## CALEB POWERS' PLEA 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 ASSASSI-NATE WILLIAM GOEBEL.



HON. CALEB POWERS.

In doing so, I exercise one of the privileges which our law-makers in daily companions. We have twice have been selected to do service in fight throughout. The community had the same gift of English the same their wisdom have vouchsafed to every person accused of a crime within the confines of our Commonwealth. I would not, however, take advantage of this provision of our law but for the fact for over three long years I have been forced to lie in the jails of State, classed as a criminal, branded as a murderer and denounced

I have borne in silence and with what fortitude I could these grave power to prevent it. what fortitude I could these grave charges, together with two adverse verdicts, at the hands of my fellow-countrymen. I now feel that I owe it to myself to be heard. Over the total and the total and the country store. Some of their alleged conspiracy, and for the myself to be done at this time with a sess, and I shall ask you, therefore to you and to the country, why is it is discussed through the newspare to you are accepted as jurors and all you are accepted as jurors and all you are accepted as jurors are rejectively supported by the country store. Some of their alleged conspiracy, and for the pulpit, or the pulpit, where the pulpit, or the pulpit or the pulpit, or the pulpit or the pulpit, or the pulpit to myself to be heard. Over three years ago, I was torn from a high official position to which I had been official position to which I had been Taylor and Mr. Finley and others yet that your gentlemen, I believe, said that you you gentlemen, I believe, said that you had formed an opinion in this case, but that you could lay aside that opin.

Taylor and Mr. Finley and others yet they work Republicant. State, in the excitement of the hour, the necessity of my convector, and my rors; in the eyes of the law you would and actuated by motives of hatred the hope of accomplishing it they have not stopped at anything and have not stopped at most everything. They have tried to grind my honor that the law does not prescribe?

They have tried to grind my honor that the law does not prescribe? prosecute me, \$25,000 of which sum They have tried to grind my honor that the law does not prescribe? was set aside for the investigation of cludes; in otherwords that amount was it be paid to detectives to furnish to be paid to detectives to furnish to be paid to detectives to furnish to be paid to detective to be paid to detective to be paid t

wonder that weakers have added to get their sliny hands into that peripred secondrels of the brand of Noaks and Anderson found their way to the witness stand during my trilas, and swore to prepared and infamous falsehoods against me? Is it any wonder that weak and base humanity of the character of Golden and Cullman. They out of the character of Golden and Cullman to began to swear and continued to be a stranght Democrat, before you are allowed to serve as jurors in this feel toward me or the section of the state from which I come, and of all feelings of antagonism and of all feelings of antagonism and resemblent that you may are allowed to serve as jurors in this feel toward me or the section of the state from which I come, and to try me as you would try one of your feel toward me or the section of the State from which I come, and to try me as you would try one of your worder that weak and base humanity of the character of Golden and Cull not call bias and of all feelings of antagonism and resemblent that you may are allowed to serve as jurors in this feel toward me or the section of the State from which I come, and to try me as you would try one of your to to their two ways that I way that I will a true verdict of seel toward me or the section of the State from which I come, and to try me as you would try one of your worder. Having sport that you willing tools in its hands. How wonder that weak and base humanity of the character of Golden and Cullon that you may as a surfact of the section of the state from which I come, and of all feelings of antagonism and resentment that you may are allowed to serve as jurors in this death of the feat shot. He either came to his death in the one or the other two ways that I will a true verdict of the state from which I come, and of all feelings of antagonism and resentment that you may are allowed to serve as jurors in this death of the feat shot. He either came to his death of the state from which I come, and of all feelings of antagonism and or sellowed to sever as juror began to swear and continued to swear for immunity? Is it any wonder that hymnenity of the broad of Vont sey, after two years' of penitentiary ticular reasons. They are relying more experience, should resort to perjury upon your fealty to the Democratic that can be drawn; they expected outgrowth of such conditions and in that clear to you. ducemnts.

And since the day of my arrest my spiracy to murder Senator Goebel, crats. The prosecution is trying to ly meant something, I would certainly political hatred and revenge. All has and that they treated me shamefully maintain in the face of these and resent any such imputations upon my when they charged me with that like facts that politics has had noth-integrity, whether those imputations and said to make you have contempt mands, that your hearts sanction crime. It would be bitter words for ing to do with this case, and it now came from friend or foe.

that humanity of the brand of Yout- special purpose and because of par- about it. dom? We are not surprised at such taken to faithfully discharge your du- least of it, they expected your De-

POLITICS OF THE JURY.

has nothing to do with it. And ye you know and I know and the whole country knows that such assertions do violence to the truth. If there is no politics in this case it ought not tion if all the jurors in all these cases

the jury commissioners to put in the ! iscreet and impartial citizens, res dent housekeepers in different porions of the county, over twenty-one ears of age. These are the qualifica ions, and the only qualifications that jurors are required to possess There is no provision under our law that a man who is a Republican in politics shall not serve on a jury; here is no provision that Democrat nly shall do jury service. The laws of our country do not take into consideration the politics of the jurors Then there must be some reason why no Republicans are doing jury service

There must be some reason why here was not a single Republican on ny jury at the last trial. There must be some reason why the ury that tried Berry Howard in April

There must be some reason why ou, gentlemen, all affiliate with the emocratic party.

Democratic jurors. The prosecution cannot say that all the jurors in all htsee cases happened to be Democrats. They have happened that way too often and in too many cases. It will not do to say that the jury commissioners always happen to place within the jury wheel the names of regular Democrats.

It will not do to say that in draw-

PLEA FOR FAIR PLAY.

occasions since this trial began. They have not had any applogies 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 be lieve to be to the best interests of this country. The man who would deny you of that privilege is an intellectual thief and robber at heart. But no man has the right to rely upon your politics, rather than your oaths for a certain verdict when you are stitting one of your fellow men for his liberty or for this life.

Doubtless you gentlemen are saving.

Occasions since this trial began. They have been called red-handed mountaineers; black-hearted murderers; black-hearted murderer The statutes of our State, Section affiliate with whatever party you be-2441 provides that it is the duty of lieve to be to the best interests of

ing one of your fends when for his life.

Doubtless you gentlemen are saying. It is true that we are Democrats, but we are not biased; we have no prejudice in this case; our politics shall have nothing to do with our verdict in this case, one way or the other. I think the prosecution should deal have nothing to gentlemen believe that. You may homestly believe that you are not biased or prejudiced in this case. And that may be true, but you may be mistaken about it.

you do violence to me when there is no authority for it either in the law or the law on authority for it either in the law or the law or the evidence. It is an effort to have are not biased; we have no prejudiced in this case, one way or the other. I dealt fairly with us both. I think we ought to deal fairly with each other. I dealt fairly with you in giving in my testimony and I am going to deal fairly with you in the argument of this case. And that may be true, but you may be mistaken about it.

You do violence to me when there is no authority for it either in the law or the law or the evidence. It is an effort to have will agree with me that it ought to be ended in such a manner that no harm will befall an innocent man and that fairly with us both. I think we ought to deal fairly with you in giving in my testimony and I am going to deal fairly with you will agree with me further that the short was fired from that office on the 30th day of January, 1940, for the purpose of have him killed from the office of the evidence.

Third—That I absented myself from that office on the 30th day of January, 1940, for the purpose of protecting when the verdict is renderd in the moundant of the evidence. It is ended, gentlemen, I am sure you will agree with me that it ought to be implicated in the moundant of the law of the ended in such a manner that no harm will be afternown that the same that it ought to be such an on

There must be some reason why the twenty-four men who sat as jurrors in the trials of Jim Howard were all Democrats.

There must be some reason why the twelve jurors that tried Henry E. Youtsey were all Democrats. There must be some reason why the twelve jurors that tried Garnett D. Ripley were all Democrats.

There must be some reason why the trials of Jim Howard were all Democrats. There must be some reason why the tried Henry E. It is not to distort or misrepresent the law nor to misstate or twist the evidence to suit one's own personal interest in any individual case. It is not, or should not be, by legal sophistry or the tried Garnett D. Ripley were all Democrats.

There must be some reason why the that as soon as he rides down from off the plains into the low taken the issure to constitute that as soon as he rides down from off the plains into the low taken the issure to constitute the disease. You go to the country, you ride down and you ride out; you do not know of any change in

It will not do to say that in drawing the names of jurors from the jury wheel that the names of Democrats always happen to be drawn. It will not do to say that when the Sheriff case: You have read a great many lorn with natural gifts enough to have not do to say that when the Sheriff goes out to summons men to do jury things about me that are untrue. My presented most forcefully any cause ervice in these cases that he always guilt or innocence has long since be I desired to espouse my advantage

where the very air is filled with Demo-

when they thought I was in a con- five Republicans and seven Demo- rights of a fellow human being, actual- into these proceedings the poison of of a justice-loving people are with true.

for me. The mountain people have and your conscience requires.

try, you ride down and you ride out; you do not know of any change in your condition; you feel as well as you did before you went down below the safety line and if you were a stranger in that community and some one should say to you that you had contracted the form would gar to

tried him. We have at all times pro-victed him. We have at all times pro-lican neighbors have been selected to do service in agric. In larger throughout. The community is that our Repub-from which you gentlemen came is di-vided upon this question. It is divided of logic that these gentlemen haveof logic that these gentlemen have, or excused from jury service after they got here? Have you asked yourselves, but they are not going to make any such confession in this case. They do not deal in that class of goods. Nor will they let you make goods. Nor will they let you make such confession for them by a verdict of not guilty if it be in their power to prevent it.

The prosecution is most crazed for the courter why is it is discussed through the newspart of the such confession for them by a verdict of not guilty if it be in their power to prevent it.

I ask you to let us reason together in this case. If you have me convicted in your hearts already; if you will how must you believe it, gentlemen? I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to what I have to give me my libter to give me my official position to which I had been elevated by the people of the great Comonwealth; thrown in jail and charged with the commission of an awful crime. The Legislature of our sawful crime. The Legislature of our State, in the excitement of the hour, in the excitement of the hour, and the excitement of the hour, after the prosecution and the eyes of the prosecution and the eyes of the prosecution and the defense. The der the law, have to give me my lib. It ask you to let us reason together the prosecution and the defense. The claims cannot both be true. The excitement of the hour, and having read and heard the Democratic side of the controvercy, I am aware of the other. Let us see who is right the necessity of my conviction, and in the eyes of the law, have to give me my lib. It ask you to let us reason together the prosecution and the defense. The claims cannot both be true. The excitations of the prosecution and the defense. The law tens you believe it, gentlemen? The law tens you that you must be the necessity of my conviction, and in the eyes of the law, have to give me my lib. It ask you to let us reason together the prosecution and the defense. The claims cannot both be true. The extension and the defense of the prosecution and the defense of the prosecution and the defense. The law tens you wall having read and heard the Democratic side of the controvercy, I am aware of you; if I am repulsive to your nature lieve it beyond a reasonable doubt. Senator Goebel, from the evidence, assassination, and you regret that you youd a reasonable doubt, and might Senator Goebel, from the evidence, were brought into this close contact not be authorized, under your oaths, came to his death in one or the other with me; if you have a deaf ear for to bring in a verdict of guilty. You of three ways. First, he either came what I have to say to you and to the speeches of the defense, as well as the a reasonable doubt, and you must be venture which I will not discuss; secto be paid to detectives to furnish the needed proof. In addition to that a large sum was offered and hung up as a tempting morsel for my conviction right or wrong.

With such inducements as the surroundings in this case, and the surroundings in this case, is it any wonder that Weavers have wandered from the distant peaks of Colorado to get their slimy hands into that

a good section or a bad one, that does Gentile, Republican or Democrat, the there can be a difference between the a good section or a bad one, that does not alter the fact that I am a human being; that I am a citizen of this State; that I am entitled to a fair and unbiased and unprejudfeed hear and unbiased and unprejudfeed hear and political his So far as our tending parties agree. The process. over the exhilerating fields of freedom? We are not surprised at such taken to faithfully discharge your dual least of it, they expected your Description. They are the natural such conditions and insuch conditions are such conditions.

In other words, gentlemen, such conditions are such conditions are such conditions.

In other words, gentlemen, such conditions are such conditions. verdict. In other words, gentlemen, your fealty to the Democratic party is relied upon for a conviction. In what attitude are they placing you before the country? They are relying upon your Democracy to bring in a verdict.

conviction has been both a pecuniary and political necessity. It is more so today than it has ever been. The prosecution can not now afford to confess by a verdict of acquital, at your hands, that they did wrong when they devised more fact authorizes such verdict or not. If I were you men, jealous of my good hands, that they did wrong when they devised more fact authorizes and hands, that they did wrong when they devised more fact authorizes and hands, that they did wrong when they devised more fact authorizes and hands, that they did wrong when they agree, I suppose, that his murder to witness the Almighty God, that your would control your conduct in the Republican and called the country? They are relying upon for the country. They are relying upon for the country? They are relying upon for the country. They are relying upon for the country. They are relying upon for the country of the country of the country of the country of the are developed to the developed they have had your hands they have had y deprived me of my office and charged em with murder. They can not now had been no distinction as to parties, faithfully perform my duty as a juror political life ever since the trial bewell admit that they were mistaken there ought to have been on this jury when passing upon the most sacred gan! They have persistently injected the scenes of this trial. The prayers tlemen know that it is none the less must have been a conspiracy to kill

BOTH SIDES OUTLINED.

been snearingly referred to on divers | I have always believed that the are that the crime was a most dastardoccasions since this trial began. They right in this case would, in the end, ly one, and that it was a bad thing for

this case. And that may be true, but you may be mistaken about it.

If I should advance any argument of this case. If I should advance any argument which seems to you unreasonable, I beg of you to reject it. If I misquote fever districts in many of the States, notably Missouri and Florida, that so long as one rides upon the heights to consider it.

If I properly understand the mission of an advocate before a jury, or of an advocate before a jury, or of an attorney in argument of a case, it is out that I am guilty, then Kentucky should be held in just contempt for divers individuals, for the purpose of her lax administration of the law. If, upon the other hand, you should render a verdict of guilty and it should turn out in a few days, or a few years, that I am not guilty, then a much greater harm has been done the rouse allegations made by the prosecution. The defense denies these various allegations made by the prosecution.

State than if it had put itself down cution and say; on record upon the side of mercy and First—That Senator Goebel did not come to his death as the result of So it becomes important to the a huge Republican conspiracy or of State of which we are citizens that a any conspiracy of which I was a membecomes important to the a huge Republican conspiracy or of

just verdict be rendered; such a ver- ber dict, gentlemen, as would do no harm to the State, no injury to the accused, no violence to the oath you remarks for the bringing of a large crowd of mountain people to Frankfort five days before Senator have taken, to render a just verdict and one that will bring no remorse of conscience to your souls in after Goebel met his death formed no part of any plan or conspiracy to murder Senator Goebel or any body, but that There is but one thing to decide, mate purpose of petitioning the Legis-

our duty is, and what your verdict in power not to over-ride the will of hould be. And that is the question f my guilt or my innocence. It does Third—That the use of the military not matter whether one thousand or formed no part of any conspiracy to en thousand men are brought to murder Senator Goebel, but that it Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the Goebel Elected Secretary of State in 1899, Robbed of His Office by the His Office had not been a Political Sesse in this State.

In the His Office by the Goebel Elected Secretary of State in this State.

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In the His Office by the His Office by the His Office had not been a Political Sesse in this State.

In the His Office by the His Office had not been a Political Sesse in this State.

In the His Office by the Goebel Elected for Office had not been a Political Sesse in this State.

In the His Office Frankfort; whether Taylor ordered was called out soon after the firing of but the militia or part of it after the shooting of Senator Goebel; or wheth-tecting the people and the State offir there were numerous threats made by mountain men against the life of William Goebel; or whether the fatal William Goebel; or whether the fatal further, that if the military were used that the properties of the control of the cont shot was fired from my office. The puestion is whether or not I, the dependant, and guilty of the murder of william Goebel. Did I procure some william Goebel. Did I procure some should not be held responsible for its termination of that question there are fired from the office of the Secretary ertain well defined roads that we of State it is the best proof that I was hearts guided, namely: The law and the evidence. The law is contained in the instructions as given to you by His Honor; the testimony you have heard from the mouths of the witnesses. And since I am to be tried by the law, it is indispensable that we understand the law, else how can I be tried by it.

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 Louis-ville that day was for the legitimate and honorable purpose of getting another crowd of petitioners to go to

A word concerning the law may, herefore, be not out of place. I will not take the time to mad the interval of the time to make the time to mad the interval of the time to make the time the time to make the time the not take the time to read the indict- tucky. ment in this case, but let me say, gentlemen, that in every instruction upon which a verdict of guilty can be had you will have to believe in the able doubt. And in every one of them you will find the phrase "beyond a The defense, says further, however, reasonable doubt;" you will have to believe beyond a reasonable doubt that the witnesses swearing to these alleged threats and statements are the defendant is guilty. It is not that you are merely to believe that the de fendant is guilty, that is not enough.
You might believe that and still, unfor money.

they came to Frankfort for the legiti-

should not be held responsible for its Fourth—That if the fatal shot was

Fifth—That I did not absent myself

entlemen, in order to determine what lature and remonstrating with those

Let us first address ourselves to the first claim of the prosecution, namely, viduals and he must have met his death in pursuance of that particular onspiracy formed my them. The things upon which we agree the prosecution knew who killed Sen-