

LEXINGTON, KY., SUNDAY MORNING, AUGUST 30, 1903.

CALEB POWERS' LEA FOR JUSTICE

TEXT OF HIS GREAT SPEECH TO THE JURY AT GEORGETOWN IN CLOSING THE CASE FOR THE DEFENSE IN HIS THIRD TRIAL FOR ALLEGED COMPLICITY IN A CONSPIRACY TO ASSASSINATE WILLIAM GOEBEL.



HON. CALEB POWERS.

Elected Secretary of State in 1899, Robbed of His Office by the Goebel Election Commission and Three Times Tried for His Life by Democratic Courts and Juries.

MR. POWERS' SPEECH.

May it please the Court and you also gentlemen of the jury: If my strength will permit it, and with your kind indulgence, I desire to say a few words in my own behalf and concerning those who have been deprived of their liberty...

to be forced to say that they charged that young man with murder wrongfully. We threw at his feet the commission of an atrocious and cowardly crime. We have defamed him and branded as a criminal, a man who has served in the jails of this Commonwealth for over three long years in the same steel cages with worthless Negroes and foreign companions...

has nothing to do with it. And yet you know and I know and the whole country knows that such assertions of violence to the rights of there is no politics in this case it ought not to make any difference to the prosecution if all the jurors in all these cases were Republicans. The statutes of our State, Section 2441 provides that it is the duty of the jury commissioners to put in the names of only the intelligent, sober, discreet and impartial citizens, resident housekeepers in different portions of the county, over twenty-one years of age...

PLEA FOR FAIR PLAY.

I am a Republican, gentlemen. I have not had any apologies to make for my Republicanism. I have none to make now. You, gentlemen, are Democrats. You have a right to be Democrats. You have the right to affiliate with whatever party you believe to be to the best interests of this country...

been sneeringly referred to on divers occasions since this trial began. They have been called red-headed mountaineers; black-hearted murderers; base and cowardly assassins. Every imaginable device has been resorted to to fix your prejudice against me and induce you to render a verdict of guilty. You gentlemen have been victims of these proceedings as well as myself. That conduct has been neither fair to you nor to me. Not fair to you because you have sworn that you would try this case according to the law and the evidence...

I have always believed that the right in this case would, in the end, prevail. I have not as yet lost confidence in the integrity and the honor and honesty of this section of this State. I have had blows upon a defenseless head, by the hands of some of your countrymen; I have, twice, met with a verdict of guilty at the hands of your neighbors, with confessions coming on every hand I have continued to fight my case. I have not lost faith in your sense of fairness, or your sense of justice, and I am still appealing to my fellow-citizens, and now especially to you, to end this long and bitter controversy in a way that duty demands, fairness sanctions and truth approves. When it is ended, gentlemen, I am sure you will agree with me that it ought to be ended in such a manner that no harm will befall an innocent man and that no guilty man shall escape unpunished...

are that the crime was a most dastardly one, and that it was a bad thing for the Republican party. We differ as to who was responsible for his death. The prosecution claims that Senator Goebel came to his death as a result of a huge Republican conspiracy of which I was a member, and in support of that contention they introduce a great mass of testimony, which may be divided for the purpose of discussion into about five divisions. They say: First—That the bringing of the large crowd of mountain people to Frankfort five days before Senator Goebel was killed was a part of the conspiracy to murder him. Second—That it was the plan of the Republican leaders and those alleged to be implicated in the murder, to have him killed from the office of the Secretary of State and that the fatal shot was fired from that place. Third—That I absented myself from that office on the 30th day of January, 1900, for the purpose of having the fatal shot fired from there. Fourth—That the military was to be used for the purpose of protecting those implicated in the killing from arrest or violence and that it was so used. Fifth—They introduce a number of witnesses to prove divers threats and incendiary statements on the part of divers individuals, for the purpose of trying to establish the existence of a conspiracy. I think that I have herein stated with fairness the claims of the prosecution. The defense denies these various allegations made by the prosecution and says: First—That Senator Goebel did not come to his death as the result of a huge Republican conspiracy or of any conspiracy of which I was a member. Second—That the bringing of a large crowd of mountain people to Frankfort five days before Senator Goebel met his death formed no part of any plan or conspiracy to murder Senator Goebel or any body, but that they came to Frankfort for the legitimate purpose of petitioning the Legislature and remonstrating with those in power not to override the will of the people as expressed at the polls. Third—That the use of the military formed no part of any conspiracy to murder Senator Goebel, and that it was called out soon after the firing of the fatal shot for the purpose of protecting the people and the State officials on the State House Square from mob violence. The defense claims, further, that if the military was used as claimed by the prosecution, that it was not a military officer, had no connection with the military, and should not be held responsible for its use. Fourth—That if the fatal shot was fired from the office of the Secretary of State it is the best proof that I was not a party to such an arrangement. Fifth—That I did not absent myself from my office on the 30th day of January, 1900, for the purpose of having the fatal shot fired from there, nor for the purpose of attempting to cover up my alleged connection with the murderer, but that my trip to Louisville that day was for the legitimate and honorable purpose of getting another crowd of petitioners to go to Frankfort, mostly from Western Kentucky. Sixth—That if all the alleged threats and statements proven by the prosecution on the part of divers individuals are absolutely true, that they do not show the existence of a conspiracy of which I was a member. The defense, says further, however, that the witnesses swearing to these alleged threats and statements are either men under indictment in this case and swearing for immunity, or else most of them are here swearing for money. These are the respective claims of the prosecution and the defense. The claims cannot both be true. The existence of one negates the claims of the other. Let us see who is right and who is wrong in this contention. Senator Goebel, from the evidence, came to his death in one or the other of three ways. First, he either came to his death as the result of a misadventure which I will not discuss; second, or he came to his death at the hands of someone acting on his own volition. Third, or he came to his death as the result of a conspiracy. If he came to his death at the hands of some one acting on his own volition, I could not be guilty. If he came to his death at the hands of someone acting on his own volition, I could not be guilty. If he came to his death as the result of a conspiracy, I could not be guilty. I was fifty-five miles away from the scene of the tragedy at the time of its commission and could not have fired the fatal shot. He either came to his death in the one or the other two ways that I have stated, and in either case I could not be guilty, or he came to his death as the result of a conspiracy, and if he came to his death as the result of a conspiracy I was either a member of that conspiracy or I was not a member of it. If he came to his death as the result of a conspiracy of which I was not a member, no one will contend that I am guilty. ***** WAS THERE A CONSPIRACY? Let us first address ourselves to the first claim of the prosecution, namely, that Senator Goebel came to his death as the result of a huge Republican conspiracy of which I was a member. In order to make any particular individual responsible for the death of Senator Goebel they must have met somewhere and formed some sort of a plan to bring about the death of Senator Goebel, and he must have been kind in pursuance of that particular plan. Otherwise, how could he be held responsible for the death of Senator Goebel by at least two individuals and he must have met his death in pursuance of that particular conspiracy formed by them. Then if the prosecution knew who killed Sen-