1923

Herrin Massacre Investigation Proceedings, 0601-0700

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Q. In other words, you do not know what your duties were outside of serving papers?

A. I don't know what the duties is whenever a man is bullied around.

Q. Whenever a man is bullied around?

A. I love to be talked to like a gentleman.

Q. We are trying to talk to you as a gentleman.

MR. PIERCE: Mr. Chairman, I am going to insist on the rule that these witnesses be subpoenaed to Springfield who are unwilling to answer. If they permit perjury in a county, we can make them liable for their conduct.

CHAIRMAN: I will say this, there will be some witnesses taken to Springfield.

MR. PIERCE: I want to get them in a county where there is some law and order. There is not any in this county apparently. I move you that this witness be subpoenaed to come before the Committee next Tuesday in Springfield.

MR. RICE: I think at the present time that matter can be taken up later.

MR. PIERCE: I think he ought to be subpoenaed before he leaves here.

MR. CURRAN: Perhaps this man does not know what the duties are.

MR. PIERCE: Mr. Curran, are you seeking to protect this kind of conduct here? To interfere in this matter?

MR. CURRAN: Who is interfering?

CHAIRMAN: We will discuss that in an executive session. I will say this: The ruling of the chair will be that whatever day we set in Springfield for a continuance of this hearing this man and other witnesses will be subpoenaed. We have tried to save them expense, Every time and trouble in coming to Springfield. We come down here. Man on this committee has a business of his own and give up our time that we might accommodate you but you will not cooperate. Therefore, it will be necessary for them to come to Springfield.

MR. IGOR: Let us do a little more bullying around, as this witness said. What are your duties as a night police officer? Do you know that?
A. To support the Constitution of the United States.

Q. To support the Constitution of the United States. Do you know what the Constitution of the United States is?

A. No, sir, I do not.

Q. You do not know what your duties are?

A. That is all I know.

Q. Did you ever hear anything about a constitution of the State of Illinois?

A. I did.

Q. Did you ever hear anything about supporting the ordinance of a city in which you live?

A. Yes, sir.

Q. Are those part of your duties? A. Yes, sir.

Q. And do you perform those duties as a night police officer? A. Yes, sir.

Q. What do you do when a crime has been committed in the city of Herrin as a police officer?

A. I try to find out who did it.

Q. Find what?

A. The one who committed it.

Q. That was your duties as deputy sheriff, wasn't it?

A. I guess it was.

Q. Will you guess at it or do you know?

A. I did do all I could do to find out.

Q. Did you ever hear a crime was committed in this city of Marion? A. Yes, sir.

Q. Did you ever try to find out who committed it? A. Yes, sir.

Q. What did you do? A. I did what I could.

Q. What did you do, one single thing you did?

A. I just inquired around to see who was out there and who did it?

Q. From whom did you make a single inquiry as to who was out there?

A. I was just talking in the bunch where people was.

Q. You were talking to bunches that constituted the mob? A. Yes.

Q. The fellows who you pulled back with a rope? A. No, sir.

Q. Who else did you talk to?

A. I talked to business men.
Name one business man?  A. I was talking to Ellis.

Q. What is his business?  A. He was a merchant.

Q. A merchant in the city of Herrin?  A. Yes.

Q. You did not think he committed the crime, did you?
A. I thought maybe he knew of some one.

Q. You thought business men of the city of Herrin might know some one who committed that crime?  A. Yes, sir.

Q. Did you ask any question of any other person outside of Mr. Ellis?  A. I asked several, I could not recall them.

Q. Did you ever go to the Strip mine after the killing?  A. I was out three or four days afterwards.

Q. You weren't out that day?  A. No, sir, I was not.

Q. How did you come into the city of Herrin on the morning of June 22d?  A. I come in in my car.

Q. In your automobile?  A. Yes.

Q. Why did you come in that morning?  A. I got through with my work.

Q. And did they tell you the work at the mine had been completed?  A. No, sir.

Q. No one told you the work out there had been finished?  A. No, sir.

Q. Did you have a telephone at the farm?  A. No, sir.

Q. Did you leave your duties as Deputy Sheriff of this county about June 20th, Tuesday?  A. Yes, sir.

Q. And you went down on the farm?  A. Yes.

Q. And there you stayed until the morning of June 22d and then it just happened you drove into Herrin at the time they were dragging victims up to the morgue?  A. No, I generally go down and stay one night.

Q. How did you happen to stay two nights on this trip?  A. My wife was there canning berries.

Q. Did she come back with you?  A. Yes, sir.

Q. And you went to your home at Herrin?  A. Yes, sir.

Q. Did you have a telephone there?  A. Yes, sir.

Q. What street did you come into Herrin on?  A. Stockton.

Q. Is that near the graveyard?  A. No, sir.

Q. On the other side of town?  A. Yes, sir.
Q. Where is your house in relation to the city?
A. On southwest corner.

Q. Did you go into the center of the city at all that morning?
A. Yes, sir.

Q. Why did you go in there?
A. I always go up to town whenever I am home.

Q. Did you have any work to do in town that morning? A. No, sir.

Q. What caused you to go up there?
A. I went up there, I always do go to town.

Q. What caused you to go to the building they used as a morgue?
A. I saw a crowd there and heard them say there were dead bodies there. That is the reason.

Q. The Sheriff was not there when you arrived?
A. I did not see him.

Q. How soon afterwards?
A. 20 or 30 minutes.

Q. Who accompanied him, if anybody?
A. I think Mr. Schaffer.

Q. When you were there, were some more bodies brought in?
A. Well, I could not say whether there was or not.

Q. Did you find out who brought bodies in that you saw?
A. No, sir, I did not.

Q. Did you find out who they were or how they were brought in?
A. In an ambulance?

Q. From where? A. No, sir.

Q. Did you testify before the Grand Jury? A. No, sir.

Q. Did you testify at either of the trials? A. Yes, sir.

Q. Which trial? A. Both of them.

Q. For which side of the case? A. For the defense.

MR. IGOE: That is all.

FURTHER EXAMINATION BY JUDGE PIERCE

Q. What investigation did you make next day after these crimes were committed to ascertain who committed them?
A. Well, now, I could not say for I was over here and left it up to the Sheriff about that.
Q. Did you go out into the vicinity where these crimes were committed? Talk with any neighbors out there? You were acquainted with all those people?  A. No, sir, I was not.

Q. Were not acquainted?
A. No, I did not know but one man.

Q. How long had you lived over and around Herrin?
A. I have been there for 23 or 23 years.

Q. You had been over here to Marion frequently, had you, during the time?
A. I was over here some times. I was over here some two or three days a week and sometimes once a week.

Q. You knew the location, the topography of the ground and all between here and Herrin, didn't you?
A. I never was through that road very much.

Q. Did you know where the Strip mine was? A. Yes, sir.
Q. Had you been there before? A. No, sir.
Q. Had you ever been there before? A. No, sir.
Q. You had passed there before? A. Yes, sir.
Q. Did you know where the power house was out there? A. Yes, sir.
Q. Did you know in a general way where the killing was said to have occurred back at the power house woods? Yes, sir.

Q. You had a vision, a view of that in your mind. Knew all those things?
A. Yes.

Q. Did you go out there and make a single inquiry of anybody between Herrin and Marion to find out who was implicated in these crimes?
A. No, sir.

Q. Why didn't you do that as deputy sheriff? Weren't you interested to know? Weren't you interested to find out from people here who had committed the 17 or 18 murders?
A. Yes, sir, I was.

Q. Why then didn't you make some inquiry?
A. Well, sir, I let the older men have it and men that knew more about that kind of work than I did.

Q. Couldn't you aid same as deputy sheriff?
A. I always have.

Q. If somebody was sick over in your community, you would go
Q. But when 17 or 18 or 20 people got killed, you were not interested yourself but were willing to let somebody else find out who did it?  
A. I did all I could do.

Q. What did you do?  
A. I inquired around.

Q. You did not expect inquiring among the mob that did the act that you would get very much information, did you? You afterwards learned that a part of the crowd in Herrin that morning were a part of the crowd mixed up with mob, didn't you?  
A. That is what they tell me.

Q. You didn't expect to get any information or disclosures from men who committed the murder?  
A. I did not know at that time where to go.

Q. You knew the next day, didn't you? The next day there and several days after that, you learned about it, didn't you? You knew all of the details within a day or two after the crime was committed, didn't you?  
A. I heard right smart.

Q. You knew what you heard, you heard from the Sheriff, didn't you, where the crime was committed?  
A. I heard from him and from others.

Q. You knew how many people were killed?  
A. I heard them say how many were killed.

Q. How many were killed?  
A. There were about 17 or 18.

Q. Did you furnish any witnesses to the Grand Jury to testify as to who did the act?  
A. No, sir.

Q. You did testify on behalf of the defendants here that were charged with this crime in this court room?  
A. Yes, sir. They subpoenaed me here.

Q. What did you know about it more than you told us?  
A. That is all I knew. All that I testified to. All I knewed about them being all around.
Q. About who being all around?
A. The guards. I had never been out to the place. Had never been around them.
Q. Did you go that morning, morning of June 22d, down by the cemetery and find the dead bodies? A. No, sir.
Q. Didn't you hear some people had been killed near the cemetery? A. Yes, sir.
Q. Why didn't you go out there?
A. They had them already in town before I heard it.
Q. Were those bodies brought in before the bodies were brought in from the power house woods?
A. I do not know which were brought in first.
Q. Were any bodies brought in after you got in town? A. I think there were.
Q. How many bodies were in the morgue when you first saw them?
A. I believe 13 or 14.
Q. And how many bodies were in the morgue after they were all brought in? A. I think 17 or 18 of them.
Q. Then probably the 4 or 5 or 6 people that were killed at the cemetery were brought in after you had seen the first ones.
A. They might and they might have been first ones brought in.
Q. Did you go out to the cemetery or in that vicinity to inquire of anybody how that murder occurred? A. No, sir.
Q. Or who was responsible for it, at any time? A. No, sir.
Q. Made no inquiry at all about that? A. Yes, I just stated to you I inquired around of everybody I knewed.
Q. Did you go out there to the mine?
A. No, sir, I did not.
Q. Made no inquiry at all? A. I never went out.
Q. If there was a fight in the street here in Marion, would you go over to Herrin to inquire how it occurred, or would you come here and ask somebody who saw it, if you wanted to find out about it?
A. I stayed in Herrin.
Q. Answer my question. Would you go over here. Will you
answer my question. If there was a fight here on the streets of Marion would you go over to Herrin to find out who committed it, or would you come here?

A. I guess I would come here.

Q. Why didn't you go out there where this crime was committed to see if you could not find somebody that saw it committed?

A. I did not know who was out there that seed it.

Q. You could have gone out there to find out if somebody saw it, couldn't you? Was that not your duty as Sheriff?

A. I was just deputy sheriff, I told you.

Q. Do you know that in absence of this Sheriff, if he was outside of the county for instance, that you are clothed with authority of the Sheriff as a Deputy?

A. Yes, sir.

Q. Did you know whether the Sheriff was in this county at that time?

A. On Thursday morning? Sure, I was talking to him.

Q. But you had not seen the Sheriff when you first learned of the killing, had you?

A. Why, no.

Q. There was a telephone between Marion and Herrin, was there?

A. I guess there was.

Q. When you heard of the killing, did you step to the phone and tell the Sheriff, about it?

A. No, sir, I did not.

Q. Didn't attempt to communicate with the Sheriff at all?

A. Yes, sir, I did.

Q. How did you attempt?

A. Well, when I go down in town they told me about it and I asked Joe Goldoni if he saw the Sheriff and he said he was in town.

Q. Did you find the Sheriff or did the Sheriff find you?

A. We met on the street.

Q. Who were these people who were going into this improvised morgue all day? Who were the people going back and forth?

A. I could not tell you.

Q. Why didn't you close the doors and keep the crowd out?

A. I left that up to the undertaker.

Q. You were Deputy Sheriff, weren't you?

A. They had them in charge.
Q. Is it not a fact that there, in your presence, during that day, while those bodies lay there on the floor, that some of the mob went in there, took cigar stubs and attempted to thrust them in the mouths of the dead men?
A. I never seen them.

Q. Do you not know that is part of the report made by the Attorney General?
A. I do not know. I could not see it.

Q. You were the only man in charge there?
A. I was standing on the outside keeping the crowd back.

Q. Why didn't you keep the crowd out.
A. People came in to see and they just marched on through the house.

Q. Why didn't you keep them out?
A. I did not think they ought to be kept out.

Q. What business did the crowd have in there?
A. I reckon they had business like anybody else.

Q. You knew these men had been murdered, didn't you?
A. Why, yes.

Q. Do you not know it is the duty of the Sheriff and the Coroner both, when a man has been murdered, to keep the crowd away until an autopsy can be made concerning death? Do you not know that is the duty of the Sheriff?
A. They have always done it here.

Q. I know they have done it here apparently, they have done many things here, but I am asking what the duty of an officer is. Don't you know it was the duty of an officer to keep people away until it can be determined how they came to their death, didn't you know that as an officer?
A. No, sir, I did not.

CHAIRMAN: That is all.
TESTIMONY OF DEWITT T. HARTWELL
BEFORE THE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 27, 1923.
Friday afternoon, April 27, 1923.

JUDGE DEWITT T. HARTWELL,

having been first duly sworn, was examined in chief by Chairman

Chairman and testified as follows:

Q. Will you state your name, please, Judge?
A. Dewitt T. Hartwell.

Q. And where do you live, Judge?
A. Marion, Illinois.

Q. How long have you lived at Marion?
A. All my life. That is, I was born and raised here but have been away a great deal.

Q. What official position do you hold in this county and district?
A. I am one of the three Circuit Judges of the First Judicial Court.

Q. How long have you held that position?
A. Since June, 1915. That was the election. I qualified the first of July, somewhere along there.

Q. During the month of June, 1922, there were some disturbances here resulting in the killing of certain men at Herrin, near there and, also, at what is known as Lester Strip mine. State what you know, Judge, with reference to the situation, just preceding that happening and any conferences that you might have had or any conversations you might have had with any of the law-enforcement officials or those charged with maintaining law and order. Pardon me, if you will just give us a little history of what you know about the situation from one or two days previous; we will be glad to have you give us your opinions in regard to the situation, or anything that might throw light upon the situation, that might help.

A. I am perfectly willing to tell the Committee anything I know and if my memory is refreshed at any time I probably can think of some as I go along.

I went to Metropolis to hold circuit court on the 19th, if that was Monday, at 8 o'clock. I held court in Metropolis on Monday,
Tuesday and Wednesday. I arrived back in Marion at 5:45 on the Illinois Central. My wife met me at the train, as she generally does, and I went home to supper. We call it supper here. And she began telling me what all she had heard. All the information I knew when I came back was from her as to what had taken place.

Q. You had not heard about any previous trouble prior to that time?

A. I did not know of a bit of trouble until I got home and she didn't tell me what had taken place. She told me of the rumors so I came up town. The square was well crowded when I came up town. Lots of people and apparently lots of excitement. I came up in my car and I drove around in my car. Every time that there would be a collection of persons go down a street, the whole crowd would follow. I did, too. I followed around this crowd until finally I said I was going to try and see what I could find out. I asked several persons what was on, what had happened, what was the outlook, was there anybody doing anything? And the first information I got was the rumor there were 6 or 6 men killed who were not employees of the mine. I didn't hear that anybody as killed and the next thing I heard there had been one-half dozen. You could hear most anything in the world about the number of men being killed and I couldn't find anybody that knew any more than I did, and everybody was telling what they had heard, so then I started to hunt the Sheriff. I went down to the jail where he lived and I could not get any information, where he was until after I started to go away somebody said; Maybe you will find him in the State's Attorney's office. I am getting ahead of my story.

The reason I went to the jail, I met Hugh Willis and Will Davis of Herrin. I do not mean Major Bob Davis. I mean one of the officers of the miners' union. I had known Hugh Willis a good long time and have known Davis only by name, and I was noticing in Mr. Duty's testimony yesterday he remembered it a little differently than I did. I am satisfied I went to Duty's office with Bill Davis and Hugh Willis. They asked me if I could
direct them. I had found out from somebody at the jail driving
by there that the Sheriff was not there, that he was with State's
Attorney and after I got out of my car and met Hugh Hillis he asked
me if I could direct him where he could find the Sheriff, and I told
him, yes, I could. A carpenter with me, named Willis Bond, and we
were just walking around when we met Hugh Hillis. He asked me where
he could find the Sheriff. I said I think I can locate him for you.
Mr. Duty's office is over there. Duty thinks we all came up with
the Sheriff. I know that the Sheriff was there when I got there.
John Schaffer was there and Stormes was there and Duty. That makes
no difference. The reason I know that is because I had looked for
the Sheriff and couldn't find him. I had no business except to
inquire what was going on, what was being done and who was at fault.
So Willis and Bond and myself went up in the office, and Davis, and
when we got up there, as I remember it, there had been some, for
some reason, the lights went off, and we waited there for the lights
to come on. I don't know why they were off. And there was some
inquiry: 'Who is it anyway?' And I announced to Duty it was Hugh
Hillis, Bill Davis, myself and Willis Bond, and Willis said to the
Sheriff that a rumor, he says, has come to our headquarters at
Herrin that the Business Men's Association here at Marion, had been
in communication with Lester and we have it that Lester has been
induced by the Marion Chamber of Commerce to close the mine down.
I do not know who it was telephoned it, but he understood that the
business men of Marion had induced Lester to close his mine, to
cease operations. And I asked him where the business men were now.
He didn't know anything about that, but that rumor he said had come
to him and he, as one of the officers, had come over to see the
Sheriff and tell him about it. He told the Sheriff he was willing
to go with him out to this mine and disperse that crowd and to
take enough fellows out there to get the crowd dispersed. It
was the first time I knew that. It was a dangerous crowd, and the
Sheriff said: 'Well, do you think we better go tonight or in the
morning?' And Willis said: "I don't know. I will leave that to
you." And then I think Mr. Duty said: "Well, wait a minute. Let us get Colonel Hunter over here." And Willis wanted him to get Colonel Hunter. Duty did some telephoning. I don't remember much about how long it took, but Duty called and after while he came and then I had heard about this firing into the truck for the first time while I was sitting there. As I remember it, while Hugh Willis was talking about the Marion Chamber of Commerce, having communicated with Lester and that they ought to go out and stop this assembling of people; I got talking with John Schaffer or Storme or somebody and asked them to detail to me what happened on this truck and I didn't hear all that passed between Hugh Willis or anybody else. I would talk to one fellow a while and another a while. I didn't hear anything that everybody said but I remember Hugh Willis' statement to me why he wanted to find the Sheriff, remembered taking him there, remembered announcing who was there and announcing he wanted to talk to the Sheriff and Colonel Hunter and heard him state his business.

Q. Do you remember what time it was you went to Duty's office?

A. I came in on the train, been at home, been around the square two or three times, rode around in the automobile. I thought 9:30 or quarter to 10, the way it struck me. I may be mistaken about that. I did not hear anything between Colonel Hunter and Hugh Willis if there was anything. I did not hear anything further until I heard Hunter talking on the phone. I did not hear what he said to General Black. All I remember hearing what he said is that it looked like the thing was under control. I did not hear him say a word about troops and do not remember anything about troops. I did hear him say the condition was quiet and looked like it was all over or something to that effect. That is the way I remember it.

Q. You say Mr. Willis and Mr. Duty talked to the Sheriff relative to sending out deputies or going out that evening to disperse the crowd?
A. No, I do not know whether I understand you.

Q. You were discussing the situation at the mine. The crowd had gathered there?

A. I said this Hugh Willis said that word had come from.

Q. Marion to him that Lester was willing to quit operating and that he, Willis, had come to see the Sheriff about the matter and that he, Willis, thought that they ought to go out there and they talked and Willis said he thought that whoever was out there ought to be sent away and keep the crowd from gathering.

Q. Now, that was discussed there with the Sheriff, Mr. Willis and Mr. Duty?

A. I don't say Mr. Duty discussed it. I heard Hugh Willis say that was what he wanted. I heard him say he came to see the Sheriff. I didn't hear Hugh Willis and Duty talk about it.

Q. I thought you made some remark that Mr. Duty, also, said something about some one ought to go out and disperse the crowd?

A. I meant Willis.

Q. What did the Sheriff say when that was mentioned?

A. The Sheriff, as I remember it, asked him if he thought they ought to go out at night. I am not certain whether he asked the Sheriff or the Sheriff asked him. Whoever it was, he made the remark reply that it might be well to get out at night, he thought we can keep any crowd from collecting or any men from collecting. I don't remember which. That was the first intimation I knew where there was a crowd collected as there had been. My wife heard they were fighting somewhere.

Q. Then it was apparent from what you heard that there was trouble expected at the Lester Strip mine?

A. I understood it that way, and had been men killed, miners killed. I did not hear anybody being killed at the Strip mine.

Q. It was apparent from the trend of the conversation that a crowd was collecting at the mine or had collected?

A. I don't know what somebody else did.

Q. I mean, what you could gather from the conversation?
A. I gathered from the conversation that there had been some miners killed and because of that, that there had been some fellows collected there and that the Marion Chamber of Commerce wanted to disperse whoever might be there. I never heard there was a great crowd. I heard there were people there, and that trouble might come.

Q. Trouble might result from the collection of people there, especially after a murder had been committed?

A. That is the way I understood it. I heard them tell me about the Carbondale matter and I asked the Sheriff: "Where have you been?" He said: "I have been to Carbondale. I didn't know anything about this collection until I got back." I inquired of him: Where were you.

Q. Do you remember.

A. I thought it was settled myself and I thought Colonel Hunter and all of us thought it was settled. I thought the Marion Chamber of Commerce had settled it and I thought Willis was going out there to keep any further organization of a crowd. He did not want the crowd to get so big that it would destroy property.

Q. Do you remember what the Sheriff said with reference to when he would go out there and when he thought somebody ought to go out?

A. I think he asked Willis: "Do you think we ought to go tonight?" And they later agreed to go next morning. I can't remember why they did not go that night. I heard Willis say: "I do not know whether we ought to go out in the dark or not." I think he meant this: That the Sheriff get men and take the men out and see members of the miners' union and do their best to disperse the crowd. That is the way I understood it.

Q. Any further questions? Just one more question: When you saw these crowds collecting here on the square and start up one street or another and the crowd following them, how near were you to the leaders of that crowd?
A. Well, I don't know what I call the crowd. I was probably as much of the crowd as anybody else. I just saw scads of automobiles and the best men of the town in them and women, too. In my car was Dr. Joseph and wife and me and my wife.

Q. Did you ever see persons with arms in their hands?
A. I never did.

But afterwards I found out there was somebody at the house and wanted my guns. They went to my house and wanted guns because they knew I was a hunter and had lots of them.

FURTHER EXAMINATION BY JUDGE: IGGE:

Q. Judge, did a crowd congregate in your yard that night?
A. Yes, sir.

Q. Were you home at that time?
A. I don't know whether I was home or not. I saw it and went over there.

Q. What did they want?
A. Nobody said a word. They left.

Q. How many were in the crowd?
A. 15 or 20. They were in everybody's yard all down to Second St. McDowell lived down that street and I thought they were about the same kind of people as we were. We were just following around and stopped.

Q. No one told you they were down to kill McDowell that night, did they?
A. No, I drove down that way. I did not know McDowell lived on that street.

Q. Was that not an unusual occurrence for this city?
A. Yes, sir.

Q. Did anything like that happen before, crowds going up and down the streets?
A. I have never seen it unless there was a fair or a hanging some where.

Q. Do they come out for a hanging?
A. I mean by that. After the jury hung DeSapta, they came
in from every where, or a fellow of that kind.

Q. The square was pretty well crowded with what kind of people?
A. All of us.

Q. Just citizens of this town or strangers?
A. I don't know. I am pretty well acquainted. I know
pretty nearly every one I saw.

Q. They are just milling around the square?
A. Yes, sir.

Q. Did they seem to have any place to go to?
A. Oh, I could hear men, professional men, business men,
apparently trying to see what they could find out. I heard some
men say: "They killed the God damned scabs." I heard those remarks.

Q. Did they say anything about the scabs in jail?
A. I did not hear about that.

Q. But they did talk about scabs, having killed men around
the mine?
A. Yes.

Q. And there was talking about shipping coffins out there?
A. I heard them say they had shipped coffins out there to put
away men that had been killed, coal miners.

Q. Those were union men?
A. That is what I heard. There were not that many killed,
of course.

Q. The story about the scabs having been killed. They meant
by that, as you understood, those men were union men that had been
killed?
A. I think I heard about Fountinetti going up and demanding
rifles from Edrington. I did not get to see Edrington but saw him
next morning.

Q. Who was Fountinetti?
A. He was a defendant in the trial.

Q. You heard that the night of the 21st?
A. I heard Fountinetti had drawn a gun on Edrington and that
he told Edrington he was going to kill him and I heard the Chamber
of Commerce, some of them had been abused and I went up to see, and
if they had I wanted to do what I could.

A. And, Judge, at that time had you heard of any local stores
having been broken into?

A. I didn’t hear that until next morning.

Q. This information that you did secure, such as you have
testified to here, did you have that before you went up to Mr.
Duty’s office?

A. What is that, Mr. Igoe?

Q. This information about the crowds being around.

A. I saw a crowd. The square was pretty well crowded.
Anybody could see that.

Q. Could you see that from Mr. Duty’s office?

A. You could do that all right, Mr. Igoe, but Mr. Duty, I don’t
know what he saw. He had his blinds all drawn and as I remember it
half of the time the lights were out. I don’t know whether anybody
put out the lights or whether the lights were out. They do that here.

Q. I have forgotten when you got to Duty’s office?

A. I thought 9:20 or 10:15.

Q. You do not know how long the crowd had been around the
square before you got there?

A. They had been around the square when I came in on the
train around 6:45.

Q. So that anybody going to Duty’s office as late as 8 o’clock
could not help but see crowds around the square?

A. That is the way it appears to me, yes, sir. You asked
me the question: If I knew that before I went to Duty’s office.
I knew of the crowd, and had mingled some with the crowd. I did
not know of Bountinetti drawing a gun on Edrington, nor did I
know anything much about it until after I had gone to Duty’s office.

Q. You heard that on your way to Duty’s office?

A. Yes, before and afterwards.

Q. And your wife told you the rumors?

A. Yes, and then I heard it on the square around town.
Q. And there was lots of excitement here?
A. Yes, sir, there was.

Q. And you heard that rumor about 5 or 6 men having been killed?
A. Yes, I heard 5 or 6, 15, I heard all kinds.

Q. And then you started out to look for the Sheriff?
A. I did.

Q. you went to the jail and couldn't find him?
A. I did.

Q. Was Mr. Willis with you at that time?
A. I saw Mr. Willis at jail. I was looking for the Sheriff at jail and he was too.

Q. Willis was one of the defendants at the trial?
A. At the last trial? Yes, sir.

Q. And he was present all the time you were present in Mr. Duty's office?
A. I thought so. I know he was as well as I know anything else.

Q. And there was a suggestion made there by Mr. Willis that he and the Sheriff with some deputies ought to go to the mine that night to disperse the crowd?
A. That is not hardly it. That is the substance of it. I don't know whether he said that they ought to but I know they inquired if he did not think that ought to be done and expressed a willingness to go himself.

Q. Did Mr. Willis say whether or not he had been at the mine that day?
A. No, sir.

Q. At that part of the conversation did the State's Attorney they wait minute and break in with the suggestion that they send for Colonel Hunter?
A. I don't know. He did not use the term: wait a minute but I do not know that Duty was paying attention to me or to Willis. The way I view it, part of the time I would be in close consultation with John Schaffer, asking him about it, sometimes over there talking to Thaxton. I was trying not to make any noise to disturb Hunter.

Before that time I was asking questions of everybody to see if the
Q. Why did you not want to disturb Hunter. What was he doing?

A. Hunter was talking on the phone. I was not paying attention to his phone call. I know they sent for him but when he got there he had a phone conversation. I did not hear him say anything about General Black. I did not hear him say anything about troops, but he said everything was quiet and would soon be over.

Q. And you did not request Mr. Duty to send for Colonel Hunter.

A. I did not, but I think Willis did.

Q. If Willis suggested to the Sheriff it would be well to go out to the mine that night, what answer, if any, did the Sheriff make to that suggestion?

A. I cannot give the words. The impression I got, there was a dispute as to whether they would go tonight or whether it would not be time to go in the morning and they finally agreed on that time, to meet each other and go early in the morning. I remember asking the Sheriff this question: Sheriff, what are the conditions? Can you get out there tonight or do you think it will be all right to wait until the morning? Those things I remember asking him, that I wanted to know what he thought about it. If he should not take somebody and go out that night. I wanted to know if he thought that would not be the best thing to do so then I told him if he knew what the conditions were out there he would know better how to answer that. He asked me back what I thought about it. He said if I knew conditions out there I would know how to answer you. "Do you think you can put that off until morning? Everything seems to be quiet out there." It seems to be arranged that Lester will shut down the mine and that the fellows that had been incensed about the killings would go away." So I went home feeling I thought that probably it would be early in the morning they would be out there and would disperse the crowd and the thing would be settled. I went home feeling all right.

Q. Was that conversation between the Sheriff and Willis held before Colonel Hunter arrived or afterwards?

A. I remember Colonel Hunter told the Sheriff both before and
afterwards, the way I remember it.

Q. The Sheriff did not know anything about his situation at the mine, did he?
A. He claimed not to.
Q. Do you know what time they agreed to meet in the morning?
A. I don't know of any hour. As the impression now is, it was supposed to be an early hour in the morning.
Q. Judge, did you hear any explosions in Duty's office?
A. I did not. I did not hear any in Duty's office.
Q. After you left there?
A. I thought so, it was one of the things that made me come from my home. I was down the street talking with Harry McCready, Superintendent of Peabody Mine if he thought of any danger, of anything I could do, and while talking to him I heard an explosion that sounded to me like in that direction, but that was before I went to Duty's office.
Q. But it sounded as if it came in the direction in which the Lester Strip mine is located?
A. I knew Lester had a strip mine. I never was on it until the day after the fellows was killed.
Q. From what direction did this sound come from?
A. It come from that direction.
Q. What time did you leave Mr. Duty's office that night?
A. My impression was it was 12:15 and the reason I have the impression so accurately at 12:15, I think I got into a discussion with a fellow about our watches and it occurs to me that the Sheriff and Hugh Willis in fixing the time, were asking about what time it was now or when they would meet and I took my watch to see whether they had the same time as I did. They were fixing the time to meet the next morning.
Q. You don't know what time they fixed?
A. I have an idea, my impression is they agreed to meet at an early hour.
Q. What do you call early hour?
A. 6 or 6:30. I thought they would go out before anybody
Q. Do you remember where the Sheriff was to meet Mr. Willis?
A. No, sir, I do not.

Q. You do not know whether any or out at the mine?
A. No, sir.

Q. But at the time Willis was talking in Luty's office, it was known to all those present that there were persons out at the mine other than guards and workmen in the mine?
A. I don't know about that, Mr. Igoe. I don't know. Mr. Willis thought it would be well to go out and disperse those men. I gathered that impression that there were men out there.

Q. What is Mr. Willis' connection with the miner workers' union?
A. I believe they call it Board Member.

Q. He is one of the officials?
A. I had heard reference to it in the trial as that.

Q. Can you fix the approximate time of the telephone conversation in which you heard Colonel Hunter engage?
A. I don't think I know what that was. I don't think I saw any time. At that time, my judgment is, that I thought then and think now, it was anywhere between 10:30 and 11:30. It was about one hour after I went up there, as I remember.

Q. Did you have anything to do, Judge, with any matter pertaining to this affair after the happenings of June 22d?
A. After what, Mr. Igoe?

Q. After this disaster occurred. Did you have anything further to do with the matter?
A. Well, yes, I came down that morning. I know now that they were all killed by the time I got up there now, but I did not know it then. I went up to the Greater Marion Association and I met Colonel Hunter and I told him all these rumors I heard. He had heard them, too. I did not believe it. I asked him if he knew and I got to doubting it, and told him I doubted it, and I do not believe that is true. Somebody has magnified that. And he said: "Let's you and I go out. We can tell them." Mr. Wm. H. Warder came up the stairs and I told him what I doubted about and he told me he thought...
Mr. Warder is a lawyer here and an old man but an old lawyer. We all go to him for advice. Colonel Hunter and I did go out too, but every time he would start out the telephone would ring. We were a long time getting started. Oldham Raisley newspaper editor, Colonel Hunter and as I remember it, Major Davis. I am not sure about it. We went to the mine and we could not get in, and there was a string of cars from Marion to Carterville, both sides was a straight string of cars lined. It looked like it used to be at the Street Bridge.

It must have been string.

We did not get to go up to the mine. I saw the house burning and I asked some fellows if there were any dead men there and they said no, but they had taken them away, and I said: "Colonel, let us go until we find it. I want to see what has happened." So we went on then to the power house and we met some fellows saying they saw a man hanging and they said they are all gone, and I said: Where. So we got into the automobile and went to Herrin and I went out and saw it and got on a telephone and told Mr. Warder that I verified it. It was true. I never believed it. I believed somebody had been killed and there was trouble but not anything like this.

Q. Do you know of any attempt made by any local officers to conduct a prosecution of persons of any crime before the Attorney General came down?

A. Yes.

Q. When was that?

A. All I know was when Mr. Luty and I had in mind. I remember shortly after that day, I saw a copy of the Chicago Tribune or other papers and every day there would be one more day added and nothing done in Williamson County, so I drove back to Herrin with...
Duty and he had the statements in his pocket and he let me read what some of the men had told, and I took the memorandum and I had gathered all the information I could gather and we came back together and Bob Medill, Director of Mines and Minerals was there and then I lost Colonel Hunter. But following up this conversation, Duty came to my office and wanted to know what he and I could do about a special grand jury, and I said: Have you anything you want to submit. He said he did not think that they had anything yet to submit but he wanted to know if I would call a special grand jury, if I could be relied on. I do not think I put it in that way. I said I would do anything that you and the Attorney General want. I will call a special term of the Grand Jury in the May Term or July term. The Grand Jury Terms are February, September and May. And I remember him coming to see me and Brundage, Duty and I and Judge Duncan had conferences about the matter, being told in the newspapers that nothing was being done. Finally, I do not know how long after that it was, Mr. Brundage came down and they had that conference. I told him what I would do. He feared we could not get one. I told him I thought I could and there was a lot of things done to get a grand jury and get a good one.

Q. When did you get that Grand Jury?
A. I called it. I had this arrangement made with Duty and when he told me that they were ready, I would call him. Then he told me he would like to have it for the first day of July term. We had the term and you will see it on the records now, that there was a crime committed in the county and a special grand jury of 23 members was ordered to report on the second Monday of July. Two or three days before that Mr. Duty came to my office and showed me a letter from the Attorney General and he said: "We are not ready to present this evidence yet. Will you allow us to take the jail cases up first and let us conclude these examinations and will you call another one?" And I said: "Yes, I will call a dozen for you." The grand jury met and I did not tell the man in charge of the jury they were not ready. I did not want to tell him. The prosecuting officers told me it would not be advisable to
I followed the Attorney General's suggestion and I told the Grand Jury to take up the jail cases. I told them I had called them for a purpose of fixing responsibility, but those in charge of getting up the evidence were not ready. I did not mention Grundage's name or Duty's name but that Grand Jury went on and finally they told me they were ready and I made an order of the day they were ready. Then I went to the Sheriff. Duty had been to him and he wanted me to let somebody else call the Grand Jury for the reason, as you well know, I do not know what the practice regular is elsewhere, but here in our county the Grand Jury has a **special** term, but as a special Grand Jury the Judge makes order and they give it to the Sheriff, and I told the Sheriff: "I have not anything personal against you. I am not afraid, but I would go out and get a good grand jury, but the whole bunch of us and everybody down here is supposed to be in on this thing and if I were you I would not insist on serving this Grand Jury. If you did not get indictments, they will say it on you. If I were you I would let somebody else handle it." As I remember it, there were some sheriffs agreed on to serve the jury. The Attorney General did not want to give the Sheriff a list of witnesses to serve. Duty did not want it either and Duty and I both talked to the Sheriff.

**Q.** When was the second grand jury called?

**A.** I believe on the 23rd day of August. I am not sure.

**Q.** And the reason for a delay of July to the 23rd day of August was because of a request of the Attorney General?

**A.** Yes, that was clearly understood. I remember very well. I did not, when lots of people asked me why, I was not going to let him come up to that Grand Jury. I answered because there was sufficient reason.
On the morning of the 22d of June, about what time did you and Colonel Hunter, with the other gentlemen you named, leave town?

A. I thought we left about 12:30 or 11 o'clock. I asked Stradling to telephone my wife I would not be home for dinner. Colonel Hunter had been out there before. I did not think he had. I have said this about Colonel Hunter and I want to explain it. I said when I heard he claimed to have been out there that morning. I said it was not so that I went with him. I did say that he did not go out because I went with him. I found out later he went out before I went out with him. When I went it was too late hour for a man to know anything about this thing. I knew he couldn't know anything about it and go out with me, but I learned later he went out before that.

Q. What time did you get over to Herrin?

A. I judge 35 minutes. We stopped a little bit.

Q. Probably over there before noon?

A. We had dinner or lunch in Bob McDivill's room in the Lymore Hotel. Bob McDivill is an old friend of mine and Colonel Hunter and Bob McDivill and I had lunch there. I ate, and I think he did, and I went down again and ate at an Italian place, Joe Goldoni.

Q. Do you think it was as late as 11:30?

A. I hardly think it was that late. About 10:30 or 11. That was my opinion. About 11 o'clock. That was my opinion. About 11 o'clock.

Q. I have before me a record from the telephone office here, "Call by Hunter to General Black". Time of the call 11:02 A.M. time talked 11:23 A.M., Marion. If that talk took place then it must have been later than 11:30 when you left here?

A. If that is the record of the telephone office I am mistaken. He was brought back one-half dozen times before we started.

Q. You did learn that Colonel Hunter had been out that day early to the mine?
A. Yes, I told Oldham Paisley. He was the man that gave me the information. Somebody said Hunter had stated when he got out there he got out before men were killed or right afterwards. I said that was not so. He went out with me. Oldham Paisley, who had gone with us in the automobile, he corrected me and said: "Yes, he went out with us and he went before you, too." I have said that is right. I am mistaken.

Q. Do you know whether Colonel Hunter had any telephonic communication with the Adjutant General's office while at Herrin with you?

A. No, sir, I do not know what Colonel Hunter did at Herrin at all.

Q. You had lunch there and some time later you came back with the Colonel?

A. No, I did not. I came back with State's Attorney Duty.

Q. As far as you know, Colonel Hunter was left at Herrin. He remained at Herrin for some time?

A. I do not know what he did, Mr. Pierce. I do not know what he did then. I came home later in the afternoon or the middle of the afternoon, as I now remember it.

MR. PIERCE; That is all.

CHAIRMAN: Any further questions? Witness excused.
TESTIMONY OF WILLIAM H. WARDER
BEFORE THE MERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS
On
April 27, 1923.
McCarthy and testified as follows:

Q. Will you state your name to the reporter?
A. William H. Warder.

Q. Where do you live?
A. In Marion, Illinois.

Q. What is your business?
A. A lawyer.

Q. How long have you been in the practice of law in the city of Marion?
A. A little over forty-one years.

Q. Forty-one years?
A. Yes, sir, since February, 1881.

Q. Were you here during the month of June, 1922?
A. I was.

Q. On the evening of June 21st, which was Wednesday evening, were you called together with some other men relative to the tense situation at the Lester mine?
A. I was.

Q. Just tell the Committee who called you and what was done?
A. I was in Chicago on Tuesday, reached Marion about 9 o'clock Wednesday morning, the 21st. Had an urgent matter that took me out in the country beyond Johnston City and kept me out so that I arrived at Marion at 4:30 or 4:35 on this Wednesday. I went to my office and some one, I think an employe in the office just back of mine, told me that I was wanted at once at the room of the Greater Marion Association and I went at once.

Q. Who was there?
A. Colonel Hunter, Mr. McLearey, Mr. Edrington, Mr. Ralph D. Mitchell, Mr. Mix.

Q. What transpired, Mr. Warder, at that meeting?

A. I judge it was about twenty minutes of 5 when I reached there and I hurriedly asked one of those present what the occasion of my being called was. Excuse me, there was another gentlemen, let me add Mr. Charles Hamilton was also present. It was explained to me what the call was and I was talking to one of the gentlemen to get at the situation and had only been there a few minutes when I first talked, because an answer, a call came in answer to a long distance call. Colonel Hunter talked. I could only hear one side of it. "Hello General: In substance he said that there is a report that two of the union miners have been killed and three wounded and that some men inside have been wounded. Have not been able to get in touch with the Sheriff. Sheriff and State's Attorney are out of the city. Have not been able to get any action taken by any one at his office. (Pause) Some few words added, as far as I can remember. Did not materially change the report which was, as I understood, I do not know, a report to the Adjutant General.

Q. This was about what time, Mr. Warder?

A. Between 4:30 and 5. In my judgment nearer 5 as well as I remember. I might not have the exact time. There was a hurried conference held and a call put in by Major Hunter for the Southern Illinois Coal Company mine and as I understood, he got McDowell on the phone. He told McDowell that he should agree to cease the operation, put up a white flag and that he would try and have somebody come out there and get his men out. Apparently there was a demurrer, a quiet objection of some kind, repeated by Major Hunter. He wants to know if we can put him in touch with Lester. Mr. Hamilton stepped over to the phone and told McDowell to agree to that and after the words were repeated, I think, by Colonel

-2-

309
Hunter, Mr. McDowell agreed to put up a white flag and that he would cease the operation and get his men out. Colonel Hunter then put in a call for Hugh Willis at Herrin at the Miners' Headquarters, but as I gathered from the words he repeated, could not get Hugh Willis. He stepped out, but he got Fox Hughes who is a district officer of the union. I do not know the exact talk but he told him that McDowell had agreed to cease operation, put up a white flag and for him to get some men, go at once and meet them and get the men out. And Colonel Hunter urged that he should go at once. We discussed the matter, each of us saying something in regard to the proposition and that it was very important that they should be gotten out before dark. But no one seemed able to add anything to what had been done. The situation was recognized as being a very serious situation by all those present and by the statements which they made, which I might detail but could not be accurate on, but that was the effect.

I stayed there until about 6 o'clock, then went to the State's Attorney's office at the southeast corner of the square. Found a young lady there and she reported that Mr. Duty was out but she was looking for him in. I stayed there about 10 minutes. I left there at 20 after 6. The reason for me knowing the time, I asked the young lady if she had had her supper. I said it is 20 minutes after 6 and you had better get supper. If Mr. Duty wants you, you can come back, and I left and went home.

Q. Did you again meet with the Committee or anybody else, Mr. Warder?

A. I got supper and as I came out after 7 or a little after, a body of men were marching down and I could hear some noise across to the east of me, a block or two. Some others went further south, as I remembered in the direction of McDowell's home, which was south of the square and I would judge it must have been something like half after 7 when I came back up town and went to the Greater Marion Association office and found the Secretary
were a largo number ex' peo lo around on tho square, a good deal of confusion. A large measure of feeling of helplessness under the circumstances, and knowing that my wife and daughter were alone, I went back home, probably about 9 o'clock. I knew nothing of the meeting at Mr. Dury's office until I heard about it the next day.

Q. Did you hear any explosions that evening, Mr. Warder?
A. Yes, sir. I heard two explosions that evening.

Q. Do you remember about what time approximately?
A. I would say approximately near 9 o'clock, between 8 and 9 o'clock.

Q. Where the lights on at that time?
A. The lights went off a few minutes before the explosion or a few minutes after. I would not say just which.

Q. Is that what you would call a real large or moderate explosion?
A. A heavy explosion, yes.

Q. Very much out of the ordinary?
A. Out of the ordinary other than once every year or two we hear an explosion at the powder plant and those are of the same nature.

Q. But it was very much out of the ordinary and unusual?
A. Absolutely.

CHAIRMAN: Any questions?

FURTHER EXAMINATIONS BY MR. IGGE.

Q. Mr. Warder, from what direction did the noise of that explosion seem to come?
A. My impression was from the northwest, but the impression was founded not alone on the direction. The sound seemed to come but was, also, from the reason that I believed that it was the strikers with dynamite.

Q. Is that Laster mine located northwest of this city?
A. Yes, sir.
Q. What was the immediate impression that it was dynamite being used at the Luster Strip?
A. Yes, sir.

Q. You say there appeared to be a feeling of helplessness in the town that night?
A. Yes, sir.

Q. What occasioned that belief or feeling?
A. A mob was marching around and there was the feeling that a large number of our citizens were really in sympathy with the mob and a further feeling that the officers were not so organized as to cope with the situation.

Q. Did it appear as if the officers wanted to cope with the situation?
A. Well, I could not say that they were making any concerted effort to try to cope with the situation. I saw no signs of any such effort.

Q. Do you think if the Sheriff had appointed some additional deputies he might better have been able to cope with the situation?
A. Not by force.

Q. Could he as an officer of this county have exercised an influence on the people who were participating in that mob display?
A. This truce that has been spoken of, and if you call for a matter of opinion I will give it. It is a personal opinion. My opinion is that in connection with the mine officials and an organization of men that could have been called in, that the situation could have been handled, if that truce was agreed upon.

Q. When you say mine officials, what do you mean?
A. I mean officials of the union. I refer particularly to one Hugh Willis and those who were joined with him as officials of the union mine workers.

Q. And you think if those officials had honestly endeavored to carry out the terms of that truce they could have carried them out successfully?
A. My belief is that they could have done so if they had been at the proper time, fully supported by lawful authority. If the officials of the miners' union had been properly supported by the lawful authority of the officers of the State they would have carried out the truce?

A. That is my opinion.

Q. There is not anything around here to indicate that any of the lawful authorities were attempting to do this?

A. Not within my knowledge. You must understand I was out of the city during the preceding days nor was not fully in touch with the situation.

Q. But when you went to look for the chief prosecutor you could not find him?

A. I was not in his office at that time.

Q. You do not know whether he was in the city or not?

A. No, except from his statement.

Q. The girl said he was not there?

A. Yes.

Q. Was the Sheriff anywhere around the square?

A. I did not see him.

Q. You did not see this police officer walking around the square, did you? (Indicating Thornton)

A. I do not remember seeing Mr. Thornton.

Q. And was Colonel Hunter attempting to do all he could in order to prevent this impending trouble?

A. Attempting, yes.

Q. Had he reported to the authorities at Springfield the occurrences that happened that day?

A. As far as I stated a while ago.

Q. Those were the major occurrences that day, weren't they?

A. They seemed to be.
Q. Did you hear Colonel Hunter ask for troops?
A. No.

Q. Did he say anything about troops?
A. Not that I recall.

Q. He made a report to the other end of the telephone that two men, his information was some men had been killed and another wounded at the Tripp mine?
A. Yes.

Q. Did he, in that same report, say anything about the so-called truce, or any terms of a truce in that conversation?
A. No, I think not because my recollection is that this arrangement was made after that particular conversation over the phone. That is my recollection.

Q. Were you up in Mr. Dutty's office in the evening, that evening before this riot?
A. On Wednesday evening, June 21st, I went to Mr. Dutty's office not far from 6 o'clock.

Q. But you were not there in the evening, later, when the Circuit Judge and others were present?
A. No, sir, I had no knowledge of that.

Q. Did you have any knowledge that automobiles were passing through this town to the number of 8 or 9, loaded with armed men some time early in that evening of the 21st?
A. That was being mentioned, not the number but that men were going through from other points with arms. The talk along the sidewalk.

Q. You learned it from something that was said here by somebody here in the crowd?
A. Yes.

Q. That, together with the fact that a mob of some size was formed and marching along here on the streets about the city, created a sort of an intense situation, did it?
A. It did.

Q. One that appeared to you to be very menacing?
A. It did.
Q. One that officers ought to take notice of, oughtn't they?

A. Yes.

Q. Ought to report it, make some effort with reference to it, ought they not?

A. Yes.

Q. Do you think Colonel Hunter did his duty here in Marion to the people of Marion and people of Illinois? In the discharge of his office in what he did with the knowledge he had with reference to this situation?

A. That is hardly a fair question to me. I am willing to say what I did but it is a legal conclusion and I doubt whether my personal opinion will aid in that question.

Q. I am recognizing in you a man, able to determine a situation or a fact?

A. I would rather you put into record what I did and had Colonel Hunter known what was going to happen I have no question but what he would have done more.

Q. Was it not apparent to you at least and Colonel Hunter was in a position, either he could have obtained the same feeling, the same views you obtained, that something was very likely to happen unless it was restrained?

A. I heard him make report to his superior officer and that report, the words of it sounded like trouble to me.

Q. He reported fully, as far as you know and as far as you now believe, all the information that he then possessed concerning trouble here, did he?

A. Your question is broad because it assumes that I know all the knowledge he has and I do not.

Q. So far as your knowledge goes, did he report?

A. As far as I have knowledge of the situation there and as far as I have knowledge of it now, he reported the situation.

Q. Do you think the Adjutant General of this state, with the information that was reported to him by Colonel on that evening or afternoon, should have, without any further request or information send troops here?
A. Again you call for an opinion when we have the facts before us and the facts are for all the people of the State to judge. I am not constituting a judge of the matter any more than you or you or you. I would say that there was a very grave question before him.

Q. What would you have done had you been the Adjutant General of this State and got that information?

A. When I got the first word of this trouble, I would have been on the ground.

Q. Don't you think if troops had been sent here, placed in charge of this situation that the whole thing would have been averted?

A. Had they been properly handled, yes. Had they been improperly handled a worse thing than we have might have been.

Q. Well, don't you think your local authorities, your constituted Sheriff, with all of the authority, clothed with every power to bring to him and surround himself with the citizenry of this county, knowing the facts as he must have known them, the situation as it asserted itself, could have sworn in deputies and likely prevented this riot?

A. You call for an opinion the same as in regard to Colonel Hunter, the same as in regard to Adjutant General, a personal opinion. The facts are before the people.

Q. I would like your opinion.

A. I cannot add to the facts that you have and this is not in the line of evidence.

Q. No, it is not strictly in accordance with evidence. A. Nor within the of the investigation with which you are committed?

Q. We are looking for an opinion of some of you people down here as to what caused this thing, as to how it could have been averted. We are not able to get concrete facts to determine this question here. If you had been here for the last day you would have known that facts are very difficult to get here.

A. I am willing to give you every fact within my knowledge.
Q. I am going to ask, or going to say that I could like to get your notion. If you are willing to give it to us about how this thing could have been averted. What sort of handling could have averted it, in your judgment?

A. That is a wide field and my answer would be speculative. I will give you all the facts now that I can possibly reach and even ones that came to me by hearsay but the conclusions, the verdict, the jury of the whole people must rest on facts and not on one man's opinion.

Q. Well, as a lawyer, assuming that your police here in charge of your city had knowledge of the killing out there at the mine on the afternoon of the 21st of June and had knowledge of the information of a mob in the city about 6 o'clock or 7 in the evening and had knowledge, as he must have had here on the street that there was something being said about resenting that killing, that the men were becoming somewhat infuriated and with further knowledge that cars loaded with men were passing through this city, going in the direction of that mine out there with guns and weapons, in your opinion, as a lawyer, was that man discharging his duty by remaining absolutely silent and indifferent under those conditions?

A. A matter of opinion again.

Q. You are not anxious to fix that irresponsibility of this situation, are you?

A. Let me make my position as clear as I can. I would be willing to undertake to try to give you the view of the situation here generally but you must understand you could not go out and get the personal opinions of the majority of the citizens of Williamson County by any possibility and the tendency if you take personal opinions of one individual, to class those as the opinion of the people of the county?

Q. You have a pretty good idea of how the people feel on this subject in your town?

A. That might be true and on that subject it is not so much a personal question but that cannot be arrived at in your report
by getting one man's personal opinion.

CHAIRMAN: Let me suggest this, that Mr. Warder, a citizen here, has given us the facts and perhaps we ought not to request his personal opinion about it.

JUDGE PIERCE: He does not seem to give me an opinion.

A. What do you want?

Q. I want to get your views?

A. My personal opinion? I do not think you are entitled to it, Gentlemen.

Q. We are not criticizing you. You are not giving it.

A. I am willing to tell you something of the general point of view of the citizens of Williamson County as far as I can measure it, if you want that.

Q. What is the point of view?

A. I want to give this Committee everything I can fairly.

Q. What is the point of view of the citizens with reference to the way the matter was handled and whether or not they consider it was conducted properly and if not properly, who they condemn generally for not handling it properly?

A. This is a coal mining community. Williamson County is a coal mining county. That is, it is its leading industry. Men have gone into the mines from every other walk in life and particularly from the farms all over the county. It is strongly unionized, not only in the mining occupation but in all other occupations. The union feeling is not solely confined to miners or to hod carriers or to the other 35 or 40 unions we have in Marion and adjoining towns. The feeling reaches out to other people in other lines of life. Strongly unionized. The union seeks to protect all the rights of its members. In this matter there is a percentage of our citizens who are so much of the union that they justify all that was done. Many of them, honest and law-abiding men. There are others and they constitute quite a large percentage, who reason something in this line: Lester made an agreement with the union to furnish him men. He would strip the coal, have it ready to load but would not load it until the strike was settled and loading began from the other mines. That the union furnished them the
men that he stripped the coal. Had some 70,000 tons, as has been said, a rippped and ready to load. That then to broke his agreement with the union and brought men, as they term it "hired forces." presented them with guns around his property, across the public road that had been used for forty years, held up citizens, undertook to load his coal with non-union men and that Lester was responsible for all that happened. The moderate view of it does not reach further than that and so, under those circumstances, the moderate vision is not open to any other things that happened, and they justify in a way all that was done. At least, they do not fully justify but they do not consider it.

Then there is an element, a minority percentage of the citizens of Williamson County who view this matter as a murder, massacre of un-armed men who had thrown up hands, put up a white flag and had surrendered and they consider it all that the outside world does, but they do not go around making a great big noise about it.

JUDGE FIERCE: Now that brings us down to this question, and I do not want you to feel embarrassed when I ask it, because you can do just as you want to about answering. I want to know why it is or was that the jury in this county, with evidence probably that would have convicted men charged with any other crime under different conditions, were unable to arrive at the verdict that somebody was responsible and ought to be punished for crimes that were committed here? Was it the fear of consequences of a verdict if they did convict - was it the sympathy of the Jury or was it the attitude of the citizens of this county that such conduct as happened and the conditions that existed, justified the killing regardless of the law to the contrary?

A. "That is a question that you can answer, or you or you or you just as well as I."
Mr. RICE: I am going to suggest that while I am interested
in what Judge Pierce is saying, I think he is calling on the witness
for more than he should.

WITNESS: You need not worry about me.

Mr. RICE: That is open to the Committee to decide and they
can arrive at the same opinion.

A. I am not resenting this.

Mr. RICE: I am merely presenting my view.

Mr. PIERCE: I apologized to the gentleman for the question before
I asked it.

WITNESS: I answered the question.

Mr. PIERCE: I don’t want him to answer if he does not want to.

WITNESS: I answered all of them.

Mr. BACKER: Mr. Chairman, may I ask a question. You told of
a conversation you heard Colonel Hunter have with Adjutant General
Black. Can you recall the approximate time when this conversation
took place?

A. Around 5 o’clock, right near 5 o’clock. I did not say
just the exact minute. It was after I got to the Greater Marion
Association office, which was a little after 4:30 and it was
prior to 6 when I left there.

Q. And this conversation took place at the Greater Marion
Association room?

A. Yes, sir.

Q. Who else was there at the time of the conversation?

A. We have that in the record.

Q. At that conversation did you hear Colonel Hunter make
the report, did he tell the number of men that had been killed, to
General Black?

A. That is in the record. We are repeating.

Q. Did you, also, testify that Colonel Hunter thought troops
would be necessary?

A. I testified that I never heard troops mentioned. That is
all in the record.
CHAIRMAN: I just want to ask you questions for information.

Who is the present Mayor of Marion?
A. Mr. Clarida. Wait a minute. He is the Mayor elect. He elected Mr. Clarida a while back. Mr. Elijah Lewis is Mayor now and Mr. Clarida is Mayor elect.

Q. What form of government?
A. Commission form of government.

Q. Who is the Chief of Police?
A. Mr. George Vinson.

Q. The Sheriff is Mr. Galligan?
A. Yes.

Q. Who is the Chairman of the Board of Supervisors of this county?
A. Samuel Stern.

Q. Where does he live?
A. About one mile and a half west of Marion.

Q. And who is the Coroner of this county?
A. Mr. McGown.

Q. Where does he live?
A. In Marion.

Q. Thank you very much.

(Addressing Sheriff)

CHAIRMAN: Mr. Sheriff, if this is agreeable to the members of the Committee, I would like to have the Sheriff call up the Mayor and members of the Board of Commissioners, the Chief of Police, the Chairman of the Board of Supervisors of this county, Mr. Edrington, Mr. McGown, the Coroner and Mr. Duty and ask them to meet myself and whatever members of the Committee that want to be present at the Greater Marion rooms tonight at 8 o'clock. I think we have reached the situation where we want to have some advice, some help and cooperation from the outside. I want to say this, the Sheriff has been very good and has done everything we asked him to do. We
may not called on others yet, but I would like to have him meet with us tonight and whatever members are here I would like to have an executive session.

Is that agreeable to the committee?

We will stand adjourned until 9 o'clock tomorrow morning.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. What is your name?
A. John A. Schaffer.

Q. Where do you live?
A. Marion, Illinois.

Q. How long have you lived in Marion?
A. About 15 or 17 years.

Q. What is your business at the present time?
A. I am not doing anything at the present time.

Q. What has been your business in the past?
A. I have been Deputy Sheriff for the last eight years.

Q. When did you discontinue that line of work?
A. Well, something like three weeks ago - three or four weeks ago.

Q. Were you a deputy sheriff in Williamson County during the month of June, 1922?
A. Yes, sir.

Q. Who was sheriff at that time?
A. Melvin Thaxton.

Q. And you were appointed by him as Deputy?
A. Yes, sir.

Q. Were you first deputy?
A. John Lehman was first deputy over me.

Q. He wasn't serving the latter part of June, was he?
A. I don't know whether he was or not. He might have been a special deputy then.

Q. Was he around the office?
A. No, sir.

Q. What deputies were on duty at that time?
A. Myself, Mr. Richardson and Mr. Storms.
Q. Anybody else?
A. We were the only regular deputies at the office.
Q. How many other deputies were there, sworn in and acting at that time in the County of Williamson?
A. I couldn't say. Quite a few, but I couldn't say the number.
Q. Why say quite a few then?
A. Quite a few I know, but don't know the number.
Q. Would you say four?
A. O, possibly 15 or 20 - one in every little town.
Q. How many can you call by name now?
A. Well, I don't know.
Q. Is there an official record in the Sheriff's office as to the men employed?
A. I suppose there was an official record.
Q. Do you know whether there is an official record?
A. No, I do not.
Q. Where did would that record be?
A. I suppose the County Clerk would have it, if they were regularly appointed.
Q. What makes you think there were 14 or 15?
A. Well, I know of several.
Q. Where were they located?
A. There was one at Carterville, and I am not sure, but I think one at Cambridge and one at Clifton and there was one at - one or two at Busch and I am not certain who was at Johnston City. I think there were some there and there was one at Bolton and one at Creal Springs and at Colp there were two. I don't know if I could name all of them.
Q. The Sheriff testified there were five or 6 and you testify 15. Who knows? You or the Sheriff?
A. He ought to know. I would think he ought to.
Q. If he swears on the witness stand that there were 5 or 6 outside the regular deputies and you say there were 15, but not certain of it, which would be correct?

A. I don't know whether there were that many, but there were more than 5 or 6.

Q. You know they were sworn in and serving at that time?

A. Yes, sir. Some I could name were serving at that time. Shelton and Bolton, two at Colp I know, one at Carterville that I know and one at Creal Springs I know. I don't know if I could name them all. I know of these.

Q. These four or five you actually know?

A. Yes, sir.

MR. RICE: Mr. Chairman, excuse me just a minute, I want to ask the witness a question. You mean that these deputies were authorized by Sheriff Thaxton to serve warrants in their communities? These would be special deputies and they would make their returns under oath?

A. Yes, sir.

Q. When did you first hear that trouble at the Lester mine had happened?

A. Some two or three days before the killing.

Q. Before the killing really took place?

A. Yes, sir.

Q. Some two or three days before?

A. Something like that. I suppose I made about four trips out there.

Q. How long before the killing did you make the first trip?

A. I don't know.

MR. RICE: Please speak up. The committee can't hear back here.

Q. Had you been out there for the Sunday previous?

A. I couldn't tell you, but I had been out there I think every day for three or four days before the trouble.
Q. What was the reason for going the first time before the trouble?
A. I think the report came in that they were having trouble with the guards holding people up on the public highways.

Q. Who did you say was holding people up?
A. They claimed they were guards.

Q. Did you see them?
A. Yes, sir.

Q. Were they armed?
A. They had rifles and they had 45 Colts automatics.

Q. How many guards did you say?
A. Well, I couldn't say, must have saw anywhere from 15 to 20 or more.

Q. Did you go out with the State's Attorney and the Sheriff?
A. Yes, sir.

Q. Was that before Sunday?
A. I couldn't tell you.

Q. Had you been out before you went with them?
A. It seems to me we had been one time. I am not sure.

Q. Two or three days before that?
A. No, I think possibly a day before. I am not sure whether we went one day before Duty went or two.

Q. Did you ever go out with Col. Hunter?
A. Yes, sir.

Q. When was that? Before you went with the State's Attorney?
A. I couldn't say whether it was or not.

Q. Your memory is not very good, is it?
A. It is pretty good, but we went so many days at that time -

Q. On different days?
A. Yes, sir.
Q. You didn't go twice in the same day?
A. I don't think so.
Q. You went out with State's Attorney Duty and then with Col. Hunter?
A. Yes, sir.
Q. What was the reason you went with Col. Hunter?
A. We went out together. The sheriff and him were going out.
Q. You know all about this thing and I want you to tell this committee what happened - what happened from the time you went out on Sunday until the killing. Tell it in your own way and tell everything you know about it.
A. We made several trips to the mine because there had been complaints that the people were being held up on the road and we made an investigation and the day I went with Col. Hunter we went out to see them and have a talk and see if they had any machine guns out there.
Q. Did you find any?
A. No.
Q. When you went with Col. Hunter, what did you do?
A. We went in the mine and talked with the men there -- that is, the man in charge.
Q. McDowell?
A. Yes, sir.
Q. What did he say?
A. We talked to him about the situation out there, about the complaints and all that.
Q. What did Col. Hunter talk about?
A. I think about the same thing.
Q. Is that what Col. Hunter went out there for?
A. I couldn't say what his particular business was.
Q. You don't know what Col. Hunter was doing down here?
A. Yes, sir.
Q. What was his business?
A. He was representing the State - that is, representing Adjutant General Black.

Q. There wasn't any trouble here at that time, was there?
A. When he first came?
Q. Yes.
A. Well, yes, there wasn't any more than disturbances there and complaints coming in every day of people being held up out there.

Q. And because of that the Adjutant General sent Col. Hunter?
A. I don't know, I suppose so.

Q. Did you communicate with the Adjutant General?
A. No, sir.

Q. Do you know whether your superior officer, the sheriff, did?
A. I couldn't say whether he did or not.

Q. Just tell us what happened from the time you got out there until the killing?
A. These complaints came in and we went every day and talked to them and the fellows agrees to disarm.

Q. Who agreed?
A. They agreed with the State's Attorney and the Sheriff.

Q. When did the agreement take place?
A. Sometime before the trouble happened.

Q. Who was president of the conference committee?
A. I couldn't say who all was there.

Q. Were you there?
A. I was there.

Q. Was the State's Attorney there?
A. I think he was.

Q. Was the sheriff there?
A. My judgment is that he was.
Q. Who did they make the agreement with?
A. I couldn't say.

Q. Was Col. Hunter there?
A. I don't know.

Q. Where was he?
A. I couldn't say.

Q. When this agreement was entered into, who was there?
A. I couldn't tell you who all was there.

Q. Where were you?
A. They came in here one time - in town.

Q. In the sheriff's office?
A. No, I think they came up to Mr. Duty's office.

Q. Who was there? Lester?
A. No. McDowell and Laney. I don't know, I think there were four of them.

Q. This was when Col. Hunter was here?
A. I think so.

Q. He was present?
A. I think so. I am not sure. I can't think right off.

Q. We will give you time to think.
A. I can't call to mind.

Q. Was this on Monday and Col. Hunter came down on Sunday?
A. I couldn't say.

Q. What was said at that conference?
A. Well, as well as I got it, they were to quit stopping people on the public highway.

Q. McDowell agreed to this?
A. Yes, sir.

Q. And Delaney, who was he?
A. Yes, sir, he was captain of the guards.

Q. And you think this conversation took place at Mr. Duty's office?
A. I think so. Either there or at the mine.

Q. And Mr. Duty was present?
A. I wouldn't say for sure he was.

Q. The sheriff was present?
A. Yea, sir.

Q. Col. Hunter was present?
A. I couldn't say.

Q. What happened after that?
A. It went on to the day before the killing took place and we were called by McDowell to go to Carbondale. He said one of his trucks had been fired into. Myself, Mr. Duty, and Mr. Thaxton left here for Carbondale.

Q. What time was that?
A. Right away after noon. Right after we ate our dinners.

Q. What way did you go?
A. Left on the west hard road, detoured off the main road to a road going to Carbondale and we inquired all along whether anybody had heard of any shooting. We drove plumb into Carbondale and when we got there we saw Delaney and found out about it and it was on the south road.

Q. This happened in Williamson County?
A. Yea, sir.

Q. When you were in Carbondale, what did you do?
A. We went to the hospital where some of the wounded men were.

Q. They told you what happened?
A. Yea, sir.

Q. Did you talk to anyone else?
A. I talked to Mr. Delaney.

Q. Did your State's attorney or the sheriff talk with any others?
A. The State's attorney from Murphysboro.

Q. What is his name?
A. I am not sure what his name is.

Q. Was he in Carbondale?
A. Yes, sir.

Q. Did you talk with Sheriff Gibson?
A. I am not sure if I did or not.

Q. Were you and Sheriff Thaxton together all the time?
A. No, not all the time.

Q. Where was he when he wasn't with you?
A. Why he was around there, but we weren't right together all the time.

Q. You know he talked with Sheriff Gibson, and found that the shooting happened in your county and not in his? Don't you remember that?
A. I don't remember talking to Sheriff Gibson.

Q. And you remember the sheriff talking with another man there and he told him he was afraid something serious was going to happen. You remember that, don't you?
A. No, I don't remember talking to anybody but Delaney.

Q. You remember that Sheriff Thaxton mentioned that something was going to happen as bad as the Sam Brush riots?
A. I don't remember.

Q. Did you hear him say anything about that?
A. No, sir, I did not.

Q. You say you were not with him all the time?
A. No, sir, I went to the depot and talked to Delaney.

Q. What time did you get back to Marion?
A. I couldn't say. It was after night awhile.

Q. After 8 o'clock?
A. Must have been.

Q. Was it dark?
A. Yes, sir.

Q. Had it been dark very long?
A. No, sir.

Q. Would you say it was 9 o'clock?
A. Well, I couldn't say whether it was 9 - a little before or a little after.
Q. You tell me what happened that night?
A. I couldn't say whether it was before or after 9:00.
Q. Well, you tell me what happened after you got back here.
A. Well, after we got back here we went to Mr. Duty's office.
Q. Is that the only place you went?
A. That is the first recollection I have.
Q. Did you stay with Sheriff Thaxton that night?
A. Yes, sir, and I was with him at Mr. Duty's office.
Q. Then you didn't go to the sheriff's office?
A. Well, I can't call to mind whether I did or didn't.
Q. You don't seem to want to remember. We will give you plenty of time to think. You were here when this trouble happened and we want you to tell us all you know about it.
A. We went to Mr. Duty's office. I am not sure whether we ate supper before we went to Duty's office, but I know we went there and don't know whether we went any place else.
Q. What did you go to Duty's office for?
A. Went there and called Col. Hunter over there.
Q. Who called Col. Hunter over there?
A. I am not sure who called him.
Q. How long after you got to Mr. Duty's office were you able to get Col. Hunter.
A. Not very long.
Q. Half hour?
A. Possibly.
Q. What did you call Col. Hunter for?
A. I didn't call him myself. He was called
Q. Why did you go over to the State's attorney's office?
A. We went over to see about the trouble.
Q. What trouble?
A. This trouble out there at the mine.
Q. You sent for Col. Hunter?
A. Somebody did.
Q. What did you do after Col. Hunter came?
A. We had quite a talk.
Q. What was the talk about?
A. This trouble and what arrangements could be made to stop it.
Q. When you were at Carbondale, did you go to see the truck?
A. Yes, it was at Carterville.
Q. Well, when you were at Carterville - you heard that union miners were shot?
A. I don't think so.
Q. You heard two men had been shot at Lester mine?
A. No, I don't think so. I heard there had been some shooting out there.
Q. You mean all you heard at Carterville was that there had been some shooting and didn't hear that a couple of union men were shot?
A. No, sir, I did not.
Q. Who told you?
A. It was the talk in the street.
Q. When you got back to your office, you knew there had been shooting at Lester Mine?
A. Yes, sir.
Q. Wasn't that the reason you sent for Col. Hunter?
A. I couldn't say. I didn't send for him.
Q. What did you think when you heard they were shooting at Lester mine? Did you think it was a Fourth of July celebration? Didn't you think it was serious?
A. I thought it was serious, yes, sir.

Q. Did the sheriff think it serious?
A. I don't know what he thought about it.

Q. Was he fearful something might happen?
A. They were figuring some way to get it stopped.

Q. You thought it was serious?
A. Yes, I thought so.

Q. And the Sheriff thought it was serious?
A. I don't know what he thought.

Q. Was he worried about it?
A. Yes, he was worried about it.

Q. Did he hurry back home?
A. Yes.

Q. That was what you went to Mr. Duty's office for, wasn't it, to talk about it?...
A. Yes, because something serious had happened, I suppose.

Q. Why, don't you know? It was because it was serious and you wanted to find out about the shooting and see what could be done, and that was your duty and was the reason you went there?
A. Yes, that was what we went for.

Q. Why don't you tell me instead of making me drag everything from you?
A. I will tell you if you ask me.

Q. What happened after you got to Mr. Duty's office?
A. We talked there for quite a while.

Q. What did you talk about?
A. We talked about making some arrangements to go out there and see if we could get this quieted down.
Q. What arrangements were made?
A. We arranged to go out there at 8 o'clock.
Q. What were you going to do at 8 o'clock?
A. We were going out to see what we could do.
Q. Who did you make arrangements with?
A. Col. Hunter was going out, Davis was going out, Sheriff Thaxton was going out and Mr. Duty. Col. Hunter was going, but I am not sure of Davis.
Q. What were you going to do at the mine? Disarm the guards?
A. I wouldn't tell you.
Q. What did they say there?
A. Going out to see what could be done in regard to stopping it.
Q. What was the name of the mine official there at that time?
A. I think Mr. Hugh Willis of Herrin was there.
Q. Does he have anything to do with the Lester mine?
A. I couldn't say.
Q. What was said there about it?
A. My understanding over there was that they were going to shut the mine down and they were coming out next morning and that is what Col. Hunter said. I didn't talk to the mine myself at all. Col. Hunter said there had been some kind of arrangement made in regard to the mine down.
Q. You had found out at this time that two men and possibly three had been killed. Everybody in Marion knew two union miners had been killed, didn't they?
A. I couldn't say whether they heard any miners were killed. Heard there had been shooting.
Q. Did you discuss it there in Mr. Duty's office?
A. Yes, talked the matter over.
Q. Wasn't that the reason you went out to the mine the next morning?
A. Yes, sir.

Q. You knew hundreds of shots had been fired, didn't you?
A. Didn't know how many.

Q. What further happened?
A. We went out next morning.

Q. Well, this evening. How long were you in the State's attorney's office?
A. Until after midnight is my recollection.

Q. Was Col. Hunter there all the time?
A. I couldn't say whether he was or not.

Q. Was Major Davis there all the time?
A. My judgment is he was there. I am not positive.

Q. State's attorney there?
A. Yes, sir.

Q. Anything else happen while you were present?
A. Well, there was some telephoning.

Q. What was the telephoning?
A. Well, I heard Col. Hunter talking to General Black.

Q. Was that in Mr. Duty's office?
A. Yes, sir.

Q. What did he say?
A. Well, I heard him telling that Lester had agreed to shut the mine down and the men were coming out next morning.

Q. Did he tell about the shooting taking place?
A. Possibly, I did not hear him.

Q. Did you hear him tell the General to send down troops?
A. No, sir, I did not.

Q. Anything said about troops?
A. Seems to me that there was something said about troops.

Q. What was it?
A. Seems to me he said he thought they had agreed to come out of the mine and he thought by morning everything would be all right.
Q. That isn't anything about troops?
A. I don't know if he said anything about troops.
Q. You were with Col. Hunter down here?
A. Some of the time.
Q. Did you discuss with him the situation as to troops?
A. He told me one time he thought they would be needed.
Q. What did you think?
A. I couldn't say.
Q. Did you think troops were needed at any time?
A. Not before that evening.
Q. Where else did you go on the evening of June 21st, on Wednesday before the killing, after this conference broke up about midnight?
A. I went home. I wasn't very well. Had an attack of appendicitis and didn't come out any more.
Q. Didn't come out after the 21st?
A. Yes, two or three days after that I did.
Q. We are speaking about the night of the 21st?
A. I went home after the conference.
Q. Who left with you from Duty's office?
A. I don't remember.
Q. Did you go home with anyone else?
A. Yes, sir.
Q. Where do you live?
A. 511 S. Madison St.
Q. Who lives there with you?
A. My daughter now.
Q. How old is she?
A. She is about 22 or 23 years old.
Q. Anyone else?
A. Her husband and I have one boy about 15.
Q. Have you an automobile?
A. Yes, sir.

Q. Did you have your automobile out that day?
A. No, sir, I didn't use my car to amount to anything.

Q. What did you do when you got home?
A. Went to bed.

Q. How long did you stay in bed?
A. Well, until the next morning. Don't know just what time I got up.

Q. Did you get up your usual time?
A. I think so, about 6 or 7 o'clock.

Q. What time do you report for duty?
A. Anywhere from 7 to 8 o'clock.

Q. And what time did you get up the morning of the 22d?
A. I judge about 7 o'clock.

Q. What did you do then?
A. Came up town.

Q. Did you get breakfast up town?
A. I am not sure whether I got breakfast home or not.

Q. What time did you get to the office that morning?
A. I judge between 7 and 8 o'clock.

Q. How near 8 o'clock?
A. I couldn't say. I think we left here in the neighborhood of 8 o'clock.

Q. Who was in the office when you got there?
A. I couldn't say.

Q. Was anybody there?
A. I couldn't say. I know we met out on the square and bunched up to go out there.
Q. I am asking you about the office
A. I couldn't say. I don't remember whether I went into the office.

Q. Is your memory affected?
A. I don't know whether it is or not.

Q. This is no joke, Mr. Schaffer. I want you to take time to reflect these questions.
A. I will answer your questions the best I can.

Q. I have to pull the answers to my questions out of you like pulling teeth.
A. I was rather bothered and do not recall just what happened.

Q. You don't recall anything. Who gets to the office before you get there?
A. Mr. Storms gets there. I couldn't say whether I went into the office that morning.

Q. What time were you to meet?
A. I think it was 8 o'clock.

Q. Don't you know?
A. That is my judgment it was 8 o'clock.

Q. And you came right up from town from your home; then you went to the office and then went out to the square?
A. I don't know whether I went to the office.

Q. Were you outside the city limits before you left with Col. Hunter and Thaxton?
A. No, sir.

Q. From the time you left Mr. Duty's office, until you met them next morning?
A. No, sir.

Q. Where was your automobile at that time?
A. I couldn't say. My boy uses it more than I do.

Q. You didn't use it the next day?
A. No, sir. I always went with Thaxton and we used his car.
Q. Did you ever hear that some hardware stores were broken into?
   A. That night or the next morning, yes, sir.
Q. Do you know which it was?
   A. Yes, sir.
Q. Which was it?
   A. I couldn't say.
Q. Did you ever hear of hardware stores being broken into before in this town?
   A. Yes, sir.
Q. When?
   A. Some time before that.
Q. Is that an usual occurrence?
   A. No, an unusual occurrence.
Q. And it didn't make any impression in your mind, you can't remember?
   A. I couldn't say. It was either that night or the next morning.
Q. Well, whenever you heard it, did you hear what hour of the day or night they were broken into?
   A. It seems to me it was sometime in the afternoon.
Q. No one reported that to you when you got back in town?
   A. It could be that they did.
Q. Did your sheriff and State's attorney talk over this situation on your way back from Carbondale?
   A. I suppose so.
Q. Did you discuss the situation at Carterville, that there had been shots fired at Carterville?
   A. I don't know.
Q. Do you know what they talked about on the way back at all?
A. No, I couldn't say, only we were going to come in and find out what we could do. I can't call to mind what was said on the road.

Q. What did you want to find out?
A. We wanted to talk to Col. Hunter, and that was the reason we went up to Mr. Duty's office.

Q. Who did you talk to?
A. Just street talk.

Q. What was the talk in the street?
A. About shooting out there.

Q. Any talk about the hardware stores being raided?
A. Might have been.

Q. When you and Mr. Duty and Mr. Thaxton separated, you agreed you were to meet in Duty's office, didn't you?
A. I don't know if we agreed on the way back. It was the agreement after we got here.

Q. Who was present when that agreement was made?
A. I couldn't say.

Q. Where was the agreement made?
A. I couldn't say that, we just had an understanding.

Q. When did you have the understanding?
A. I couldn't say whether it was before we got back or after.

Q. You were all together when you had the understanding?
A. I think we were.

Q. Were you with Sheriff Thaxton while he put his car away and when he went to Mr. Duty's office?
A. I don't know.

Q. Is there anything you know about this?
A. We had some trouble out there.

Q. Were you with Thaxton when he got the call to go to Duty's office on June 21st?
A. Not that I call to mind.
Q. And outside of the understanding you had about going to Duty's office, you don't know of any other reason that brought you up there, outside of that understanding?

A. I couldn't say whether it was a call or an understanding.

Q. Did you testify in any of the cases down here?
A. One.
Q. Which one?
A. The last case.
Q. Which side did you appear for in the last case?
A. For the defense.
Q. Was your memory as good then as now?
A. I suppose it was.
Q. You don't know?
A. I suppose it was as good as now.
Q. Were you in consultation with attorneys before you testified for the defense?
A. No, sir, only in the court room. They spoke to me and asked me what I was called for in regard to Hugh Willis being here that night.
Q. What attorney asked you that?
A. I don't know whether if was Judge Neeley or Judge Stone.
Q. Were they judges or lawyers?
A. Lawyers.
Q. How long were you on the witness stand?
A. Possibly 3, 4 or 5 minutes.
Q. And outside of that conversation you didn't have any conversation with a living soul before you went on the witness stand?
A. Yes, I talked to Mr. Duty about it, told him that Hugh Willis was here that night.
Q. That is the night of June 21st?
A. Yes, sir.
Q. The night you were in Duty's office?
A. Yes, sir.

Q. Do you remember who else was up there?

A. There was Col. Hunter and as I remember, Mr. Davis, Mr. Thaxton, Mr. Storms, Mr. Duty, Hugh Willis. Seems to me there was another one or two. I don't know.

Q. Did you ever make an effort to find out who killed the men at the Lester mine on June 31st? I am talking about the Union men who were killed.

A. Well, I don't know. Of course we made what effort we could.

Q. That is what I am trying to find out; what effort you did make or could make?

A. The only thing that we could get was they were reported killed from the mine.

Q. When did you get that report?

A. Right away when the trouble happened.

Q. That is all you did, got the report?

A. All we could do. We couldn't locate anybody who did it.

Q. And you got the report right away when the trouble happened?

A. The next day, I think.

Q. Don't you know?

A. I said I knew it that night or next morning.

Q. Don't you know you heard it that night in Duty's office?

A. No, sir.

Q. You didn't hear that in Duty's office?

A. I didn't say I didn't hear it then. I either heard it then or didn't hear it till the next day.

Q. You don't know which?

A. No, sir, I am not sure.
Q. And are you as sure about that as you are about everything else?
   A. I told you the best I know.
Q. Do you fellows get a course down in this county on how to testify?
   A. No, sir, I don't know of any.
Q. Have you talked with anybody about your testimony?
   A. I have not.
Q. You have never talked with Thaxton?
   A. I have not.
Q. You haven't talked with a living soul?
   A. I have not.
Q. Have you ever talked to Col. Hunter about having troops down here?
   A. He told me he thought troops were to be needed.
Q. Told you to tell the sheriff they ought to come?
   A. He said it looked like they were going to be needed.
Q. That was on Tuesday June 20th?
   A. I couldn't say; it was two or three days before the trouble.
Q. It must have been on Monday?
   A. I don't know.
Q. If Hunter says it was on Tuesday that is right?
   A. Somewhere about that.
Q. How often were you out to that mine?
   A. I was out every day.
Q. Did you report to the Sheriff?
   A. Yes, sir.
Q. Did you ever go alone?
   A. I went with Col. Hunter two trips.
Q. Were these stores looted in the business district?
A. One on the square.

Q. You mean in the center of the city opposite the court house?
A. Yes, sir. One right near the State's Attorney's office.

Q. Opposite the court house on the square?
A. Yes, sir.

Q. Where is the other one?
A. On Main Street.

Q. Both hardware stores?
A. Yes, sir.

Q. How long had they been in business?
A. I couldn't say. Before I come here.

Q. Do you know the proprietors?
A. Yes, sir.

Q. Know their names?
A. Yes, sir.

Q. Know them to speak with?
A. Yes, sir. I trade there.

Q. You knew them at this time?
A. Yes, sir.

Q. You found out either that evening or the next day that these places had been looted?
A. Didn't know what they got. I think I heard they got some guns.

Q. Did they get any ammunition?
A. I couldn't say.

Q. Did you ever talk to the proprietors about it?
A. I did not.

Q. They went in in the middle of the afternoon and while business was going on in the city?
A. I suppose it was, yes, sir.
Q. Did they go in masked?
A. I couldn't say. I wasn't here.
Q. Were they masked, from what you heard?
A. I think not.
Q. Were they citizens?
A. I couldn't say.
Q. Didn't you find out?
A. Don't think they identified them.
Q. Did you ask the proprietors who they were?
A. Possibly I talked to them about it.
Q. Did you learn how many men went in the store? Were there a number?
A. Yes, sir.
Q. A crowd?
A. Some 15 or 20, I believe they said.
Q. Something like that?
A. Yes, sir.
Q. And you never made inquiry as to who any of them were?
A. Well, I talked with them some about it, but didn't find any identification.
Q. You didn't find out who any of them were?
A. No, sir.
Q. Were any of them indicted?
A. I don't think so.
Q. Was there any attempt to indict them?
A. I suppose the grand jury took it up.
Q. Do you know that?
A. I served subpoenas
Q. Who did you serve them on?
A. Anybody they were got out for.
Q. Did you serve any on the proprietors of these stores?
A. I don't know, or whether the other deputies did. They were up here. Suppose somebody did.

Q. How did you know what they were here for?
A. It was my judgment that is what they were here for.

Q. There were no indictments against anybody for looting these stores in the daytime?
A. No, sir.

Q. Never any convictions, and these men, so far as you know, are at large without any prosecutions at all?
A. Must be.

Q. Don't you think your county ought to be investigated and your officers tried?
A. I suppose it is all right to hold an investigation.

Q. Don't you think that you and your ex-officers ought to give all the information they can that will bring about a situation to clear this matter up?
A. I will give you all the information I know.

Q. Don't you think it would benefit your county to have an investigation?
A. I don't know.

FURTHER EXAMINATION BY MR. RICE.

Q. Let me ask a few questions to straighten out the geography in my mind. Before the day of the final killing, were you with the Sheriff and the State's Attorney at Carbondale?
A. Yes, sir.

Q. You learned something about some men shot in a truck?
A. Yes, sir.

Q. Then you got the information that took you over to Carterville?
A. We came back through there.
Q. Now then, where did you stop?
A. A few minutes to look at the truck.
Q. Where is Carterville with regard to Herrin?
A. About four miles south west.
Q. Four miles south west?
A. Yes, there is a little town south of Herrin called Energy and just a little bit south of there.
Q. When you returned from Herrin to Carterville, how did you come?
A. Straight on this west hard road.
Q. Where does this west hard road hit the road that comes in to Marion. As you came in, how far south of Lester's mine were you?
A. It is something like three mile - in the neighborhood of that. It might be farther.
Q. Can you locate on the map here, where that road is? Here is the town of Energy. Can you locate the road you came to Herrin on?
(Witness indicated road on map)
Q. That is how many miles south of Lester's mine?
A. About two miles.
Q. Then you were within two miles of Lester's mine as you were returning?
A. Yes, sir.
Q. And what did you say were the rumours that you got at Carterville?
A. That there had been some shooting out there.
Q. At the Lester mine?
A. Yes, sir.
Q. As you returned you passed two miles from the place?
A. Something like that.
Q. Did it not strike the Sheriff or some of you that it might be well to run up there and look up the evidence?
A. Well, I don't know. It was night and we decided to come in.

Q. Don't you think it would have been a good idea to investigate then?
A. Possibly it might have been policy.

Q. Now, when you came back to Marion that night, was there any discussion of what you would do about the rumour of men being shot at the Lester mine?
A. Well it was not reported that anyone was shot. The report was there had been some shooting.

Q. Now you had rumours of shooting at another place and went to investigate, but you didn't think it wise to go and see if there was anything to this other rumour?
A. I couldn't say.

Q. You came on to Marion that evening?
A. Yes, sir.

Q. Where did you separate from the sheriff on your return to town that evening?
A. I can't remember that I separated from him until we went home at midnight. I can't recall whether I ate supper or not.

Q. Was there any discussion between you before you separated, as to what you would do in regard to the shooting?
A. As well as I remember we would meet and come to some conclusion as to what we would do. We went up to Duty's office and were to settle on some matter as to what we would do. The understanding was that they were quieting down and the miners were coming out.

Q. Where did you get that information?
A. At Mr. Duty's office.
Q. Who did you get it from?
A. Col. Hunter said they would shut down the mine.

Q. Was the plan to go out to the mine next morning agreed upon at Duty's office that night?
A. It is my recollection, yes, sir.

Q. Before going to Mr. Duty's office, had you and the sheriff agreed to go?
A. I think we went there to talk the matter over and decide.

Q. You knew of the shooting but didn't make any plans until you went to Mr. Duty's office and found Hunter had made arrangements for a truce?
A. Some little bit after we got there there was some understanding.

Q. Before you went up there you and the sheriff made no arrangements about going the next morning?
A. No, sir.

Q. You knew about the shooting though?
A. Yes, and we would have went.

FURTHER EXAMINATION BY MR. PHILLIPS.

Q. How many non-union miners were there out there at work?
A. Well, I couldn't say. Possibly 75 men out there altogether. And they reported and told us there was 25 or 26 guards and that would have been in the neighborhood of 50 miners.

Q. About 50 engaged in mining?
A. Don't know whether there was that many the last days or not, but they told us at one time there were that many.

Q. When these men surrendered, do you know whether they were promised safety in leaving the mine?
A. I do not.

Q. You don't know under what escort they were to get out?
A. No they got out before we got there.

Q. How far from the strip mine is it to Herrin?

A. Well, I judge about possible the same distance as from here. Must be five miles.

Q. Any further from the mines to Herrin than from here to the mines?

A. Possibly a miles difference.

Q. Is there any reason why they should be taken to Herrin than to Marion to be shipped from the county? Do you know?

A. No, I do not.

CHAIRMAN RESUMED EXAMINATION.

Q. Mr. Schaffer, when you were in Mr. Duty's office on the night of June 21, isn't it a fact that the arrangement was that the men were to be taken out at day break?

A. Not that I know of.

Q. Didn't you hear that discussed there that night?

A. No, I don't know of any special time, except it was next morning.

Q. No special time?

A. Not that I know of.

Q. That was the understanding that they were to come out at daybreak?

A. No, sir, not that I know.

Q. Isn't that the report around here?

A. Not that I know of.

Q. Hadn't you heard it before?

A. No, sir.

Q. You heard it discussed that night?

A. Not that I know of. Could have been.
Q. Did you hear any time set there?
A. No, sir, I did not, only to come out next morning.
Q. They were to surrender next morning and to be delivered safely to the station?
A. I don't know. All I knew they were to come out next morning.

MR. CHAIRMAN: That is all.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. What is your name?
A. Earl Binkley.

Q. Where do you live?
A. 305 N. Market St.

Q. Marion, Illinois?
A. Yes, sir.

Q. What is your business, Mr. Binkley?
A. Coal miner.

Q. How long have you lived in Marion?
A. I have lived two mile and a half out here all my life.

Q. You have lived near here all your life?
A. Yes, sir.

Q. Did you have occasion during the month of June, 1932, to be in the vicinity of Lester Strip mine?
A. Yes, sir.

Q. What day was this?
A. Why, it was Friday morning - about 2 o'clock in the morning - 1 or 2 o'clock.

Q. Now, just tell what you did - what happened.
A. Well, Claude Holmes, a taxi driver, asked us to go with him on a trip so as to have company back. When we went we went out the west hard road and Claude let the passenger out and he says, go on east there and by No. 3 mine is a better road. We drove along and never saw anybody, then we hit a dump and started to turn around and a guard stopped us.

Q. How many guards?
A. Just one stopped us the first time and asked us where we were going and he told us to get away from there.

We drove on fifty yards and met another who told us practically
the same thing. Then we met another near the office, and there were 15 or 20 more around there.

Q. What did he say?

A. Cursed us. They were more like a bunch of foreigners than anything else. They jerked me out of the car and told us to put our hands up. The little Greek got tired of holding his hands up and put them down and one of the fellows hit him in the nose. McDowell hit him in the nose with his fist.

Q. Where did this take place? On the Lester mine property?

A. Yes, sir, right down near the office.

Q. You had been taken there from the highway?

A. What used to be the old highway. They made a detour around it that took you to the office.

Q. What further was done?

A. Then Delaney struck at me but never hit me. They put a guard on each side of the car on the running board and told us to get out. We went due west, coming towards Herrin. Had to drive on to the power house to turn around.

Q. How did you get to where you were going?

A. We just drove ahead.

Q. Did they head you in the direction you were going?

A. We went to the cross roads where one turns to Herrin and one turns south to Marion.

Q. You took the road to come back?

A. Took the road that started us on the Marion road.

FURTHER EXAMINATION BY MR. JGEE.

Q. What date did this happen?

A. June 22d after midnight.

Q. About the 16th of June?

A. This was Friday, four or five days before the killing.

Q. Well, the 17th was Saturday. I understand some of the guards molested you and struck you?
A. No, sir, never hit me, but hit the Greek with us in the nose.

Q. Did you report this to anyone?

A. Yes, I went to the State's Attorney.

Q. Did you go to Mr. Duty?

A. I did.

Q. What happened? Did you get a warrant?

A. I didn't get a warrant.

Q. What did he say?

A. He said he had orders from the Attorney General.

Q. Then Mr. Duty told you you could not have a warrant because of orders from the Attorney General?

A. Yes, sir.

Q. You are a member of the mine workers Union?

A. Yes, sir.

Q. What were you doing then?

A. I wasn't doing nothing.

Q. You are a miner now and in good standing in the Union?

A. Yes, sir.

Q. You made request from the State's Attorney for a warrant and he told you he had orders from the Attorney General and you couldn't have one?

A. Yes, sir.

MR. STONE: This passenger, was this Mr. Collins?

A. Yes, sir, I learned since it was Mr. Collins.

MR. STONE: Where did you deposit him? At his home?

A. Yes, sir.

MR. STONE: How far is the strip mine from his home?

A. 100 yards west.

MR. STONE: That road passed east and passed the mine house, is that true?

A. Yes, sir.
MR. STONE: Had you ever been over that road before?
A. Not the detour road.

MR. STONE: In making the turn north, that you say you took you by the mine office, did you know where it took you to?
A. I didn't know. They said the first turn.

MR. STONE: Now then, when you were sent out with guards on the running board, did they send you east or west?
A. They sent us west.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. What is your name?
A. Claude Holmes.

Q. Where do you live?
A. Marion, Illinois.

Q. How long have you lived in Marion?
A. Fifteen years.

Q. What is your business?
A. Taxi driver.

Q. How long have you held that position?
A. Three years.

Q. At Marion?
A. Yes.

Q. Do you remember a trip you took on Friday about the 16th day of June 1922?
A. Yes, sir.

Q. Just tell the committee what occurred.
A. Well, about 1:30 a stranger came up to the Gem Cafe where I was standing and wanted to go to the Southern Illinois Coal Company and I said for him to wait until I got a drink, so I went in the restaurant and got a drink and asked two fellows in the restaurant if they didn't want to go, so they went along. He directed me to go out the west hard road and I went by the Whitefield school and he lived right near the mine there and we discharged him and he says we can go back by No. 3 if we wanted to as there would be a better road. We started and took the whole road and after the left turn took the north old road and he hollered at us to go east and we backed out and took the detour road and kept going east and followed the best traveled road and
turned and it brought us up to the mine and we came to an embankment and had to turn around and come back the same way we went in. One of the guards stopped us and told us we were in dangerous land. We asked him to get on the running board and we went on 200 feet when another one stopped us and told us to go on and the third stopped us and came running down the road. I turned the lights on him and he told us to report at the office. He got on the running board and there were 18 or 20 in the road. They had Binkley jerked out, they threwed guns on us and begun cussing and stopped the car themselves. They held us there about 15 minutes with our hands up. Koursek got tired of holding his arms up and when he put them down one of them smashed him in the face. They said, these boys are suspicious characters and searched us and searched the car. One of the boys put two on the running board and told us to take the west road, told us if we made a false move to kill all of us. When we got to the main road he says, "Boys I don't see how you got through there".

Q. Then what did you do?
A. Came back the Marion road.

FURTHER EXAMINATION BY
MR. IGOE: Did you know any of those men out there?
A. I knew Robert Officer and I knew Delaney and McDowell was there, but couldn't name the others.

Q. Was Robert Officer there?
A. Yes, sir.

Q. Did he participate in the attack on your companion?
A. He was in the crowd.

Q. Did you go with this other young man to make the complaint?
A. To DeLos Duty, yes.

Q. What did you tell him?
A. We told him about our trip and the way we had been abused and he told us he had orders from the Attorney General and one more move and he was going to act. He said he was just waiting for one more move out of those fellows out at the mine and then he would act according to his orders.

Q. Did you tell him the manner in which this man had been abused?

A. We told him all about it.

Q. You told him all?

A. Yes, sir.

Q. And did you ask for a warrant for anybody?

A. We asked for a warrant for all of them.

Q. He told you he would wait for one more move?

A. Yes, sir.

Q. And you heard of others being held up?

A. I heard they had stopped a mail carrier.

Q. Do you know his name?

A. No, I don't.

Q. When you spoke to Duty did he ask who it was struck you?

A. No, I don't think so.

Q. Did he ask you if you could identify him?

A. No.

Q. Could you have identified him?

A. I don't believe I could.

Q. Did the State's Attorney say anything about having orders from the Attorney General?

A. He said he had orders from the Attorney General.

Q. And you are the same chauffeur that drove Col. Hunter to the mine on Sunday, June 18?

A. Yes, sir.

Q. He was accompanied by a police officer?

A. Yes.

That is all.
having been first duly sworn, was called as a witness, examined in chief by Chairman McCarthy, and testified as follows:

Q. What is your name?
A. William A. Thornton.

Q. Where do you live?
A. Marion, Illinois.

Q. How long have you lived in Marion?
A. Five years.

Q. What is your business here?
A. Well, I am mining at the present time.

Q. What was your business during June 1922?
A. Police force.

Q. On the police force of the city of Marion?
A. Yes, sir.

Q. In what capacity?
A. I was working as extra, on at 12 day and off 12 night.

Q. Were you on duty on the night of June 31, Wednesday?
A. Yes, sir.

Q. What time did you go on duty?
A. 12 day and off 12 night.

Q. Now, during that time did anything unusual happen in the city of Marion? Wednesday June 31, the day before the killings?
A. Yes, sir, I was called just as I came to come on duty, just as I walked to headquarters the Chief was answering the phone. He said Moseley wanted us to come to his hardware store they were there raiding. We walked down there and when we got in the Chief asked if any guns had been taken and he said
Q. Was there a crowd around there?
   A. Very few people on the street at that time.

Q. When you went down to Moseley's store, did you find out whether anything else had been taken besides guns?
   A. No, sir, they hadn't taken anything out of Moseley's store.

Q. What further did you find?
   A. We saw a bunch standing in front of Holmeses and we walked over there and there was some younger ones standing there. They were young men, all strangers. When the Chief asked, what are you boys going to do, they answered, "We are going to Big Muddy hunting and fishing."

Q. What kind of guns did they have?
   A. Three single barrelled shot guns and one double barrel.

Q. Any rifles?
   A. No, no rifles. All shot guns, three of them single barrel and one double.

Q. Where did they say they were going hunting?
   A. To Big Muddy - that is west of here.

Q. They what did you do?
   A. We walked on after they said they were going hunting and I went to meet the 12:40 train.

Q. Anything else happen in the afternoon?
   A. Everything was quiet until about 7:30.

Q. What was your superior officer's name?
   A. George Vinson.

Q. Did he go with you to Moseley's hardware store and over to the other one?
   A. Yes, sir.

Q. And there was nothing there that was suspicious?
Q. Very calm?
A. Yes, I often see men bunch up here and go fishing and hunting.

Q. Now, during the afternoon, what further happened?
A. Well, about 7:30 the men gathered in bunches on the streets pretty strong and they were out here on the north side, seemed to be very quiet but anxious. They were between the court house and North street. Every little bit I would caution them that they were stopping traffic.

Q. Who did you caution?
A. I couldn't say how many I knew. They were neighbors and friends, some I knew and some I didn't.

Q. Did you see any arms?
A. None at all.

Q. What time was this?
A. At 7:30 up till 8:00 or 8:30.

Q. What did you suppose they were doing?
A. They was talking most about the Union men being killed in the evening at the mine.

Q. When did you first hear about that?
A. The first I heard was when I walked into the crowd.

Q. What time did you first hear it?
A. About 4:00 o'clock. I asked George Vinson about 4 o'clock. We was talking and they said two or three men were killed - miners.

Q. So that when this crowd was gathering here and talking about miners being killed, you knew there had been some trouble and some men killed?
A. Yes, sir.

Q. Was there anyone else on duty?
A. Uncle Tom Friess and Jack Bradley.

Q. Are they still police officers?
A. Tom Friess is, but Bradley is not.
Q. Where is Bradley?
A. He works at the Gem mines.
Q. Where were they during this time?
A. Well, Tom was around there. Jack wasn't on that night because he was sick. Tom usually works traffic out North street and the bunch was crowding pretty strong and I would step back into them and tell them not to block traffic.
Q. Were a lot of these people walking?
A. All were afoot, just standing around there.
Q. Any business men among them?
A. Well, I couldn't say.
Q. Lot of those you saw you say you knew?
A. Some of them I knew, but when I would tell them to get back I would go on and not stop.
Q. This was about 7:30?
A. Yes, sir.
Q. How long did you stay there?
A. I would walk around the square and come back.
Q. Any other place where they congregated?
A. That was the only place where there was any crowd much.
Q. The other part of town was just about the same as usual?
A. Yes, sir.
Q. How many men in this crowd?
A. Something like a hundred.
Q. Mostly men?
A. Most all that I saw was men.
Q. You didn't see any guns?
A. No, sir.
Q. How long did you stay in front of the courthouse?
A. I had just come through and maybe disbursed the
crowd and would just keep walking around the square, in town,
and places and see what was going on, and Uncle Tom handled
the traffic.

Q. Did anything else happen of unusual interest?
A. Well, I saw some cars come through which was a
little unusual because they almost ran over me they were
going so fast.

Q. What time was that?
A. About 8:00 o'clock.

Q. They didn't stop in town?
A. No, sir.

Q. They came up East street?
A. Yes, sir. They were mostly negroes and I did see
guns and when they were coming I tried to check them, but
they went fast and went on through.

Q. Did you know any of the people in those cars?
A. No, sir.

Q. What did you do?
A. Just let them go by. There was eight cars going
west.

Q. All of these cars had men with guns?
A. I saw guns in three or four of them.

Q. And it was the natural presumption that all of
them had guns?
A. I couldn't say all of them had guns, but some of
them did.

Q. What did you do after that.
A. That was about 8:00 o'clock. I walked around the
About 8:30 I started down North street and met the 3:05 train.

Q. After you saw the cars go through town with guns in them, did you talk to anybody about it?
   A. I don't believe I did.

Q. Did you talk to your superior officer?
   A. I did next morning.

Q. Where was he at this time?
   A. He was at home.

Q. Has he a telephone at his home?
   A. Yes, sir.

Q. When he isn't on duty and you are, do you take it upon yourself the task of performing his work? Do you act independent of anybody?
   A. I suppose the way they run this town is they have a day chief and a night chief and I was night chief.

Q. That wasn't anything unusual then, for cars to go through town at a high rate of speed, loaded with men with guns?
   A. Yes, sir.

Q. What did you do about it?
   A. I got back and let them get by.

Q. Sure it wasn't because you saw the guns that you got back.
   A. It was because I didn't want to see the wheels hit me.

Q. Did you see the sheriff?
   A. No, sir.

Q. Did you try to call him on the telephone?
   A. I didn't.

Q. There were eight cars?
   A. Yes, sir, I counted them.

Q. Did anything else unusual happen after that?
   A. Not that I know of.
Q. Where were you the rest of the time?
A. Around the square and down to meet trains.
Q. Didn't you see any men with guns?
A. No, sir, those were the only guns I saw.
Q. Where else did you see guns?
A. Mr. Edrington came to me about 4 o'clock. He said there was a report that they were going to try to take his guns.
Q. Who was going to take them?
A. He didn't say. There was just a report and he wanted me to unlock the closet at headquarters and we placed them in the closet and locked the door.
Q. What did you suppose these people wanted with these guns?
A. I couldn't say. He just said the report was that they were going to get them.
Q. What did they want them for?
A. I suppose for shooting.
Q. You thought that at the time?
A. Well, I suppose so, because the report was they were going after them.
Q. That was about 4 o'clock?
A. Yes, sir.
Q. Did you see any other guns during the evening?
A. No, sir.
Q. What did you do about 8:30?
A. Walked down North street and met the 9:05 train and the conductor made complaint about a bunch of boys were jumping the train as it was moving along and he would like for me to ride it by and break those boys from doing this.
Q. That was a serious offense - those boys riding the train?
A. Yes, sir. You'd think it was serious if you had seen what happened to one the other day.
Q. You thought it was a more serious thing at that time?
A. Yes, sir.
Q. Were there crowds in the street at that time?
A. They went off in different directions.
Q. Did they go off in a body?
A. I don't know, suppose they went home.
Q. You didn't see any groups of men who started off in different parts of town?
A. Well, I did see four or five together at a time. Some started down East street and some others went the other way.
Q. Do you know who they were?
A. Sometimes I did know them and sometimes I didn't.
Q. Did you see bunches of 25 or 30 starting off together?
A. I didn't see them.
Q. Did you hear about them starting out to go up to McDowell's?
A. I heard next morning, there was some talk of that.
Q. There wasn't any loud talking over on this corner?
A. Everything was quiet, just like a bunch does during a city election, just around wanting to talk and to hear.
Q. Everything was quiet during the evening?
A. Yes, sir, no unusual noise. Of course the crowd was around but everything was quiet as during a city election.
Q. You went off duty at 12 o'clock?
A. Yes, sir.
Q. Who went on in your place?
A. Not anyone.
Q. You had no police officer after that?
A. Tom Friess went on from 6 to 6.
Q. Did you see him during the evening?
A. Yes, sir, I saw him.
Q. Did you tell him about the oars?
A. He said, "Those fellows seem to be in a hurry" and I said, "Yes, I couldn't check them" and he said, "I would be just like you, I would get back and take care of myself. Look out for No. 1."

Q. Did he report it to anybody?
A. I suppose he did next morning.

Q. Did either of you try to find the sheriff?
A. I didn't.

Q. You didn't have any idea what was going to happen?
A. I heard rumors.

Q. What rumors?
A. I heard rumors that men had been killed.

FURTHER EXAMINATION BY MR. IGOE.

Q. How long were you policeman here in Marion?
A. I worked from April 15 till July 4.

Q. Before that you were a miner?
A. Yes, sir.

Q. You are also a farmer?
A. Yes, sir.

Q. What are you doing now?
A. Working at the West Virginia mine part of the time.

Q. Is that the name of a mine around here?
A. Yes, sir.

Q. And you are a member of the Mine Workers' Union?
A. Yes, sir.

Q. Did you hear any noises the night of June 21st?
A. Yes, sir. About somewhere about 4 o'clock I heard two explosions.

Q. Very loud?
A. Tolerable loud.

Q. What time was that?
A. Something around 4:00 o'clock in the morning.
June 23rd you heard two loud noises?
A. Well, Uncle Tom Friess and I were standing right out here when I heard them.
Q. I thought you went off duty at 12 o'clock.
A. I did.
Q. What were you standing around at that time for?
A. I went to see Dr. Walker to get him to see my sister-in-law. That is how I came there at that time.
Q. What time did you leave your house?
A. I left a little bit before 4:00. About 15 minutes to 4:00.
Q. Was your sister-in-law sick?
A. She had a sort of cholera morbus, and my brother asked me if I would come to Dr. Walker's and get some medicine for her.
Q. Your brother asked you to see Dr. Walker?
A. I don't know whether he asked me, I told him I would and I came.
Q. How close does he live to your house?
A. I stay at his house. I board there.
Q. Had you gone to bed at all?
A. Yes, sir.
Q. What time?
A. About 12:30.
Q. Then you got up about quarter to 4:00?
A. Yes, sir.
Q. And you say you heard two explosions?
A. Yes, I saw Uncle Tom Friess and he stopped to ask me why I was out and I told him.
Q. Was the doctor in his office?
A. He slept over there at that time.
Q. Where was his office?
A. Right over there on the south side of the square.
Q. Does he stay there every night?
Q. Does he have a home here?
A. I don't know.

Q. Does he have a family?
A. I don't think so.

Q. Did you bring the medicine home?
A. Yes, sir.

Q. And the doctor was in his office when you got there?
A. Yes, sir.

Q. Did you wake him up?
A. Yes, sir.

Q. Anybody at your house outside of your brother and sister-in-law?
A. No, sir.

Q. No children there?
A. No, sir, his children are all grown and married.

Q. Was your brother up and around the house?
A. Yes, sir, and came to my room and asked me to get the medicine for his wife.

Q. Was your brother fully dressed when he came to your door?
A. No, sir. I was in bed.

Q. You didn't hear any explosion about 10:00 o'clock at night?
A. No, sir.

Q. Were you around the square about 10:00 o'clock?
A. Yes, sir.

Q. Were the lights burning brightly?
A. About 9:30 they were not.

Q. How long were they out?
A. They came on again in about thirty minutes. They came on just before the 9:05 train came in. As I walked
on down to the depot I used my flash light.

Q. How long were the lights out?
A. I judge thirty minutes.
Q. What section were they out?
A. All over the city.
Q. Did you report that to the police station?
A. There was nobody there to report to.
Q. Was there anything unusual about the lights going out?
A. Sometimes they go out for a short time and sometimes they stay out all night.
Q. And while the lights were out you went to see the 9:05 train?
A. Yes, sir.
Q. And the conductor requested you to watch some boys who had been hanging on and off the train?
A. Yes, until they went up to a point and back.
Q. How long was that?
A. 15 or 20 minutes, maybe.
Q. Were there a lot of people around the square when you left?
A. No, sir.
Q. Did you hear Judge Hartwell's testimony here?
A. Yes, sir.
Q. Then he wasn't telling the truth?
A. Well, along about the time I left the crowd was dispersing.
TESTIMONY OF POLICE OFFICER THORNTON
BEFORE HERRIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
MARION, ILLINOIS.

April 27, 1923.
FURTHER EXAMINATION BY MR. IGOE

Q. Where were they going?
A. I don't know.

Q. Did you see the Sheriff that night?
A. I don't remember I did.

Q. You did receive a complaint that day from Mosely, didn't you?
A. Yes, sir.

Q. And to complaint to the effect people were in town looking for guns?
A. Yes, sir.

Q. And you were down there?
A. Yes, sir.

Q. And you saw Mr. Mosely?
A. Yes, sir.

Q. What did he tell you?
A. He didn't tell me nothing there. Chief said: Anybody take any guns? And he said: No.

Q. Did he ask if anybody tried to steal the guns?
A. He sayd: Has anybody taken any guns or bothered anything you got? And he said: No. They turned out and went away. And he said: Where did they go? And I said: George, I will go on down and meet the train. And he said; All right.

Q. Why did he make the complaint then?
A. I couldn't say.

Q. What did he say when he complained?
A. I don't know.

Q. You don't know whether he mentioned anything about guns or not, do you?
A. Just as I was going up into headquarters, the Chief says: They are talking about taking a bunch of guns from the stores here. I have just had a phone from Mosely that they want to take his guns.
Let us go and see what we can do. I said: "All right."

Q. When you got down there Mosely said there was not anything to that complaint?
A. He said nobody was there.
Q. Did you ever find out who made that complaint?
A. What complaint?
Q. About some one being at Mosely's store getting his guns?
A. The Chief said Mosely said he called him.
Q. And Mr. Mosely said there was not anything to it?
A. He said there was a mob there and they did not take anything.
Q. Did he say there had been somebody there?
A. He said, yes, but did not take anything.
Q. What were they trying to take?
A. He said they demanded guns and wanted to buy guns.
Q. How many were there?
A. He didn't say.
Q. Did you folks ask him how many were there?
A. No, sir. I did not ask him.
Q. Over at Holmes Store you saw a crowd of men with guns?
A. Yes, sir.
Q. Does Holmes run a store that sells guns?
A. No, sir.
Q. What kind of a store is it?
A. Pawn shop.
Q. Do they have guns there?
A. Sometimes.
Q. Do you know whether or not these young men got guns from the pawn shop?
A. No, sir.
Q. Did you get a complaint from Cox that day?
A. I did not.
Q. Did you ever find out?
A. I heard the next day. Some one was telling me some fellow was talking about breaking in there.
Q. Did you Mr. Edrington send for you then?
A. No, sir.
Q. He could not communicate with you?
A. He is right there. His office is across from the Chief
of Police.
Q. What did he tell you?
A. He came in and asked me if I would unlock the closet and
keep the guns there.
Q. Did he say why he wanted the guns locked?
A. He said a report was that they would try and take the guns.
Q. You did not ask him who was trying to take the guns?
A. I just unlocked the closet.
Q. Why didn't you ask him who was trying to take the guns?
A. That is a very unfair question because a man hardly
thinks about asking things he ought to at a time like that.
Q. Is it not a crime here to go into somebody's place and take
his gun that does not belong to him?
A. I expect it is.
Q. And then when a man tells you that thing, is it not unfair
or out of the ordinary?
A. Well I do not call it unfair.
Q. Well why do you say it is unfair?
A. If he wanted me to know, he is a man of good common sense
and he could have told me the reason why. He has fairly good sense.
Q. I understand he has fairly good sense. I, also, understand
you are the policeman of that city?
A. I was.
Q. And here is a man who told you some one was around trying
to get guns?
A. He didn't say that. He said the rumor was that somebody was
trying to get guns.
Q. If you had just understood things and used your heads maybe
the riot would not have occurred. What did this man say to you?
A. He said the rumor was that they might come to get the guns.
Q. Did you ask him what rumor was based on?
A. No, sir.
Q. Did you ask him from where he got that information?
A. No, sir.
Q. Did he tell you that after he received the complaint about the Mosely store?
A. Yes, sir.
Q. And did he tell you that after you saw boys outside of the pawn shop?
A. Yes, sir.
Q. You heard that after you had information concerning both Mosely and Holmes.
A. Yes, sir.
Q. And still you, as a police officer, did not attempt to run down that rumor at all.
A. No, sir.
Q. How, the guns he had were guns that belong to the legion?
A. Yes, sir.
Q. How many guns?
A. I believe ten.
Q. And you locked them up?
A. Yes, sir.
Q. So somebody couldn’t come in and get them?
A. Yes, sir.
Q. You didn’t have any idea what they wanted them for?
A. I didn’t know what they wanted them for. It was not my position, my duty was to keep order in the city of Marion.
Q. What did you think people did or would want to take guns out of Marion for to some place outside of Marion?
A. There are different ideas on what a man could take them out for.
Q. What did you think about it?
A. I did not think much about it.
Q. You did not have any idea about any guess, about getting
guns there, in regard to the trouble at the Strip mine?
A. I knew they were not going to get guns after they were in my possession.

Q. You did not have any idea that was so, did you?
A. I did.

Q. You kind of thought they wanted them for the trouble at the mine?
A. I had an idea.

Q. When you had all that information, did you convey that to the Sheriff of this county or to the State's Attorney?
A. No, sir.

Q. Did you convey it to the Chief of Police?
A. Yes, sir.

Q. Not to another living soul?
A. No, sir.

Q. You had been out to the mine. You knew the mine was surrounded with armed guards? Been out with Colonel Hunter and the Colonel had discussed with you the seriousness of the situation, hadn't he?
A. Yes, sir.

Q. And did he talk with you about the necessity of placing troops out there?
A. He said he told the fellows they would have to keep guards on their own premises and keep them off of the highway and not molest citizens as they passed by.

Q. Is that all?
A. And, also, he asked them for writing paper and he and the Superintendent talked and he did quite a bit of writing. I could not understand what they did or didn't hear so I asked Colonel what do you think of them? He said: It is an undesirable bunch and they will have to be disbanded. I will make my reports in the morning."

-5-
Q. You saw automobiles going through here loaded with armed men?
A. About eight cars.

Q. And going towards the mine?
A. Going west.

Q. When did you see those men?
A. 8 o'clock.

Q. Did you see the Chief of Police after that?
A. Yes, sir.

Q. Did you tell that to any official of this city after you saw them?
A. No, sir.

Q. Why not?
A. Because I did not know where anybody else was.

Q. Didn't know where the Sheriff was?
A. No, sir.

Q. Did you know where the State's Attorney was?
A. No, sir.

Q. Did you try to find any of those officers?
A. No.

Q. Did you know where Colonel Hunter was?
A. No, sir.

Q. Did you know where Mr. Edrington's office was?
A. Yes, sir.

Q. Did you convey that information to him?
A. No, sir.

Q. But you had a pretty good idea they were going towards that mine with guns?
A. I had a very good idea.

Q. And you treated that as one of the affairs that might occur in this community, nothing unusual about it?
A. Yes, something unusual about it. I just stepped back and tried to get out of the way.

Q. You are the police officer and all you did was to