Charles and burning sawmills and lumber piles as we come; and what's more, God Almighty will see more sawmill managers, gunmen, deputy sheriffs and Burns detectives hanging to trees in Western Louisiana and Eastern Texas than he ever saw in one place in all His life! Now, convict them, G-D- you!

Hall claimed that, as a result of this threat, the prosecution "weakened, and was not so eager to convict," and that an anti-union group was reportedly armed and "in readiness to stand off the 'mob' in case of conviction." Also during the trial was born the secretive Clan of Toll, whose threats of vengeance in the cause of unionist deaths — "We mean to slug and kill you, man for man, rank for rank, officer for officer" — produced "a deciding restraining effect on the Trust gun-toters." Just after the Grabow trial, this tactic was again employed; a reporter for the New Orleans Daily Item who libeled the BTW in his articles was warned, "If you continue your lying about us as you are doing, we will not be responsible for your safety.' Whereat he pulled out." Moreover, plans were made for "a general strike of the woods and mills" to pressure Emerson's release from jail, and as noted above, sabotage was advocated and practiced during the Merryville strike.

The BTW regularly utilized circulars and newspapers to attack legal and economic repression, disseminate its own information, and mobilize support. During the Grabow trial these efforts peaked. Prior to the trial Covington Hall was put in charge of publicity and immediately began producing and distributing weekly circulars. These circulars — signed "Committee of Defense, Brotherhood of Timber Workers" — contained detailed accounts of the Grabow "riot," jail conditions at Lake Charles, and the trial. They also included urgent appeals for aid addressed to the "People of Louisiana," "Fellow Workers," and "Negro Forest and Lumber Workers of the South" instructions for BTW members in the region, and, of course, uncompromising attacks on the southern lumber trust and the "impartial justice" being administered by the State of Louisiana. A second series of circulars signed "Jay Smith, General Secretary," contained similar reports and appeals for aid. Noting the wide distribution of these circulars and their effectiveness in raising funds and arousing sympathy, the New Orleans Times-Democrat concluded that the Defense Committee's purpose must be "to scatter the circulars all over the United States." In response to the fake IWW leaflet noted above, Hall even produced a counter-leaflet, "All About Bums, the Big Sensation," which parodied the fake leaflet, and earned Hall a contempt of court warrant. In addition, the "Emerson Defense Committee" published in The Rebel a satirical song which began "O we love A.L. and the
boys in jail,” and poetry attacking the southern lumber trust’s legal harassment and warning of retaliation was published in the Merryville Times and The Rebel.55

The Brotherhood was able to arouse sympathy, mobilize support, and generate much-needed funds not only through circulars, but through a remarkable network of progressive publications. In early 1913 both The Rebel and the Industrial Worker quoted BTW leaders as citing the Industrial Worker, The Rebel, the National Rip-Saw, Solidarity, The International Socialist Review, and The Coming Nation as “six great papers . . . deserving especial credit” in the battle to free A.L. Emerson and the other Grabow defendants. According to a BTW circular, prospective jurors in the Grabow trials were even “asked by the Prosecution if they had read ‘The Rebel,’ ‘The Rip-Saw,’ or ‘Appeal to Reason’ . . . one juror being challenged peremptorily by the State because he had read one copy of ‘The Rip-Saw.’” The New Orleans Times-Democrat added that a Brotherhood member arrested following Grabow told the arresting officer “Wait until I get my Rip-Saw and Appeal to Reason. I cannot go to jail without taking them papers with me,” and when asked about his Bible, responded “No, these papers are all I want.”56

This network of progressive publications was in turn tied into the Brotherhood’s larger network of support. Hall, for example, noted that the majority of the BTW members jailed after the Grabow incident were “lumberjacks and farmers,” and that the key factor in the union’s trial victory was “the hostile solidarity shown toward the prosecution by the working men and working farmers throughout this section . . . .” Indeed, the BTW received funds from farmers throughout the region, and the support of the Farmers’ Union; and after the acquittal of the defendants “all seven of the farmer members of the jury, and one restaurant keeper” fraternized with BTW members and supporters at a victory celebration!” The BTW likewise received support from workers in other industries (including school teachers), and from various progressive organizations. Socialist locals throughout Texas, Louisiana, and Mississippi condemned the legal proceedings, passed resolutions of support for the BTW, and sent financial aid. (The Grabow defendants even formed a socialist local while in jail.) Regional
trade unions held protest meetings, helped feed defense witnesses, and celebrated with the BTW its trial victory. During the Merryville strike this aid continued, with area produce farmers and business employees joining the union, and small business owners posting BTW placards in their stores. Also during the strike, the Brotherhood further developed the innovative tactics it used throughout the five-year battle. The BTW picketed incoming trains, throwing leaflets to scabs and others inside them, women BTW members formed picket lines and attacked scabs with hat pins, and boycotted merchants who were members of the Good Citizens' league. Additionally, they threatened to sue the town of Merryville for damages, and even engaged the mayor in fisticuffs.

Conclusion

Power entails the molding of consciousness so as to make the established order appear legitimate to oppressed people. Power, in short, is displayed in coercion, but also in ideology. In addition, the tools of power are employed in a context that serves to preserve the hegemony of the powerful even when the tools themselves are inadequate. Law is an integral part of this order of power and partakes of its complex character. It is both coercive and ideological, both an instrument manipulated by the powerful to achieve their purposes, and a relatively autonomous body of social practices that works without the conscious guidance of the powerful to maintain social order.

As the struggle between the BTW and the southern lumber trust illustrates, however, legal repression is a complex process involving the coercive and ideological machinations of powerful groups, the varied modes of response, and the structural limits to both oppression and response. The trust, confronted by a growing and increasingly powerful union, used the legal system to oppress timber workers when they threatened its continued hegemony. With regional and national connections, tightly controlled local towns and police forces, and a sympathetic court system, the southern lumber trust created around the BTW an environment of remarkably thorough repression. The creation of such a pervasively repressive environment was rooted, of course, not only in the trust's ongoing interconnection with the legal system, but also in its willingness and ability, in a time of crisis, to exploit these connections towards specific ends.

Nevertheless, repression is not unidirectional. It is a dialectical process in which acts of oppression are met with clever and often successful reactions by the oppressed. A study of legal repression that focuses solely on how the law works to maintain the dominance of the powerful does not capture the complexity inherent in the operation of social power. Such an analysis implies that oppressed people are passive objects of the machinations of the powerful. "Top-down" analysis tends to suggest that oppression will be eternal, that repressive social orders are ultimately indestructible — or, what amounts to the same thing, that liberation can come only with the advent of some outside force not implicated in the social order. But studying power from the perspective of the victims of legal repression illuminates the possibility of transcending an oppressive social order.

In our example, the BTW responded to the trust's instrumental and ideological manipulation of the legal system in a variety of ways. By maintaining a veil of secrecy around its operations and membership, by disguising organizers, by holding clandestine meetings, and by deceiving the lumber companies into employing union sympathizers, it was able to establish a powerful counterforce to control the legal and political environment. Moreover, as the struggle developed, the union moved from a policy of moderation to the advocacy and use of violence in response to repression. On an ideological level, the BTW (supported by a widespread network of sympathetic individuals, groups, and publications, sought to undermine the legitimacy of the criminal justice system by exposing the workings of a repressive legal order. They advocated (often in subtle and elusive ways) direct action in the workplace — temporary strikes, intentional inefficiency, and, most importantly, sabotage. Far from being helpless victims of an oppressive social and legal order, the timber workers were willing and able to fight back. The result was the escalation of the trust's overt manipulation of the criminal justice system, and an escalation of violence.
that culminated in the Grabow trial.
In the Lake Charles courtroom the BTW won a pyrrhic victory. It earned the acquittal of the defendants at the cost of its own ability to continue the struggle against the trust. The Grabow trial thus shows the limits of the law's autonomy. The legal process was independent enough from the structure of power in the social order to allow for unpredictable results that cannot always be determined by the powerful, no matter how extensive their control. But — and here we see the structural constraints on the response of oppressed people — law served as only part of a complex of power relations that safeguards the interests of the powerful, often turning small defeats into systemic victory.

It would be wrong, however, to conclude that the system is a seamless web, a web in which we are inexorably trapped. Like all webs, the web of power has its weaknesses and its gaps. The legal order imposes constraints, but not absolute limits. It is powerful, not invincible. In five years of struggle against overwhelming odds, the Brotherhood was able to shake the structure of power, to find and exploit seams and gaps in the web of legal repression. The valuable lesson to be learned here lies not in the reasons for the BTW's ultimate failure. Rather, it lies in the insight, offered by the BTW's successes, into the weaknesses of the system and into the ways in which legal repression can be countered. The sort of vigorous and ingenious measures which the Brotherhood utilized to stagger the southern lumber trust can inform struggles against similar concentrations of power today.

FOOTNOTES
2. American Lumber Company listing in John H. Kirby Papers (Houston Metropolitan Research Center, Houston Public Library, Houston, Texas).
3. For further information on the BTW, the southern lumber trust, and the overall context of their struggle — as well as details on specific topics discussed in this article — see Jeff Ferrell, The Brotherhood of Timber Workers and the Southern Lumber Trust, 1910-1914 (unpublished Ph.D. dissertation, University of Texas at Austin, 1982).
7. Southwest, October, 1912, p. 77; The St. Louis Lumberman (St. Louis, Missouri), November 1, 1911, p. 44; Industrial Worker (Spokane, Washington), April 20, 1911, p. 1.
10. A Louisiana politician also attempted to prevent The Lumberjack from being sent through the mails — see Covington Hall, Labor Struggles in the Deep South (unpublished manuscript, no date) pp. 215-218; The Rebel (Halletsville, Texas), August 9, 1913, p. 3.
11. Lumber companies also violated labor, wage, andpeonage laws with relative immunity, and evidently had "work for debt" agreements with local courts.
13. According to the operative's report, the operative was later fined $9 for a fight with a BTW member; see operative's report to Kirby Lumber Company, July 10, 1912 — Kirby Papers.
15. Industrial Worker, November 2, 1911, p. 1; Constitution and By-Laws of Brotherhood of Timber Workers (Alexandria, Louisiana: Brotherhood of Timber Workers, 1911), p. 11 — see pp. 3-5, 9-10, 13.
16. Undated document entered as evidence October 31, 1912, in Grabow Trial Records (Trial 6021), Calcasieu Parish Courthouse, Lake Charles, Louisiana.
17. Mr. Smokey interview transcript, April 26, 1980, DeRidder, Louisiana, p. 3; Sam Duplissey interview transcript, April 25, 1980, Alexandria, Louisiana, pp. 2-3.
18. Operative report to Kirby Lumber Company, June 16, 1912; operative report to Kirby Lumber Company, May 17, 1912 — Kirby Papers. The Brotherhood, of course, was as careful to protect recruits as it was regular members; in one speech, Emerson warned that all of those who want to buy our books, or join the Union come up [when] the meeting is over, and I will write you up,
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with the exception of the boys from Call 'front'; every one of you leave the building; one of Kirby's 'pimps' is here from the front to turn you in; we will make arrangements to meet you later and take you into membership. . . .

(quoted in operative's report to Kirby Lumber Company, June 16, 1912; Kirby Papers)

19. Industrial Worker, October 24, 1912, p. 1; operative's report to Kirby Lumber Company, June 16, 1912 — Kirby Papers; Industrial Worker, November 28, 1912, p. 7.
20. Southwest, August, 1911, p. 23; operative's report to Kirby Lumber Company, July 10, 1912; operative's report to the Kirby Lumber Company, June 16, 1912 — Kirby Papers. Sam Duplissey recalls his adventures associated with these night meetings — see interview transcript p. 3.
177, 201; Industrial Worker, October 10, 1912, p. 4.
45. New Orleans Times-Democrat, August 6, 1912, p. 3;
The Rebel, September 21, 1912, p.3.
46. Industrial Worker, January 23, 1913, p. 4 (see The Rebel, February 8, 1912, p. 2); "The Grabow Conspiracy" — original circular in Kirby Papers; New Orleans Times-Democrat, August 3, 1912, p. 4.

Jeff Ferrell teaches sociology at Regis College in Denver, Colorado and is presently working on a book about rock videos and popular culture. Kevin Ryan teaches sociology and criminal justice at Regis College.

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Namayá 17810; Industrial Worker, October 10, 1912, p. 4.
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