, and that the organizations were a "disgrace to the men in them, [and] they befoul all Irishmen and all good Catholics." After several violent years undercover, McParland testified against the "inner circle" of the Molly Maguires, sending nineteen WBA men to the gallows. Through a prolonged strike and detective infiltration, Gowen broke the union in the anthracite region; McParland's actions in Pennsylvania made his career as a Pinkerton detective, and he used his experience to become the Agency's preeminent union-buster.<sup>6</sup>

Following the destruction of the Molly Maguires in Pennsylvania, the Pinkertons supplied guards and detectives to the sites of industrial disputes throughout the Eastern and Midwest United States. The Agency, founded in Chicago, was particularly active in its home city. In 1885 and 1886, it supplied watchmen to the strikebound McCormick Harvesting Machine Company's plant. Cyrus McCormick was determined to break the union, and the armed Pinkerton guards clashed frequently with the striking workers, occasionally using deadly force. As the agitation for the eight-hour day progressed into a May 1 general strike in Chicago, some of McCormick's non-union workers defected to

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<sup>6</sup> Allan Pinkerton, *The Molly Maguires and the Detectives* (New York: G.W. Carleton, 1877), 47; Horan, *The Pinkertons*, 205-224.

the union cause. Chicago's radical community planned a rally for May 3, 1886 outside of the McCormick plant. It quickly turned violent, and police gunfire killed two. The events in Haymarket Square of the following day remain a clarion call for the radical labor movement; the Pinkerton National Detective Agency was involved in both suppressing labor agitation at the McCormick Plant and in prosecuting the Haymarket anarchists.<sup>7</sup>

Charles Siringo began his career as a Pinkerton detective working on the Haymarket trials. After being "told by a blind phrenologist that I was cut out for a detective," Siringo was staying in Chicago when the Haymarket incident occurred. He soon joined the Pinkerton National Detective Agency, as he "wanted to help stamp out this great Anarchist curse," and his first job was to prevent the defense from bribing the jury. The prosecution, however, operated under no such restriction. "A Citizens' League, with a million dollars at its disposal, had been organized to stamp out anarchy;" it paid both the jury and the Pinkerton National Detective Agency for a conviction.<sup>8</sup>

#### The Coeur d'Alene District, 1891

After his work on the Haymarket case, the Agency transferred Siringo to the Denver branch office, and he began working under McParland. In 1891, McParland dispatched him to the Coeur d'Alene mining district in Idaho. Despite Siringo's initial objections that his "sympathy was with laboring men and against capitalists," he

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<sup>7</sup> Smith, *From Blackjacks to Briefcases*, 9-10; Charles Siringo, *Two Evil Isms: Pinkertonism and Anarchism*, (Chicago: C.A. Siringo, 1915; Austin: Steck-Vaughn, 1967), 1-7. Citations refer to the Steck-Vaughn edition.

<sup>8</sup> Charles A. Siringo, *Riata and Spurs: The Story of a Lifetime spent in the Saddle as a Cowboy and Detective*, (New York: Houghton Mifflin Company, 1927), 120; Siringo, *Two Evil Isms*, 2.

eventually agreed to infiltrate the Miners' Union, and departed for the district.<sup>9</sup> Siringo's presence, part of a concerted campaign by the mine owners, led directly to the armed conflict of July 1892, the imprisonment of the leaders of the Miners' Union, and the formation of the Western Federation of Miners in 1893. The events of the Coeur d'Alene conflict follow the Pinkerton *modus operandi* of union busting and mark McParland's first documented attempt to break a miners' union in the West with these tactics. Furthermore, the conflict was the first successful collaboration between the Pinkerton National Detective Agency and a Mine Owners' Association, a trend that continued through the investigation into the death of ex-Governor Steunenberg, which we will discuss in chapter three.

The primary industry of the Coeur d'Alene mountain communities was mining silver-lead ore. While a prospector discovered a small amount of quartz gold ore in 1879 and triggered a small gold rush, the immense quantities of silver-lead ore quickly overshadowed the gold claims. Extracting this ore "required much more complex organization and technical operation" of underground mining. The low-grade ore required concentration, transportation, and smelting before it was refined, making the extractive process extremely capital intensive, and therefore prohibitive to small claims. In short, "Lead-silver mining demanded the corporation." The heads of these corporations proved to be vehemently anti-union as a means to maximize the profits of their companies.<sup>10</sup>

Generally, the mines of the Coeur d'Alene district operated on the Butte wage

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<sup>9</sup> Siringo, *Two Evil Isms*, 36.

<sup>10</sup> Robert Wayne Smith, *The Coeur d'Alene Mining War of 1892: A Case Study of an Industrial Dispute* (Corvallis: Oregon State Monographs, 1961), 3-5.

scale of \$3.50 per day for miners and \$3.00 for other underground laborers such as shovelers and muckers, with some variation. When the Bunker Hill and Sullivan mine manager cut wages to \$3.00 per day for miners in 1887, the workers of Wardner organized the district's first union, and they successfully struck to restore wages to the Butte scale. By 1890, the unions of the district organized into the Miners' Union of the Coeur d'Alene, and by the early months of 1891, a uniform wage scale was in place in all of the mines except the Bunker Hill and Sullivan. In addition, "the miners' unions began to be active upon a project dear to their hearts, a miners' union hospital.... Even the Mine Owners' Association, in spite of its denunciation of everything else the union did, praised the hospital."<sup>11</sup> The union assessed a fee of a dollar per month for the hospital, while the Catholic Sisters of Providence oversaw its operation.

The mine owners of the district responded to the union activity by forming the Mine Owners' Protective Association in February 1891. John Hays Hammond of San Francisco and A.M. Esler of Helena organized the large mine owners for the explicit purpose of opposing the Butte wage scale and the union. Esler organized the Helena MOA in 1890. His controlling interest in the Helena and Frisco Company made him a prominent figure in the upcoming strife. Many members of the Spokane Mining Exchange quickly joined the Coeur d'Alene Mine Owners' Association, and the organization soon represented nearly all of the large mining interests in the district. The membership list is a veritable who's who of mining capital in Northern Idaho, including the owners of "the Bunker Hill and Sullivan... the Last Chance... the Stemwinder and Granite mines... the Tiger... the Poorman... the Helena and Frisco Company, operating

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<sup>11</sup> Smith, *The Coeur d'Alene Mining War*, 17-21.

the Badger and Black Bear mines and the Frisco mill... the Milwaukee Mining Company, operating the Gem mine.” Representatives of the MOA met with the union to establish the board of the union hospital in the spring of 1891, but that was their least pernicious action.<sup>12</sup>

In August or September of 1891, the Mine Owners’ Association contacted McParland, requesting a Pinkerton operative to infiltrate the Miners’ Union. After the first operative blew his cover “and had to skip out to save his life,” McParland tasked Siringo to the district. Siringo met with John Hays Hammond and John Finch in Wallace, and then went to work as a miner in the Gem mine; within two weeks, he joined the Gem Miners’ Union. “The unions,” Siringo claimed, “were being ‘run’ by a number of dangerous anarchists, who had completely duped the hard-working miners and were formulating demands to which the owners could not possibly agree.” Siringo’s professed allegiance to laboring men ceased when they expressed anything beyond germane trades-unionism.<sup>13</sup>

The agitation of the union revolved around two issues, neither very radical. The introduction of a compressed air drill as a laborsaving device reduced the number of skilled miners, downgrading many to mucking and shoveling work with a fifty cent per day pay cut. To counter this dramatic decrease in wages, the miners sporadically struck to maintain their wages of \$3.50 per day, and they enjoyed success in the summer of 1891.

The second issue was the resistance of the Bunker Hill and Sullivan Company to the

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<sup>12</sup> Smith, *The Coeur d’Alene Mining War*, 28-29; the exact date of the formation of the MOA is controversial, with some authors stating October, 1891, likely based on Job Harriman, *The Class War in Idaho*, (New York: The Volks-Zeitung Library, 1900), 4; Smith also notes that Cyrus McCormick, frequent client of the PNDA, had a substantial investment in the Bunker Hill and Sullivan Company.

<sup>13</sup> Siringo, *Riata and Spurs*, 159.

monthly wage deduction for the union hospital. A two-week strike in August 1891 resolved the issue, with the recalcitrant Bunker Hill and Sullivan agreeing to the deduction for the union hospital and uniform wages of \$3.50 for all underground laborers. Clearly, the union's activities threatened the profits of the owners. During or immediately after the August strike, the Mine Owners' Association solicited the services of the Pinkerton National Detective Agency.<sup>14</sup>

### Recording Secretary

Within a few weeks of joining the Gem Miners' Union and after being fired from the Gem Mine Siringo "managed to get elected as 'recording secretary' of my branch of the union." From this position, he reported on the intimate plans of the union. This information was of particular value to the mine owners, as they began their offensive against the Miners' Union. In an attempt to reduce wages while claiming increased costs of transportation following a freight rate hike by the Northern Pacific and Union Pacific railroads, the Mine Owners' Association closed their mines on January 16, 1892. After the railroad capitulated to the demands for the old rates, the mine owners reopened the mines, but at a lower wage scale. The workers, having suffered an arbitrary shutdown through the winter months on the Bitterroot divide, now faced a dismal choice: return to work at a reduced wage scale while the area mines paid substantial dividend to their investors, or strike for the wage scale of September 1891. The union chose not to return to work for less pay.<sup>15</sup>

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<sup>14</sup> Smith, *The Coeur d'Alene Mining War*, 25-27; Harriman, *Class War in Idaho*, 3.

<sup>15</sup> Smith, *The Coeur d'Alene Mining War*, 30-37.

The strike dragged on through spring, with Siringo reporting the plans of the union to the MOA. Siringo described two major events that gave the MOA the upper hand in the spring of 1892. The first involved the plans of the union to disrupt pumping operations in several of the ‘wet’ mines. If the union damaged the pumps in the mines, groundwater would seep in, quickly filling the shafts and stopping mining operations. Siringo recorded the plans in the union minutes, “but later on Hughes, the president, told me to cut this leaf out of the book, in case it should fall into the hands of the Mine Owners’ Association.” Siringo *dutifully* removed the page, and dutifully mailed it to the secretary of the MOA. As the MOA planned to import non-union labor, Siringo reported on the plans of the union to prevent the mines from reopening with “scab” labor.<sup>16</sup>

The mine owners’ importation of armed guards and non-union workers turned the strike into a virtual war. As non-union labor eroded the position of the union, the unionists “decided to oppose this tooth and nail.” When gunman Joel Warren attempted to bring fifty armed guards and seventy-four non-union miners from Missoula, Montana, the union and civic officials of the district planned to resist. The laborers were “mostly recent immigrants from Finland, Poland, Austria and Sweden, who had been recruited in the iron and copper districts of northern Michigan.” In contrast, the union miners of the district were largely American born; if they hailed from another country, chances are they were English, Irish, Canadian, or German, contrary to the myth of the foreign radical.<sup>17</sup>

Under Idaho state law, it was illegal to import an armed force into the state, and Sheriff Cunningham planned to arrest Warren’s force when they unloaded from the train

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<sup>16</sup> Siringo, *Riata and Spurs*, 159.

<sup>17</sup> Bradley Snow, “Living With Lead: An Environmental History of Idaho’s Coeur d’Alenes, 1885-2011” (doctoral dissertation, Montana State University, 2012), 74, ProQuest, 1030143964.

in Wallace. Notified by their operative to expect resistance, the mine owners “arranged for the line to be cleared, and... the train proceeded under full steam up the canyon towards Gem and Burk[sic].” The force of guards and laborers unloaded at John Finch’s Union mine, defeating the plans of the union. Sheriff Cunningham arrested Warren, but his captivity was short lived. The district court released Warren on a bond of \$2,500, guaranteed by MOA attorneys Culbertson and McAuley. Mines in the district resumed limited operations with imported workforces, as injunctions blocked the unionists from interfering with imported labor.<sup>18</sup>

### Siringo’s War

Violence broke out in July. After a calm, restrained celebration of the Fourth of July, tensions steadily increased, as did the number of armed men in the town of Gem. After evading initial suspicion about his identity as a Pinkerton spy, Siringo was running out of room to maneuver. Six months had passed since the January shutdown; the miners felt the squeeze, and “As the mining operations with nonunion men were extended, and as these discontented union members saw their jobs and livelihoods being lost before their very eyes, a desperate desire for effective retaliation seized some of them.” On July 7, the news of the Homestead incident broke in the camp, inspiring feelings of solidarity among the unionists, as their brothers in Pennsylvania defeated the Pinkerton Guards and defied the Carnegie Steel Company. Two days later, “on July 9<sup>th</sup> I received a friendly warning not to attend the union meeting fixed for that evening,” the compromised Siringo reported, as he handed the union minute book “together with a letter containing my

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<sup>18</sup> Smith, *The Coeur d’Alene Mining War*, 44-46; Siringo, *Riata and Spurs*, 160-161.

resignation from the union,” to the union guard at the door. That evening, two non-union men slipped out of the fortified Gem mine for a drink, and unionists beat them severely. The combination of the long strike, news about the Homestead strife, and the fact that the recording secretary of the Gem Miners’ Union was a Pinkerton spy pushed the strained community to violence.<sup>19</sup>

Siringo, identity exposed, fled to the Gem mine and volunteered to get a doctor from Wallace. On the morning of July 10, heavily armed with a Winchester rifle and a Colt .45, he took the train back to beleaguered Gem, and encountered George Pettibone. Despite Pettibone’s warning, Siringo continued into Gem, taking refuge in a store that he owned. His resignation from the union and brazen attitude towards Pettibone exacerbated the feelings of betrayal among the union. Their recording secretary, intimately involved in union activities since the January shutdown, was a tool of the Mine Owners’ Association. The union and the mine guards braced for the impending conflict.<sup>20</sup>

July 11 proved to be a pivotal, violent day in the 1892 Coeur d’Alene strike. For the past six months, the striking union had remained generally peaceful, confident in the knowledge that the MOA was having trouble with securing an adequate labor force while facing dwindling profits. Even with scab labor, the mines could not operate anywhere near their capacity. As the tensions of the past several days came to a head, gunfire broke out in the early morning. There is no clear agreement as to who shot first, but by the end

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<sup>19</sup> Smith, *Coeur d’Alene Mining War*, 61-64; Siringo, *Riata and Spurs*, 164-166; Siringo, *Two Evil Isms*, 39; Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World*, ed. Joseph McCartin, (Chicago: University of Illinois Press, 2000), 15-17.

<sup>20</sup> Charles Siringo, *A Cowboy Detective: A True Story of Twenty-two Years with a World-Famous Detective Agency* (1912; repr., Lincoln: University of Nebraska Press, 1988), 152-157; Smith, *From Blackjacks to Briefcases*, 77-79.

of the day, “two men were killed, six were injured,” and a charge of dynamite blew the Frisco mill into kindling. Siringo escaped from his storefront by cutting a hole in the floor and crawling to the Gem mine, and to the waiting arms of the guards of the Thiel Detective Agency. When the guard force and the non-union miners surrendered, Siringo and a Thiel guard fled to the hills, and spent the next three days eluding the angry union. He returned after federal troops occupied the district, thereby ensuring his safety. “If the employers neither planned nor provoked the violent attacks,” Melvyn Dubofsky claims, “they were nevertheless its only beneficiaries.”<sup>21</sup>

Was the presence of armed detectives from multiple detective agencies and the fortification of area mines a deliberate provocation? Siringo was reporting on the actions of the union for nearly nine months before his compromise, and he brazenly remained in Gem, heavily armed “with my loaded Winchester and a sack of a hundred cartridges.” If Siringo’s continued presence was not a direct provocation, it certainly exacerbated the situation in Gem.<sup>22</sup>

With the arrival of federal troops and the state militia, the violence abated. Unionists accused of participating or supporting the violent actions found themselves in makeshift “bullpens” under the guard of the military. Siringo, deputized by the Marshall of the Coeur d’Alene district and with assistance of a squad of federal troops, used his intimate knowledge of the union leadership to assist in the round up. “As I knew all the agitators and union leaders, I was kept busy for the next week or so putting unruly cattle

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<sup>21</sup> Dubofsky, *We Shall Be All*, 17; Siringo, *Riata and Spurs*, 168-181; Vernon Jensen, *Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry up to 1930*, (Ithaca: Cornell University Press, 1950), 33-37; Smith, *The Coeur d’Alene Mining War*, 65-67.

<sup>22</sup>Siringo, *Riata and Spurs*, 165.

in the ‘bull pen,’ a large stockade,” Siringo claimed in one of his memoirs. “In less than a week, we had over 300 ‘bulls’ in the corral. A word from me would liberate any of them.” His presence in the corral “was like a red flag before a corral of angry bulls,” argues Robert Smith, and “Only the cocked pistol in Siringo’s hand and the ready rifles in the soldiers’ hands” prevented the imprisoned unionists from action.<sup>23</sup>

As the state and the mine owners solidified their prosecution of the union, Siringo served as the star witness. He testified in front of a grand jury in Murray, the seat of Shoshone County, and later in the trials of Coeur d’Alene City and Boise. The unionists faced charges ranging from violating the injunctions to conspiracy and murder. Judge Beatty, author of the injunctions, tried the defendants for their violation, “a clear-cut case of judge-made and judge-executed law.” Beatty sent two dozen unionists to prison for terms between four months and two years; he was unable to get any murder convictions from the juries, and the United States Supreme Court overturned his rulings in *George A. Pettibone et al. versus the United States*, freeing all of the imprisoned unionists.<sup>24</sup>

### A Miner’s Union

Prior to their release on appeal, the eighteen unionists imprisoned in the Ada county jail for injunction violations did not remain idle. They learned from their mistakes in the Coeur d’Alenes, and took stock of their strengths. To the unionists, the Coeur d’Alene strike appeared winnable until the events of July 11 and the arrival of federal troops. The powers brought to bear by the mine owners were substantial: private

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<sup>23</sup> Siringo, *A Cowboy Detective*, 177-178; Smith, *The Coeur d’Alene Mining War*, 89.

<sup>24</sup> Smith, *The Coeur d’Alene Mining War*, 99; *Pettibone et al. v. the United States*, 148 U.S. 197 (1893).

detectives, armed guards, economic reserves, friendly judges, and federal troops all played a role in crushing the union. However, the solidarity of the Butte Miners' Union and the support of the community demonstrated the power of unionism. The successful resistance of the Coeur d'Alene Miners' Union against the likes of John Hays Hammond, John Finch and the Mine Owners' Association for six months showed that resistance was possible and could be fruitful, provided the miners remained peaceful and did not give a reason for militarization. The consolidation and dominance of the mining industry necessitated a strong national organization of hard-rock miners, and plans for the Western Federation of Miners emerged from the Ada County jailhouse.<sup>25</sup>

Despite the setback of 1892, the miners of the Coeur d'Alene district regrouped and reorganized. By the end of 1894, the union was back in all of the large mines in the district with the exception of the Bunker Hill and Sullivan, owned by the recalcitrant Hammond. This followed on the footsteps of the inauguration of the Western Federation of Miners in Butte in May 1893, and the Coeur d'Alene unions quickly affiliated with the WFM. In the preamble to the constitution, the WFM aimed "To prevent by law any mine owner or mining company from employing any Pinkerton detectives or other armed force from taking possession of any mine," acknowledging the damage done by Siringo's infiltration of the Miners' Union and the Thiel guards at the Gem mine. The Coeur d'Alene Miners' Union steadily gained strength until the 1899 strike and repression under Governor Frank Steunenberg.<sup>26</sup>

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<sup>25</sup> Dubofsky, *We Shall Be All*, 19; Smith, *The Coeur d'Alene Mining War*, 107-114; Jensen, *Heritage of Conflict*, 54-57.

<sup>26</sup> *Constitution and By-Laws of the Western Federation of Miners; Adopted at Butte City, Montana, May 19, 1893*, in Clinton Jenks Collection, University of Colorado Library Archives.

For James McParland and the Pinkerton National Detective Agency, Siringo's starring role in the strike was a bonanza. McParland's model of operative infiltration during a strike, a triggered incident of violence, and subsequent prosecution proved effective at breaking unions, if only temporarily. The techniques he developed in Pennsylvania's anthracite region proved successful on the industrial frontier. Furthermore, the growth and development of Mine Owners' Associations made the hiring of Pinkerton operatives a collective decision among the capitalists, rather than a solely individual decision. The pooled resources of the MOA allowed for more discretionary funding of operatives as well as spreading any intelligence gained to a broader collection mining interests, rather than simply the mine owner who engaged the Pinkertons. Despite Principle Robert Pinkerton's congressional testimony that "no Pinkerton[s]... were employed or were present" in the Coeur d'Alene strike, McParland and the Pinkerton brothers saw infiltration as a more sanitary alternative to providing forces of watchmen to strikebound industrial properties and interests.<sup>27</sup>

The 1892 Coeur d'Alene strike was Charles Siringo's last attempt to infiltrate a labor union. His later detective work focused on train robberies, mine "salting," discrediting a Mormon senate candidate, and working as a bodyguard for Governor Peabody during the Cripple Creek Strike of 1903-1904, and James McParland and Harry Orchard during the 1907 Haywood trials. Despite McParland's initial reluctance to use Siringo in labor conflicts because his "sympathy was with laboring men and against capitalists," Siringo was a partisan in war of the mining interests against the Western

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<sup>27</sup> *Pinkerton's National Detective Agency and Its Connection with The Labor Troubles at Homestead, Penn. July 6<sup>th</sup>, 1892* (New York: Pinkerton's National Detective Agency, 1892), 20.

Federation of Miners. His actions in the Coeur d'Alene district established an extremely profitable business model for the Pinkerton National Detective Agency at the expense of the rights of miners to organize. The Mine Owners' Associations of the American West enthusiastically engaged undercover operatives to infiltrate, harass, and disrupt the Western Federation of Miners, thereby consolidating their control over the mineral resources and political processes of the western mining economies. Siringo and the Pinkertons established a pattern of antagonism between their agency and the Western Federation of Miners that persisted for the next twenty-five years.

## COLORADO: McPARLAND'S BACK YARD

Governor Peabody was certainly a good friend of the Agency.

--James McParland

In the decade since its inception in Butte City, the Western Federation of Miners became an organization of great concern for the mining interests. It was “a movement designed to bring into being a united organization among workers in the western camps,” labor historian Vernon Jenson claims, based on the recognition “that they were being used by others in a way that made it impossible for them as individuals to protect themselves.” Despite its humble origins in the 1892 Coeur d’Alene strike and subsequent Butte convention, the WFM spread rapidly through complex “in-and-out migration patterns” that facilitated “rapid diffusion of shared histories, values, and social institutions.” These informal, fraternal networks, combined with the organizing efforts of the fledgling WFM, brought the union to Cripple Creek, Colorado as the miners went on strike in 1894. The union that emerged from the Coeur d’Alene Strikes and the 1894 Cripple Creek strike faced an existential threat between 1903 and 1904 as the combined forces of the state, capital, and private detective agencies waged a war of extermination against the union. This chapter, while focused on the actions of the Pinkerton National Detective Agency, will also address their competitors in the Thiel Detective Agency, and the detectives of the Mine Owners’ Association (MOA) during the pivotal conflict in Cripple Creek.<sup>28</sup>

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<sup>28</sup> Vernon Jenson, *Heritage of Conflict: Labor Relations in the Nonferrous Metals Industry up to 1930*, (Ithaca: Cornell University Press, 1950), 54; Elizabeth Jameson, *All That Glitters: Class, Conflict, and Community in Cripple Creek*, (Chicago: University of Illinois Press, 1998), 34.

Until 1890, the Cripple Creek district did not exist, and the only settlement was a small cattle ranch owned by Robert Womack. After he struck gold, the landscape was irreversibly changed. In the span of only two years, the population of the district ballooned to five thousand, and the rush was on. “Within a decade, the district, only six miles square, held ten towns, some thirty thousand residents, and more than seven hundred producing mines.” The dispersed nature and low grade of the gold deposits made small claim prospecting economically impossible. The district quickly became an industrialized center, with capital-intensive mining producing “more than \$65 million in gold during its first decade.” Given the nature and size of the gold deposits, the Cripple Creek district attracted investment from Denver, Colorado Springs, New York, and other distant investment centers; by 1900, more than ninety per cent of the district’s mine owners were not residents of the district. Gold mining followed the trends of professionalization and specialization of American business and industry, “utilizing the services of highly trained and professional experts,” thereby turning the excited, independent prospectors of 1890-1892 into the wage laborers of 1893-1894.<sup>29</sup>

Between the rapid industrialization of the Cripple Creek District, the Panic of 1893, and the precipitous fall in silver prices, the district swelled with a population of surplus labor. Local unions affiliated with the Western Federation emerged in Cripple Creek, Altman, Anaconda, and Victor. In 1893, the first major conflict began when H.E. Locke, superintendent of the Isabella mine in Altman, “posted a notice that a ten-hour

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<sup>29</sup> Jameson, *All That Glitters*, 2-3, 22-25; Jenson, *Heritage of Conflict*, 3; for further information on the trends within American business in the late nineteenth century, see Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age*, (New York: Hill and Wang, 2007) and Alfred Chandler, *The Visible Hand: The Managerial Revolution on American Business*, (Cambridge: Belknap Press, 1977).

shift would be established on the following Monday.” Events escalated over the next several months, until the workers of the majority of the mines in the district were on strike, demanding an eight-hour day and \$3.00 per day wage. In May 1894, as negotiations failed, the miners armed themselves and fortified Bull Hill, while the county sheriff, “working in sympathy with the mineowners,” assembled a posse of twelve hundred men.<sup>30</sup>

Initially, limited violence occurred on both sides. Fearing a deadly labor war, Populist Governor Davis H. Waite asked the miners to lay down their arms and declared the Sheriff’s armed force illegal. Waite then met with the encamped miners, earning their trust as their arbitrator. On June 4, nine days after declaring the Sheriff’s posse unlawful, Governor Waite successfully negotiated with mine owners David Moffat and J.J. Hagerman for the eight-hour day at \$3.00 without discrimination between union men and non-union men in hiring. The state militia finally compelled Sheriff Bowers to disband his posse, and relative peace prevailed in the fully unionized district until 1903.<sup>31</sup>

### Colorado’s Pyramid of Mining

The mining interests took the next decade to consolidate their control on the mineral resources of the state, vertically integrating gold production from the mine to the bank. David Moffat, a prominent banker and mine owner, illustrates the vertical and horizontal integration of the industry in Colorado. He held majority shares of “the Bi-Metallic Bank of Cripple Creek, the Metallic Extraction Company, the Florence and

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<sup>30</sup> Jensen, *Heritage of Conflict*, 45; George J. Suggs, *Colorado’s War on Militant Unionism: James H. Peabody and the Western Federation of Miners*, (Detroit: Wayne State University Press, 1972) 17-21.

<sup>31</sup> Jensen, *Heritage of Conflict*, 38-53; Jameson, *All That Glitters*, 51-61.

Cripple Creek Railroad, and a multitude of mines.” Moffat and other mine owners lived outside of the district, and managed their holdings by hiring professional supervisors. To further increase profits, the milling and smelting interests consolidated the various smelters into the American Smelting and Refining Company (ASARCO) and the United States Reduction and Refining Company (USRRC). Moffat served on the board of directors of ASARCO and substantially invested in USRRC.<sup>32</sup>

Moffat’s controlling interest of mines, mills, smelters, railroads, and banks was not limited to the Cripple Creek district, nor was he the only player in the game. Much of Colorado’s economy of the era revolved around mineral extraction: gold from Cripple Creek, Telluride, and Ouray; silver and lead from Leadville and Idaho Springs; and coal from Pueblo, Trinidad, and other areas in southern Colorado. Unlike the Coeur d’Alene district in 1892, Colorado had a strong and fully functioning Pyramid of Mining in 1903. Denver served as the financial and militarist core, with banking interests financing the metallurgical operations of the ASARCO and USRRC and the individual mines scattered across the mountainous state, all connected by the local railroads. The militarism of Colorado came in several interconnected forms. The most prominent and pressing example was the Colorado National Guard, able to be deployed by the office of the Governor in case of unrest. The local sheriffs and police forces were responsible for daily operations, but often answered to local and county authorities rather than directions from the core, and occasionally came into conflict with state authorities over jurisdiction. Supporting the militia and the mine owners, private detective agencies operated in secret to preserve the power of the Pyramid of Mining.

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<sup>32</sup> Jameson, *All That Glitters*, 44-45, 64-68.

In March 1903, smelter workers of the United States Reduction and Refining Company attempted to unionize, aided by organizers from the Western Federation of Miners. The federation saw that organizing laborers all steps of the mining-metallurgical process would counter the vertical and horizontal industrial integration of the capitalists. In response, Manager Charles MacNeill fired twenty-three unionists, and the workers struck. Fifteen months later, a concerted campaign by the Mine Owners' Association, the Citizens' Alliance, the state militia and the governor, and the Pinkerton National Detective Agency, effectively ejected the W.F.M. from the Cripple Creek and San Juan districts. Despite a decade of strength in the state, the Western Federation of Miners was unable to cope with the forces of organized capital backed by the military apparatus of the state and the intelligence apparatus of the private detective industry. Furthermore, the Pinkerton and Thiel agencies used their strong ties with the Denver government, finance, and mining interests to provide both effective anti-union services and profit immensely from the unrest. The vehemently anti-union attitude of the mine owners mirrored that of the state administration and the managers of the branch offices of the private detective agencies.

The combined repression of the mining interests had several effects. The Federation lost a decade of organizing work in the Cripple Creek district, and the retreat from the district led to the organization of the Industrial Workers of the World and the radicalization of the union administration. Furthermore, the methods of James McParland and the Pinkertons, tested in the Coeur d'Alene district, again proved to be highly effective in suppressing radical unionism, emboldening McParland to attempt to

decapitate the organization following the assassination of ex-Governor Steunenberg (discussed in chapter three). Finally, capitalist anti-union rhetoric and conservative business ideology justified violating the Constitutions of the State of Colorado and the United States in the name of suppressing labor organization. The mining interests began assembling the mechanisms for the brutally effective and crippling campaign of 1903-1904 soon after their concessions in 1894, and prior to the strike of the smelter workers in Colorado City, the Pinkertons and Thiel detectives thoroughly penetrated the communities and organizations of the miners, preparing for industrial strife on a large scale.<sup>33</sup>

#### Status-quo Infiltration

Even in the absence of strike activity, mine owners frequently used the Pinkerton National Detective Agency as a means to control their labor force and to remain informed of any union organizing or activities, hiring “spotters” to report on conditions within their labor force. Despite the massive amount of paperwork generated by an undercover operative, including daily reports from the operative and weekly reports from the branch to the general manager, very few reports of undercover operatives are available. Union miners knew that any of their fellow unionists could be a spy, watching over their working habits and reporting on their union meetings. They lived with the knowledge that the men who worked with them in the shafts and drank with them in the bars could be informing the management of what they said. Non-union miners knew that attempting to

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<sup>33</sup> Melvyn Dubofsky, *We Shall Be All: A History of the Industrial Workers of the World*, ed. Joseph McCartin, (Chicago: University of Illinois Press, 2000), 22-32.

unionize could mean their discharge, as the diligent operatives reported their sentiments.

John F. Campion was a mine operator who routinely engaged private detective agencies in his mines. Campion controlled substantial mining properties in Leadville, including the Reindeer, Caribou, Ibex, and Little Johnny Mines, and was a key player among the mine owners in the 1896 Leadville Strike. He was also vice president of Denver National Bank and Denver Northwest and Pacific Railroad Company, owner of the Leadville *Herald Democrat* and an integral figure in the Denver Pyramid of Mining. Like many of Denver's business elite, Campion was "dead set against the union," and employed operatives from both the Pinkerton National Detective Agency and the Thiel Detective Agency.<sup>34</sup> Prior to the Leadville strike, Campion had Pinkerton operative, identified only as A.C.H., in his workforce. When the miners went on strike, Campion asked McParland for additional operatives, and McParland sent operatives E.F.K., H.A.A., and W.B.S. to infiltrate the striking workers. The reports of these operatives indicate the general sentiments of the strikers, and included reports on the proceedings of union meetings, the demands of the union, and the desire of the union to remain peaceful. In the early days of the strike, Operative A.C.H. reported, "a great many of the men had quit drinking since the strike and that it was their intention to remain peaceable." The primary demands were three dollars a day rather than union recognition.<sup>35</sup> While

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<sup>34</sup> *Thiel's Detective Reports*, July 1, 1899 Leadville in John F. Campion Collection, University of Colorado Library Archives, hereafter Campion Collection;

<sup>35</sup> William Pinkerton to John F. Campion, "In Continuation our Opts. report as follows," Denver, July 1, 1896, in Campion Collection; William Pinkerton to John F. Campion, "In Continuation our Opts. report as follows," Denver, July 4, 1896 in Campion Collection; William Pinkerton to John F. Campion, "In Continuation our Opts. report as follows," Denver, July 6, 1896, in Campion Collection.

Campion had only one Pinkerton operative prior to the Leadville strike, he subsequently employed several Thiel operatives to report on daily operations.

The available reports from the Thiel agency in Campion's employ show the methodology of a labor spy in a stable labor situation, as well as the exaggeration of the threats of union workers. According to the dates on the reports, Campion was a client of the Thiel agency from 1897 until 1904, if not longer. The earliest reports of the spotters are mundane, reporting on loafing within the mine, improper storage of explosives, and the activities of workers and shift bosses regarding work speed. Operative C.S. worked as a runner within the Little Johnny mine, delivering tools and explosives to the various locations, and giving him a convenient excuse to monitor the conditions in multiple areas. R.C. noted an unlicensed bar operating near the Little Johnny mine under the protection of the sheriff.<sup>36</sup> Campion and the Thiel Agency even became involved in local electioneering, as demonstrated by an unsigned report on Agency letterhead advocating the formation of a local Socialist party: "Every Socialist vote would simply be a vote taken from the People's [Populist] or Democratic parties."<sup>37</sup> While relatively benign, these reports show the extent of routine detective infiltration of trade unions.

Many later reports assumed a more malicious tone. The agency provided Campion with a roster of the Leadville Miner's Union that spans eighteen pages, listing the name, nationality, property ownership and employment, and enthusiasm towards the union. An example of the entries: "Evan Owens; Welsh; leasing; attends meetings

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<sup>36</sup> Thiel's Detective Reports, "Report of C.S. Employed in Little Johnny Mine," Denver, July 18, 1897 in Campion Collection; Thiel's Detective Reports, "Copy of Letter From R.C.," Denver, June 16 1897 in Campion Collection.

<sup>37</sup> Thiel Detective Agency to J.H. Weddle, Denver, August 2, 1898, in Campion Collection; J.H. Weddle was the manager of the Arkansas Valley Smelting Company, and a business partner of Campion.

regularly and is an agitator among the Welsh. Pat McNeil; Irish; not at work; attends meetings regularly and is in good standing financially.” If Campion were so inclined, or willing to risk a strike, he had a ready-made blacklist provided by the Thiel Agency.<sup>38</sup>

Furthermore, the operatives likewise reported conversations between the miners as a means to gauge their sentiments towards the union and the mine. This was particularly evident in 1898, as WFM President Ed Boyce encouraged local unions to form rifle clubs as a counter to the power of the mine ownership and as an exercise of the constitutional rights of the miners. Several reports highlighted the responses of union miners to Boyce’s proposal, and the Thiel men made particular note of this: “Thomas Harris expressed the hope that the [Executive] Board would soon take action on the rifle club proposition... John Jenkins... pitied any poor mortal who happened to get in the way of the union miners when they started out to attain their object.” When Campion attempted to replace some of his union workers with non-union men, the operatives reported that the miners wanted to arm themselves to resist. While it is unclear of whether this is idle posturing by miners in a bar, or an active plot by a militant local, the inclusion of these reports by the Agency shows how the operatives and Agency wanted to portray the union miners, specifically as prone to violence and supportive of class warfare.<sup>39</sup>

After the turn of the century, the tone of the operatives reflected the relative stasis of labor relations in Colorado. In 1901, Campion’s spies reported that the Leadville local of the Federation had a strength of 950 members, and was adding fifty men per week. With its newfound strength, the Leadville local aspired to control local electoral politics

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<sup>38</sup> Thiel Agency Reports, “List of Members of the C. C. M. U.,” n.d, n.p., in Campion Collection.

<sup>39</sup> Thiel Detective Agency to John F. Campion, Leadville, August 30, 1898, in Campion Collection.

and prevent the consolidation of the district by large-scale mine owners through “united action between the miners and smelters,” and keep the smelter trust from “freezing out the small leasers who are the main-stay of the union.”<sup>40</sup> While little in these reports indicates active violence against unionists by private detective agencies, the pattern of continuous and broadly based infiltration of unions by operatives suggests a wide and concerted offensive by the private detective agencies and mine ownership to disrupt union organization. As the Thiel agency was sending reports to Campion, they were also infiltrating the unions of the Coeur d’Alene district prior to the 1899 strike. Likely, they were involved in numerous operations throughout the mining districts of the West.<sup>41</sup> Union infiltration by private detective agencies was an unpleasant fact of daily life for the miners; it prepared the mine owners for the looming conflict of 1903-1904.

### The Smelter Strike

In August 1902, the Western Federation of Miners began a campaign to organize smelter and mill workers in Colorado City as part of a larger campaign to unionize all aspects of the production process. The mills and smelters of Colorado City received ore from the Cripple Creek District and processed it, an integral part of the mining process as it extracted the valuable minerals from the ore. The USRRC, ASARCO, and the Portland Gold Mining Company all operated mills and smelters in Colorado City, and the wages paid to smelter workers were substantially less than their underground counterparts, while mandating ten-hour days. Due to these long hours and dangerous conditions, the mill and

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<sup>40</sup> *Thiel Reports*, Leadville, May 17, 1901, in Campion Collection.

<sup>41</sup> J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America*, (New York: Simon & Schuster, 1997), 166.

smelter workers were receptive to unionization, and the WFM secretly organized Mill & Smelters' Union No. 125. Manager Charles MacNeill of the USRRC was recalcitrant in his opposition to unionism, and had a Pinkerton operative working in his plant, an A.H. Crane, referred to as Operative No. 5. Crane had reported to MacNeill for a significant amount of time while building his reputation with the workers, finally joining the union in the fall of 1902.<sup>42</sup>

MacNeill wasted little time in trying to destroy the union, and "instructed the agency to furnish him the names of employees" who had joined the union. He then summarily discharged the named workers, telling them "that he had discharged them simply because they had joined the Mill Men's Union." Meanwhile, Crane gained the confidence of the union men, winning the election to the position of union secretary.

In February 1903, MacNeill discharged an additional twenty-three unionists, instigating Local 125 to strike. The president of the local then appointed Crane to the strike committee, and Crane spent several weeks organizing pickets for the union while reporting to the USRRC. He was eventually exposed, and fled the angry unionists of Colorado City; the agency transferred him to Chicago.<sup>43</sup> Contrary to agency policy, McParland allowed Crane to keep a fifty-dollar tip from MacNeill because, "Mr. MacNeil [sic] has been a client of the Agency from time to time since '92, and we have at present three operatives detailed on work for him," and offending him would risk the

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<sup>42</sup> Morris Friedman, *Pinkerton's Labor Spy*, (New York: Wilshire Book Co., 1907), 30-34

<sup>43</sup> Friedman, *Pinkerton's Labor Spy*, 37-40

business of the Agency with the USRRC.<sup>44</sup> Meanwhile, at the urging of MacNeill and the smelter trust, and contrary to the wishes of the mayor and city council, Governor Peabody declared martial law in Colorado City and dispatched the state militia. Colorado City became the first city that Peabody arbitrarily militarized during the 1903-1904 conflict; the reports of Operative Crane demonstrate the role of the Pinkerton National Detective Agency in beginning and prolonging the labor conflict in Colorado.

### Industrial Unionism

While Denver's business society proscribed vertically integrated associations of workers according to the principles of industrial unionism, they felt no compunction against organizing themselves into socio-financial networks with proclaimed goals of self-protection. Similar to the mine owners of the Coeur d'Alene district, the mining interests of Colorado organized Mine Owners' Associations around 1902. Additionally, the National Association of Manufacturers began organizing employers' organizations "linked only by their consuming hostility toward organized labor" to advance open-shop legislation. James C. Craig, of Denver organized the state's first Citizen's Alliance on April 9, 1903 and quickly allied with the National Association of Manufacturers. The constitution of the Alliance "sought to encourage business stability by discouraging boycotts, strikes, lockouts, etc., by promoting friendly employer-employee relations." It was explicitly anti-union, as demonstrated by early actions against a strike at the Hurlbut

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<sup>44</sup> James McParland to George C. Bangs, Denver, April 24, 1903. Pinkerton Detective Agency Reports, University of Colorado Library Archives, hereafter UC Pinkerton Reports; Dubofsky, *We Shall Be All*, 22-25.

Grocery Company.<sup>45</sup> As the Cripple Creek strike progressed, the Citizen's Alliance and the Mine Owners' Association cooperated with the state in violent opposition to the Western Federation of Miners.

An examination of some of the prominent members of the Citizen's Alliance, the Mine Owners' Association, the state government and militia, and the private detective agencies demonstrates the power and influence of the coalition. Perhaps the most telling name on the roster was Governor James Peabody, who joined the Alliance in February 1904. John Q. McDonald, manager of the strikebound USRRC smelter in Florence, served on the state military board and was a member of the alliance, allowing an active transfer of information from the state militia to the Citizen's Alliance. The USRRC management heavily involved with both the MOA and the CA, and Peabody soon appointed MacNeill and Spencer Penrose to the National Guard as Colonels. The Supervisor of the Denver Branch office, J.C. Fraser, represented the Pinkerton National Detective Agency with the agency paying his annual dues. Sherman Bell, the Adjutant General of the Colorado National Guard, was formerly a "mine manager for the Smith-Moffat interests in Independence... His appointment undoubtedly had the endorsement of every mine owner in the state," as evidenced by their willingness to supplement his \$1,800 yearly salary by \$3,200, bringing it in line with his normal salary as mine manager. The Mine Owners' Association and the Citizen's Alliance served as a social hub and mechanism for coordinating anti-union sentiment and action throughout the Colorado conflict.<sup>46</sup>

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<sup>45</sup> Suggs, *Colorado's War on Militant Unionism*, 66-71.

<sup>46</sup> Suggs, *Colorado's War on Militant Unionism*, 80-83; Friedman, *Pinkerton's Labor Spy*, 66-68.

The interwoven nature of this network and the state administration emerged clearly at a February 1904 banquet in honor of Governor Peabody. The *Pueblo Chieftain* reported, “Every substantial and legitimate interest in Colorado was represented at a banquet tendered to Gov. James H. Peabody,” and ASARCO funded the celebration. Guests included “Men of millions, the smelting leaders, the big mining men, the reduction mills, the iron, steel and coal factors were present... Citizens’ alliances were prominent through their founders and leaders,” while the president of ASARCO, Simon Guggenheim, presided for the evening. Adjutant General Bell, MacNeill, and Moffat joined the governor at the head table, displaying the alliance of mining, militarism, finance, and smelting for all to see. Bolstered by his influential supporters, Peabody used the occasion to announce his bid for reelection, and promised to maintain the bellicose course of the previous year in the battle to destroy the Federation.<sup>47</sup>

### The Cripple Creek Strike

On August 10, 1903, the miners of the Western Federation went on strike in Cripple Creek in an attempt to stop the shipment of ore to USRRC mills and smelters. MacNeill’s refusal to negotiate with Mill & Smeltermen’s Local No. 125 engendered resentment among the WFM in Cripple Creek, who “considered the Colorado City mills part of local industry. They refined Cripple Creek ore, and their workers belonged to Cripple Creek District Miners’ Union No. 1.”<sup>48</sup> The organization of capital into trusts and vertically integrated corporations, as well as the MOA and CA, forced the WFM to

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<sup>47</sup> “Banquet in Honor of Peabody,” *Pueblo Chieftain*, February 24, 1904. James H. Peabody Papers, University of Colorado Library Archives; Suggs, *Colorado’s War on Militant Unionism*, 154.

<sup>48</sup> Jameson, *All That Glitters*, 200.

respond by organizing the workers of these industries. The sympathetic strike of the miners in Cripple Creek attempted to do just that.

As there is extensive literature on the events of the Cripple Creek strike in all of its intricacies, this chapter focuses on events in which either the Pinkerton National Detective Agency or Thiel Detective Agency was directly involved, and the effects of detective involvement in the events.<sup>49</sup> These events did not occur in isolation, and are therefore a part of the larger attempt of the mining interests to destroy the WFM in Colorado. The available reports show two distinct developments: relative calm prevailed among the striking workers, and the presence of operatives often contributed to unstable situations for the benefit of the Mine Owners' Association.

The first reports from the district indicate the relative calm, despite the presence of the militia and the declaration of martial law. Operative C.H.R. went to the Cripple Creek district a month after the general strike began, and found peaceful resistance from the strikers: "There is no radical talk or threats of any kind that I can hear, on the part of the miners, and everything is very quiet. The soldiers and miners are becoming very friendly, and I have heard expressions of sympathy from the soldiers to the miners." Despite attempts by the mine owners to recruit non-union labor, the WFM limited its interference to following the MOA agents to discourage potential non-union laborers from entering the district. Peabody's declaration of martial law gave free reign to Gen.

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<sup>49</sup> The best secondary sources on the Colorado labor strife of 1903-1904 include Jameson, *All That Glitters*, Jensen, *Heritage of Conflict*, 118-160, Suggs, *Colorado's War on Militant Unionism*, Dubofsky, *We Shall Be All*, 21-32, Lukas, *Big Trouble*, 221-31, and Mark Wyman, *Hard Rock Epic: Western Miners and the Industrial Revolution, 1860-1910*. Notable contemporary accounts that discuss the Cripple Creek Strike include Emma Florence Langdon, *The Cripple Creek Strike: a History of the Industrial Wars in Colorado*, and Friedman, *Pinkerton's Labor Spy*.

Bell and the MOA, but the union resisted the urge to respond, forcing the MOA and CA “to work some confidence act in the future, because of the failure of the bull dozing tactics used by the mine owners and militia up to date.”<sup>50</sup> Operative C.H.R.’s purpose was to gauge the sentiment in the district, rather than obstruct the strikers.

In contrast to Operative C.H.R., a secret operative in Denver worked under the direction of McParland to actively disrupt the strike at ASARCO’s Globe and Grant smelters. McParland instructed Operative No. 42, A.W. Gratias, to infiltrate the union and attempt to discredit the leadership of the WFM. His appointment as union secretary facilitated his orders from McParland, and he went to work attempting to “make [the unionists] believe they are entitled to some money or some benefits from the W. F. of M., to cause them to become dissatisfied.” Unwittingly, the striking unionists soon elected Operative 42 as chair of the relief committee, and he padded the expense rolls in an attempt to dry out the strike fund of the W.F.M. His subsequent election as president of the local created “the unique spectacle of a Pinkerton spy, under the direct orders of Manager MacParland [sic], as president of a Western Federation of Miners' local union, and directing a bitter strike against the smelter trust.” His generosity with strike funds earned him a ticket to the 1904 convention, the proceedings of which he dutifully reported to McParland and the MOA. McParland then instructed Gratias to cut the relief to “an extent that would almost starve the strikers,” while blaming WFM Secretary-Treasurer “Big Bill” Haywood. Despite this interference, the Denver smeltermen stayed

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<sup>50</sup> Operative C.H.R. Reports, Cripple Creek, September 9, 1903, in UC Pinkerton Reports; Operative C.H.R. Reports, Cripple Creek, September 26, 1903, in UC Pinkerton Reports.

on strike until August 1904; the work of Operative 42 demonstrates the depth of detective penetration into the striking union.<sup>51</sup>

The Thiel Agency did not remain on the sidelines of the conflict either, and their attempt to disrupt the Federation strike was far more malignant than the actions of Pinkerton Operatives C.H.R and No. 42. As C.H.R. stated, plans to “work some confidence act in the future,” were underway within the Thiel Agency.<sup>52</sup> On November 14, 1903, railroad workers discovered several spikes missing from a curved section of the Florence and Cripple Creek (F&CC) railroad near Anaconda and alerted the engineer of an oncoming train. Two nights later, workers discovered another sabotaged section of track.

Several days later, MOA Detective Sterling and F&CC Detective Scott arrested Herschel H. McKinney, a former WFM miner, who confessed to removing the spikes. McKinney quickly implicated the leadership of the Cripple Creek Unions, “Sherman Parker, president of District Union No. 1; W.F. Davis, president of the Altman local; and Thomas Foster, an Altman WFM activist.” When interviewed by WFM attorney Frank Hangs, McKinney retracted his confession and stated, “he had been promised immunity from punishment, and also \$1,000, and transportation for himself and wife to any part of the world he might wish to go.” During the February 1904 trial of Parker, Davis, and Foster, McKinney testified to removing the spikes at the behest of Scott and Sterling.<sup>53</sup>

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<sup>51</sup> “Operative No. 42 Reports”, in Friedman, *Pinkerton’s Labor Spy*, 52-60

<sup>52</sup> See note 23.

<sup>53</sup> Jameson, *All That Glitters*, 210-211; Carroll Wright, A Report on Labor Disturbances in the State of Colorado, from 1880 to 1904, Inclusive, with Correspondence Relating Thereto. S. Doc. No. 122-58 at 189-192 (1905), hereafter Report on Labor Disturbances.

The trial exposed the extent of the conspiracy to convict the labor leaders. Aside from McKinney implicating Sterling and Scott, Thiel Operative Charles Beckman testified to his infiltration of the WFM, agitating strikers to violence, and working with McKinney, Scott, and Sterling to sabotage the tracks. Following Beckman's testimony, Scott admitted to overseeing the derailment attempt on November 14. Further,

on the night of November 16 he was accompanied by Charles Beckman, a detective of Thiel's Detective Agency, who was employed by the Mine Owners' Association; that he [Scott] and Beckman picked out the place for derailing the train; that Beckman pulled spikes from the rails while McKinney pulled burrs off the fish plates with a wrench.

Clearly, the attempted derailment was a plot by private detectives, unsanctioned by any state body and unaccountable to anyone besides their employers, to destroy railroad property and, potentially, to kill a large number of people while blaming the Western Federation of Miners. The defense argued that it was an attempt to get federal troops deployed to the Cripple Creek district, since the relative calm of the striking miners made the presence of the state militia appear unwarranted. While there is no indication of Pinkerton involvement, the tactic of creating an incident, having the perpetrator implicate union leaders as accomplices, and then trying the union leadership on conspiracy charges was effective in sidelining union leadership while discrediting the union in the press and in public opinion.<sup>54</sup>

The early months of the Cripple Creek Strike demonstrates two major trends. The majority of the unrest was the result of either militia presence, or instigated by the Mine Owners' Association and their allies. The Western Federation of Miners remained largely peaceful, thereby raising questions about the necessity of the militia in the district. The

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<sup>54</sup> Report on Labor Disturbances, 190-193; Dubofsky, *We Shall Be All*, 28; Jameson, *All That Glitters*, 211.

creation of an incident by the Detectives of the MOA and Thiel Agency provided Governor Peabody with the excuse for a declaration of martial law in the district on December 4, 1903, stripping the power from local civil authorities and vesting it in the military.

### Telluride

While the Cripple Creek District was on strike, similar events were progressing high in the San Juan Mountains. Vernon Jenson considered the Telluride strike “as another front in the same battle” of the Mine Owners’ Association and the WFM. On September 1, 1903, the mill workers struck for the eight-hour day, rather than the current twelve-hour shifts. Subsequently, most of the district mines suspended operations, as there was no further capacity for unrefined ore. On October 31, the owners of the Tom Boy mine attempted to restart their mill with non-union labor, and the miners struck. The Mine Owners’ Association petitioned Peabody for troops: “they admitted that the situation was peaceful, but declared that they intended to open their mines shortly, and insisted that when the mines were reopened with nonunion miners trouble would be sure to begin immediately.” On November 20, Peabody graciously dispatched two companies of cavalry and six of infantry, totaling 500 men. The subsequent militarization of the district remains one of the most blatant displays of the state militia supporting the goals of the mining interests.<sup>55</sup>

Raw militarism and frequent deportations characterize the Telluride strike. As the stated goal of the MOA was to restart their mines and mills without union labor and with

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<sup>55</sup> Jensen, *Heritage of Conflict*, 140-145; Report on Labor Disturbances, 194-196.

the backing of the militia, the union had to go. Major Zeph Hill, commander of the militia in Telluride wasted little time in requesting a few Pinkerton operatives to infiltrate the strikers. He contacted the Telluride MOA, “only to learn that it had already employed an agent who was on the scene and that the mine owners wanted the matter kept strictly secret.” In the early days of the Telluride strike, the cooperation between the militia and the Pinkertons is fully evident, with the Agency operating as an intelligence service for both the militia and the Mine Owners’ Association.<sup>56</sup>

Operative No. 36, George W. Riddell, had been in place in Telluride since 1902. Riddell was “a practical quartz miner, uncommonly shrewd,” and he quickly secured employment and joined the union. According to Friedman, his task was “to discover... the Inner Circle that directed the outrages alleged to be perpetrated by the Telluride Local.” The Telluride mine owners retained the services of the Agency after the 1902 shotgun murder of Arthur Collins, superintendent of the Smuggler-Union mine. Friedman is not specific as to which mine employed Riddell, but he notes that “he was on terms of great intimacy with Vincent St. John and all the other leaders of the union at Telluride.” Riddell’s usefulness ended with Peabody’s declaration of conditions “bordering on absolute insurrection and rebellion” of January 3, 1904, as the militia, MOA, and CA could now freely persecute the union. In his declaration of martial law, Peabody cited “a condition... bordering on absolute insurrection and rebellion,” and authorized Hill to “use such means as he may deem right and proper... to restore peace... and enforce complete obedience to the constitution and laws of the State.”<sup>57</sup> Hill used his

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<sup>56</sup> Suggs, *Colorado’s War on Militant Unionism*, 129

<sup>57</sup> Report on Labor Disturbances, 198, Jenson, *Heritage of Conflict*, 141.

new powers to confiscate the firearms of unionists, impose a curfew, censor the local press and telegraph, and deport strikers to other cities in Colorado. Furthermore, Hill “employed the Pinkerton Detective Agency to investigate several Italian aliens,” based on a list of fugitives obtained from the Italian Secret Service.<sup>58</sup>

The draconian measures implemented by Hill successfully suppressed the union in Telluride, and Peabody revoked his declaration of formal martial law on March 11, 1904. While the district was under martial law, a local company of cavalry formed, electing Bulkeley Wells as their captain. Wells, supervisor of the Smuggler-Union mine, “had led the employers’ opposition to the local miners’ union,” and was “a charter member of the San Juan Mine Operators’ Association.” He “became both an agent of the state and the local employers’ associations.” Additionally, as the troop was largely composed of “men who had endorsed the petition” to Peabody for a declaration of martial law, their anti-union purpose was clear. While the end of martial law effectively disbanded Troop A, Wells remained active in the district, leading a mob of “mine owners, mine operators, bankers, merchants, and gamblers,” in an armed deportation of unionists and sympathizers on March 15. Peabody’s successor, Governor McDonald, appointed Wells as his Adjutant General. Ultimately, he was instrumental in the 1906 capture and extradition of Haywood, Moyer and Pettibone to Idaho. McParland considered Wells a close friend and “a man of intelligence [and] a man of nerve.”<sup>59</sup>

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<sup>58</sup> Suggs, *Colorado’s War on Militant Unionism*, 130-135.

<sup>59</sup> Suggs, *Colorado’s War on Militant Unionism*, 137-140; Wm. Pinkerton to Frank Gooding, “Mgr. James McParland reports,” Denver, February 16, 1906, in *Reports of Pinkerton’s National Detective Agency relating to the Western Federation of Miners, 1906-1907* (Boise: Idaho Historical Society, 1959), Microfilm, hereafter *Reports*

### The Independence Depot Explosion and Victor Deportations

The Cripple Creek district remained relatively quiet under martial law, and, facing the high cost of the occupation, Peabody gradually withdrew the militia. By April 11, all but twenty-five of the remaining troops left the district, and a general calm prevailed. The Western Federation of Miners persisted, and several district mines operated either as open shops or with nonunion labor. Governor Peabody took advantage of the relative calm to attend the 1904 Louisiana Purchase Exposition in St. Louis, eager to dispel the news of labor unrest in his state while attracting new investment.<sup>60</sup>

The relative calm in the district came to an abrupt end on June 6, 1904. At 2:15 a.m., a bomb exploded at the Independence depot in Victor, killing thirteen and wounding six non-union miners. While the perpetrator of the blast remains unknown, the Mine Owners' Association, the Citizen's Alliance and the militia used the incident to depose the civil government in the Cripple Creek district, deport hundreds of union miners, close the union's cooperative stores and the open-shop Portland mine, and finally destroy the union in the district. General Reardon of the militia actually welcomed the blast, telling Pinkerton operative J.N. Londoner "it was a d.... good thing to get a little advertising with... We've been too d.... quiet in the district, and now my home town's going to furnish a little music for the boys."<sup>61</sup>

Within hours, a committee of the Citizen's Alliance and Mine Owners' Association forced Sheriff Robertson to resign or be hanged on the spot. While most accounts of Robertson's resignation speak of a coiled rope, Elizabeth Jameson, using

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<sup>60</sup> Suggs, *Colorado's War on Militant Unionism*, 110-113.

<sup>61</sup> Friedman, *The Pinkerton's Labor Spy*, 103.

photographic evidence, argues convincingly that the rope was around Robertson's neck when he resigned. This ad hoc committee forced several other officials, including the coroner, to resign because of their sympathies to the Federation.<sup>62</sup>

While the mining interests were suspending the civil process of Teller County, Pinkerton Agents were involved in the unrest in the town of Victor. Immediately after the blast, J.N. Londoner travelled to the scene of the explosion. His reports illuminate a charged and confusing set of events. Londoner was a known Pinkerton operative, and "As soon as I showed my face at the Armory, I was made a deputy sheriff and told to kill any union man or sympathizer that said a word to me. All the mine owners, managers, and superintendents are commissioned as deputy sheriffs." Mob rule, under the guidance of the Citizen's Alliance and Mine Owners' Association, was the order of the day.<sup>63</sup>

Over the next two days, Londoner worked closely with another Pinkerton operative, Arthur C. Cole. Cole, also known as Operative 28, was "a visible partisan of Colorado's Mine Owners Association." He also served as the "secretary of the Citizens' Alliance of Cripple Creek." He was also a "lieutenant of Company L of the Colorado National Guard." When gunfire broke out at a public meeting called by the MOA, Company L surrounded the union hall, "I [Cole] was in command of the soldiers that did the shooting... I gave orders to shoot any one in the windows of Union Hall." After "twenty minutes of continuous firing, the miners exhibited a white flag from the windows of their hall." The militia company then assisted in rounding up the unionists and sympathizers into the bullpens to await the vigilance committee and deportation.

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<sup>62</sup> Jameson, *All That Glitters*, photographs, 218.

<sup>63</sup> Friedman, *The Pinkerton Labor Spy*, 101-106.

Operative 28's leadership role in the Citizen's Alliance and command position in the militia presents the unique circumstances of a Pinkerton operative actively working within the network of anti-union activity and ordering the indiscriminate use of deadly force on unionists.<sup>64</sup>

The confusion and chaos of the Independence depot explosion and Victor riots raises numerous questions while illuminating the power of the mining interests in the Cripple Creek district. Given the speed with which the Citizen's Alliance usurped the civil process, was there a plan to do so prior to the independence depot bombing? Was the Citizen's Alliance merely waiting for an incident to justify their actions? While Operative 28's role in the state militia is quite clear, what role did he play in dismantling the duly elected government, given his position as secretary of the Cripple Creek Citizen's Alliance? As Adjutant General Bell ordered the forcible closure of the open-shop Portland mine after the depot bombing, how did J.N. Londoner's actions on June 6 affect this closure? If the Citizen's Alliance had not deposed Sheriff Robertson in the middle of his investigation into the bombing, would he have found conclusive evidence? What role did Harry Orchard (the subject of chapter three) play in the events in Cripple Creek, given that he confessed to every unsolved murder and explosion in his autobiography, and was he associated with the Mine Owners' Association and in Victor on the day of the explosion, as several separate reports indicate?<sup>65</sup> Finally, given that

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<sup>64</sup> Lukas, *Big Trouble*, 447; "Following is a special report of No. 28", Victor, April 30, 1907, in *Reports*; Friedman, *The Pinkerton Labor Spy*, 105.

<sup>65</sup> Wm. Pinkerton to Frank Gooding, "No. 28 reports," Victor, January 29, 1907; Wm. Pinkerton to Frank Gooding, "No. 28 reports," Victor, February 2, 1907; "Manager J. McP. reports," Denver, April 29, 1907; "No. 28 reports," Victor, April 29, 1907 in *Reports*. These reports all indicate either that Orchard was associated with the Mine Owners' Association or with MOA Detective Sterling, and report interviews with multiple people.

there were two known operatives in the Cripple Creek district on the day of the depot explosion, how many secret operatives of either the Pinkerton National Detective Agency or Thiel Agency were in place at the same time? What role did they play in identifying unionists for deportation? While the identity of the bomber remains unknown, the beneficiaries of the explosion were the mine owners, the Citizen's Alliance, and the state.

### An Industrial Union

Following the Independence Depot Explosion and deportations of unionists from the Cripple Creek and San Juan mining districts, the Western Federation of Miners was reeling. In just over fifteen months, the concerted campaign of the mining and financial interests successfully reduced the union's influence in Colorado through infiltration, violence, intimidation, disruption of civil and legal processes, and the raw militarism of the state. The extreme actions of the state executive in supporting Colorado's Pyramid of Mining polarized the conflict into capital and property interests against labor.

A letter from Ely, Nevada demonstrates the success of the MOA-CA-Pinkerton-state coalition, as L.M. Requa desired to start a Citizen's Alliance and expel the federation:

Mr. Requa stated that it was the intention of the mine owners and merchants of Ely, Nev. to form a Citizens' Alliance... He said that probably in the course of a month or six weeks they would want an operative from this office who is a member of the W. F. of M. in good standing to proceed to Ely and get to work, as the organization they expected to combat was the W. F. of M.

Requa planned to use both the Pinkertons and a force of strikebreakers and non-union miners from his mines and from the Ely mining district using the same blueprint as the

Mine Owners' Association of Colorado.<sup>66</sup> The Citizen's Alliance and Mine Owners' Association of Colorado proved that they could effectively combat unionism, and similarly conservative organizations throughout the mineral-rich American West quickly followed suit. Paraphrasing General Sherman Bell, the goal was "to do up this damned anarchistic federation."<sup>67</sup>

The repression inspired the Western Federation of Miners to embrace the principles of industrial unionism. The actions of the MOA and CA "convinced Western workers that labor and capital could never coexist peacefully." If capital integrated vertically and horizontally, labor needed to do the same. The general strike of mine, mill, and smelter workers against the predatory practices of USRRC and ASARCO proved the power of the industrial union in how quickly the state apparatus and mining interests reacted. To that end, the Industrial Workers of the World organized in Chicago, and the Western Federation of Miners affiliated with the IWW as the Mining Department, with Charles Moyer serving on the executive board and "Big Bill" Haywood playing an influential role. Furthermore, the WFM "financed the new organization," and it "held the balance of power at the first convention" due to its large membership and financial capabilities. While the WFM would later break ties with the IWW, it is important to note that the Federation reacted to the repression of the state by moving in a more radical direction rather than retreating.<sup>68</sup>

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<sup>66</sup> B. F. Kemble to James McParland, "Prospective Work", San Francisco, May 20, 1904, in Pinkerton Detective Agency Reports, University of Colorado Library Archives.

<sup>67</sup> Dubofsky, *We Shall Be All*, 28.

<sup>68</sup> Dubofsky, *We Shall Be All*, 33-49; Jensen, *Heritage of Conflict*, 170, 160-196.

Finally, the private detective agencies came out of the Cripple Creek conflict as clear winners. Not only was the Western Federation of Miners expelled from many of the Colorado mining camps, but also the undercover and overt operatives detailed to the destruction of the union brought a large profit to the agencies. The Pinkertons billed eight dollars per operative per day, regardless of the results, with the time of superintendents costing even more. Operative 36, working in Telluride, cost the MOA more than \$7,000 and never found evidence of an “inner circle” conspiracy.<sup>69</sup> Judging by the number of operatives employed, the mine owners found the services of the agency to be well worth the cost, and McParland’s office remained busy with new contracts in Colorado, Wyoming, Nevada, and California, infiltrating unions of coal miners, railroad workers, and hard rock miners. McParland’s successes in Colorado between 1903-1904 emboldened him to pursue Haywood, Moyer, and Pettibone in Idaho in 1906-1907.

The actions of Governor Peabody in suppressing the Western Federation of Miners divided the population along economic lines, as Peabody’s allegiance to private property and capital was abundantly clear in his behavior. That the mining interests supported his every action is given, the legality of many of his actions is doubtful. These constitutional concerns did not trouble McParland:

While a great deal that was done by Governor Peabody in the emergency that has existed for the past year in Colorado is not only approved by me and every official of the Agency here in Denver, but by a large number of our prominent citizens all over the state, at the same time there are few, if any, of us, that are willing to admit that all of the acts of Governor Peabody were in accordance with the constitution of the United States or the State of Colorado; therefore, this is a matter to be threshed out in the courts.

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<sup>69</sup> Friedman, *Pinkerton Labor Spy*, 119.

In the minds of the “prominent citizens” of Colorado, the un-American Western Federation of Miners had to go. Peabody, McParland, and the mining interests were willing to violate state and federal law to dispose of the union. The Pinkerton National Detective Agency supported Peabody, and “Governor Peabody was certainly a good friend of the Agency.”<sup>70</sup> The Pyramid of Mining refused to concede any of its power to its workers, and violently upheld the status-quo; the Pinkerton National Detective Agency was an integral component.

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<sup>70</sup> James McParland to George Bangs, Denver, January 10, 1905, in Pinkerton Detective Agency Reports, University of Colorado Library Archives.

## THE STATE V. THE FEDERATION

“In fact it was a life and death struggle between the Western Federation of Miners and the Mine Owners and other good citizens of the western states.”

—James McParland

On the icy evening of December 30, 1905, a bomb exploded by the gate of Frank Steunenberg’s mansion. The blast threw Steunenberg to the ground, shredding half of his body. He died within hours. Steunenberg was closing the gate to his property when the blast occurred; citizens and detectives later found bits of wood and iron from the gate several hundred feet away. The murder shattered the provincial calm of the small town of Caldwell, Idaho and thrust it into the national spotlight. Frank Steunenberg had been the governor of Idaho during the tumultuous 1899 Coeur d’Alene Strike; it was not every day that brought the dynamite assassination of an ex-governor hostile to organized labor. The combination of the violent circumstances of his death and his record of support of the mining interests brought forth legions of detectives and journalists; unionists, socialists, and progressives followed suit, further charging and complicating a tense political situation.

Organized labor initially imagined that Steunenberg, elected on a fusion Populist-Democrat platform in 1897, would be friendly to their interests. Steunenberg quickly demonstrated that he opposed the interests of labor when the Western Federation of Miners went on strike in 1899. At the behest of the Coeur d’Alene Mine Owners Association, the Governor declared martial law in the district and requested federal troops to suppress the strike; the McKinley administration complied, dispatching the 24<sup>th</sup> Infantry, a black regiment fresh from combat in Cuba. To break the strike, the

infantrymen rounded up every adult male in Burke, Idaho, imprisoning them in makeshift “bullpens.” Steunenberg’s quick sanctioning of corporate force and subsequent prosecution of unionists during the 1899 strike evoked a cold hatred from the Western Federation of Miners, as the Federation perceived him as a supporter of organized capital and a component of the network of power of the mining interests.<sup>71</sup>

After his single term as governor ended in 1901, Steunenberg returned to his home in Caldwell and to relative obscurity. A small city west of Boise; Caldwell’s position as a rail depot on the Oregon Short Line gave it disproportionate influence in state politics despite its status as an irrigated agricultural town. Caldwell claimed Steunenberg as a prominent citizen before his rise to the governorship; he had been involved in the local newspaper, real estate, sheep ranching, mining speculation and other business ventures. Steunenberg’s brother, A.K., ran one of the local banks.<sup>72</sup> J. Anthony Lukas, author of *Big Trouble*, estimates that “the governor was worth more than \$55,000,” a sum equivalent to more than a million dollars today. Steunenberg’s prosperity mirrored Caldwell’s prosperity. Due to its position as a regional core and transportation hub, and promised federal investment in irrigation infrastructure, Caldwell grew rapidly from its humble base in the arid Snake River valley to become the seat of Canyon County, thriving “on the sheer exuberance of the late-nineteenth century American capitalism.”<sup>73</sup> Caldwell was a city characterized by limited frontier violence,

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<sup>71</sup> J. Anthony Lukas, *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America*, (New York: Simon and Schuster, 1997), 112-118.

<sup>72</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, February 2, 1906, in *Reports of Pinkerton’s National Detective Agency relating to the Western Federation of Miners, 1906-1907*, James Hawley Papers, (Boise: Idaho Historical Society, 1959), Microfilm, hereafter *Reports*.

<sup>73</sup> Lukas, *Big Trouble*, 22-39.

regional political aspirations as a prosperous town in a fledgling state, and an identity grounded in its lands.

The status-quo calm of Caldwell was another casualty of the explosion that killed the ex-governor. Immediately following the blast, friends of the Steunenberg's and residents of Caldwell rushed to the icy scene. The townspeople formed a posse, and the sheriff hastily deputized men to guard the periphery of the town and monitor the railroad depot. This dragnet caught several persons of interest, including Harry Orchard (alias Tom Hogan), who later confessed to the bombing and numerous other crimes as state's witness. (Orchard's role will be discussed below.)

Frank Gooding, Governor of Idaho, demanded a special train from Boise to Caldwell, arriving on the scene within five hours. On his train, Gooding brought William Borah, special prosecutor, Chief Justice Smith, and a promised reward of ten thousand dollars from the Coeur d'Alene Mine Owners' Association for the capture of Steunenberg's killer. Gooding was the first of the out of town visitors to exercise considerable influence in the subsequent events. He would not be the last, as the town soon swelled with outsiders. Within two days, a coterie of detectives from the Spokane branch of the Thiel Detective Agency arrived under the command of "Captain" Swain. His arrival marked the shift of control of the investigation from the local law enforcement and judicial network to the coalition of the state and the mining interests. The arrival of Pinkerton National Detective Agency Western Division Manager James McParland's on January 10, 1907 finalized this transition, centralizing the power in the state-corporate network and marginalizing the residents of Caldwell and Canyon County from the

judicial process.<sup>74</sup>

Within three hours of his arrival in Boise, McParland met with Governor Gooding and the Chief Justice of the Idaho Supreme Court, E. C. Stockslager. At this meeting, McParland emphasized that the prime suspect, Harry Orchard, “was the tool of the others,” notably the Inner Circle of the Western Federation of Miners.<sup>75</sup> Despite McParland’s extensive experience as a Pinkerton detective specializing in labor unrest, it is a stretch to see how a vast, secret, interstate conspiracy could feasibly be unearthed in three hours, part of which was spent in securing a hotel room and eating dinner. Clearly, McParland brought some preconceived notions to his investigation of the assassination of Steunenberg. Aside from his ideas about who was ultimately responsible for the bombing, McParland carried the legacy of the recent Cripple Creek conflict, as he “had been one of the principle actors... a trusted strategist and advisor to” the Colorado Mine Owners Association, and the Colorado Citizen’s Alliance.<sup>76</sup> McParland maintained intimate friendships with the mine owners and Governor McDonald of Colorado. He arrived with a mandate to pursue and break the Western Federation of Miners, whom he considered to be “the bloodiest crowd of anarchists that ever existed... in the civilized world, not even excepting Russia.”<sup>77</sup> The State of Idaho may have hired the Pinkerton National Detective Agency, but the agency was working for the Colorado and Coeur d’Alene Mine Owners Associations.

The rapid, decisive, and influential involvement of the Pinkertons in the

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<sup>74</sup> Lukas, *Big Trouble*, 49-59.

<sup>75</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, January 10, 1906, in *Reports*.

<sup>76</sup> Lukas, *Big Trouble*, 251.

<sup>77</sup> James McParland to Luther Goddard, Boise, February 9, 1906, in *Reports*.

Steunenberg affair raises several important questions that need to be resolved. First, and the subject of this chapter, is to what extent did the power networks of the mining interests, as represented by the Pinkertons, affect the due process of law with their involvement in the investigation? Second, Harry Orchard's character, motivations, and associations paint a conflicted picture of the State's prize witness, since McParland extracted and recorded Orchard's testimony without any witnesses or official oversight. Third, did the tactics and techniques of the Pinkertons compromise the legitimacy of the judicial proceedings, and, if so, what is the culpability of the state in allowing this? Fourth, to what extent did the mining interests and Pinkertons assume the role of the state in the prosecution of the Executive Committee of the Western Federation of Miners, thereby sidelining the constitutional government? Finally, did the Steunenberg affair change the networks of power of the Pyramid of Mining?

Nearly two years after Steunenberg's death, the jury acquitted Haywood. Despite his exoneration, the capture, confinement, and trial of the labor leaders had broad and lasting implications. As they left the Ada county jail, Haywood and Moyer went in different ideological directions. Haywood, thoroughly radicalized by his experiences in Cripple Creek and in Idaho, began actively organizing with the Industrial Workers of the World, and spent the rest of his activist career with them. The IWW fully embraced the radical philosophies of communism and syndicalism. Moyer took the WFM away from radicalism and towards trade unionism. The press coverage of the Steunenberg trial portrayed both organizations as violent, radical, and dangerous, thus cementing their reputation in public opinion. The Pinkerton National Detective Agency, having failed to

convict the executive committee of the WFM, returned to simple infiltration and disruption of mining labor rather than grand attempts to convict the leadership, while mineral extraction continued to be extremely profitable in the American West.

There is a considerable gap in the historiography of the Steunenberg affair in regards to the Pinkerton National Detective Agency. The available histories of the Pinkertons treat McParland and his detectives as a proto-federal law enforcement service, as they “answered a need in America at a critical juncture,” responding to the market-driven laws of “supply and demand.”<sup>78</sup> According to James Horan, the Pinkertons “solved the dynamite murder of former Governor Steunenberg of Idaho and were principles in the trial of Big Bill Haywood and the officials of the Western Federation of Miners.” However, Horan’s treatment of the Pinkerton National Detective Agency is from a novelist’s perspective and intended for mass consumption; his primary source is Harry Orchard’s confession. Furthermore, Horan titled his section on the WFM “The Undesirable Citizens,” a quote from Theodore Roosevelt that he used out of context.<sup>79</sup>

The labor historiography of the late 1960s and early 1970s takes a more critical stance on the issue of Pinkerton involvement in the Steunenberg assassination and Haywood trial. Melvyn Dubofsky addresses the Steunenberg trial in several of his works, but through the lens of a labor historian detailing the rise of the Industrial Workers of the World, and a transformative event in the life of “Big Bill” Haywood in his biography of

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<sup>78</sup> James Horan, preface to *Thirty Years a Detective* by Allan Pinkerton, repr. (Montclair, N.J., Patterson Smith, 1975), xx.

<sup>79</sup> James Horan, *The Pinkertons: The Detective Dynasty That Made History*, (New York: Crown, 1967), x, 453-479;

Haywood.<sup>80</sup> Dubofsky also views it as the capstone of the conflicted career of James Hawley, prosecuting attorney.<sup>81</sup> Other notable labor historians give the Steunenberg case and the Pinkerton involvement only cursory treatment.

The authoritative study of the events in Caldwell is J. Anthony Lukas's *Big Trouble: A Murder in a Small Western Town Sets Off a Struggle for the Soul of America*. Published posthumously, Lukas's eight-hundred-page work examines nearly every imaginable angle in detail. However, he fails to effectively analyze the power structures of corporate mining and the state apparatus. Lukas, approaching the matter as a journalist, details the events of 1906-1907 in a narrative fashion with frequent digressions into the biographies of the historical actors. Regardless of its flaws, *Big Trouble* is invaluable in understanding the events in Caldwell.<sup>82</sup>

### Suspects

Among the most controversial figures involved in the Steunenberg assassination was Harry Orchard. Born Albert Horsley in Ontario, his life story was initially typical of the dispossessed, itinerant laborers of the American West in the Gilded Age. Orchard fled a wife and an attempt at insurance fraud in Ontario and set out for the American frontier in 1896; three years after Frederick Jackson Turner declared it closed. In 1899, after several odd jobs and failed business attempts, Orchard found employment as a mucker in

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<sup>80</sup> Melvyn Dubofsky, *We Shall Be All: a History of the Industrial Workers of the World*, abr. ed. Joseph McCartin, (Urbana: University of Illinois Press, 2000); Melvyn Dubofsky, *Big Bill Haywood*, (New York: St. Martins, 1987).

<sup>81</sup> Melvyn Dubofsky, "James H. Hawley and the Origins of the Haywood Case," *Pacific Northwest Quarterly* 58, no.1 (1967), <http://www.jstor.org/stable/40488225>

<sup>82</sup> Lukas, *Big Trouble*.

the Coeur d'Alene mining district, through which he joined the Western Federation of Miners. While a majority of miners settled near their mines, a regular population was itinerant, "destined to drift from one ramshackle mining camp to another in a futile quest for western autonomy."<sup>83</sup> Depending on job availability, wages, and working conditions, single male miners frequently relocated to other mining districts. Orchard relocated to the Cripple Creek District in 1902, "the finest mining-camp to work at that there is in the country, if not the world," he declared.<sup>84</sup> When the Western Federation of Miners went on strike in 1903, Harry Orchard followed. During the strike, Orchard became involved with the Mine Owners Association and detectives from the Florence and Cripple Creek Railroad. He eventually made his way to Caldwell, Idaho, where he assassinated Frank Steunenberg with a homemade bomb.<sup>85</sup>

Orchard remained in town for two days until the deputy sheriff came to arrest him. In his room, the ad hoc investigating committee discovered bomb-making materials, and Orchard emerged as the primary suspect. While imprisoned in the Canyon County jail, Thiel detectives posing as prisoners and the deputy sheriff questioned Orchard; he maintained his innocence. Under the direction of James McParland, the State of Idaho ordered the transfer of Orchard to the state penitentiary and to solitary confinement on murderer's row. McParland requested this transfer two days after his arrival in Boise in a meeting with Governor Gooding and Judge Smith, scheduled to preside over Orchard's

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<sup>83</sup> Lukas, *Big Trouble*, 101.

<sup>84</sup> Harry Orchard, *The Confession and Autobiography of Harry Orchard*, (New York: S.S. McClure, 1907), [http://darrow.law.umn.edu/documents/Confessions\\_and\\_Autobiography\\_of\\_Harry\\_Orchard.pdf](http://darrow.law.umn.edu/documents/Confessions_and_Autobiography_of_Harry_Orchard.pdf), 14-49.

<sup>85</sup> Orchard, *Confession*, 196-223.

upcoming trial.<sup>86</sup>

With Orchard effectively isolated in the penitentiary, McParland gained exclusive access to the prime suspect in the assassination; the warden, on McParland's instructions, limited Orchard's access to his attorney. Additionally, McParland ordered the guards to watch Orchard without speaking to him or acknowledging him for several days.<sup>87</sup> During their first meeting, Orchard expressed his displeasure at his confinement: "he did not think he had been treated right in being placed in the state penitentiary before he had been convicted and being guarded day and night. [McParland] explained that the taking of him to the penitentiary was for the purpose of protecting him."<sup>88</sup> In most versions of the story of Orchard's capture and confinement, the subtle hand of McParland directs every move of the state, glorifying McParland's detective acumen in creating the conditions for Orchard's subsequent testimony. However, this narrative approach obfuscates a pressing question: why was an *ordinary* citizen of a separate state able to order the judicial and executive apparatus of the State of Idaho to hold a suspect, transfer him to another county while denying his right of *habeas corpus*, and then create the conditions to extract a confession?

Orchard's confession became the lynchpin of the prosecution. In the space of one hundred and fifty pages, Orchard admitted guilt in several bombings, eighteen separate murders, and numerous other crimes while alluding to a larger conspiracy of the Inner

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<sup>86</sup> William Pinkerton to Frank Gooding, "Manager McParland Reports," Boise, January 18, 1906, in *Reports*.

<sup>87</sup> James McParland to J.C. Fraser, Boise, January 13, 1906, Records of the Pinkerton National Detective Agency, Library of Congress, Washington.

<sup>88</sup> William Pinkerton to Frank Gooding, "Manager McParland Reports," Boise, January 22, 1906, in *Reports*.

Circle of the Western Federation of Miners during their reign of terror. The initial copy, recorded by McParland's stenographer, is in a question and answer format; Orchard later detailed his crimes, life story, and conversion in his autobiography.<sup>89</sup> How did McParland get this confession? He ordered the warden to "keep the death watch on him for about three days and nights," while denying Orchard "any visitors save his lawyers to see him (as the latter will be in Spokane its not likely they will visit Boise for sometime)."<sup>90</sup>

When Orchard finally met McParland, he had been isolated and deprived of sleep for three days. McParland told Orchard that he believed the assassination of Steunenberg was part of the WFM conspiracy, but that "we had proof positive of his guilt and would hang him upon the proof in our possession, but as he was but the tool of the power behind the throne, the Inner Circle, the hanging of him would be very little satisfaction."<sup>91</sup>

Orchard faced a bleak choice. He could confess to his role in the alleged WFM conspiracy and become the state's star witness, or McParland would have him hanged by the state. Orchard confessed.

Armed with Orchard's confession, the Pinkertons and the state needed two things. Orchard's story needed to be collaborated. This meant that the state or the Pinkertons would have to capture Orchard's alleged co-conspirator, Steve Adams. Also, as Orchard had confessed, someone else had to hang for the death of Idaho's former governor, or justice would be denied. Who better but the Executive Committee of the Western Federation of Miners? McParland began detailing a plan to capture William "Big Bill"

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<sup>89</sup> Orchard, *Confession*.

<sup>90</sup> McParland to Fraser, Boise, January 13, 1906, in *Reports*.

<sup>91</sup> William Pinkerton to Frank Gooding, "Manager McParland Reports," Boise, January 25, 1906, in *Reports*.

Haywood, Charles Moyer, and George Pettibone from Denver, Colorado and to transport them to Idaho to stand trial. These two objectives had to be achieved simultaneously, as McParland feared that Haywood, Moyer, and Pettibone would flee when they heard of the capture of Adams. All of these arrests required crossing state lines, and therefore the permission or cooperation of the state and local authorities. Unfortunately for Moyer, Haywood, and Pettibone, the Mine Owners Association exercised considerable influence in Colorado politics, despite the resignation of Governor Peabody in 1905.<sup>92</sup>

### The Extradition

The detention and transportation of Haywood, Moyer, and Pettibone was controversial since the Pinkerton National Detective Agency, the Denver Sheriff, and the States of Colorado and Idaho blatantly and fragrantly violated the right of *habeas corpus* and federal law. Additionally, the undue corporate influence of the mine owners, the railroad corporations, and the Pinkertons in the *enforcement* of the law is troubling. To win approval for his plan from the Colorado executive, McParland took a circuitous approach. He had the Canyon County Attorney file affidavits claiming the presence and complicity of Haywood, Moyer, and Pettibone in Caldwell on the night of Steunenberg's assassination, and requesting extradition. Armed with these requisition papers, McParland wrote a letter to Justice Goddard of the Colorado Supreme Court requesting a meeting. McParland gave Goddard portions of Orchard's confession in which Orchard detailed his attempted assassination of Goddard with an explosive device similar to the

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<sup>92</sup> George Suggs, *Colorado's War on Militant Unionism: James H. Peabody and the Western Federation of Miners*, (Detroit: Wayne State University Press, 1972).

one used against Steunenber. “To say that Judge Goddard was dumbfounded would be using a mild expression.” Obviously, the judge’s new status as a target of the WFM swayed his opinion, and Goddard was “very much in favor of arresting Haywood, Moyer and Pettibone at once and shipping them on a special train as we have decided on to Idaho,” a move that would sound “the death knell to dynamiters in the west.” Goddard and McParland then approached Governor McDonald.<sup>93</sup>

Those present at the meeting to approve the planned extradition of the WFM leadership from Colorado reveals the powers arrayed against the Federation. Aside from McParland and Gov. McDonald, “Justice Goddard was present, also the Hon. James Williams, who represents all of the interests of David G. Moffat and Wm. G. Evans, the latter two being at present in New York City. Subsequently Chief Justice Gabbert arrived, also Mr. Hawley,” as well as state Adjutant General Wells and Pinkerton assistant supervisor Prettyman.<sup>94</sup> Moffat and Evans represented the pinnacle of the Pyramid of Mining, with their interests in Cripple Creek mines and Denver banking and finance. Bulkeley Wells, who supervised the “special” extradition train, was also the manager of the Smuggler-Union mine in Telluride, and “had interests in large mining properties in the Cripple Creek District... [and] is an old time client of the Agency, and at the present time is Adjutant General of the Colorado National Guard,” representing mining’s link with militarism.<sup>95</sup> McParland and Governor McDonald purposely excluded the state

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<sup>93</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 13, 1906, in *Reports*.

<sup>94</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 16, 1906, in *Reports*.

<sup>95</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 14, 1906, in *Reports*.

Attorney General, as “he is a drunkard and is liable to talk. His deputy Mr. Melville is not removed very far from an anarchist, is a personal friend of Moyer and Haywood, and... belonged to the Western Federation of Miners.” This meeting clearly demonstrates the influence, power, and desires of the mining industry to defeat industrial unionism by any means, including violating federal law.<sup>96</sup>

The socialist newspaper *Appeal to Reason* considered the capture and transport of Haywood, Moyer, and Pettibone to be kidnapping; Pinkerton operative Charles Siringo agreed in later writing. The plan was “to do the kidnapping act after midnight Saturday, so as to have a legal holiday,” to prevent their attorneys from filing a writ of *habeas corpus*.<sup>97</sup> McParland also denied the three men access to their attorneys: “About 11:00 P.M. Mr. Hawkins of the firm of Patterson, Richardson and Hawkins telephoned to the county jail and inquired if Moyer, Haywood, and Pettibone were there. Jailer Duffy replied that they were not.” After a night in legally ambiguous custody, the three labor leaders boarded the Union-Pacific special under the charge of Wells, Assistant Warden Mills, and several guards. McParland and the Pinkerton Agency did not have any representatives on the special train. As McParland reminded Gov. Gooding, the Pinkerton detectives “would be recognized as the principal prosecutor in this case, and if we got into trouble with the United States Marshall or even with the Sheriff in traveling through Wyoming it would injure us very much as prosecutors.”<sup>98</sup> The Governors, the judges, the

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<sup>96</sup> William Pinkerton to Frank Gooding, Denver, February 16, 1906.

<sup>97</sup> Charles Siringo, *Two Evil Isms: Pinkertonism and Anarchism*, (Chicago, n.p., 1915), 95, Pinkerton National Detective Agency Collection, Box 61 File 4, Library of Congress Manuscript Division, Washington, (hereafter cited as PNDA LOC).

<sup>98</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 18, 1906, in *Reports*.

attorneys, and the Pinkertons all knew they were violating federal law with the extradition.

The journey of the special train is worth examining as well. McParland consulted with the Superintendent of the Union-Pacific Railroad Company, and arranging a three-car train to travel from Denver, through Wyoming, and to Idaho. The superintendents of the Colorado and Wyoming divisions rode in a car separate from captured labor leaders, and all engine swaps occurred well outside of any major settlement; the train passed through “Cheyenne, where the United States Marshall lives, at the rate of thirty miles an hour.” Additionally, McParland ordered the train well stocked with food and three cases of beer.<sup>99</sup> If a Wyoming sheriff or Marshall challenged the train or ordered it to stop, Wells would “take charge of the train,” as he could “run an engine just as well as any locomotive engineer in the country... he will not obey the order of any sheriff enroute [*sic*].”<sup>100</sup> The fact that Union-Pacific was so willing to provide special transportation to the extradition speaks to the relationship between the Pinkertons and the railroad corporation, and to the relationship between the railroad and the mine.

The circumstances of the capture and transport of Haywood, Moyer, and Pettibone lend credence to the kidnapping argument, as the state captured and held the labor leaders without stated cause or judicial proceedings. Officials outside of their jurisdiction, specifically Bulkeley Wells and Assistant Warden Mills, then took charge of the three from the Denver authorities, and illegally transported them across state lines. No

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<sup>99</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 17, 1906, in *Reports*.

<sup>100</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 16, 1906 in *Reports*.

law enforcement personnel from Colorado, Wyoming, or Idaho accompanied them. Lukas claims that the men detailed were gunslingers and toughs recruited from the Cripple Creek mining district.<sup>101</sup> McParland's fears of *habeas corpus* proceedings indicate his knowledge of the illegality of their transport. After crossing two state boundaries, Haywood, Moyer, and Pettibone finally faced a judicial apparatus in Canyon County, Idaho, over eight hundred miles from their place of capture.

The clear lack of accountability and the secrecy surrounding the extradition, as well as the fears of federal intervention, indicate that McParland knew the legal implications of getting Haywood, Pettibone, and Moyer to face trial for their roles in the alleged conspiracy. However, as the U.S. Supreme Court ruled in *Pettibone v. Nichols*, the indictment of the labor leaders for murder and conspiracy in front of the Idaho court rendered the means of their capture and transport irrelevant, thereby codifying a dangerous precedent. The law did not require the Governor of Colorado to demand proof beyond the requisition papers, and any alleged violation of their rights of *habeas corpus* was therefore inconsequential.<sup>102</sup>

#### The Case of Steve Adams

As McParland supervised the capture and transportation of the defendants, Assistant Supervisor Thiele hunted "Fox." Harry Orchard claimed that an itinerant miner named Steve Adams was his accomplice in several of his assassinations, and the Pinkerton Cipher lists him as "Fox." Thiele tracked Adams to Baker City, Oregon, and in

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<sup>101</sup> Lukas, *Big Trouble*, 228, 261.

<sup>102</sup> *Pettibone v. Nichols*, 203 U.S. 192 (1906).

cooperation with the Baker City Sheriff, arrested him in preparation for his extradition to Idaho.<sup>103</sup> Orchard knew that his confession was worthless without collaboration, and therefore needed Adams. “I wish you would get Steve Adams,” Orchard told McParland, “if he does not make a confession to you I will make him... Just put him into the cell for one night with me and he will confess in the morning.”<sup>104</sup> Despite McParland’s exhortation that he could have gotten “a full confession with no promises,” in the space of ten minutes “with the leverage I had, founded on Orchard’s confession” if Adams was placed “in a solitary cell with a death watch put upon him,” the Warden put Adams in the cell with Orchard. When McParland met with Adams, “he refused to talk, or rather, to make any confession without first seeing his lawyer.”<sup>105</sup> After several days in jail and numerous meetings with McParland, Adams confessed and confirmed Orchard’s story. Horan’s version is somewhat different: “Coached by McParland, Orchard went to work on Adams to confess. Between Orchard and McParland, Adams broke, and signed a confession.”<sup>106</sup> Over the next several months, McParland questioned Adams and Orchard together, leading to a collaboration of their narratives. Based on his accounts of interrogations, McParland’s methods seem to revolve around sleep deprivation, isolation, and threats of state sanctioned execution. It is unclear the exact methods of McParland and Orchard in getting Adams to confess, as McParland worked without any external

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<sup>103</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 20, 1906; “CIPHER CODE,” n.d. in *Reports*.

<sup>104</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, February 9, 1906, in *Reports*.

<sup>105</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” En Route, February 23, 1906, in *Reports*.

<sup>106</sup> Horan, *The Pinkertons*, 475; State of Idaho v. Steve Adams, Defense Attorney Edmund Richardson’s Trial Notes for Idaho v. Adams, Western Federation of Miners/International Union of Mine, Mill and Smelter Workers Papers, Archives, University of Colorado at Boulder Libraries, <http://darrow.law.umn.edu/trials.php?tid=3>

oversight or supervision other than his own reports.

Adams soon recanted his confession in a note smuggled out of the penitentiary by his wife:

Boise, Idaho, September 8<sup>th</sup>, 1906.

This is to certify that the statement that I signed was made up by James McParland, detective, and Harry Orchard, alias Tom Hogan. I signed it because I was threatened by Governor Gooding, saying I would be hanged if I did not corroborate Orchard's story against the officers of the Federation Union of Miners.

STEPHEN ADAMS

Witness: ANNIE ADAMS<sup>107</sup>

Adams's change of heart posed major problems for the prosecution, forcing McParland, Hawley, and Borah to adjust their strategy, as the "most important witness we have got" changed his story, claiming he gave it under duress.<sup>108</sup> Allegations that their leading detective had coerced the confession of their star witness in concert with a death threat from Governor Gooding, would, of course negatively affect their case. The prosecution needed to sideline Adams.

Assistant Supervisor Thiele, responsible for the capture of Adams in Oregon, claimed that Adams admitted to the murder of a timber claim-jumper outside of Wallace, Idaho, in Shoshone County. Shoshone County contained many of the mining towns of the Coeur d'Alene district, and conflict between the mine owners and miners was a frequent occurrence, punctuated by the 1892 and 1899 strikes. On September 12, 1906, Adams met with his attorneys in the presence of Warden Whitney and Sheriff Sutherland of Shoshone County, protesting plans to extradite him to Wallace. Warden Whitney refused

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<sup>107</sup> Morris Friedman, *Pinkerton's Labor Spy*, (New York: Wilshire Book Co., 1907), 214

<sup>108</sup> William Pinkerton to Frank Gooding, "Manager McParland Reports," Denver, April 17, 1906, in *Reports*.

to allow Adams to meet privately with his lawyers. McParland and Sutherland planned to sneak Adams out of the penitentiary that night, to avoid *habeas corpus* proceedings scheduled for the following day. Since Adams was not physically present in Ada County, the judge denied the writ. Adams faced trial in Wallace in January 1907; the result was a hung jury, and Adams remained in the Shoshone County jail, awaiting retrial. Despite the testimony of James McParland and Assistant Superintendent Thiele, the state eventually acquitted Adams, and he was further acquitted of murder charges in Telluride.<sup>109</sup>

### Paying the Pinkertons, or, Buying a Hanging

In pursuing the Western Federation of Miners for the assassination of Frank Steunenberg, the State of Idaho accrued considerable expenses, most notably with the Pinkerton National Detective Agency. While James McParland was clearly passionate about his “war of extermination against the Western Federation of Miners,”<sup>110</sup> his principles prohibited him from accepting *pro bono* work. The Agency charged eight dollars per operative per day, regardless of results, with more billed for superintendents and managers. Based on the numbers of operatives detailed to the Steunenberg case, the Agency billed the State of Idaho between twenty-four and fifty dollars per day for its services. To ensure payment, McParland had Governor Gooding guarantee the money out of his personal savings if the State came up short. Obviously, Gooding hoped to avoid picking up the State’s bill, so he had the legislature approve the sale of certificates to

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<sup>109</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, September 12, 1906; William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, September 13, 1906, in *Reports*.

<sup>110</sup> Friedman, *Pinkerton’s Labor Spy*, 22.

state banks to cover expenses.<sup>111</sup> Fortunately for Gooding, the mine owners associations of the Coeur d'Alenes, Utah, and Colorado proved more than willing to fund both the prosecution and the Pinkerton investigation.

The willingness of the mine owners to fund the investigation and prosecution is immediately evident in the first days following the murder of Steunenberg. The State of Idaho offered a reward of five thousand dollars for the capture of Steunenberg's killers; the Coeur d'Alene Mine Owners Association immediately offered an additional ten thousand dollars. Northern Idaho's bankers proved equally eager to bankroll the prosecution, as the First National Bank of Wallace purchased thirteen thousand dollars in certificates from the State. The Wallace bank was closely associated with the Coeur d'Alene Mine Owners Association, cementing the relationship between mining and finance in that region. Additionally, the MOA gave William Borah and James Hawley five thousand dollars for a discretionary fund.<sup>112</sup> Out of state funding soon dwarfed that of the funds pledged by the Coeur d'Alene MOA.

While McParland was finalizing the plans for the capture of Haywood, Moyer, and Pettibone in Denver, he met with two influential figures aside from the Colorado state officers. Mr. Williams, attorney for Moffat and Evans, and Mr. Fillius, attorney and representative of the Colorado Mine Owners Association. Williams committed between twenty-five and fifty thousand dollars for the prosecution; Fillius and Wells promised that the prosecution would not want for funds. McParland considered Fillius "a very safe lawyer and an old friend of mine, also the legal advisor for the Smuggler Union

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<sup>111</sup> Lukas, *Big Trouble*, 346.

<sup>112</sup> Lukas, *Big Trouble*, 57, 346-357.

Company, which makes him a friend of General Wells.”<sup>113</sup> As the case progressed into the summer of 1906, western mining interest proved that they remained supportive. Later, the “officials of the Utah Consolidated Copper Company and American Smelting & Refining Company, also the United States Reduction & Refining Company” were forthcoming in their “desire to assist either financial or otherwise in this prosecution.”<sup>114</sup>

Mr. Channing, general manager of the Utah Consolidated Copper Mining Co. expressed his displeasure that no one had called on the Utah Mine Owners Association, and “that Utah ought to do its share. He said that to that end he was going to communicate with Mr. Fillius in Denver as it was as much to their cause as it was to that of the mine owners of Colorado.”<sup>115</sup> James McParland may have been searching for an interstate conspiracy to plan and fund the assassination of Frank Steunenberg; however, as he was searching for this conspiracy, he was busily creating another interstate conspiracy to plan and fund the executions of Bill Haywood, Charles Moyer, and George Pettibone.

While the mine owners had clear economic reasons for disliking the Western Federation of Miners, much of their opposition was ideological. The same statement applies to the Pinkertons, and to Manager McParland. According to Morris Friedman, the Pinkerton stenographer turned witness for the defense during the trial, the majority of the Agency’s income came from anti-labor activities. “It is the [labor] operative who is the

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<sup>113</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Denver, February 16, 1906; William Pinkerton to Frank Gooding, “Manager McParland Reports,” Boise, April 4, 1906, in *Reports*.

<sup>114</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” En Route, June 23, 1906, in *Reports*.

<sup>115</sup> William Pinkerton to Frank Gooding, “Manager McParland Reports,” Salt Lake City, June 25, 1906, in *Reports*.

main source of revenue and profit at every branch of the Agency.” Friedman gave a breakdown of the operating costs of the Pinkerton’s Denver branch, with yearly expenses at \$43,758. Criminal cases accounted for approximately ten thousand dollars of the gross income of the branch; industrial activities worth sixty thousand dollars that made the branch one of the most profitable of the Agency. Clearly, McParland and the Pinkertons were dependent on anti-union activities as “the Pinkerton Agency is making millions at the expense of the public by fomenting and keeping up constant strife between organized wealth and organized labor.”<sup>116</sup> Dubofsky argues that McParland helped turn the Pinkerton Agency “into the principle institution to which private employers and public officials turned for discreet and effective anti-labor espionage.”<sup>117</sup> The conviction of members of the Executive Committee of the Western Federation of Miners for the murder of Steunenberg was to be the capstone of McParland’s career.

McParland’s motivations were not purely pecuniary, as he had a robust ideological opposition to the concept of unionism and left wing politics. While the Western Federation of Miners was “a gang of cut-throats and murderers,” McParland considered socialists and anarchists as “cranks,” but feared “an effort... to kill both Orchard and Adams and possibly others connected with the prosecution.” When Operative 21 reported increased activity of “the gang of anarchists” in Canyon County, McParland postured. “I would like to be Sheriff... for one week or for twenty-four hours and this gang... would either be in the county jail, run out of town or as a last resort there would be a job for the county Coroner.” The available reports of Operative 21 and the

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<sup>116</sup> Friedman, *Pinkerton’s Labor Spy*, 7, 191-193.

<sup>117</sup> Dubofsky, *We Shall Be All*, 54.

analysis of Lukas demonstrate that McParland was overstating the threat of “the gang,” as their most pernicious activity was organizing street meetings.

Clearly, these “proposed socialist open air meetings” were unacceptable to McParland, and he looked to other cities for precedent in stopping them. “Now these meetings have been stopped in Chicago, Cincinnati, Denver, and other places, and I see no reason why they should be given so much rope in the City of Caldwell.” Radicals clearly were unworthy of their constitutional rights as citizens: “[they] have no right to parade in the streets and air... their trumped up grievances, in public... I think something should be done to stop them.” Even defense attorney Clarence Darrow and his wife were not exempt from McParland’s derision: “in addition to Darrow being a Socialist, both he and his wife are free lovers.”<sup>118</sup> People disagreeing with the principles of law and order threatened the goals of the prosecution and the Pinkertons, and therefore, suppressing their voices became a priority for McParland.

Furthermore, McParland had little faith in local politics and democratic principles to deliver his desired outcome in Idaho. During the eighteen months that McParland was organizing the prosecution, he frequently expressed displeasure with the state of local politics. When “Payne, under-sheriff of Canyon County” attempted to get the Republican nomination for Sheriff, McParland protested “This man if elected Sheriff... would do the bidding of the Western Federation.” McParland disapproved of anyone sympathetic to the Western Federation holding any public office, even of night watchman, and urged

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<sup>118</sup> James McParland to Frank Gooding, Denver, July 3, 1906; William Pinkerton to Frank Gooding, “Manager James McParland Reports,” Denver, May 3, 1906; James McParland to James Hawley, Denver, May 14, 1906; William Pinkerton to Frank Gooding, “Manager James McParland Reports,” Denver, May 14, 1906; William Pinkerton to Frank Gooding, “Manager James McParland Reports,” Wallace, March 5, 1907 in *Reports*.

Hawley to take action: “There are two things that must be looked after very closely—the defeat of Payne for the nomination of Sheriff and the defeat of Bryan for District Judge.”<sup>119</sup> Furthermore, following the hung jury in the Adams case, McParland remarked that the county “commissioners put in the names of a lot of dynamiters into the jury box.”<sup>120</sup> To James McParland, the pursuit of *law and order* superseded an adherence to democratic values. The results were far more important than the process.

McParland’s views of organized labor and leftist politics were not unique. The Pinkerton National Detective Agency fostered a culture of conservatism and anti-unionism. As early as the 1870s, the Agency’s anti-union sentiment was clear. “Trade unions,” Allan Pinkerton asserted, “are a relic of the old despotic days.” Following the Homestead incident, William and Robert Pinkerton testified before congress that their agency existed “to protect private property; and that the right of the owner thus to protect his property must ultimately be upheld by the courts and public opinion.”<sup>121</sup> Following the assassination of McKinley, Principal Robert Pinkerton advocated using an island in the Philippines as a penal colony for anarchists: “to this place let us send everyone who wants anarchy; put them all on one island, and let them work it out among themselves.” For Pinkerton, the United States was “still carried away by the fetish of free speech and unrestricted discussion to such an extent that we give absolute liberty to a class of people who are a danger to our institutions and a disgrace to our nation.” Pinkerton further

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<sup>119</sup> James McParland to Frank Gooding, Denver, August 26, 1906; William Pinkerton to Frank Gooding, “Manager James McParland Reports,” Denver, August 20, 1906; James McParland to James Hawley, Denver, September 4, 1906.

<sup>120</sup> William Pinkerton to Frank Gooding, “Manager James McParland Reports,” Wallace, March 1, 1907 in *Reports*.

<sup>121</sup> Lukas, *Big Trouble*, 82; *Pinkerton’s National Detective Agency and its Connection with the Labor Troubles at Homestead, Penn, July 6<sup>th</sup>, 1892*, (New York: n.p., 1892) Microfiche.

offered the services of his agency to combat this perceived menace.<sup>122</sup> The institutionalized reactionary conservatism of the Pinkerton National Detective Agency was firmly embedded in the ideology of the business community of the Gilded Age.

### Society Penetrated

When McParland told Governor Gooding of his suspicions that the murder of Steunenberg was part of a larger plot of the Western Federation of Miners, he was clearly anticipating an ideological struggle throughout the course of the investigation and trial. For the state to convict the Executive Committee of the WFM, the populations of the towns of Caldwell, Nampa, and Boise would have to cooperate with the Pinkertons and the state. McParland's first meeting with Gooding was on January 10; within nine days, he ordered assistant superintendent Hasson to detail an undercover operative for the town of Caldwell. A few weeks later, Operative 21, masquerading as an out of work Federation miner, was busily infiltrating Caldwell's radical community.<sup>123</sup> Over the next several months, Operative 21 integrated himself within the county's small group of socialists while passing detailed reports of their plans and movements to the prosecution. His work paid off when defense attorney Leon O. Whitsell recruited him to work in canvassing the county for potential jurors. This aspect of the operative's work is one of the more controversial of the case, as it was a blatant attempt of the Pinkertons to obstruct the efforts of the defense and influence the outcome of the trial. While the defense's attempt

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<sup>122</sup> Robert Pinkerton, "Detective Surveillance of Anarchists," *The North American Review*, November 1901.

<sup>123</sup> William Pinkerton to Frank Gooding, "Manager James McParland Reports," Boise, January 18, 1906; William Pinkerton to Frank Gooding, "Manager James McParland Reports," Boise, January 20, 1906, in *Reports*.

to profile potential jurors is not without blame, the fact that McParland encouraged his operative to work in this capacity while reaping the benefits of the defense's morally questionable efforts demonstrates the extremes that McParland was willing to go.

Operative 21 was not the only undercover operative involved in the case, despite being one of the most valuable. In the Cripple Creek district, another operative infiltrated the defense, working with WFM attorney Frank Hangs on securing witnesses to discount Orchard's testimony about events of the Cripple Creek strife of 1903-1904. Operative 28, also known as Arthur Cole, was a familiar face in the district; during the recent strike, the Pinkerton served as secretary of the Citizens' Alliance, "a virtual auxiliary of the" Mine Owners Association, as well as an officer in the Colorado National Guard. Operative 28's activities during the Cripple Creek strife are some of the more overt and violent acts committed by a Pinkerton during that conflict and the community knew him as no friend of labor. Therefore, his transformation to confidant of the defense is remarkable. Operative 28 feigned remorse for his role in the events of 1903-1904 to Hangs, and offered to testify about activities of the MOA and Citizens' Alliance.<sup>124</sup> Hangs tasked him to recruit non-union miners to testify for the defense and discredit Orchard. As the trial approached, Operative 28 gave McParland and the prosecution critical information about the plans of the defense and their expected strategy and witness list, as well as encouraging potential witnesses to request high witness fees in an attempt to drain the defense's coffers.<sup>125</sup>

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<sup>124</sup> Lukas, *Big Trouble*, 447.

<sup>125</sup> William Pinkerton to Frank Gooding, "No. 28 Reports," Victor, January 28, 1907; William Pinkerton to Frank Gooding, "No. 28 Reports," Victor, January 29, 1907; William Pinkerton to Frank Gooding, "No. 28 Reports," Victor, February 2, 1907, in *Reports*.

In later reports, Operative 28 cast doubt on the official narrative of the violent events of the Cripple Creek strike. He detailed a conversation with the handler of the bloodhounds used to track the perpetrators of the Independence Depot bombing, who stated, “there is something crooked with the way the first dogs were handled, but I could not get his reasons.” Operative 28 also reported a conversation with another witness who claimed, “there is no question but Gen’l Bell and the others went to Dunnville with a plan to make trouble and did so.”<sup>126</sup> Unfortunately, Operative 28’s reports were not specific, and despite containing information that may have exonerated the Western Federation of Miners, McParland kept them secret. To expose doubts on the guilt of the Inner Circle was self-defeating.

As the trial approached, McParland had five undercover operatives working on the case, as well as two informants. Both of these informants worked very closely with Clarence Darrow, attorney for the defense. In his reports, McParland is very discreet while discussing their activities, as he fears compromising them, and vaguely insinuates that they are doing important work. “The matter on which [informant] No.2 is engaged is working along quite slowly.”<sup>127</sup> While it is likely that McParland discussed these secret informants with Gooding, the depth of the penetration of the defense by the Pinkerton National Detective Agency belies the concerns of McParland about his evidence and the outcome of the trial.

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<sup>126</sup> William Pinkerton to Frank Gooding, “No. 28 Reports,” Victor, April 27, 1907; William Pinkerton to Frank Gooding, “No. 28 Reports,” Victor, April 30, 1907, in *Reports*.

<sup>127</sup> William Pinkerton to Frank Gooding, “J. McP. reports,” Boise, May 25, 1907, in *Reports*.

Agent Harry Orchard

In the spring of 1907, the trial was rapidly approaching. Harry Orchard wrote his autobiography and confession as a way of organizing his story in preparation for his testimony. Dean Hinks of the Boise Episcopal Church served as Orchard's editor and spiritual confidant. During the writing of his autobiography, Orchard told James McParland "there were a great many new matters in this biography which did not occur to him at the time he made his confession... which might be of importance in the coming trials." The transformation of Harry Orchard from reviled assassin to reconciled witness and devoted Christian was complete. After their first meeting in the state penitentiary, McParland described Orchard as having "about as determined a countenance as I have ever seen on a human being, with the most cold, cruel eyes I remember having seen." Later, McParland frequently reported on Orchard's empathy, his willingness to pray for the soul of Steve Adams, and his generally good character. McParland and Orchard had become friends.<sup>128</sup>

While McParland and Orchard developed a friendly relationship, it was by no means Orchard's first relationship with a private detective. During the Cripple Creek strike, Orchard actively worked for Agents Sterling and Scott of the Florence & Cripple Creek Railroad, and gave them information regarding the attempted derailment of an F&CC train carrying non-union miners. Sterling, disillusioned with the Mine Owners Association, turned witness for the defense during the Steunenberg trial, telling McParland "he knew Orchard was in the employ of the Mine Owners Association, also

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<sup>128</sup> William Pinkerton to Frank Gooding, "Manager James McParland Reports," Boise, March 12, 1907; William Pinkerton to Frank Gooding, "Manager McP. Reports," Boise, January 22, 1906, in *Reports*.

the Florence and Cripple Creek R.R., and was under their pay.” In his autobiography, Orchard freely admits to association with Sterling, and states that Scott paid his fare to Denver to meet with the Executive Committee of the WFM. Furthermore, Operative 28 reported that several witnesses, notably a John Farrell, reported Orchard boasting “he got paid by the Mine Owners Association” several days prior to the Independence Depot blast, an event that Orchard claims responsibility for in his autobiography and in his confession. Orchard’s admitted association with Sterling and Scott and his reported ties with the Cripple Creek Mine Owners Association contradict his self-ascribed status as the Inner Circle’s trusted assassin.<sup>129</sup>

While most of Orchard’s confession is subject to doubt, evidence supports two of his claims: his role in the bombing death of Frank Steunenberg and his association with Agent Sterling. If Orchard’s claims of a life of violence are partially true, this raises several questions. Why, if Orchard was familiar with assassination as a political tool, did he not plan his escape from Caldwell as part of the murder of Steunenberg? If Orchard was an agent of the Mine Owners Association or the Florence and Cripple Creek Railroad, did he have a duty to prevent undue loss of life or destruction of property? Why did he make little effort to disguise his presence in Caldwell before the bombing, and almost no effort to flee as the dragnets closed? Substantial evidence, including weapons and bomb-making material was in Orchard’s room when the sheriff searched it, yet Orchard made no effort to dispose of any of this evidence. While there is no direct evidence remaining of Orchard’s ties to the Pinkerton National Detective agency, his

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<sup>129</sup> Orchard, *Confession*, 88-92, 129-140; William Pinkerton to Frank Gooding, “Manager McP. Reports,” Denver, April 29, 1907; William Pinkerton to Frank Gooding, “No. 28 reports,” Victor, April 29, 1907 in *Reports*.

recalcitrance towards the Canyon County sheriff and the Thiel detectives stands in stark contrast to his willingness to cooperate with McParland and the state. Melvyn Dubofsky claims “Orchard had courted arrest... Perhaps a psychotic personality disorder led Orchard into a life of violence, and perhaps that same disorder eventually caused him to seek penance for his (mis)deeds.”<sup>130</sup> Orchard may have been seeking penance; the Inner Circle or the Mine Owners Association may have employed him at the time of Steunenberg’s murder. Alternatively, he may have been seeking a life outside of the violent and tumultuous mining camps. Ever since the myth of western autonomy lured Orchard from his wife and cheese-making operation in Canada, he faced the harsh reality of the industrial frontier and the associated social stratification and labor strife. Perhaps his proclivity towards violence and subsequent incarceration was his response to this.

#### A Good Hanging Spoiled

Orchard’s testimony, and by association, the state’s case against the Western Federation of Miners, collapsed under the weight of its own contradictions. Orchard’s value as a witness quickly diminished as he diverged from accounting the crimes of the Inner Circle to speaking of his personal conversion from admitted serial murderer to repentant, god-fearing Christian. Clarence Darrow’s defense highlighted the ambiguity in Orchard’s confession while contradicting his story in several places, and offering Morris Friedman, former Pinkerton stenographer, as evidence to the contrary. McParland’s indisputable proof of an Inner Circle conspiracy turned out to be anything but indisputable. The courts acquitted William Haywood in 1907 and George Pettibone in

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<sup>130</sup> Dubofsky, *We Shall Be All*, 53.

1908; following both of these defeats, the state dismissed the case against Charles Moyer. In northern Idaho, the jury acquitted Steve Adams during his retrial, and he subsequently beat murder charges in Telluride, Colorado, emerging from two years in confinement as a free man. The State of Idaho tried and convicted Harry Orchard, sentencing him to death; Governor Gooding commuted his execution and sentenced him to life in prison. He died there, at the age of 88.

While the Haywood trial ended with acquittal, the defendants did not emerge unscathed. Eighteen months of press coverage cemented the reputation of western labor as violent, tarnishing the Western Federation of Miners status as a legitimate labor organization and painting the Industrial Workers of the World as a collection of assassins and dynamiters, “synonymous with anarchism and bloody revolution.”<sup>131</sup> While his chronology may be somewhat inaccurate, James Horan’s assertion that “out of the [WFM] would come the [IWW], the ‘wobblies’ as the country knew them, America’s first labor organization formally committed to the principle of class warfare” reflects the reality following the events in Caldwell, as the IWW and other radical organizations saw the contest between labor and capital in very clear terms.<sup>132</sup> While the Industrial Workers of the World formed “out of that portentous strike of the Colorado miners in 1903-4,” the Steunenberg trial radicalized Haywood and the American Left, opening it to the philosophy of syndicalism.<sup>133</sup> The Western Federation of Miners also split along conservative-radical lines, culminating with its “departure from the IWW,” after the 1906

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<sup>131</sup> Dubofsky, *We Shall Be All*, 58

<sup>132</sup> Horan, *The Pinkertons*, 466.

<sup>133</sup> John Graham Brooks, *American Syndicalism: The IWW*, (New York: MacMillan, 1913), 20.

convention.<sup>134</sup>

While the ploy to railroad Haywood, Moyer, and Pettibone to the gallows failed, the forces of the Pyramid of Mining emerged largely unscathed. The press coverage and trial clearly depicted the WFM and IWW as violent, and this stereotype extended to all mining labor, allowing for further draconian suppression by business interests. The “fusion of frightened property interests” that united in the face of unionism formed a “grim phalanx bent upon its own safety.”<sup>135</sup> Collective capitalism, such as the Mine Owners Associations and Citizen’s Alliance, faced off against the aspirations of collective labor of the Industrial Workers of the World. Finally, the Pinkerton National Detective Agency learned from McParland’s over-extension. The actions of its secret operatives again focused on simple union surveillance and obstruction, rather than the active role advocated by McParland in Cripple Creek and Idaho. The Agency did not again attempt to put a labor union on trial for conspiracy, preferring instead to monitor and report, allowing the client to suppress the union by whatever means they chose. The assassination of Frank Steunenberg by Harry Orchard fundamentally changed the Pinkertons, the mining state, and organized labor in the American west.

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<sup>134</sup> Dubofsky, *We Shall Be All*, 58-59

<sup>135</sup> Brooks, *American Syndicalism*, 5.

## CONCLUSION: WINNERS AND LOSERS

Industrial opposition to unionism was not a novel concept in the Gilded Age. The European theories of trades unionism, socialism, communism, and syndicalism met stiff resistance when imported to the United States in the era. Unionism evolved to meet the unique nature of American capitalism. The conflict between the Pinkerton National Detective Agency and the Western Federation of Miners was a manifestation of the national contest between unionism and capitalist corporativism. Both institutions were uniquely American, and their interactions reflected the larger contradictions within American culture at the turn of the century. Industrialism demanded the minerals that capitalist mining extracted, just as it required coal to smelt the ore into refined metals and railways to transport the products for further processing. In the case of the 1892 Coeur d'Alene strike and the 1903-1904 Cripple Creek strike, the miners were literally drawing unrefined money from the bowels of the Earth, as the Federal Government backed its currency with gold and silver. Therefore, these strikes had a literal dollar amount in the minds of the mine owners. The demands of workers, however, were for a larger amount the fruits of their labor.

The interactions between the Western Federation of Miners and the Pinkerton National Detective Agency became the model for state and corporate cooperation surrounding the extractive industries. Despite McParland's failure to convict Haywood, Moyer, and Pettibone, the Pinkertons and other detective agencies continued to infiltrate and disrupt the miners' unions. Indeed, Haywood's acquittal galvanized McParland's resolve to destroy the WFM, albeit through his tradition methods of infiltration and

reporting. After all, McParland's career as a Pinkerton revolved around breaking unions. His successes in Cripple Creek and the Coeur d'Alene district inspired mine owners and other detective agencies to fight the specter of radicalism by targeting the solidarity of their workers with few reservations.

The mine owner-private detective coalition acted with impunity partly because they had no reason to fear state intervention. Aside from populist Governor Waite's support of the strikers in 1894, the arsenal of the state was effectively at the disposal of the mine owners. Through the social networks of the Pyramid of Mining, the corporate interests influenced state politics for their express benefit. When the mine owners choose the leadership of the state militia, the miners have no voice in an armed and supposedly democratic institution. When capitalists hire spies to report on the affiliations and attitudes of their workers, their unity and solidarity fractures. When the courts issue injunctions and prosecute miners for striking, the miners' judicial recourse is fruitless. When these same courts admit private detectives and labor spies as key witnesses and honor their testimony as evidence, the sentences of the unionists reflect the payment to the private detective agency. When private detectives hold positions of authority within the state militia and shoot at besieged unionists, the state-corporate-military circle is complete. Giovanni Arrighi defined states as "networks of coercion." Colorado and Idaho certainly fit that definition when their administration supported capital over labor.<sup>136</sup>

This thesis concentrates on the Pinkerton National Detective Agency for two major reasons. Throughout the late-nineteenth and early-twentieth century, they were the

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<sup>136</sup> Giovanni Arrighi, *The Long Twentieth Century: Money, Power, and the Origins of Our Times* (1994; Brooklyn: Verso, 2010), xiii.

preeminent union-busting agency in America. They were also the best known of the private detective agencies. Their popular mythology hides the fact that their business model revolved around anti-union activities, and that they acted as an extension of the corporate-state network dedicated to maximizing profits through exploiting labor.

Similarly, this thesis focuses on the Western Federation of Miners for several reasons.

The Federation was the most radical labor union in the United States between the fall of the Knights of Labor and the rise of the Industrial Workers of the World; it rose within the vacuum left by the Knights and it formed the largest component of the IWW in its early years. It occupies a unique place in the pantheon of the radical left in America, and personalities such as “Big Bill” Haywood tend to dominate the narrative. What these myths ignore about these two organizations, however, is a relationship of interaction that fostered a mutual evolution. Characterizing this relationship is difficult, as it certainly was not symbiotic, nor was it parasitic. Perhaps it is best simply to call it catalytic or mutually antagonistic.

What is evident about the story of the Federation and the Pinkertons is that it did not end with McParland’s failure in 1907. If anything, it became more complex as more private detective agencies offered their services to more mining companies while the IWW, the WFM, and the United Mine Workers of America fought over the future of mining labor. Private detective agencies were active in the coal mining districts of southern Colorado before the 1914 Ludlow Massacre. Thiel agents infiltrated both the WFM and the IWW in the copper districts in Arizona before the 1917 Bisbee Deportation. Before he became a crime novelist, Dashiell Hammett of the Pinkerton

National Detective Agency was working in Butte when Frank Little was lynched and federal troops occupied the city. In the coal mining districts of Appalachia, the name Baldwin-Felts inspired fear and hatred, and a corporate campaign of terror led to the Matewan incident and the Battle of Blair Mountain. The Palmer Raids and the first Red Scare leveled the full power of the Federal Government against radicalism in America, bringing overwhelming repression to bear on radical unionism. However, this thesis argues that the roots of this repression arose from the attempts of the coalition of corporate, state, and military power to destroy the Western Federation of Miners in the American West, spearheaded by private detective agencies.

Armed private security firms guard mines today as membership in trade unions approaches a post-New Deal low. As the United States emerged as the hegemonic world power following World War II, the capitalist ethos claimed validity and mandated continued mineral extraction to fuel its industry. Mining techniques evolved to favor surface mining; this shift destroyed both the environment and unionism among miners. Furthermore, the current private security forces operate around the world and within the United States; calling them mercenaries is not far off. When Hurricane Katrina hit New Orleans in 2005, Blackwater USA and other private security forces beat the Federal Government into the drowning city, “on contract with the Department of Homeland Security.”<sup>137</sup> The Pinkerton National Detective Agency reorganized several times, and is now doing business as Pinkerton’s Government Services, Inc., a subsidiary of Securitas. An infected toe claimed the life of James McParland in 1919, but his legacy continued

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<sup>137</sup> Jeremy Scahill, “Blackwater Down,” *The Nation*, October 2005, <http://www.thenation.com/article/blackwater-down>.

throughout the twentieth century and into the streets of New Orleans and Baghdad in the twenty-first.

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