Missoula's Battle for Free Speech and against Police Brutality

Leif Fredrickson

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"The old order has changed," the *Spokane Chronicle* proclaimed on October 1, 1909. "The men are now chasing the police."

The *Chronicle* was referring to a flood of workers leaving Spokane for a nearby town. The workers aimed to demonstrate against the local police department's brutal crackdown on labor activists speaking in public. The fact that they were focusing their protests on police disrupted the old order.

And where was that old order changing? Missoula, Montana.

As protests against police brutality, and calls for defunding the police, have resurged after the death of George Floyd, people are reflecting on, and questioning, the role of the police. Who do they, and have they, served? What is, or should be, their function in a society divided by class and race?

These questions are not new. And it turns out that in 1909 Missoula was an early flash point for protest against what was then a relatively recent institution: the modern, urban police department.

Missoula's protest was small, but influential. It spawned similar protests across the American West. In addition, the driving force behind this protest, nineteen-year-old Elizabeth Gurley Flynn, went on to be a founding member of the American Civil Liberties Union. And while the early Missoula protest was different in many ways from the current wave of protests — above all, in the salience of race — it had a number of parallels.

The Exploitation of the Timber Beast

It might also surprise Missoulians — as well as devotees of "best towns to live" lists — that this liberal, overwhelmingly white, college town was once the site of an influential protest against brutal, discretionary police force. Like many amenity-driven places, a focus on "quality of life" often conceals a history of class and racial tensions.

The origin of the protest lay not in the police *per se*, but in the exploitation of workers in the lumber industry in the Missoula area. To understand the forces at play, we need to step back and look at Missoula and Montana's economic development.

Missoula was founded on traditional Salish land. This land was transferred to the United States through a treaty that was poorly communicated to the Salish (and other Native American groups) and whose terms the U.S. did not uphold. The town began as a trading post, but quickly branched out into lumber to supply the Northern Pacific Railroad and the massive copper mines in Butte, Montana.

Lumbering in Missoula began under a fellow named Andrew Hammond. Hammond, whose unaffectionate nickname was the "Missoula Octopus," also owned the region's premiere store, the Missoula Mercantile. But he built his empire on timber plundered from the public forests. Soon enough, though, Hammond sauntered off to the West Coast to liquidate the redwoods. He sold his gigantic lumber mill to his major supplier: the Anaconda Copper Mining Company.

By 1903, Anaconda — or as Montanans knew it, "the Company" — had consolidated control of Butte's copper mines, not to mention many of the state's politicians. In Butte, however, miners had formed a counterbalance to the Company: the Butte Miners Union. The BMU was one of the largest local unions in the United States, and it was local #1 of the Western Federation of Miners — the largest industrial union in the West. It had clout.

The situation among lumber workers around Missoula, and throughout the Pacific Northwest, was entirely different. The work was itinerant, seasonal; less skilled than mining. It was out in the boonies, cut off from community support.

All this made labor organizing difficult and lumberjacks more exploitable. They worked for low wages. In isolated camps, they ate rotten food and shivered on beds of straw filled with vermin. The work was extraordinarily dangerous. They felled towering trees, rode logs down rivers of ice in spring runoff, and sawed up timber in mills packed with jagged, rattling, clattering machinery. That was the life of the "timber beast."

A worker walks logs in the "hot pond" of the Anaconda Mining Company's lumber mill outside of Missoula in the early 1900s. Mansfield Library Archives and Special Collections.

A worker walks logs in the "hot pond" of the Anaconda Mining Company's lumber mill outside of Missoula in the early 1900s. Mansfield Library Archives and Special Collections.

But the exploitation didn't stop there. The capricious nature of the lumber industry enabled another business: employment agencies. In theory, these agencies would match itinerant workers with lumber camps and transport them there. The agency charged an upfront fee or would garnish wages of workers who could not pay upfront, as was often the case. After the fee was paid, the worker could start keeping money for himself.

In practice, what often happened was the worker would start a job in a camp only to be told, after a few days or weeks, that there was no more work. The lumber companies got their labor

and the employment agencies got the wages of laborer. The timber beast was sent away with nothing.

The Missoula Free Speech Fight

That was how nineteen-year-old Elizabeth Gurley Flynn ended up in Missoula in September of 1909. She was there as part of the Industrial Workers of the World (IWW), who had initiated a "don't buy jobs" campaign against employment agency "sharks" in the Pacific Northwest in 1908.

The IWW was, unlike its rival the American Federation of Labor (AFL), dedicated to organizing all laborers: unskilled, itinerant, non-white, women. It was also radical, famously stating: "The working class and the employing class have nothing in common."

Flynn came to Missoula with her new husband, Jack Jones. Although they didn't know it, she was pregnant. Jones was a miner and a long-time organizer for the Wobblies, as IWW members were known. But Flynn's powerful speaking had already made her a star in the organization. Along with Jones and Flynn came another IWW organizer, Frank Little.

The IWW couldn't just drive out to lumber camps, located on private property, and start signing workers up. Workers moved in and out of the woods, in and out of jobs, across state lines. Many were not literate. Many did not speak English well. The IWW published newspapers, like the *Industrial Worker*. But its main recruitment tactic was speaking on the street. That's what Flynn, Jones and Little came to Missoula to do.

Elizabeth Gurley Flynn speaking at the Paterson Strike in New Jersey in 1913.

In September, these three Wobblies and a few others set up a base of operations in the Harnois Theater, directly across from the Union Hall controlled by the AFL and right next to the Chamber of Commerce. Soon they moved out into the open, taking up a daily post in front of the Florence Hotel (named for Hammond's wife) and across the street from the Missoula Mercantile. On that same block was one of the employment agencies. Several others were located within earshot.

Standing on boxes and barrels, the Wobblies decried the predatory employment sharks and the poor conditions of timber workers. They drew a crowd. Naturally, the employment agencies were not too fond of this demonstration, and nor were other local storekeepers.

The Wobblies weren't alone in raising a clamor, however. The Salvation Army paraded around shouting, singing and banging instruments, all to offer moral and spiritual redemption. The two groups often jockeyed for sway over urban soundscapes and urban laborers. Two years later, Wobbly troubadour, Joe Hill, would famously satirized the Salvationists as "long haired preachers" who offered workers only "pie in the sky" when they died.

The police came exclusively for the earthly saviors, though, arresting Jack Jones and Frank Little on the evening of September 28. The charge was violating the peace, under a seldom-used 1899 city ordinance. According to the Company-owned *Anaconda Standard*, the police shut down the protest due to tensions between the protesters and local soldiers from Fort Missoula.

But the next day, the Wobblies were back out on their soapboxes. One young logger, George Applebee stepped up and said two words — "Fellow workers…" — before the police yanked him off his platform.

> ***"[We] invite every free born 'American,' and every man who hates tyrannical oppression of the police, to go to Missoula."***
>
> **– Industrial Worker*, September 30, 1909***

Watching from an office window nearby was H. L. Tucker, an engineer with the U.S. Forest Service. Tucker ran down and took Applebee's place. "Ladies and gentlemen, I believe in free speech; I am socialist; we fought for it in Seattle — " that was as far as Tucker got before, he, too, was arrested.

The next day, the four men appeared in court, where Judge Small accused them of violating the city ordinance. The Wobblies defended themselves in court, arguing that the Salvation Army made more noise. But Small dismissed this as irrelevant. They were sentenced to fifteen days and a fine, but the judge offered them a suspension if they agreed to refrain from public speeches. They all refused.

Outside, Flynn was the main IWW organizer left. She found four more men to speak. Each got up and began saying "Fellow workers and friends" before being hauled off to jail.

Meanwhile, Flynn telegrammed IWW organizers in Spokane to ask for help. In the *Industrial Worker* they published Flynn's call for help, inviting "every free born 'American,' and every man who hates tyrannical oppression of the police, to go to Missoula and help the workers there win out the game." The call noted that "it may be necessary to fill the Missoula jail," and that IWW men should seek to get arrested by speaking on the street.

"Are you game? Are you afraid?" the call asked. "Do you love the police?"

At the end of the call, there was a note to the police themselves: "We would suggest to the Missoula police that no IWW men be shot nor clubbed. That no IWW women be raped or insulted."

As that call went out, the city of Missoula released the second round of arrestees while keeping the first four — the ringleaders — in jail. The released men didn't go home, though. They climbed back on their soapbox and starting speaking, many reciting the Declaration of Independence.

Again a crowd gathered — this time in the thousands — clustering around the intersection and crowding the sidewalk. The Mayor had had enough. He ordered the Fire Chief to bring the

hose wagon down to the intersection and threaten to spray the mob if it didn't disperse. This was October 1st, mind you, in the Northern Rockies. After a warning, firefighters let loose a blast of freezing water on remaining crowd. Then the four men were arrested again. They argued in court that it was the police, not them, who caused the disturbance. But they were found guilty and put in jail.

Missoula fire engine circa 1909. Mansfield Library Archives and Special Collections.

Crowds of Missoulians, meanwhile, gathered yet again at the intersection. Their complaints against the use of fire hoses militated against their re-deployment. Flynn held a rally at the Harnois Theater. And then the next day, October 3rd, her call for help starting paying off: re-inforcement from Spokane began arriving. They broke into smaller groups, setting up speaking corners throughout the downtown. They were arrested, as was their intention.

Missoula's jails began to fill with Wobblies and sympathizers. Flynn herself was arrested, defiantly telling the city that the "IWW could not be suppressed… even if 10 men were jailed every day."

That is exactly what began happening, and it appears to have been Flynn's plan from the outset of the campaign. Prisoners quickly overwhelmed Missoula's courts and jails. The city had to rent out the Missoula Hotel as an extra courtroom. City bills from feeding prisoners — who deliberately got arrested before dinner and refused to leave before breakfast — piled up.

Missoula police were also losing the battle against public opinion. They released Flynn early. Imprisoning a woman was bad optics. But they then arrested another female organizer, Edith Frenette, who had stepped in to take over for Flynn while she was in jail. As the police hauled

Frenette off to jail, a crowd of perhaps 500 people trailed behind, demanding she be released. One person lobbed a rock at the police, and the crowd nearly rioted.

The *Missoulian*, among other Montana newspapers, had little sympathy for the Wobbly cause, siding with the police — the "watchful guardians of the peace." But it did print a resolution by the Butte Miners' Union (who Flynn had also telegrammed), denouncing the Missoula Police.

The *Montana News*, a socialist newspaper out of Helena, ridiculed the police for their brutal tactics "worthy of the Middle Ages!" As far away as Illinois, a newspaper reported on the situation in Missoula, noting that a crowd of 2,000 stormed the jail demanding the release of the free speech prisoners. In town, newsboys gave the Wobblies free papers and "socialist bakers" gave them bread.

VOTE FOR THE PARTY OF YOUR CLASS

MONTANA NEWS

ABOLISH THE CAPITALIST SYSTEM

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VOL. VIII. HELENA, MONTANA, THURSDAY, OCTOBER 7, 1909. NO. 10

MISSOULA POLICE WAGE BRUTAL WAR ON FREE SPEECH.

I. W. W. Organizers Arrested, Jailed and Viciously Beaten by 200-Pound Republican Sheriff in Home of Senator Dixon---Elizabeth Gurley Flynn of New York Dragged to Bastile for Selling Union Papers on Street.

Democratic Institutions Are Assailed.

Police Use Hose to Silence Voice of the Workers—Populace is Indignant and Attack Officer.

the daily papers are giving large space to the affair, with the accustomed misrepresentations and slanders on the Workers.

The organizers are working under the jurisdiction of Darby Lumbermen's union No. 20, I. W. W. The reply to a Labor Day speech of a local lawyer made by Gurley Flynn attracted a large audience and was much applauded. The recital of the Colorado labor war by Organizer Little organizer for the Western Federation of Miners in Colorado, was pronounced too radical by the mayor, and the organizers told that they should not speak again. On the fol-

The speaking has been carried on at the corner of Higgins avenue and Main street. Since the arrests commenced there has been a crowd of 1,500 or more every night. Sunday night Gurley Flynn was arrested while selling papers. The charge was "causing a disturbance." She gave notice that she would handle her own case. When those arrested began to demand jury trials the officials were dismayed at the expense they were confronting. The following is taken from the Butte Miner. The paper states that the police are in a quandary as to what disposition to make of the 35 labor orators who reject offers

lieve in the movement of protest and revolt to come to the rescue; to make themselves known, felt and heard. All socialists should support this fight. Free speech is a condition of democracy that we must not lose if we are to accomplish anything else. A Socialist party is useless that is continually finding excuses to keep out of the struggle. It must rise to occasions. It must be alive for freedom.

The Socialists of Montana should rise to protect the right of free speech as valiantly as they did when Mrs. Haslett was jailed in Spokane. The Missoulian workers must make a

court fight. It will take money. They are at expense. A great part of the Socialists of Montana are well-to-do. They can help the grand fight for freedom if they want to.

Let them come to the rescue get into the struggle, give of what they have.

Sit down at once and send a good, big, liberal chunk to Fred Chaning, secretary Socialist local, Missoula, Mont., to carry on the Free Speech fight.

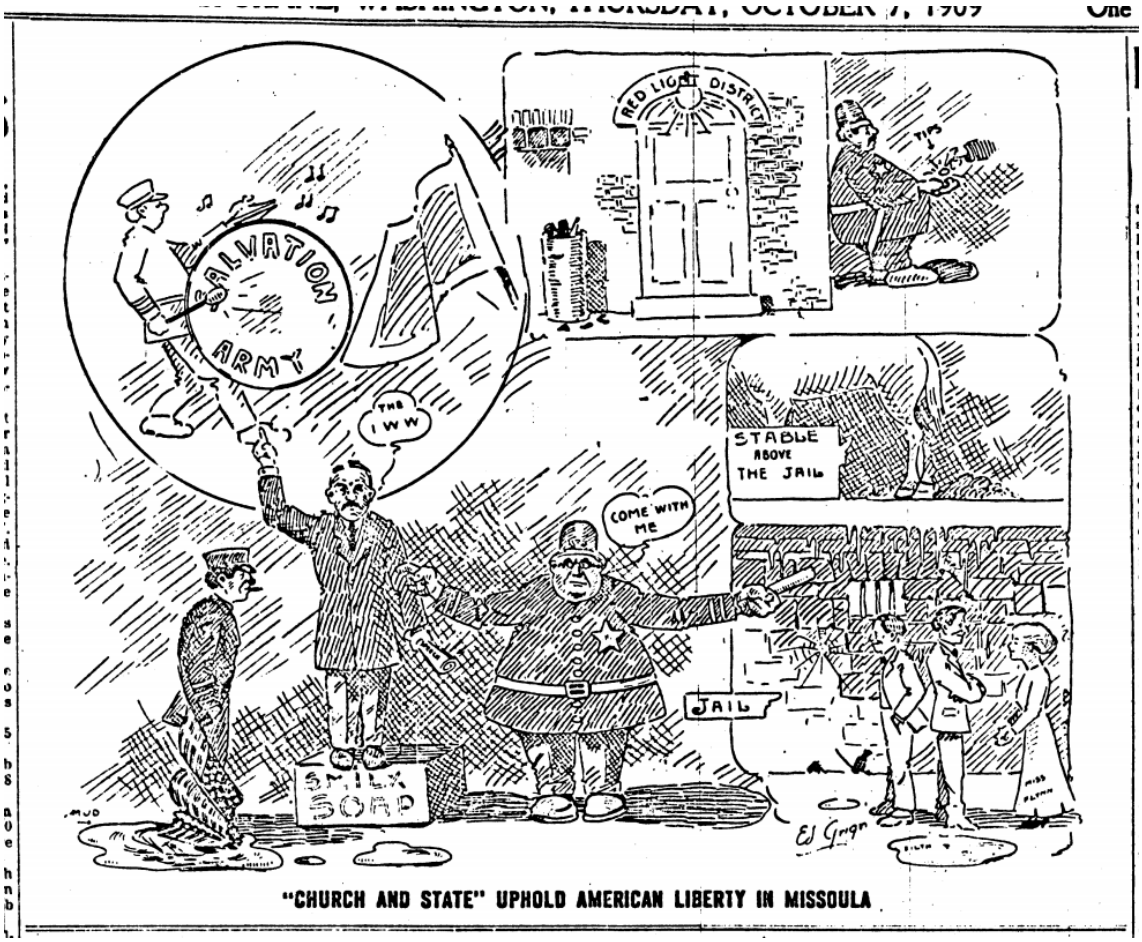
Are you in this fight to win? Then get busy.

Montana News, October 14, 1909. Montana Historical Society.

The morale of the free speech organizers swelled, despite awful jail conditions. The jail was a dirt floored room beneath horse stalls. Police attacked prisoners. The sheriff beat Jack Jones to a bloody, unconscious pulp with large brass key. But the Wobblies were unbowed, singing, joking, remaining resolute. One prisoner, allowed to leave early to visit his wife, came back, demanding to be let back into the jail — much to the delight of Missoulians gathered around.

It began to dawn on Missoula police and politicians that they might lose this battle. At this point, seventy speakers had been imprisoned. And there was no end in sight. By all reports, more people were on their way from Seattle, Portland and other places. The next week was to be Missoula's big Apple Show — the city was also a regional agricultural center — and the specter of riots loomed over the city.

On October 8, the city council held a special meeting and directed the police to stop interfering with the orators. With the spectacle of protest and police brutality removed, crowds stopped gathering. The IWW had won its free speech battle in Missoula — but had a long way to go in its battle against exploitative employers.



Cartoon from the *Industrial Worker* about the Missoula free speech fight — highlighting the differential treatment of the IWW and the Salvation Army; police corruption in enforcing laws (e.g., prostitution); the sullying of American rights; and the horrible jail conditions.

Aftermath and Afterlives

Jack Jones stayed on in Missoula to continue organizing lumber workers. Flynn and Little headed to Spokane to organize workers there, initiating a new, larger free speech battle. It was an "orgy of police brutality" in Flynn's words. Much brutality took place in the jails, where twenty eight men were stuffed into a seven-by-eight foot cell. The police then turned the steam heat on in the cells — they called it a "sweat box" — nearly suffocating the men before transferring them

to freezing cold cells in the November winter. After release, sixteen had to be hospitalized and three died.

Flynn was arrested again — and acquitted. As in Missoula, the city of Spokane eventually relented in its crackdown. Over the next few years, there were more major free speech battles in Fresno and San Diego, as well as smaller ones — eventually around thirty in all. These fights all used the tools that Flynn developed in Missoula. The battles inspired allegiance to the IWW, but also came at a very high cost in terms of violence at the hands of the police and vigilantes.

Tensions escalated even more as the U.S. entered World War I. Frank Little returned to Montana in 1917, this time to Butte, the Anaconda Company's stronghold. In the middle of night, six masked men broke into his boarding house, drug him through town behind a car, and hanged him from a train trestle. No one was ever charged, though many suspected the Company.

Little's fiery rhetoric was a major impetus for Montana's 1918 Sedition Act, which in turn served as a boilerplate for the national Sedition Act — one of the most blatantly unconstitutional attacks on free speech in U.S. history.

Jack Jones went on to found a famous bohemian venue called the Dil Pickle Club in Chicago. It was its own provocative free speech endeavor: mixing radical politics, controversial art, and an openness about human sexuality — including homosexuality — that was rare for its time.

Even the Forest Service engineer L. H. Tucker had a storied, if tragically short, life after the Missoula battle. He joined two major scientific expeditions, one in Alaska and one in in the Andes. He served in World War I. But he didn't leave radical politics behind. In 1920, he flew his plane over San Francisco to drop handbills opposing the American anti-communist blockade of Russia. His plane crashed and he was killed.

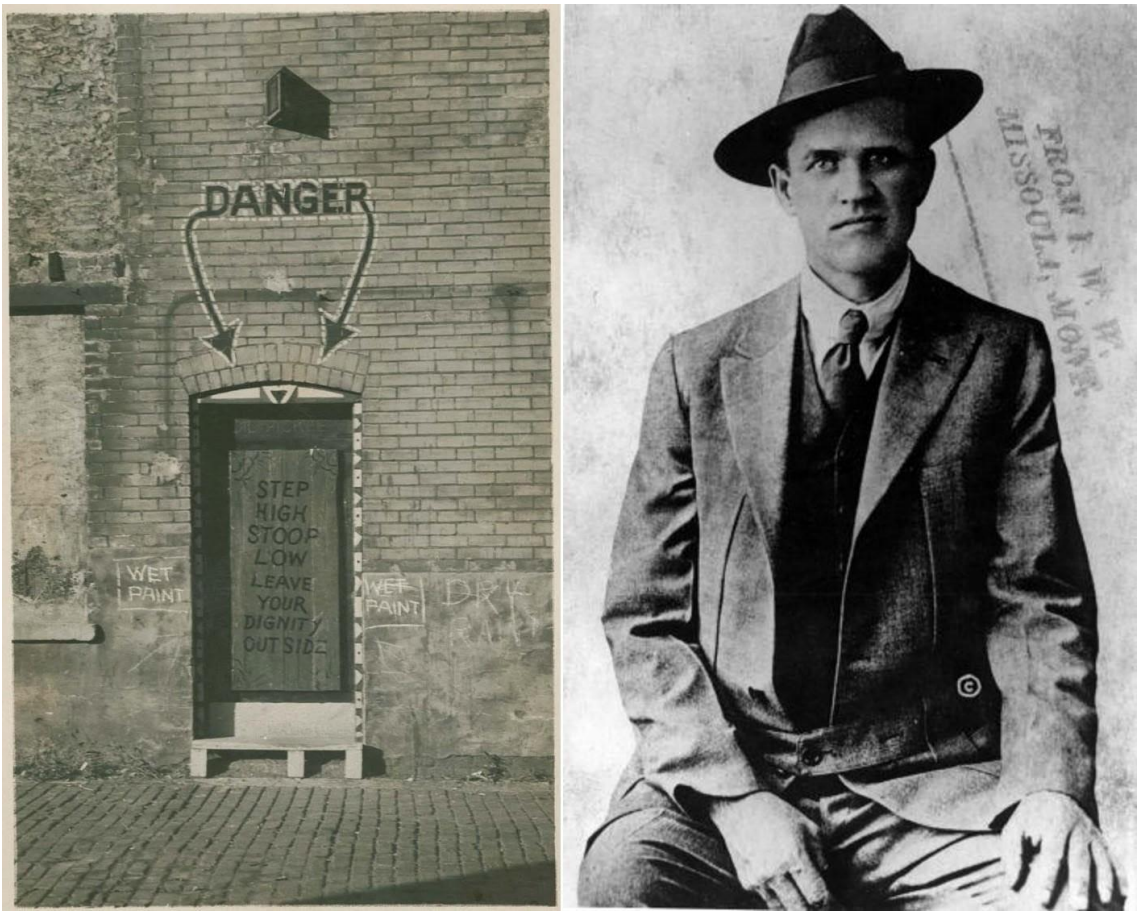
Elizabeth Gurley Flynn continued to agitate for the IWW, helping lead several large strikes. In 1920 she became a founding member of the American Civil Liberties Union (ACLU), which has fought for free speech ever since. Her communism always came first, however, and she was ousted from the board of the ACLU in 1936 for her membership in the Communist Party USA (CPUSA). She was arrested late in life for her membership in the CPUSA. It didn't deter her. She became national chairwoman of the CPUSA in 1961, but passed away three years later. Her legendary status was fixed far before that in Joe Hill's much-covered song "Rebel Girl."

Protesting and Critiquing the Police

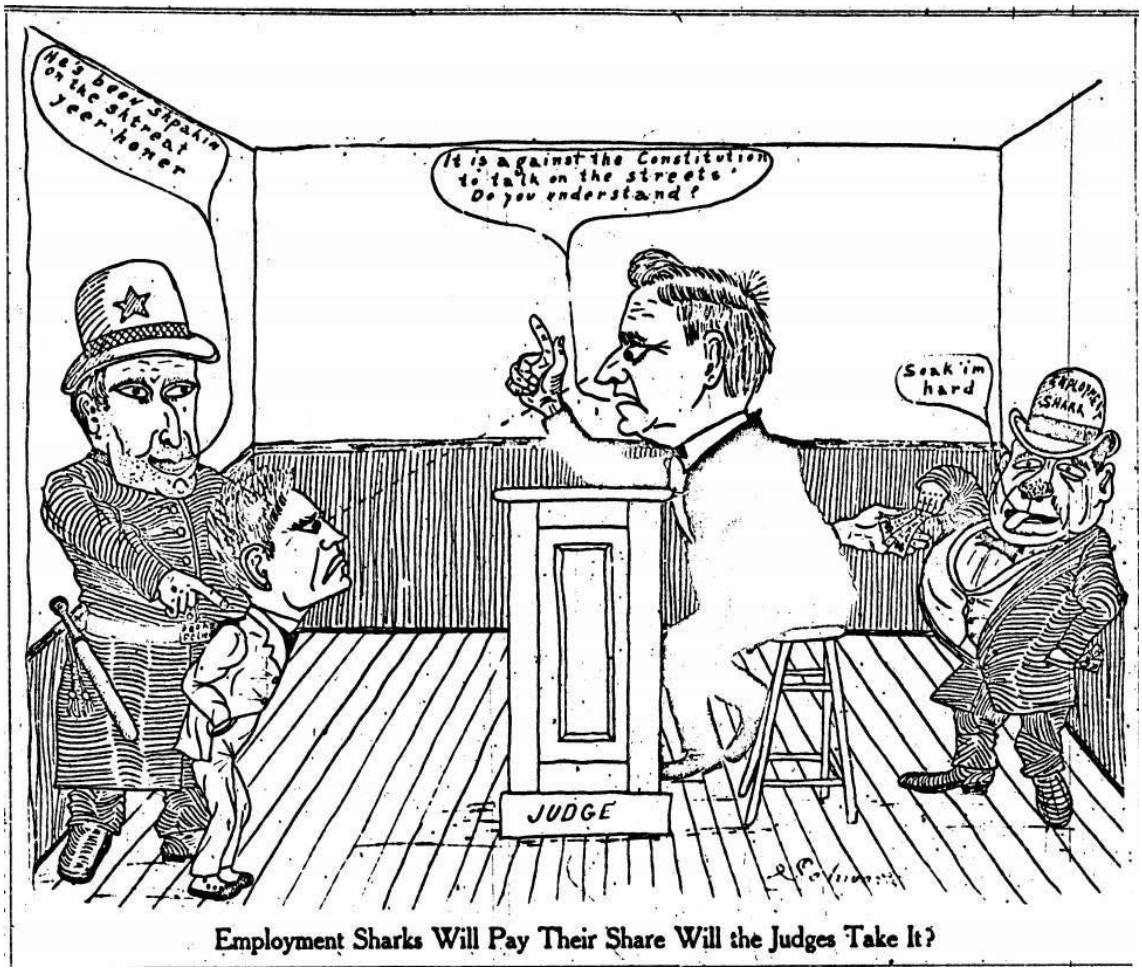
Though always rooted in the goal of throwing off the bosses, the IWW free speech fights were remarkable in their focus on free speech and police violence. It was essentially alone as an organization that fought for free speech before the the ACLU.

Before the IWW, other groups — socialists, unionists and other reformers — had also stood up to government suppression of free speech, and had even prefigured some of the IWW's tactics. But until the IWW, no group initiated a sustained campaign for free speech based on overwhelming the police and the jails with nonviolent resistance. That campaign and those tactics started in Missoula in the fall of 1909.

Similarly, no group had taken on such a sustained critique of the police before. Although grounded in actual experience — i.e., getting their teeth knocked out with billy clubs — the IWW's lambasting of the police was not merely reflexive. They had a theory: The cops existed to maintain an unequal class society.



Left: The entrance to Jack Jones' Dil Pickle Club in Chicago, 1916. Right: IWW organizer and martyr, Frank Little.



Cartoon from the IWW's *Industrial Worker* connecting the role of police and the courts in enforcing exploitative practices of employment "sharks."

As the *Industrial Worker* put it: "The taxpayer of Missoula did not want to pay for the expense of this senseless fight of the police, which was fostered by the lumber companies to prevent organization of the IWW." Thus, the police were not "guardians of the peace," as the *Missoulian* suggested, but the "slugging committee of the capitalist class" according to Flynn.

The Butte Miners' Union said something similar in its resolution: "Those so-called peace officers of Missoula have in an unguarded moment shed their lamb of peace garb and stand revealed to the world as the real terrorists, who stand ready at their masters' behest to tear down that which they are pledged to uphold." In other words, the police uphold capitalism, not legal justice.

No union critiqued the police like the IWW. Wobbly literature — its pamphlets, cartoons and most of all, its songs — were filled with takedowns of the police. One song, probably penned during the Missoula free speech campaign, was titled "Walking on the Grass." (Fittingly, it was sung to the tune of "Wearing of the Green," a ballad about the British banning green shamrocks and other signifiers of Irish Republicanism). In rhyme, the song asserts that police function to marshal the proletariat into work and keep them in line.

> **"There are wisely framed injunctions that you must not leave your job,**
> **And a peaceable assemblage is declared to be a mob,**
> **And Congress passed a measure framed by some consummate ass,**
> **So they are clubbing men and women just for walking on the grass."**
>
> **– From "Walking on the Grass," an IWW song**

These views of the police were, and are, radical. But many historians of policing agree with Flynn and the IWW. Policing has many roots — in the city watchmen, private security forces, slave patrols, and imperial conquests.

But the police departments we now associate with the word "police" were born in the rapidly industrializing, nineteenth-century cities. Those cities teemed with poor workers who, from the perspective of the middle and upper classes, were prone to vagrancy, immorality, indolence — and strikes and riots. They were unruly. Their leisure (e.g., drinking) threatened productivity. Their rioting threatened property. Their "vagrancy" and strikes threatened the supply of labor.

As class warfare escalated in the late-nineteenth and early-twentieth century, police forces became larger and better armed. And more violent. Thus, contrary to the *Montana News*, the brutal tactics of the Missoula police department were not "medieval." They were modern.

How does the Missoula battle, and the IWW's general critique of policing, compare to current protests against police brutality?

One obvious difference is the centrality of race, and especially African Americans, to discussions of policing today. As African Americans moved to northern and western cities in the Great Migration of the twentieth century, urban police increasingly focused on Black Americans as targets for maintaining social order and social hierarchy — which had both class and racial components.

There were, however, some racial and ethnic components to the IWW's organizing, including its free speech battles. As noted, the IWW organized across racial and ethnic lines, which constituted a threat to employers who often deliberately cultivated divisions within the working class. In the Fresno free speech fight of 1910 (which Frank Little also helped lead), the IWW membership included a large contingent of Mexican workers.

In addition, many IWW workers were immigrants. Some of these, from southern and eastern Europe, were not even considered fully "white." But they were definitely considered "foreign" and un-American — especially if they were causing trouble. After the free speech fight moved from Missoula to Spokane in November 1909, the *Missoulian* reported that federal authorities were keeping track of "free speech agitators" and may revoke, or refuse to grant, citizenship on the basis of participation in the protests.

Similarly, a considerable amount of recent police brutality has been doled out to immigrants. And Immigration and Customs Enforcement and the Customs and Border Protection agents have been deployed against protesters.

There have also been similarities in sympathetic local responses. The current protests against the police have received relatively wide support. Many white people have joined in protests against the police and against racism for the first time. The IWW free speech fights also garnered sympathy. There were even a few people like the U.S. Forest Service employee who leapt to the front lines of the battle (a soapbox, in his case).

Accounts suggest that thousands of other Missoulians supported the right of IWW orators to speak and not be brutalized by the police. Indeed, in both the IWW protests and the current protests, police actions only reinforced the narrative that the police were abusive.

Most fundamentally, both sets of protests have critiqued the basic justification for all, or much of, what the police do. At best, according to many current critiques, the police are poorly-tuned tools for handling a variety of social problems. At worst, the police deliberately function to maintain social, especially racial, hierarchies. Indeed, this latter critique of the police usually draws explicitly on the history of the police. These critiques yield solutions that are radical: to defund or abolish the police.

One of the Wobblies most famous songs is the "Big Rock Candy Mountain." It describes a land full of bluebirds singing, lemonade springs, a gin lake and cigarette trees. There is no work. There *are* cops… but they have "wooden legs," so apparently they can't get you. It's a hobo's paradise.

The song is whimsical and utopian in a tongue-in-cheek way. As with much of Wobbly literature, it's both funny and serious. In their time, the Wobblies' vision was often ridiculed as fantastical. And indeed, while they won some battles, they did not win the war. But the violence they were met with — virtually always in response to non-violent direct action — suggests that they were taken seriously. That society was, in some way, up for grabs. Today's protesters against the police face a similar combination of ridicule and violence. The possibilities are still unfolding.

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