



## T-Bone Slim

### WITHOUT THE LAW

#### Note:

Regardless of what Tom Mooney has done or not done while in the can an INNOCENT victim of special privilege and the premature flowering of Fickert's weakness, every man and woman, honest or dishonest, should not rest until his sufferings be ended and he be once more free.

A resumé of the interest the "M & M", Stockton, Calif., had in the prosecution of this man should be undertaken at once and followed to its logical conclusion—such great investigators as Rupert Hughes, Lincoln Steffens and Upton Sinclair can square themselves with the world by bringing out the underlying motives that eventually caused California law and justice to be kicked around like a football.

We have no apology to make insofar as we are writing at this time in the interest of having reproach removed from the fair name of California and Washington law, our privilege—yes duty—lest it be thought civilization can be best carried on without The Law.

Mooney and Billings, Centralia Boys and other prisoners are not in the picture—the matter is now a national issue:

I have stated some where, there is such a thing as law nullifying itself. And I stated it in reference to Mooney-Billings case and also the so-called Centralia Case.

Now, the fundamental principle of law is that there shall be no doubt as to the justice of separating man from his liberty, depriving him of his freedom and incarcerating him in a prison or any other institution established for the purpose of preventing him the carrying on of his voluntary will and enjoying, or suffering, the fruits of his effort.

The small ray of cheer in the prevention of a prisoner suffering for his misdeeds, there being none, is small indeed compared to the enjoyments he is denied, and should have no weight in justification of holding him in prison—especially so in view of the fact those misdeeds are in the prospective, unborn, have no face or body and are imaginary.

The next best principle of law is there shall be no doubt as to the guilt of the accused at the time the verdict is found and delivered and executed. The law is very particular and specific about such matters; but the law goes farther than that: It demands the evidence used against the prisoner shall be above reproach, of good character and contain in it all the qualities of truth, the whole truth and nothing but the truth and pertain in all its particulars wholly to the action before the court.

To illustrate the laws penchants for exactitude, let me point out: In the composition of an indictment the law demands that every letter shall be in its proper place, every "eye" dotted and every "tee" crossed and that no punctuation mark shall be improper, misplaced or absent, that no mistakes or errors shall appear on its fair surface, that nothing foreign to the matter at hand shall be present and that in the event extraneous material develops in the indictment, omissions or errors are discovered, the law penalizes the instrument by declaring it void; *Just as if nary syllable graced its bosom.*

In the execution of a warrant for arrest if the officer of the law is empowered to arrest John Dough, 937 Blank St. he cannot arrest John Dough, at his home, 987 Blank St.—he must arrest John at the address given or get a new warrant. Should the officer use his discretion and arrest John (the right man) at 987 Bland St. (the wrong address) the law declares John is unlawfully arrested and orders his release.

Law is very finicky about such matters, it demands everything shall be just so, no more or less and its nature must be of a piece.

The law further demands that its judges and prosecutors be persons of great learning and acumen, in the interest of having its provisions properly handled and the interests of the accused properly safeguarded. It is not primarily the intent of law to "let no guilty one escape," it is law's function to "see" to it that *no innocent person shall suffer.*

And when the law does not do it is derelict in reasonable function.

In the case of Mooney and Billings a total eclipse of law occurred and innocent men were sentenced first to death and then to life imprisonment on PERJURED evidence; so transparent that a mere tyro in the study of human nature could have pointed out the LIE, off-hand.

(Prosecutor Fickert did not discern the fabrication.)

What conclusion are we driven to?

Must we perforce conclude Fickert was not a lawyer at the time and an innocent victim of an imposition at the hands of an "honest cattleman," Oxman; that his ear was untuned to the *belt of a lie* and that he took Oxman's testimony in good faith and trustful nature?

If so, wherein then was Mooney-Billings interests safeguarded by the great learning and acumen the law demands of its prosecutors?

It is my contention the demands of law were unfulfilled.

If I am wrong, and Fickert saw the LIE, then the demands of law were not only un-

fulfilled but were defeated in toto—nullified.

One of the requirements of law is that evidence in the form of testimony shall be of a voluntary nature, that the naked truth be trotted out in court and that it shall be devoid of all dressing or ornamentation on the part of the prosecutor or any other individual carried away by his private ambition, or mischievousness, or any other motivator foreign to administration of justice.

*Mooney and Billings were convicted on perjured evidence.*

How does that jibe with the theory the courts with their vast experience are sufficient protection for the prisoner at the bar—they might have just as well been in a death-trap.

The judge cannot pound himself on the chest and say *I did not nullify the law*. His knowledge, his experience should have attuned his ears to the detection of all false notes . . .

He cannot pass the buck to the jury and say the jury nullified the law because the law does not require any special attributes or intelligence in a jury, other than that it average or better the intelligence of the prisoner at the bar of justice.

Law has trusted the safety of all prisoners in the hands of the prosecutors and judges—and they have permitted flat testimony to enter and jeopardise the lives of two innocent men. Is there, tell me, another conclusion that we can arrive at other than that the judge and prosecutor that tried Mooney and Billings have leather ears?

"There stands the defense-attorney, purple in the face from the violence of his effort to trip up Oxman, the honest cattleman, in his lies."—

(Continued on Page 4)

# T-BONE SLIM

(Continued from Page 2)

Can it be the judge was color blind in addition to his impaired hearing?

What other conclusions can we come to?

The defense lawyer knew the man was lying, the whole world suspected as much and still the judge and prosecutor never tumbled to the fact that a cock and bull story was going to the front—the law forbids such gullibility on the part of its servants.

I am very, very lenient with those gentlemen and would gladly defend their every action, but I must not.

Law has been nullified and I have a greater obligation . . .

I am not weeping tears for Mooney and Billings, both are utter strangers to me.

My sole concern is the breakdown of law in the states of California and Washington.

My tears are not for the Centralia victims although they are members of the same organization of which I am a part.

My "bellyache" is the disgraceful miscarriage of justice and birth of INJUSTICE.

Were all of those prisoners hated enemies of mine I would protest equally loud, if not louder.

Let us reason together:

In the Mooney-Billings case, a dastardly crime had been committed, strange to Mooney and Billings, and a conviction was had by perjured evidence and in the absence of all motive—just as if the crime was committed in the spirit of a lark.

Oh, what lawyers!—when the wind was blowing precisely in the opposite direction.

In the Centralia case a body of innocent men were convicted for a crime that has no existence in law, tradition or reason and, to all intents and purposes, the injured party was made to suffer additional injury at the hands of a court that has no foundation in fact other than the removal of every vestige of injustice in the action.

Law demands the presence of crime in a criminal action, and it demands, further, the crime and accused shall be related, that no man may be convicted for a crime to which he is a stranger—he must stand or fall on his own works.

Law demands a motive shall be shown in court.

Mooney-Billings case rested without motive.

Centralia case produced no crime.

What's law coming to—if this is not nullification of the law, my head must be mush.

Gentlemen of the jury: if those legal

mechanics are permitted to carry on that way it shall be unsafe to live in United States.

*They have ears and they hear not; they have eyes and they see not; they have noses and they smell not—good Governor Rolph must have had something like that in mind when he appointed Fickert counsellor for the Medical Board, so as to have medical attention handy in case Fickert shows symptoms of a relapse—a man can be arrested and convicted for a series of crimes that never were committed and a motive is so much junk?*

Where do they get that stuff that a crime need not be proven and a motive be shown?

Justice moves slowly in this country, more's the pity—and when it must back-track, its motion is slower still. If I am correct, the courts of California have declared themselves powerless to correct the injustice did Mooney and Billings, according to law. I believe it.

At the same time I believe they have the power to correct the error by adding to it; contrary to law, as in the original offense.

Be that as it may, the matter is up to Gov. Rolph.

In the Centralia case, which should have drawn compulsory "non-suit" from the court, there is no such handicap confronting the judges. There is absolutely nothing to stop Governor Hartley from releasing those men should he deem it in the interest of preserving respect for law, to do so. But, as I said before, JUSTICE moves SLOWLY, especially so in retracting its foot steps. Therefore: I hope, the governors will rise to the occasion, save the courts all that trouble of returning to the matter—matter which can in no way react to the credit of the courts—and turn those men loose.

Like the famous milling company, can only sigh: Eventually—why not now?