1923

Herrin Massacre Investigation Proceedings, 1302-1376

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Comments
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In re: House Resolution No. 44

Present: Committee on Investigation of Herrin Massacre:

Frank A. McCarthy - Chairman.
William L. Pierce,
W. E. Phillips,
Norman G. Blagg,
W. L. Igoe

W. L. Backer, Attorney for Adjutant General
Thomas Francis Howe - Attorney for Adjutant General
J. B. Murphy - Attorney for Colonel Hunter.
J. B. MURPHY (attorney representing Colonel Hunter in the absence of Attorney Martin Brennan on account of illness): I would ask that Mr. Devine be heard as he has important matters to attend to.

JOHN P. DEVINE having been first duly sworn, was examined in chief by J. B. Murphy, and testified as follows:

Q. What is your name?
A. My name is John P. Devine.

Q. In what official capacity do you serve in this State?
A. I am a member of the General Assembly.

Q. I will ask you whether or not, in the performance of your duties, you had occasion to mention the affair which this committee is investigating and whether you received a communication from Captain Edrington of Herrin.

A. Shortly before this resolution was introduced, under which this committee is proceeding, I made reference to this matter on the floor of the House — that is, to the Herrin matter — and under date of February 26, 1923 a letter was sent to me, dated at Marion, Illinois, from C. R. Edrington of Marion.

Q. Do you have that letter in your possession now?
A. Yes, sir, I have it here with clipping attached to it as it came to me.

Q. Will you read the letter, Mr. Devine?
A. I prefer to let it go into the record.

Q. I recall that request, then, and will have the letter introduced as an exhibit.

ACTING CHAIRMAN PIERCE: Let me see that letter.

(Mr. Devine handed letter to Mr. Pierce.)

The letter covers two pages, I suppose?

A. Yes, it is written on the other side of the printed matter. I'll mark the letter Pages 1 and 2.
February 26, 1923

Hon. John P. Devine,
House of Representatives,
Springfield, Ill.

Dear Mr. Devine:

In the issue of the Illinois State Journal under date of February 14th, I noticed an article concerning your attitude on the Herrin Riot appropriation bill. In this article you ask: "Why did the state official who was representing the Governor, sit idly by and let this thing happen?"

I am very much afraid that you have been misinformed concerning the activities of Colonel Samuel Hunter, who was the state official to whom you made reference. I happen to be in a position where I know exactly what efforts were made by Col. Hunter to avoid the riot that finally took place.

In the first place, Col. Hunter made my office his headquarters and was in my private office with me from about eleven thirty A.M. on Wednesday, June 21st to after eight o'clock that night making every effort to avert the riot that seemed certain to happen.

In the second place, he made an appointment with the sheriff for noon of that day, to go to the mine and see if something could be done to avoid trouble. The sheriff never showed up until late that night. As soon as Col. Hunter was apprised of the fact that the mob was advancing upon the mine from Herrin, he communicated with the mine officials and warned them of the approach of the mob. Then tried again to get the sheriff on the phone and being unsuccessful in this, he called General Black on long distance in my presence and told him exactly the situation and ad-
viney that troops be sent at once. He called Gen. Black on
long distance several times during the afternoon and told him
just what was taking place at the mine and how many shots had
been fired and how many had been wounded. This latter informa-
tion was secured by telephone connection with Superintendent
McDowell of the mine, who was later murdered by the mob.

In my opinion Col. Hunter did everything a human could do
to avert this terrible calamity and that instead of blaming him
for

Failure to do his duty, he should be commended for the excellent
way in which he handled the situation. The blame for the failure
in sending troops lay with Gen. Black, as he was fully in touch
with the situation at all times while the affair was in progress.

My statements in this matter can be borne out by several
business and professional men who were in the same office with
Colonel Hunter and myself during the whole of that afternoon.
We were all working towards a possible settlement of this affair
with a bloodshed and were very much surprised at the lack of
interest shown by Gen. Black in this matter at a time when it was
a matter of hours in getting troops in here to stop the riot.

If Gen. Black had listened to the counsel of Col. Hunter on
that eventful afternoon, he would have immediately ordered troops
into the field and would have prevented the most horrible massacre
that has occurred in the United States in years.

The writer has been at a loss to understand why Gen. Black
has not been investigated in this matter and removed from office
long ago this for his absolute failure to do his duty in the face
of the fact that he was thoroughly cognizant with the situation at
all times through constant communication with Col. Hunter.

The writer, after reading your statement in the Springfield
paper, could not allow you to be misinformed in this matter any
longer.

Any information I may be able to give you in this matter
will be cheerfully given at any time you shall wish it.

With the best of personal wishes, I remain,

[Signature]
CHARLES RICHARD EDRINGTON
EXECUTIVE SECRETARY

MARION, ILL.

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MARION

MARION—In the center of Williamson County, in the very heart of Egypt, is the city of Marion. This is a city of remarkable growth and one with a wonderful future. It has a population of over 10,000 within its city boundaries and approximately 2000 more just outside the city limits.

Marion is the jobbing center of Egypt and is developing along other lines as well. The largest cold storage plant in Southern Illinois is located here. The Williamson County Fair, the largest county fair in the State of Illinois, is held here each fall.

Marion has a five-story Bank building that cost $125,000 in 1914 and which could not be duplicated now for less than $250,000; another bank building which cost $91,000 and a third bank has its own three-story bank and hotel building. Marion has twenty-five miles of paved streets, a complete sewerage system; gas and electric light systems. It is also the owner of a new Municipal Water Works costing $780,000. Marion has an excellent White Way System, which illuminates the principal streets of the city.

Four steam railroads come into the center of the city and the cities of Herrin and Carterville are connected with Marion by the Coal Belt Electric Railway. Motor bus lines connect Marion with Johnston City.

One of the most modern ice cream plants in the state is located here. The principal industries, aside from coal mining, are the American Creosoting Co. Tie Plant, the Long-Bell Lumber Company plant, four large lumber yards, the Egyptian Powder Company's plant, the Meadowbrook Dairy, the Coal Belt Bottling Works, two ice factories, the Marion Pressed Brick and Tile Company, three wholesale grocery houses, two wholesale candy companies, two wholesale flour companies, two wholesale fruit and commission companies, a wholesale supply, flour and grain house which operates own flour mill and ships Marion Made flour all over the south. Marion also has two wholesale paint concerns, the Hi-Gee Radio Manufacturing Company, which ships radio parts and equipment to all parts of the world, and the district offices of the Central Illinois Public Service Company, which supplies the electric current used in five counties in Egypt, are located here. Marion is also the distributing center for the automobile industry for Egypt. Three life insurance companies have their general offices here and other insurance companies, both life and fire, have their district offices in Marion.

There is a beautiful Elks' Home, Carnegie Library, new Federal Post Office, K. of P. and Odd Fellows' Home, Moose Home in Marion. Practically all secret and fraternal societies are represented here. Marion also has a newly organized Visiting Nurse Association. Marion is the proud possessor of Rose Hill Cemetery, which has perpetual care and in which reposes the Goddard Chapel, which was the gift of Mr. and Mrs. Leroy A. Goddard of Chicago.
failure to do his duty, he should be commended for the excellent way in which he handled the situation. The blame for the failure to send troops lays with Gen. Black, as he was fully in touch with the situation at all times while the affair was in progress.

My statements in this matter can be borne out by several business and professional men who were in the same office with Colonol Hunter and myself during the whole of that afternoon. We were all working towards a possible settlement of this affair without bloodshed and were very much surprised at the lack of interest shown by Gen. Black in this matter at a time when it was a matter of hours in getting troops in here to stop the riot.

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The writer has been at a loss to understand why Gen. Black has not been investigated in this matter and removed from office long ago for his absolute failure to do his duty in the face of the fact that he was thoroughly cognizant with the situation at all times through constant communication with Col. Hunter.

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Any information I may be able to give you in this matter will be cheerfully given at any time you should wish it.

With the best of personal wishes, I remain,

Sincerely Yours,

Appendix

Greater Marion Association

CHARLES RICHARD EDINGTON
EXECUTIVE SECRETARY

MARION, ILL.

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With the best of personal wishes, I remain,

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C.R. Edington
EXECUTIVE SECRETARY.
Marion has a fine amusement park, two municipal parks and two golf links. A small distance from the city is the grounds, lake swimming pool and cottages of the Marion Country Club, which is a delight to the lover of nature.

Amusements are provided at the beautiful Orpheum Theatre, recently completed and at the Strand and Family Theatres. The best vaudeville, road shows and moving pictures are shown at these playhouses.

Marion is a strong financial center and has banking resources of over $5,000,000. The three Marion banks are strong and very progressive and their deposits have doubled within the last four years. There are also three Building and Loan Associations with a combined capital of $6,000,000.

Marion is easy of access. The Illinois Central line from St. Louis, Mo., to Paducah, Ky., passes through the city and connects with their Chicago-New Orleans line at Carbondale, eighteen miles west. The Chicago and Eastern Illinois line from Chicago to Thebes passes through Marion with sleeper service between Marion and Chicago. The Missouri Pacific makes Marion the southeastern terminal for its Illinois line from St. Louis. The Marion and Eastern Railroad has its general offices and shops in Marion and connects the rich coal field in the eastern part of Williamson county with the rest of the world, via Marion.

The business men of Marion are an exceptionally active set and are constantly inaugurating activities that keep Marion and her business houses before the buying public in the surrounding communities.

Marion is 114 miles southeast of St. Louis. The finest bituminous coal in the world is mined nearby. Marion is also the county seat of Williamson county, one of the largest producing centers for bituminous coal in the world.

Two daily, two semi-weekly and one weekly newspapers are published here. Marion is protected from fire by a modern motorized Fire Department. The fire losses are very low.
Some of the most beautiful churches in Southern Illinois are located in Marion. There are twenty of them.

There are six first class grade school and one township high school in the city. The high school is known over all of Southern Illinois for its wonderful progress in athletics. It has held the championship for basketball for five years. Marion is also the proud possessor of Brown's Business College, an accredited school.

The women of Marion are well organized, there being four active women's clubs as well as Parent-Teachers' Associations in the schools.

The headquarters of the Williamson County Farm Bureau is in Marion, as is the Williamson County Home Bureau, an organization composed of city and farm women.

Marion is noted for its beautiful homes and has two exclusive residential sections, where buildings are restricted. There is a larger percentage of home owners in Marion than in most cities many times larger.

There are six hotels and many room houses. The offices of twelve large mining companies are located here.

Many large manufacturing concerns throughout the country have their Southern Illinois representatives make their headquarters in Marion.

Marion can offer an abundance of power, fuel, water, railroad facilities, and man power to manufacturers who are looking for locations. This association will be pleased to furnish any information desired. If you are looking for a place where you can locate your business, come to Marion.

Marion is the center of the hard road activities in Southern Illinois. There is a State Bond road running east to Harrisburg and connecting up with Route 1 at that point. State Bond Route No. 37 from Mt. Vernon to Cairo runs through Marion and there is a state bond road running from Marion to Carbondale on the west which connects up with Route Two at Carbondale. There are also many state aid concrete highways running in every direction to the surround towns in Southern Illinois.

ADDRESS ALL INQUIRIES TO
CHARLES RICHARD EDINGTON
EXECUTIVE SECRETARY
THE GREATER MARION ASSOCIATION
MARION, ILLINOIS
LAW MAKERS
VOTE HERRIN
PROBE FUND

The bill appropriating $75,000 to the Attorney General Brundage for the prosecution of the Herrin massacre case passed the house today as an emergency bill and now goes to Governor Small for his action. But the bill did not have a single affirmative vote to spare. It received 102 votes, exactly enough to pass. Twenty-six members voted against it.

More than an hour was required to call the roll in the bill, because of the large number of members who wanted to explain their votes.

John P. Devine of Dixon, minority leader of the house, used the opportunity to criticize public officials for failure to do their duty. He referred to the East St. Louis riots under the previous administration and quoted the congressional committee's criticism of the national guard management of that situation.

"Yet the man who was responsible for that," Mr. Devine said, "is still on the state payroll."

"The day this thing happened," he said, referring to the Herrin massacre, "the sheriff was out of the county. Why? Why did a state official representing the governor, sent there to see if troops were necessary, sit idle by and let this thing happen? I am told that he said he could not call troops unless the sheriff demanded it. That is not the law."

He voted for the appropriation, he declared, because the only thing left is for the state to step in and act.

"But we ought to write a law into the statute books," he cried, "making it possible to recall any sheriff or state's attorney who fails to do his duty.

Robert Schaefer of Peoria said that so far as he knew the authorities in Williamson county never had asked the attorney general to take charge of the prosecution and he believed the state's attorney was capable of handling it himself. Therefore he voted against the appropriation.

H. A. Shepherd of Jerseyville voted against it because he said the prosecution admitted that it is impossible to get a conviction.

On his own request, John Clark of Decatur, a union man, was called first on the roll call, and he cast an affirmative vote. In explaining this afterwards, John B. Hart of Aurora said it was done because the unions are for law and order and want the guilty punished, both those who fomented the trouble and those responsible for the massacre.

Thomas J. Morse of Benton defended State's Attorney Duty, but voted against the appropriation.

In order to take effect at once, it was necessary to have a two-thirds vote of the membership of the house and the 102 votes received is exactly this.
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MISS NELLIE BERLEY

having been first duly sworn, was examined in chief by Acting Chairman Pierce, and testified as follows:

Q. Will you state your name?
A. Nellie Tegley.

Q. Your residence?
A. Murphysboro, Illinois.

Q. What is your occupation?
A. Telephone and toll operator for the Illinois Bell Telephone Company.

Q. Will you give me that slip?

("Miss Tegley handed ticket to Mr. Pierce")

MR. McCARTHY: I would like to state at this time that I expect hope this examination will be brief. To have the record encumbered with telephone calls back and forth and I don't think it is going to change the opinion of the committee in any form.

(Further examination by Mr. Howe, attorney for General Black.

Q. I am handing you herewith a memorandum of what purports to be a record of the telephone company, a copy of which has already been introduced as evidence, and ask if you know who made it out?
A. Yes, sir, I do.

Q. Who made it out?
A. I did.

Q. Will you also turn to the back, to the calculating stamp, and state if you know who put the stamp on the ticket?
A. I timed the ticket.

That is all.

MR. McCARTHY: And the call you refer to is the 11:00 o'clock call on the 21st of June, from Marion to Springfield?
A. Yes, sir. The other calls I can't identify them.

CHAIRMAN: That is all.

MR. HOWE: There are other operators on during the day?
MR. IGOE: What is this telephone No. 523?
A. That is the telephone at Marion.
Q. Whatever number that is in Marion, that is the telephone from which this call was made?
A. Yes, sir.
Q. And this call was placed at Marion for Springfield from Marion Local No. 533? Is that correct?
A. Yes, sir.
MR. HOWE: May I ask you if a telephone call emanated from No. 533, that it not be talked on from some other number?
MR. MURPHY: I object to that.
MR. PIERCE: I would like to ask if somebody called from some other number and asked to have a call
talked from some other number, would it be possible to have the number 533 on the ticket and not the phone over which the call actually occurred?
A. No, it would have to be where the call originated.
MR. HOWE: I will ask you where that call is charged?
A. It is made collect and charged at Springfield.
MR. IGOE: Mr. Howe, do you appear as a representative of Adjutant General Black or as an employe of the Military Staff?
MR. HOWE: I am assigned to duty as Acting Judge Advocate General.
MR. IGOE: How long has that been your position?
MR. HOWE: About two weeks or three, I think.
MR. IGOE: It is just since you came down on this matter?
MR. HOWE: I think so.
MR. IGOE: So, at the present time, you are Acting Judge Advocate General of the Militia of this State?
MR. HOWE: I am.
MR. IGOE: On compensation?
MR. HOWE: I don't think so. I haven't been assigned to active duty, so I guess I am not under pay.
MR. IGOE: Who is Active Judge Advocate General?
MR. HOWE: I don't know.
MR. IGOF: Is Judge Keene of Chicago?
MR. HOWE: I don't know.
MR. IGOF: You were directed to report to the Adjutant General on April 3d for active duty?
MR. HOWE: I was.
MR. IGOF: Did you so report?
MR. HOWE: I did.
MR. IGOF: Were you assigned to active duty
MR. HOWE: I was.
MR. IGOF: And your pay was authorized?
MR. HOWE: I don't think it was. I was just picked up from the retired list.
MR. IGOF: The order provides it.
MR. HOWE: To be candid with you, I don't know.
MR. IGOF: This is the order of April 3, 1923.

(Mr. Igoe read the order)

Is that the order that sent you to Springfield?
MR. HOWE: It may be. I was ordered by telephone.

MR. MURPHY FURTHER EXAMINED MISS BEGLEY:
Q. You state that this record was made by you in the office at Murphysboro?
A. Yes, sir.
Q. Does it indicate on here that this record was made at Murphysboro?
A. Yes, sir, that is the one from the Murphysboro office.
Q. Will you show me, please, just where that indication is?
A. This is my handwriting.
Q. If I understand correctly, this ticket was made at your office and not at Marion?
A. Yes, sir.
Q. Did you make a record of other calls that came to Springfield from Marion?
A. No, sir, this is the only one I made.
Q. Are there others?
A. I think there are others. I couldn't tell you which
Will you tell the committee, please, whether it is customary for them to make tickets at the original place or the transfer place?

A. We check for all towns around, such as Marion and make the tickets.

Q. Do you have any way of knowing who the person is who is calling, outside of their own statement?

A. No, sir.

Q. Do you know who put in that call?

A. All I know, he said he was Mr. Hunter. And at Springfield I called this ticket and got an O.K. on it. It was to Adjutant General Black.

Q. Do you know where these records have been kept since that time?

A. I think they are kept in the Springfield office. They are sent in every day.

Q. They are sent from Marion?

A. No, I don't think so. I think Marion belongs to Murphyboro and she is supposed to have a record like that. I am working for the Illinois Bell Telephone Co.

Q. So far as you know this call came from the number indicated on the record, No. 520?

A. But whether he talked from that number, I don't know.

Q. You have no positive information that the man who represented himself as Col. Hunter was Col. Hunter?

A. No, sir.

MR. MURPHY: I think we will impose an objection to this exhibit as no showing has been made as to whence it came or the purport of it.

ACTING CHAIRMAN PIERCE: In connection with your statement, outside of that record, I will over rule the objection. The evidence has already been accepted in the record. It has been marked and a copy put in the record.
having been first duly sworn, was examined in chief by Acting Chairman Pierce, and testified as follows:

Q. State your name.
A. William J. Speed.
Q. Where do you reside?
A. Herrin, Illinois.
Q. What is your business?
A. I am president of the miners' organization in Williamson County.
Q. Do you hold any official position in the State of Illinois?
A. No. I am president of a sub-district of the Illinois Miners' Organization.
Q. That is of the district embracing Williamson County?
A. Yes, sir.
Q. How long have you been State Senator?
A. Since 1920.
Q. Were you in Herrin and Williamson County in June 1922?
A. Part of the time.
Q. Were you on the 21st of June?
A. No, sir.
Q. On the 22nd of June?
A. No, sir.
Q. When were you there prior to June 21st?
A. As I remember it, I arrived home from the Constitutional Convention on Friday, which I think was the 18th of June, and I was there until the afternoon, as I remember, of June 20th.
Q. Where did you go at that time?
A. I went to Johnston City, took the train to Altamont, spent the night there, and was here at the opening session of the Constitutional Convention for that week.
Q. And then did you return to Herrin after that?
A. Either Friday night or Saturday morning of that week.
A. As I recall, Monday was the 19th.
B. The 21st was on Wednesday.
A. Yes and Friday was the 24th. It was either the 24th or 25th.

Q. Just what is the name of the miners' organization of which you were president?
A. It is sub-district known as District No. 15.
B. It is located at Harrin?
A. The officers are. The organization embraces the entire county.

Q. What were your duties as president of that organization about the time — say, the 20th, 21st, 22nd of June 1933?
A. The same as they are at this time.
B. What were they?
A. I am held responsible for the membership of the county with reference to the men employed in and around the mines.

Q. How many members are there of that local?
A. It isn't a local.
Q. Of your organization, then:
A. I think it that time 24 or 15 thousand.
Q. And where are those members located? Of what counties are they resident?
A. Of Williamson County only, and they are employed in the various 42 or 3 mines of Williamson County.

Q. How many officers of that organization were at that time located in Harrin?
A. I don't think I understand you.
Q. What other officers are there besides the president?
A. Vice President, Secretary, three board members and three auditors.

Q. Who was Vice President?
A. Fox C. Hughes.
Q. He lives at Marion?
Q. Who is your treasurer?
A. William J. Davis.

Q. What if any connection did a man by the name of Hugh Willis have with your organization?
A. He is a State Board member, and represents the district. His district takes in all of my sub-district with the exception of Johnston City.

Q. Mr. Board, is Hugh Willis a man with a family?
A. Yes, sir.

Q. Does his family reside in Harrin?
A. They do.

Q. Does he represent where he resides in Harrin?
A. I think so.

Q. How long, about, has he lived in Harrin?
A. Well, I have known Mr. Willis personally for about from 17 to 20 years.

Q. During all of that time did he reside in Harrin?
A. With but one exception.

Q. How long did he reside in Harrin continuously up until June 21, 1928?
A. I would say 17 years.

Q. Now what was his exact position with reference to the miners' Union?
A. He is what is known as a State Board member.

Q. Is he appointed or elected?
A. Elected.

Q. By the Union members?
A. Yea, sir.

Q. And for how long a time does he hold office?
A. Two years.

Q. Do you remember when he was elected to his present position?
A. The first time.
C. The last time.
Q. That was at the expired term of two years?
A. Yes, sir.

Q. Fox Hughes, is he a member of the board also?
A. What board do you refer to?
Q. The same board Hugh Willis belongs to?
A. No, sir, he -
Q. He simply holds the position of vice president -
A. May I explain?
Q. Yes.

A. The district union is composed of some 12 or 15 board members, besides the president, vice president and secretary, all known as district officers of sub-districts or sub-divisions -

Q. Now, these district officers -
A. May I finish? The sub-districts or sub-divisions are the sub-divisions of the union.

Q. Located at any other place than Herrin?
A. No, sir. They are the same as district organizations, the laws are the same governing these districts. Each sub-district organization functions outside of the State organization with the exception of merely co-operating with the State.

Q. Who were some of the other district board members during the month of June 1932?
A. The sub-district members are Mr. Jesse Jackson at Johnston City, Ben Hoyt who lives at Marion, and Abe Wingett who lives at Herrin.

Q. How often does the organization hold regular meetings at Herrin?
A. Which organization?
Q. The one that you are president of.
A. At the call of the president.
Q. Do you have by-laws?
A. We have a constitution.
Q. And the constitution provides for meetings?
A. It provides that the president, at his discretion, may call a meeting.
Q. It doesn't provide for regular meetings?
A. No, sir.

Q. How is that a meeting of the whole organization?
A. A meeting of the sub-district board or a meeting of the officers, that you are speaking of.

Q. If I was to call a meeting of the sub-district board, it would comprise three district members whose jurisdiction lies entirely in Williamson County.

Q. When you have a membership meeting, how is it called?
A. The constitution provides that every two years conventions must be held, at which time myself, as president or any of the district members, submit reports from the local unions and they send delegates to this convention.

Q. Is there no provision in the constitution or other laws governing your organization with reference to meetings covering membership, except the reference made to conventions?
A. None other than the allusion that provides for special conventions may be held.

Q. Upon what authority?
A. No authority, other than the call of the president and a majority of the board.

Q. That may be done at any time?
A. Yes, at any time the president deems it advisable.

Q. Did you hold any meetings of the board at any time during the month of June 1922?
A. None that I recall, Judge.

Q. Do you keep a record of the meetings that you hold?
A. Yes, sir, as a rule.

Q. Have you got the records of all the meetings that you held in June 1922 up to June 21?
A. May I explain again? Oftentimes I call board members and we discuss matters in an informal way, of which a record is not kept. Since I recall, no official meeting has been held since last — sometime the first of July or latter part of June.
Q. Last year; That is, June 1922?
A. Yes, sir.

Q. Prior to June 21, when is your recollection of any meeting either called or designated by the officers of your organization held at Herrin?
A. May I have a little time? I am not positive of this statement, but if my memory serves correctly, there wasn't any since December 1921. There probably may have been one around April 1, 1922.

Q. Were you acquainted with the Lester Strip mine, so-called, in Williamson County, with its location in Williamson County, in June 1922?
A. To what extent?

Q. Did you know where it was located?
A. Yes, sir.

Q. Had you ever been to the mine prior to June 31st?
A. Yes, sir.

Q. How long before that time had you been at that mine?
A. Well, the sheriff and Col. Hunter and I, with my secretary and some deputy sheriffs, were there on Monday of June 13.

Q. What time of day?
A. Sometime in the afternoon. Probably from 3:00 o'clock to 5:00 - or later maybe.

Q. Where did you go from to this mine with Col. Hunter and the sheriff?
A. From Marion.

Q. Were you at Marion at any time before that on that day?
A. No, sir.

Q. The 13th?
A. I drove to Marion from Herrin and discussed several matters with the sheriff and learned that Col. Hunter was in town and we were going to the mine and we all drove there
Q. What was the purpose of going to the mine?

A. To discuss with the superintendent the intimidation of persons who were traveling this detour route.

Q. Where did you get the information that there was any interference?

A. From newspaper men and I guess who has lived in that vicinity.

Q. Then did you get the information prior to the time you went there on the 10th?

A. Well, on Saturday, I think it was, or Sunday. It was before the 10th.

Q. Who told you?

A. I don't remember who it was told me. I was sitting in my car in front of my office in Herrin.

Q. On Monday you went over to Marion and you went for the purpose of seeing and consulting with the sheriff?

A. Yes, sir.

Q. And you learned from the sheriff that Col. Hunter was in town?

A. Yes, sir.

Q. How did you learn of that?

A. Someone in town told me.

Q. You didn't learn from the sheriff about the hold-ups?

A. Not at first.

Q. Didn't you understand the sheriff knew he was in town?

A. Later, yes.

Q. The sheriff didn't tell you he saw him before the 15th?

A. Not that I recall.

Q. Did you talk with Col. Hunter in Marion about the situation?

A. Yes, sir. I told him what we were going to do.

Q. Did you ask him to go along?

A. No, he agreed to go along of his own volition.

Q. How did you lead up to that?

A. This was the condition. There were several fellows...
besten up and it was alleged that the men were wearing emblems saying that they were State Police and they asked that I go over there and investigate. The sheriff had no authority to prohibit them from wearing these emblems and I took a couple of newspaper men and drove to Marion and when I got to Marion I looked up the sheriff and told him what happened as I had been told, and requested that he go out there and ask the superintendent to discontinue these men and take off these men off of the public highway and so agreed to do that. In the meantime someone said Mr. Lester had called with Col. Hunter and the sheriff and other parties in Marion and this matter had been agreeably arranged.

Q. You heard that before you met Col. Hunter?
A. Yes, sir, the miners were not being represented in this meeting and I went to see Col. Hunter to see why they hadn't been given consideration.

Q. When did you learn that Col. Hunter was on the ground?
A. I am unable to answer that. I don't recall.

Q. Was it a few days before the 13th?
A. It was sometime after I returned home on Friday or Saturday.

Q. It was between the time you returned home Saturday and Monday when you went to meet the sheriff?
A. Or Saturday afternoon, I don't know which, it might have been Saturday morning.

Q. Did you talk to Col. Hunter on Monday about what you had heard?
A. Yes, sir.

Q. What did he say?
A. He said he was down there to make an investigation of that matter and to try to get Mr. Lester and the men who were in charge of these guards to obey the law and that he was down there to see that there would be no trouble.
Q. Did Col. Hunter tell you at that time that he had been in communication with Mr. Lester?

A. I think Col. Hunter told me as we were going to the mine that -- no, he told me in Mr. Firtington's office that a meeting had been held to that end for the purpose of discussing this matter and quieting all rumors and keeping down trouble.

Q. Did he tell you what was the reply or the attitude of Mr. Lester?

A. Yes, sir.

Q. With reference to the subject?

A. I think not, other than to say that it had been agreed there. I am not positive of this statement, but if my memory serves me correctly, Col. Hunter stated to me in the presence of the sheriff, or otherwise, that they had held a meeting in Marion on the day before and Mr. Lester had agreed to stop all intimidations and disperse men and keep them off of the public highway.

Q. Then after you had learned from Col. Hunter, if that were his statement, or the statement he made to you, you went to see the superintendent of the mine?

A. No, sir. We got in cars, drove out to the mine, and inquired for the superintendent of the mine, Mr. McDowell.

Q. Where was he?

A. I don't know where he was at the time, but later he came from the office.

Q. Did you talk with him?

A. Yes, sir.

Q. What conversation did you have with McDowell at the mine, relative to the trouble?

A. Well, we informed him of statements we had received and evidence which we had at the time as to how guards were treating farmers and how they were treating people that traveled the detour route and he said it would be stopped.
Q. Who did you see beside McDowell?
A. I saw many men.

Q. Did you see any armed men?
A. They had holsters on, but no arms in sight.

Q. Were you molested?
A. We were stopped at the edge of the highway that turned off near the office.

Q. Was that a public highway?
A. It was supposed to be.

Q. Do you know whether it is or not?
A. The public highway had been cut in two by their shovel and the company had built a detour route around the mine.

Q. Upon their own property?
A. I am not positive. I think so.

Q. And it was on this public highway, the detour road, which you think was possibly on their own property, on which you drove to get to the mine?
A. Yes, sir.

Q. And it was there you were stopped by somebody pretending to exercise some authority?
A. There were two guards stationed at the road where the road turned to the office. They had a wire stretched across the road to the office. When we told them who we were, they let down the wire and rode with us on the running board to the office.

Q. Did you see anyone else except McDowell, with whom you had conversation at the mine?
A. Yes, we talked with several.

Q. Do you remember their names?
A. Yes, sir. Mr. Thumacher, the assistant superintendent and one of the engineers. Mr. -- -- -- --, I don't recall his name just now. Anyway he was the engineer and a man who was known as chief of the guards, Mr. Delaney.
Q. Was he armed at the time you were there?
A. If he was, they were concealed.

Q. Did you see any arms, guns or weapons of any kind?
A. As I said before, I think the two guards on the public highway - the guns were standing against a tree. They didn't have revolvers in their holsters. They had holsters on and their cartridge carriers were full.

Q. Did you give anyone instructions or directions when you made these acts of complaint to Mr. Powell? That did you say to him?
A. He requested that he take his men off of the public highway.

Q. What did he say about the public highway?
A. He said they may have been on the public highway, but they wouldn't be any more.

Q. Did he make clear that the highway was not public?
A. Not that I remember.

Q. Did he make a claim that the mine had private ownership of the road?
A. He said something about private property. I don't recall just what he said.

Q. Did you know at the time that this was private property and not a public road?
A. I did.

Q. What public highway were you then complaining about that they were obstructing people on?
A. It was not only this detour route. The road also listed as a public highway on the map.

Q. Did you understand this from the interference by the guards at the mine and by the people who knew it to be a public highway?
A. That is why we were there.

Q. Did you know or did you have any specific instances where the public had been interfered with on a public high-
A. There were.

Q. Wasn't the complaint made to you that people were driving around this detour?

A. You don't quite understand. They had excavated the dirt off of the soil from some 300 feet and dumped it in the road, destroying the public highway.

Q. That didn't make the public highway a private highway if they detoured?

A. They made this detour for the public highway. They posted a notice on the public highway where it turned into their property. It was private property and the sign said "No trespassing allowed" with an arrow pointing south, meaning that they were to travel the detour route. On the way to Marion I drove my car on the old public highway where it turned off and I killed my engine and I got out to look at the carburetor which wasn't working right and tried to fix it and a couple of guards came up with guns and pointed the guns at us, on our way to Marion.

Q. You say they pointed guns at you several times? What were you doing?

A. As I said before, the engine had stopped and we had backed down to the railway crossing and I had gotten out in order to adjust the carburetor.

Q. These guards were pointing guns at you?

A. They came toward us within a distance of a hundred yards.

Q. And you made complaint to Col. Hunter and others about this?

A. That was referred to, yes, sir.

Q. Did you call the attention of McDowell to that fact?

A. I did.

Q. What did he say?

A. He asked the chief guard about it and the chief guard said it wasn't true. I suggested we could pick him out of the room if it was necessary, but Mr. McDowell said it wasn't necessary, that it wouldn't occur again.
C. The sum and substance of your conversation at that time resulted in McLowell promising that the hold-ups -- stopping people on the highways, wouldn't occur again.

A. Yes, and then we asked him why so much ammunition in his office.

C. Why did you ask him that?

A. It appeared he wasn't very particular about disarming the men and keeping them off of the public highways. He had previously promised the sheriff that he would not permit this and every day and every night there was a recurrence of the hold-ups. We asked him why it was necessary to make an arsenal out of his office. It looked like there was a ton of ammunition there.

C. The fact that there was a quantity of ammunition -- you didn't question their right to have ammunition there?

A. No.

C. It went to the good faith of what he was promising you. You didn't think he was in good faith and have so much ammunition

A. Certainly not.

C. After you left the strip mine that afternoon, where did you go?

A. Went back to Marion.

C. Did you have a conference after you returned?

A. No.

C. What was said by Col. Hunter to you or the sheriff to you after you left the mine about the result of your conference?

A. Tell, I think it was practically unanimously unanimously agreed that McLowell went through with what he promised that there was no use worrying about it and that things were quiet at that time and they would continue so.

C. Now, from Marion, after driving there with Col. Hunter, you drove back in your car to Herrin?

A. Yes, sir.
Q. What report did you make to any of your officers or associates at Herrin concerning the investigation of complaints which had been made?

A. Nothing other than a general report to the fellows who came in the office or I met on the street.

Q. Can you tell us the names of the men you talked to?

A. No, I can't, Judge, because they came into the office and I saw many on the street. I really don't remember.

Q. Did you see Fox Hughes?

A. Yes.

Q. Did you talk to him?

A. I made the statement to him.

Q. What statement did you make to him about the conference?

A. About the same as I have said to you, in substance.

Q. What did Hughes say?

A. Not anything.

Q. Do you remember whether Hugh Willis was there at that time or not?

A. No, sir, Hugh Willis wasn't in Herrin at that time.

Q. Did you see Hugh Willis from the time you came to Springfield?

A. As I remember, Willis came into Herrin from Chicago on the day I left Herrin.

Q. Probably the 20th of June?

A. Yes.

Q. Did you have a talk with him at that time?

A. I think he just walked into my office and we just discussed matters in a general way, as any two men would do associated together.

Q. Did you talk about the strip mine affair?

A. I probably did.

Q. Did you tell him what assurance you had from the superintendent or others at the mine, that there would be an effort to keep complaints from being repeated?
A. I might have.

Q. What did Willis say?

A. I don't recall.

Q. Did he make a statement about what he thought of the mine owner in having armed guards there?

A. I am not positive about that, Judge, he may have. But, as I said before, it was a general discussion of things in general and we didn't expect any trouble at that time and naturally didn't go into the matter.

Q. There was objection made against this mine operating with armed guards?

A. Such as would occur in any community.

Q. Did you hear those complaints while there before you came to Springfield?

A. I heard objections raised to the transferring of shifts which Mr. Lester had done and the replacing of the steam shovel men.

Q. Did you hear threats made?

A. I did not.

Q. Did you know what they proposed to do with them?

A. No, sir, it was left in our hands - myself and my associate officers - for adjustment.

Q. Who did that include?

A. Any officer I might have called in.

Q. Did it include Hughes and Willis?

A. Not Willis because he wasn't in town.

Q. He was in town on the 20th?

A. If I think he was.

Q. Now Willis would be one of the men that you would entrust further negotiations with, with reference to troubles at the mine. If you left it with anyone?

A. Not entirely. I have no jurisdiction over Mr. Willis. My authority does not go that far.
Q. Who had authority over Willis?
A. As a rule Willis' office functions as he sees fit and proper, yet he is under the Illinois Miners - Mr. Farrington.
Q. Was that the situation with reference to Fox Hughes, that you have described with reference to Hugh Willis?
A. No, Hughes is responsible to no one.
Q. Did you give Hughes any direction that you sent for Springfield, with reference to what he should do with reference to that mine or keep any truck of what they were doing after you left?
A. I think not, Judge. May I explain one matter that will possibly clarify the situation? Mr. Lester stripped this coal by permission with the understanding that he wasn't to mine the coal. A few days before, possibly two weeks before the 18th of June, his entire crew of men were discharged. As you understand, there is a local union at each mine, as a rule. There was adjoining property, jointly owned by Mr. Hamilton and Mr. Lester, where another crew worked. They had finished and stripped the coal and were discharged. Then they bring men to the Lester mine and place in charge. Because of that circumstance, they appealed to our office, claiming they were entitled to work over at the Lester strip mine.
Q. As I understand you, there was a gang of steam shovel operators that went in to the strip mine first and that was agreeable to the union?
A. Yes, sir.
Q. After the mine was stripped they went away?
A. They were laid off first at Lester strip mine.
Q. Where did they get the gang?
A. The ones they brought in.
Q. Yes.
A. I don't know.
Q. They were not local men?
A. No, I was informed they were sent in by representatives of the Steam Shovelmen from Chicago.
A. There was no agreement to that effect. The men who stripped the coal were members of the miners' Union and they stripped it by permission.

Q. You mean by stripping coal, the men who took the sub-surface off of the coal.

A. Yes, sir. They were members of our Union and had asked the Superintendent if they could operate and then they stripped quite a quantity of coal there and then they stopped loading coal the first of April, but they continued to strip loading off.

Q. And only enough kept necessary to operate the big steam shovel?

A. Yes, complaint was made that they were loading coal and myself, Hughes and Slusser went out to talk to the Superintendent and we found that they hadn't been loading coal only loading one car to replace track. That was two or three weeks, or possibly along the middle of April, or latter part of April, I think, and these men then who were laid off came to take the places of the men on the shovel. The men displaced claimed they had jurisdiction and they were entitled to that work. That was the first complaint.

Q. Who was the Superintendent you met at that time?

A. Why, it was Mr. Steiger.

Q. It wasn't McDowell?

A. No.

Q. Did you meet McDowell the first time when you and Col. Hunter and the sheriff went out?

A. Yes, sir.

Q. You knew McDowell was there?

A. I understood a man by that name was in charge.

Q. During the time you were in Springfield, after you left on the 20th, did you have communication either by telephone, telegraph or letter with either Hughes or Willis, prior to the time that the killing occurred on the 21st of June?
A. Please state that question again.

Q. After you left Herrin on the 20th of June, did you have any communication either by wire, telephone or letter, with Hugh Willis or Fox Hughes prior to the 21st of June, 1922?

A. I did not.

Q. Did they call you or communicate with you?

A. No, sir.

Q. Did anyone of the persons listed or organization communicate with you during that interval?

A. No, Judge, I wouldn't be positive about the date and the time - I think it was after the 21st, - I am not positive about that, I received a telegram from a newspaper man which said in substance that the riot had occurred and two men were killed. That is as I recall it.

Q. That telegram was probably sent on the 21st of June?

A. It may have been. Possibly you are right.

Q. The telegram, as you recall, said that two men had been killed?

A. Yes.

Q. You understood that two men were killed on the afternoon of the 21st?

A. All the communication I had after that from any source at all was through the press.

Q. Did you see Hugh Willis personally between the time that you left Herrin for Springfield on the 20th and the 22nd of June?

A. No.

Q. And you didn't talk with him in any way?

A. Not that I recall.

Q. Well, if you communicated with him you would recall it, wouldn't you?

A. There are so many things that happened in connection with that matter, but I am almost quite positive that I did not.

Q. If you did communicate with him, the communication
would have been a telegram or a letter or a telephone conversation.

A. There were no telegrams, and I am quite sure there were no telephone calls.

Q. Did you learn that mobs were forming on the Elat?
A. Only through the press.

Q. Did you learn on that day that mobs were forming?
A. The first knowledge I had, Judge, of any trouble at all, was through the Springfield Register. The reason I recall it so distinctly is because I had a measure in the Constitutional Convention. I was trying to have it adopted, it had gone out of committee and been recommended "do pass", when the Register brought in a right-up against the legislation which killed the measure. That was the first knowledge I had when I was looking at through the Register and noticed the headlines.

Q. Was that on the Elat of June, Wednesday?
A. I believe it was. I am not sure. I think it was.

Q. Did you then make an effort to find out from any source, either in Herrin or Marion, or in any other way, the truth, or probable truth, of the newspaper report that you had seen?

A. No, because I had been talking to newspaper men all afternoon that came to me and asked as to conditions.

Q. After you saw the headlines in the paper, did you then make any effort to verify the reports?

A. As I remember it, I tried to get a long distance call through. I am not positive about that statement. But anyway, the next morning one of the members of the Associated Press came over and told me the situation there and he said that the sentiment was at a high pitch and they couldn't get hold of anybody, either at Marion, Herrin or elsewhere.

Q. This report you saw in the afternoon papers, it indicated that two Union men had been killed, didn't it?
A. I don't recall whether it said that or not.
Q. Wasn't there something about the names of the men killed?

A. I wouldn't be positive if it did say.

Q. Were you acquainted with the men who were killed on the afternoon of the 1st?

A. I later found out I was.

Q. Did you recognize their names when you saw them in the papers as being union miners?

A. I did not at the time.

Q. Now you attempted, or might have attempted, to have gotten in communication by long distance phone. Do you remember who you talked to?

A. I tried to call our office.

Q. Who did you expect to get from there?

A. There was no one in charge except the secretary.

Q. For Hughes?

A. No, Mr. Davis.

Q. Do you recall whether you got in communication with Mr. Davis?

A. No, I didn't.

Q. You didn't talk to anybody there at the office on that evening?

A. No, nor the next day. I never discussed this matter with anyone at all until I returned home on Friday or Saturday.

Q. Of course you learned in the next day, in the regular way, that this killing had taken place. You knew all the details?

A. Press statements only.

Q. Well, those press statements that you read gave a fairly accurate account of what had occurred?

A. Well, I wouldn't say they did. They were exaggerated.

Q. Did you get any communication from Willis, Hughes or Davis by telephone, telegraph or otherwise after the killing occurred?

A. No, sir.
Springfield, Illinois,
May 15, 1925.

(Continuation of examination of Senator
Schroed)

* * *

Senator, do you remember that time it was on June 21st you got the telephone call to the men had been killed?

I think, Mr. Grose, we had a similar meeting that evening and it was then a return to the hotel about 11 o'clock.

Did you do anything about this at all, take any action of any kind?

No.

Did you attempt to communicate with anybody in your office at Herrin?

As I said before, I could not be positive but if my mind serves me correctly, I tried to get the office but there was no one there.

Did you confer with General Clark when you were in Springfield at noon?

I think not.

Did you confer with him at any time before June 22nd?

No.

Did you confer with him at any time after June 22nd?

I do, sir.

How long afterwards?

Well, I think it was the following week, if I remember correctly. Did you ever confer with the Governor about this matter?

I did not.

At any time?

No time.

Did you ever confer with any representative of the Governor about this matter?

... as, sir, other than I have stated to Colonel Manton at the time.

Did your organization have attorneys in the city of Herrin?

Yes, sir.
Q. After you left Herrin on the 20th of June, did you have any communication either by wire, telephone or letter, with Hugh Willis or Fox Hughes, prior to the 21st of June, 1922?

A. I did not.
Q. Did they call you or communicate with you?
A. No, sir.
Q. Did anyone of the miners union or organization communicate with you during that interval?
A. No, Judge, I wouldn't be positive about the date and the time - I think it was after the trip - I am not positive about that, I received a telegram from a newspaper man which said in substance that the riot had occurred and two men were killed. That is as I recall it.
Q. That telegram was probably sent on the 21st of June?
A. It may have been. Possibly you are right.
Q. The telegram, as you recall, said that two men had been killed?
A. Yes.
Q. You understood that two men were killed on the afternoon of the 21st?
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A. No.
Q. And you didn't talk with him in any way?
A. Not that I recall.
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Q. If you did communicate with him, the communication
would have been a telegram or a letter or a telephone conversation?

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Q. Did you learn that mobs were forming on the 21st?
A. Only through the press.

Q. Did you learn on that day that mobs were forming?
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Q. This report you saw in the afternoon papers, it indicated that two Union men had been killed, didn't it?
A. I don't recall whether it said how many were killed or not. As I remember it, it said, "Mine War on at Herrin."
Q. Wasn't there something about the names of the men killed?
A. I wouldn't be positive if it did say.
Q. Were you acquainted with the men who were killed on the afternoon of the 21st?
A. I later found out I was.
Q. Did you recognize their names when you saw them in the papers as being Union miners?
A. I did not at the time.
Q. Now you attempted, or might have attempted, to have gotten in communication by long distance phone. Do you remember who you talked to?
A. I tried to call our office.
Q. Who did you expect to get from there?
A. There was no one in charge except the secretary.
Q. For Hughes?
A. No, Mr. Davis.
Q. Do you recall whether you got in communication with Mr. Davis?
A. No, I didn't.
Q. You didn't talk to anybody there at the office on that evening?
A. No, nor the next day. I never discussed this matter with anyone at all until I returned home on Friday or Saturday.
Q. Of course you learned on the next day, in the regular way, that this killing had taken place? You knew all the details?
A. Press statements only.
Q. Well, those press statements that you read gave a fairly accurate account of what had occurred?
A. Well, I wouldn't say they did. They were exaggerated.
Q. Did you get any communication from Willis, Hughes or Davis by telephone, telegraph or otherwise after the killing occurred?
A. No, sir.
Q. You didn't have communication with anyone down there?
MR. PIERCE: I think that is all.
(Cross examination continued by Mrs. Dalch)
Q. Senator, do you remember what time it was on June 31st you got the telegram that two men had been killed?

A. I think, Mr. Igge, we had a committee meeting that evening and it was when I returned to the hotel about 11 o'clock.

Q. Did you do anything about that at all, take any action of any kind?

A. No.

Q. Did you attempt to communicate with anybody in your office at Herrin?

A. As I said before, I would not be positive but if my mind serves me correctly, I tried to get the office but there was no one there.

Q. Did you confer with General Black when you were in Springfield at any time?

A. I think not.

Q. Did you confer with him at any time before June 22nd?

A. No.

Q. Did you confer with him at any time after June 22nd?

A. Yes, sir.

Q. How long afterwards?

A. Well, I think it was the following week, if I remember correctly.

Q. Did you ever confer with the Governor about this matter?

A. I did not.

Q. At any time?

A. No time.

Q. Did you ever confer with any representative of the Governor about this matter?

A. No, sir, other than I have stated to Colonel Hunter at the time.

Q. Did your organization have attorneys in the city of Marion?

A. Yes, sir.

Q. In what capacity did your attorneys act?
In condemnation letters and as a general attorney only.

... are they, sort of general counsel?

... the district union, Mr. Lyon, maintains a legal department

and in Marion there is one located.

... the one in Marion is the one that acts for miners in Williamson County?

... Yes, as well as Franklin, Saline, etc.

... the gentleman in Marion is Mr. Stone?

... Yes, sir.

... he appeared as counsel for the defense in case that was tried at Marion?

... Yes.

... one of the local members lived in Marion, do you know who that was?

... Mr. Hey.

... do you know whether or not he was present at Marion during

the week this trouble occurred?

... I do not.

... we had known to Fox Hughes, was he?

... Yes, sir.

... and to Hugh Willis?

... quite so.

... do you know where Hugh Willis is now?

... No, I do not.

... do you now any one who knows where he is?

... well, I could not say that because I do not know whether

his wife knows or not, but I have no knowledge of his whereabouts.

... the only reason is that certain Marion accusations have been

made against Hugh Willis in these hearings and in every way known to
us we have requested him to be present to deny those allegations and
placed a subpoena in the hands of Fox Hughes to serve on him. Do

you know in any other way we can reach Mr. Willis?

... I do not for this reason. Mr. Willis went to Hot Springs

on a vacation. Whether he is there yet or not I cannot say.
Vi

A. After the 17th day of April.
V. Is he on a salary as an officer of the mine workers' union?
A. Yes, sir.
V. Is there any one who would know when he is coming back?
A. No, sir, I don't think so.
V. There was a telegram sent to you or there not, during the week beginning the 19th of June, 1922, concerning the operation of that strip mine, from one of the national organizations of your organization?
A. Will you repeat that, Mr. Iggo.
V. Was there a telegram sent you during the week of June, 1922, from one of the divisions of your national organization?
A. Not beginning of the week but the end of the week.
V. When was that, June 19th was Monday?
A. I am wrong, it was not ending of the week of June 19th but as I recall it, it was on either Saturday or Sunday prior to June 19th, that would be the 17th or 18th, probably the 18th. I would not say definitely.
V. And that telegram was sent to you in response to a telegram you had sent to the person who sent you a reply?
A. Quite so.
V. What was in that telegram you sent?
A. Merely an inquiry as to the status of the Steam Shovelers' Union in the American Federation of Labor.
V. And the reply, as I remember, was they were to be treated as ordinary strike breakers?
A. I don't think that is the language, Mr. Iggo. However, you may be correct. In substance it said they were not in good standing with the American Federation of Labor and should be considered-- I have the telegram in my files at home but I don't remember exactly what was said.
V. Now, the situation was rather critical then you got that telegram, as it?
A. No, not at that time.
B. Did that produce any crises down there?
A. No, sir.
B. What did you do with that telegram?
A. I gave it to the press.
B. Did you first call a meeting and read it to some men down there?
A. No, I did not.

B. Why did you give that telegram to the press?
A. As a matter of publicity. 
B. Lester had come out with the statement to the <sion daily newspapers, to the effect that the men he were employed by him were members of a Steam Shoveler's Union.
B. That was a fact, was it not?
A. I could not verify that.
B. They were members of the Steam Shoveler's Union, weren't they?
A. Some may have been.
B. When they came in, were they not?
A. I do not know.
B. As I understand it, the reason you gave publicity to that telegram was to counteract the statement Mr. Lester had given out relative to the union affiliation of those men?
B. And as a matter of information to the men who were on strike.
B. Why did they need that?
A. The organization always has followed this rule that any matter pertaining to employment, to conference meetings, etc. are kept posted and then ... Mr. Lester had made this statement to the press, I felt and they felt that if those men were members of the Steam Shovelers' Union, then it was a matter of jurisdiction between the two international unions.
B. The miners were not on a strike then, were they?
A. They were.
B. I thought it was merely a cessation of operation of the mines because their agreement had expired, and they were waiting for a new one.
A. I beg your pardon. You are right. That is correct. They
Both operators and miners had come to the end of an agreement and there was a lull.

A. That is correct. The agreement had expired and no other agreement had been entered into.

1. And no mines were being worked?
A. Not in the State of Illinois.

2. Had the agreement expired about the last of March?
A. March 31st.

3. And you resumed work again about August, as I remember.
A. I think some time in August, possibly the 2nd.

4. If your men were not on a strike then, was the object to be gained by giving this information out such as was contained in that telegram?

A. As I said before, Mr. Lester had made this statement to the press and they immediately, as I understand it, wanted to find out if it was true, and later he sent these men from Chicago to this plant and we wanted the members of the miners' union to understand just what the situation was with the American Federation of Labor.

5. From whom did that telegram come?
A. From the International President, Mr. Lewis.

6. Is there some friction between Mr. Lewis and Mr. Farrington between you labor people?
A. Well, that is a matter that I think should be discussed by them, Mr. Igoo. I would not be in a position to advise.

7. Had Mr. Lester approved of the working of these men at that mine?
A. The steam shovel men?
8. Yes, sir?
A. He did not say he approved it or not.

9. He did not object, did he?
A. No.

10. Was there some money passed at Marion for the purpose of running this mine?
A. I don't know.
Did you ever hear anything about that?

A. I did not.

Q. What was the money Judge Hartwell handled?

A. I never heard.

Q. Have you ever heard of it?

A. No.

Q. Did you hear the Judge make a statement, and I will ask you now if you ever heard anything about any money being put in a bank there?

A. No.

Q. Was Judge Hartwell's name mentioned in connection with any money being put up in a bank?

A. No.

Q. Did Lester get some money back, didn't he?

A. I could not say.

Q. Did you ever hear about that?

A. Never.

Q. And did you hear about that?

A. As I started to say was, some time, I think it was in February or March, 1889, I am not positive as to the month or the year we were informed that the company, the Lester Coal Company, proposed to load coal after the expiration of the miners' agreement and some one didn't recall who it was, whether it was gossip or where I got it, made the statement that Mr. Hartwell had some stock in the corporation and I moved over to Harlan to see Mr. Hartwell and asked him about it and he denied it. That is all I know about it. But that was as to a matter of stock.

Q. In the corporation running the strip mine?

A. Yes.

Q. And was there not a story down there to the effect that somebody had gotten some money for the purpose of letting this mine run in violation of union agreements and somebody else did not get anything?

A. No, I never heard that. Mr. Igoe, I heard, as a matter of gossip that story, but it was general talk or general rumor.

Q. From what you know of the coal situation in Illinois, you
don't think anybody could go in there and work a mine like that unless he made an agreement like that, wouldn't you?

A. You are asking for a conclusion. I would not say that.

I will say this: I cannot see why any one would have paid a member of the organization or officer for permits to run that mine.

A. You heard that there, didn't you?

A. As I said before, it was a matter of rumor and I doubted it. I don't think it was true.

A. If the rumor went forth and you heard money had been put up by Lester and do you check a portion of it, what would you say then?

A. I would say, if it was a matter of fact, somebody was crooked.

A. It gets out of the realm of rumor then, when it deals with some money in the bank and the portion being returned?

A. As I said before, I have no knowledge of that.

A. What would you say?

A. I could not advise. I say it would be foolish for the fact that the International union, which consists of representatives from each state where coal was produced in the United States and held a meeting and it was agreed by them that the strip mines could operate, strip the dirt off of the coal, to load coal when an agreement was signed, and it was no necessity for a thing of that kind, as I view it.

A. Were the strip mines comprehended in your national agreement between operators and officers?

A. Oh, yes, our organization had jurisdiction over each strip mine in the state.

A. Were there any strip mines in Williamson county other than the Lester mine?

A. Oh, yes.

A. Did they cease operation?

A. They did.

A. Did you folks attempt to run down the rumor about that money being put up down there outside of you say you saw the Judge?

A. No, as a matter of inquiry.
..I never heard that. I just heard the gossip that some one said Mr. Lester had said he had paid for a permit to operate that mine and it was so foolish I did not pay any attention to it.

..If you care to hear further that the money was actually put up and part of it was returned to Mr. Lester, would that cause you folks to make an inquiry?

A. I presume so.

..Did you people ever try to find out who murdered the union men at the Lester mine?

A. What do you mean by "you people"?, Mr. Lacee?

B. You officials of the mine workers' union in that county?

A. I don't know how to answer your question.

..Let us put it this way: There were two union miners killed at that mine June 21, 19... What, if anything, has the mine workers' union done to bring the murderers of those two men to justice?

A. Well, nothing. Mr. Lacee. I don't think I am in a position to advise. Just say this personally, that that matter was left to the attorneys or organization as a whole.

B. And by counsel that means your general legal staff which I understand is headed by Mr. Lars?

A. Yes.

..Are we with the defense in the case at Merion, too?

A. Yes. As to what course they followed, or as to that they did, I don't know.

..So far as you know, they never did anything?

A. As I said before, I am not in a position to advise.

..If you were in Merion on the night of the 21st and you heard these two miners had been killed and you knew Hugh Millis was at Merion, would it have been a hard matter to get in touch with Hugh?

A. You know that conditions prevailed during the riot.

..This was before the riot.

..This was Wednesday, the 21st in the afternoon.
Assume that you were at Herrin about 3 or 7 o'clock on the afternoon of June 31st and you wanted to get in touch with Hugh Willis at Marion for the purpose of conferring with him about a truce which some one told you had been arranged at the mine, would it have been a difficult matter at all to have found out where Hugh Willis was in the city of Marion or to have gotten in touch with him?

A. Again you ask me for a conclusion. That is a hard matter to determine because an officer of a miners' union usually does about the same as any other business man.

B. What would you have done under those circumstances?

A. What would I have done?

B. Yes. You heard a truce had been arranged. You went out to the mine and found no evidence of the truce at all and Hugh Willis was at Marion and you were at Herrin and knew about this, what would you have done?

A. I could not say.

B. Wouldn't you attempt to get in touch with Willis at all?

A. That would depend on the circumstances, the feeling, etc., that would enter into a state of riot.

B. There had not been any riot yet?

A. Here is what you are trying to get me to say. I think, as I understand it. You are trying to get me to give my judgment as to what Mr. Willis should have done.

B. I am trying to find out what Fox Hughes should have done.

A. I don't know.

B. The testimony of Fox Hughes was he knew these men were killed, he went out, saw shots being fired into the mine and out of the mine, he went back to Herrin and went to bed, do you not think there was anything he left undone that should have been done in order to prevent what occurred the next day?

A. I am not in a position to advise on that. Mr. Igoe. It is so -- it is hardly probable that any one who was as far away -
as you or I were at that time would be able to say what we would do under the circumstances.

A. Were you right there, wasn't he?

A. As I say, you and I were so far away at that time and other people who were not in that community at all, it is not reasonable to assume we could correctly say what we would do under those circumstances.

A. Of course that is a matter of opinion. Suppose you were here in Springfield and they told you there would be an explosion at the Peabody Mine about 3 miles from here within half an hour, it would not be hard to get word out there that an explosion would occur?

A. That is not a parallel situation.

A. What is the difference. Men were killed at a mine, Civil War was going on, the Sheriff, State's Attorney, everybody was in action, including your next highest officer, only four miles away, your men at Herrin knew all about it and didn't try to get in touch with anybody there.

A. I could not say he did. I was not there.

A. Let us assume he did.

A. That is not fair to either you or I.

A. That is his sworn testimony.

A. I am not doubting that. I am not familiar with that aspect of the case.

A. We are trying to find out why didn't Fox Hughes attempt to get in touch with the Sheriff or State's Attorney or Colonel Hunter in an effort to prevent what did occur the next day? He had all this information twelve ours before. As I understand, when you got the telegram on June 20th you were unable to get in touch with anybody down there.

A. As I said to Judge Pierce, as I recall it, I tried to get in touch with the office and failed. Later, a member of the Associated Press talked to me and said they couldn't get through
at all and there was no communication there. I assume that is responsible for that.

That is all I care to ask, Mr. Chairman.

CHAIRMAN: Any further questions by the committee? Senator, under whose direction does Hugh Willis work?

A. Well, in order that you may understand that, I may have to elaborate that a little bit. The president and vice-president and secretary of the Illinois Mine Workers' Union is elected on a resident vote and at the same election there is elected what is known or called a board member from each board member district, of which there are 12 or 13 in the state. The joint agreement between the coal operators and miners union, provides that these cases must first be taken up and handled by a committee representing the mine and the local superintendent or general manager. Later they are referred to my office and I usually instruct some of my subordinates to handle these cases with the superintendent or mine operator. If they disagree, it is referred to the board member. So the board member functions on his own will, practically, with this exception: the district president has the authority to instruct him in whatever way and manner he sees fit.

Then who would be the person who would give Hugh Willis his instructions as to the work to be done by him?

A. Outside of his own district, the district president; inside of his own district, unless it was referred to the district president, he would use his own discretion.

A. Does he work on a salary or per diem basis?

A. He gets $9.60 per day and his expenses.

A. Do they keep in touch with the office or in touch with any officer of the miners' union so they might be available at any time?

A. It is generally assumed, Mr. Chairman, that this officer does not leave his place without the authority of the president.

And is it customary for them to stay away thirty days or more without communicating in some way with the president?

A. Well, we have always followed this rule: that when an
officer or officers are given a vacation they were allowed to go their own way until such time as they reported for work.

A. At the time Hugh Willis left did he state how long he would be gone?

A. No, he merely told me he was going on a vacation and that was prior to the closing of the last trial. He expected to take a vacation if possible.

A. How long had he been away now?

A. I don't know, if he said before he left. Sometime after April 17th he left. The city election was on April 17th and I was home and seen him there. When I returned he was gone.

A. Did you ever discuss the question of calling troops with the Sheriff?

A. If I remember, I did not say positive about this, when they insisted that troops be sent to guard the hospital where the wounded men were, that it was my judgment there was no necessity for troops for that purpose.

A. That was after the massacre occurred? Did you ever discuss it or hear it discussed with the Sheriff prior to that time?

A. I don't remember, no.

A. Was the subject of troops ever discussed by you with anybody?

A. Before?

A. Yes?

A. I did not think so. This may have happened, Mr. Chairman. I would not say it did or did not. If Mr. Lester or any one else did attempt to operate a mine, it would have to be operated under military protection. I may have said that. I don't know I did or not.

A. Do you know Mr. Lester had requested the Sheriff to swear in deputies at the mine?

A. No, I don't think I did, Mr. Chairman.

A. Was that matter ever discussed with you by the Sheriff?

A. I don't think it was.

A. Did the officials of the union there object to the Sheriff swearing in deputies?
A. Why should he?
A. Under a situation of that kind?
A. No, I would not think so.
A. Has that ever discussed?
A. Not that I recall. Am not sure about that. May or may not have said to the Sheriff on our journey to the mine that my judgement was he should a ear in a sufficient amount of deputies to maintain order and law. I don't recall whether I did or not.
A. Do you know whether he waren in any extra deputies?
A. No, I do not.

FURTHER EXAMINATION BY MR. FLAGG:

Q. Senator, going back to your testimony with reference to these armed guards, will you tell us just when they first were placed there?
A. No, I don't think I can, Mr. Flagg. If I remembered, no, I cannot. As I remember it, some one said, and I may be wrong about this statement, it may have been a newspaper story, that they came in on the 1st of June.
Q. Do you know they began this practice immediately when they first came?
A. No, I do not. I have no knowledge of that, Mr. Flagg, until I returned home and newspaper men told me about it.
Q. You know it to be a fact that they held up people on the highway?
A. That is unquestionable.
Q. It is your belief, Senator, that if those armed guards had not been there, there would have been no trouble?
A. Yes, I feel that way about it. If Mr. Lester had attempted to operate that mine in a decent law abiding way, it could have been operated as any other mine.
Q. With non-union miners?
A. I think so.
Q. You think, then, it was the armed guards that caused...
the trouble?

A. I don't think there is any doubt but that that was the cause.

And that Mr. Lister could have operated with non-union miners if he had not had this mob of armed guards on the outside?

A. I am assuming that.

CHAIRMAN: Any further questions? That is all, thank you, Senator Sneed.
TESTIMONY ON THE RE-EXAMINATION OF
ROBERT SENNING
BEFORE THE RAININ MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
SPRINGFIELD, ILLINOIS
OH
MAY 15, 1923.
Swearing, Illinois
May 15, 1930.

Having been first duly sworn, was recalled for further examination, examined in chief by Chairman Huxing and testified as follows:

1. Will you state your name, please? 
   Robert Herring.

2. I believe you testified before that you were chief of police in the city of Herrin during the week of June 21st, 1933?
   Yes, sir.

3. But you are not acting in that capacity now?
   No, sir.

4. How long after that did you quit?
   I quit the 15th of December.

5. During the past two or three weeks, have you seen Hugh Willis?
   No, I have not.

6. Then was the last time you saw Mr. Willis?
   I don't recall the last time I saw him.

7. I believe you were called as a witness in one of these trials held in Marion?
   No, sir.

8. You were not called?
   No, sir.

9. You did not testify at either of these hearings?
   No, sir.

10. That is all? Any questions by the committee? Just a minute. Who was in charge of the jail at that time?
    - Myself and my assistant.
    - Who was your assistant chief?
    - Mr. Seiler, Mr. Seiler.

11. Did he testify at the trials down there?
    - I am not sure, I don't believe he did.
Did any of your police officers testify at these trials?
A. Yes, sir.
B. Which ones?
A. Jake Jones for one.
B. Do you and who testified to, or the reason why he was called?
A. I don't know the reason he was called. I know not he testified to.
B. What did he testify to?
A. Testified to the fellow he had in jail.
B. Do you remember the names of those men?
A. No, sir, I do not.
B. Did you see those men in jail?
A. Yes, sir.
B. Did you think out who they were?
A. They told me their names, yes, sir.
B. What names did they give you?
A. I could not say at this time. I never kept a record of the names.
B. Did you see any of those men you had in jail down at the trials at the hearings in Harlan?
A. I did not. I didn't attend any trials.
B. Was it the name of the police magistrate or who was it at that time?
A. Abner Knox.
B. Where is he now?
A. I could not say. I haven't seen him for several days.

FURTHER TESTIMONY BY MR. PHILLIPS:
A. Who are these men in jail?
A. I could not say. I was not there.
B. How many were there?
A. There were three.
B. How long did they stay in jail?
A. I turned them loose on the evening of the 2nd of June.
Sheriff: Well, this here fellow that was put in on the morning of the 22d said he came in. He was hiding out that night. Someone came across him and they brought him in town.

Did he one of those that escaped from the power house down west of the mine?

I could not say. He said he was hiding out.

Sheriff: Did he say he had been working at the Lower mine?

Yes, sir.

Did you take a statement from him?

I did not take a written statement, no, sir. Sheriff.

The police magistrate did most of the questioning. I asked him several different questions.

Did you try to find out who committed the murders out there from him?

I don't know if he seen any murders. He did not say. He sprayed away one hit out.

CHIEF: Any further questions?

I am going to make this statement: From the names of certain witnesses were given to the sheriff of Williamson County. Last Friday he happened to be in Springfield at that time. The sergeant at arms who had the names and the subpoenas, had confidence enough in the sheriff to turn them over to have the served. He reported, after I called him up Monday morning, he reported he was unable to get service because he did not get home in time. I then asked him if he could get service for today and he said he could. I have called him all day and I cannot locate him. I will say this, that
the Sergeant at Arms is on his way to get these witnesses and they will be here either tomorrow or next day unless they have gone out of the county with Hugh Ellis. That is all.

The Committee will stand adjourned until called by the Chairman.
STATE OF ILLINOIS

HOUSE OF REPRESENTATIVES

Springfield, Illinois,
May 17, 1923.

In re: House Resolution No. 44.

Present: Committee on Investigation of Herrin Massacre:

Frank A. McCarthy - Chairman.
William L. Pierce,
M. E. Phillips,
Norman G. Flagg,
Thomas Curran,
M. P. Rice.

W. L. Backer, Attorney for Adjutant General.
J. B. Murphy - Attorney for Colonel Hunter.
hanging been first duly sworn, was examined in chief of
Chairman McCarthy, and testified as follows:

Q. State your name.
A. George E. Dutton.

Q. What position do you hold in the State of Illinois?
A. Secretary to the Governor.

Q. How long have you held that position?
A. In my seventh year, since 1917.

Q. And under what executives have you held that position?
A. Frank O. Lowden and Governor Small.

Q. And were you holding that position in the month of June, 1922?
A. Yes.

Q. On Saturday, the 17th of June, do you recollect whether or not you were in the State House during that time?
A. I was.

Q. Did you, on that date, or prior thereto, hear anything about the trouble at the strip mine in Herrin?
A. That was on Saturday morning, my attention was called to it by Mr. McNeill, director of mines, who asked me if I had seen the press notice of the trouble at Herrin, or in Williamson County.

Q. Now, just state from that time on what you did, or what knowledge came to you with reference to this trouble?
A. Why, I cleared up my desk and along about 11:30 the thing recurred to me, and I thought I had better look into it. I got the morning paper and found the Associated Press dispatch, saying, well the import was that they were running the strip mine and there were armed guards on the highway, so in the absence of the Governor I thought somebody ought to know about
it and investigate it. I went to the Adjutant General's office to find General Black. He was away, Colonel Chund was away, and Colonel Tripp was away. It was about noon and I think Colonel Hunter was the only man in the office. I showed him the report and suggested he get in touch with somebody down there, his home county, and find out if there was anything to it. In the afternoon, Saturday, I stopped in the office. He said he had talked with - the State's Attorney I think, he said the he couldn't get the sheriff. The State's Attorney told him there was likely to be trouble there. Then we dis­cussed it and I told Colonel Hunter he had better get down there and find out about it himself as there was nobody else around, and I believe he went down.

Q. That was on Saturday?
A. Yes, sir.

Q. Then did you next hear of anything in connection with that matter?
A. I made it a practice to stop in the Adjutant General's office once or twice a day, commencing Monday, and see what reports they had. It wasn't my duty, but I was interested and curious to know what was being done. I heard telephonic reports made of General Black's conversations with Colonel Hunter and others down there.

Q. Did you stop in there on Monday, the 19th?
A. Yes, Monday.

Q. Do you recollect just what the conversation was, or the reports of conversations you received at that time?
A. No, I don't recollect. The import was that, there was a telephonic conversation read to me that General Black had had with somebody down there - I think Col. Hunter - and I got a copy of that telephonic report and sent it to the Governor, with a letter that day.
Q. Would you be willing that this go in as part of the record?
A. Yes.

CHAIRMAN: This letter is as follows:

"Exhibit A of May 17, 1923."

STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD

June 13, 1922.

Dear Governor:

I dislike very much to bother you with any details at this crucial moment of the "persecution." However, there are possibilities of labor trouble in Williamson County, as follows:

Certain strip or surface mines near Herrin decided to operate, and the operators placed heavily armed guards on the public highway, according to the newspaper reports. I advised Colonel Hunter, in the absence of General Black, and he telephoned the State's Attorney of Williamson County, who informed him that the situation was bad and that trouble might develop. I then suggested to Colonel Hunter that he go to Herrin and make a personal investigation. He did so, and reported by telephone to General Black this morning. I enclose copy of the telephonic conversation.

In the event that a request comes for troops, General Black will communicate with you by telephone before issuing orders.

We were all much pleased with the developments at Waukegan today, and hope soon to see you at the office.

Very sincerely yours,

(Signed) GEORGE E SUTTON

Honorable Leon Small,
Salvation Army Hotel,
"Waukegan, Illinois"
Dear Governor:

I dislike very much to bother you with any details at this crucial moment of the persecution. However, there are possibilities of labor trouble in Williamson County, as follows:

Certain strip or surface mines near Herrin decided to operate, and the operators placed heavily armed guards on the public highway, according to the newspaper reports. I advised Colonel Hunter, in the absence of General Black, and he telephoned the State's Attorney of Williamson County, who informed him that the situation was bad and that trouble might develop. I then suggested to Colonel Hunter that he go to Herrin and make a personal investigation. He did so, and reported by telephone to General Black this morning. I enclose copy of the telephonic conversation.

In the event that a request comes for troops, General Black will communicate with you by telephone before issuing orders.

We were all much pleased with the developments at Waukegan today, and hope soon to see you at the office.

Very sincerely yours,

[Signature]

Honorable Len. Small,
Salvation Army Hotel,
Waukegan, Illinois
Q. Now, do you remember any other conversations that you had on that date with General Black?

A. I saw him Monday, Tuesday and Wednesday. I stopped at his office and chatted with him and listened to what was reported.

Q. Did you at any time during those three days, undertake to advise the Adjutant General as to what procedure he should adopt?

A. It was outside of my duty to advise. I think I told the Adjutant General one morning I thought he ought to be down there himself to see what was going on.

Q. Now, Mr. Sutton, do you know what other information was transmitted to the Governor while he was at Waukegan, with reference to this matter?

A. No.

Q. Did you send any other information yourself?

A. No, it was in the hands of the Military Department.

Q. Did any information come to you as the Governor's Secretary, that gave any light on the situation?

A. I couldn't tell without looking at the files. I think there was a telegram from the Coal Corporation. I recall seeing that telegram. I don't remember the import of it.

Q. Do you remember the date?

A. No.

Q. What would be your custom upon receiving a telegram of that kind?

A. I would take it to the Adjutant General's office. I believe that is all.

FURTHER EXAMINATION BY MR. PIERCE:

Q. What did General Black say to you on the occasion of your telling him that he ought to go down there and be there personally?

A. He said he thought his place was in the office.

Q. Did he say anything else?
A. Not that I recall. I don't recall the conversation, except that stands out.

Q. Do you remember the day you had that conversation?
A. I think it was after Monday.

Q. Was it before the massacre?
A. Yes.

Q. Have you any way of knowing how long before?
A. No, I couldn't say positively.

Q. Do you remember having heard of the massacre soon after that?
A. Within a day or two.

Q. So that conversation occurred on Monday, Tuesday or Wednesday of the week of the 21st of June 1922?
A. Yes, sir.

Q. Did you get a reply from the Governor to the letter you just identified?
A. No, sir.

Q. Did you get any communication from the Governor with reference to that?
A. No, sir.

Q. When first did you hear from the Governor after you wrote in reference to the matter?
A. Not until I saw him at Kankakee.

Q. That would have been some days later?
A. That was the day of Mrs. Small's funeral.

Q. That was after the Herrin Massacre?
A. Yes, sir.

Q. Did you receive any communication directly or indirectly with reference to the matter?
A. No, sir.

Q. You told Colonel Hunter that he ought to go down there?
A. Yes, sir, we talked it over and I suggested it.

Q. Did you talk in the presence of the Adjutant General?
A. No, he wasn't there.
Q. Where did the conversation take place?
A. In the Adjutant General's office in Springfield.

Q. Do you know where the Adjutant General was at that time?
A. I think he was at Camp Grant.

Q. Do you know the reason for his being at Camp Grant at that time?
A. No, sir.

Q. Did he have official duties with reference to his being at Camp Grant?
A. Undoubtedly it was official business. He was arranging for the summer encampment.

Q. There was no trouble at Camp Grant?
A. No, sir.

Q. He wasn't there for settling any condition, chaotic or otherwise at Camp Grant?
A. No, sir.

Q. After you had told General Black that you thought he ought to be on the ground, in view of the straightened circumstances, as you understood them to be, did you have any other conversation with him before the massacre?
A. I think that day or the day after, or maybe Tuesday, I saw him, well, I saw him both morning and afternoon each day.

Q. Do you recall any conversation between you and General Black, after you had told him about the trouble down there and you thought he ought to be on the ground?
A. No, sir, I just went in to see what was being done.

Q. Did you get any information as to what was being done?
A. I did. I listened to his telephonic conversations.

Q. Do you remember the reports, do you recall any of them?
A. I think I heard all of them read and one day he said to Colonel Hunter that he should tell the sheriff to put plenty of deputies on the job and hold things down there.
Q: You got that information from General Black?
A: Yes, sir.

Q: Did he claim to have communicated that information to Colonel Hunter?
A: Yes, sir.

Q: Did he give Col. Hunter directions that he should see the sheriff and tell him to put on deputies enough to hold conditions down?
A: Yes, sir.

Q: That is your understanding about it?
A: Yes, sir.

Q: You don't know whether that telephonic conversation occurred, except you have the word of General Black?
A: The stenographic report. His stenographer was in the habit of taking those conversations down and would read them to me.

Q: Who was his stenographer?
A: Miss Graham.

Q: Is she in Springfield? Still working in the Adjutant General's office?
A: Yes, sir.

Q: We haven't had her.

CHAIRMAN: Yes, Judge, she was here on Monday and we have her notes on record.
A: Yes, sir. I sent a copy of the notes to the Governor and the letter that was read here.

Q: I would like to have that letter marked as an exhibit of this date introduced in evidence.

CHAIRMAN: Yes, it will be incorporated as a part of the record.

Q: During the time the Governor was at Waukegan, including the time of the week of June 21, 1932, did you have charge of the office here?
A: Yes, sir.
Q. And any communication by you to the Adjutant General or any statement made by you to the Adjutant General was, to some extent, official, was it?
A. I couldn't give orders to the Adjutant General.

Q. You conveyed the things that you considered necessary in the discharge of your duty in the absence of the Governor at Waukegan, and it was in the performance of your duties and in pursuance of those duties that you told the Adjutant General what you did, and you saw him practically every day?
A. Yes, sir.

Q. The Adjutant General knew that you were the Governor's Secretary?
A. Yes, sir.

Q. You were well acquainted with him?
A. Yes, sir.

Q. He never questioned your right of communication?
A. No, sir.

Q. Was there any dispute between you and the Adjutant General about the authority of the Governor to send troops, if necessary?
A. Not the slightest.

Q. Was there anything said by the Adjutant General to you, or by you to the Adjutant General to the effect that before troops could be sent lawfully, or under the Military Code of this State, the sheriff must make a demand to that effect?
A. No, sir.

Q. You understood, under the law, the Governor could send troops, regardless of the local authorities?
A. If conditions warranted it.

Q. The situation rested in the hands of the Governor as Commander?
A. Yes, sir.
Q. Do you remember, to the best of your ability, on what day it was that you talked to General Black about his being present at Herrin?

A. I can't fix that date.

Q. As near as you can?

A. I think it was on Tuesday.

Q. That would be on the 20th?

A. Yes, the 20th.

Q. Now, you had learned on the 19th, on Monday, something about this matter and had talked with Colonel Hunter on the Saturday before?

A. Yes, sir.

Q. And you had kept pretty well in touch with matters, so far as you could, and when did you write Exhibit A of May 17th?

A. That was written Monday afternoon.

Q. Now in your letter, you spoke about that "in the event that a request comes for troops, have you any idea from whom you were expecting such request?"

A. I think that letter would indicate that the request would come from the peace officers of Williamson County to General Black.

Q. And you say nothing in there, in the event conditions would arise such that troops would be ordered without the request. You say nothing about that?

A. No, sir.

Q. You were fully cognizant of the law that would permit the Governor to order troops without a request?

A. Yes, sir.

Q. And at the time of writing your letter there had been no suggestion that an order might be necessary without a request?

A. No, I had no idea, except I was uneasy about the matter.
Q. You expected a request to come through the peace officers to the Adjutant General, and you didn't know whether a request would come directly from them or through Colonel Hunter?

A. It would be addressed to the Governor and in that event I would immediately take it to the Adjutant General.

C. But it hadn't been suggested to you that it might be necessary to send troops without request?

A. No, sir.

I believe that is all.

FURTHER EXAMINATION BY MR. PHILLIPS:

Q. You suggested, you say, to General Black that you thought he should go down there?

A. I thought he ought to go there and make a personal investigation and find out what the situation was.

Q. At that time Col. Hunter was there?

A. Yes, sir.

Q. What is the custom of the Adjutant General in cases of that kind? Does he go in person or some subordinate?

A. Both has been done in previous cases. General Dickson frequently got to the scenes of trouble as soon as he could. There were many calls during the War and sometimes Col. Shand would go, or more often General Wells, who was sort of stabilizer, during the War, went from place to place.

Q. As a rule the Adjutant General's department expects, when troops are sent to any place of disorder, they shall be sent by the request of the civil authorities?

A. That is true. They would rather wait for that request.

I remember at Waukegan, three or four years ago, we made a special effort to find out the situation from people up there by telephone -

Q. There was never any demand in this case?

A. I never heard of any.
Q. You have been acting as the private secretary of former Governors?
A. One, Governor Lowden.

Q. And that would make how many years you have been connected with the Governor's office in that capacity?
A. Over six years.

Q. And during that time you have had considerable opportunity for observation. Now what has been the custom of handling situations of this character, and you referred to Colonel Dickson. You mean the former Adjutant General?
A. Yes, sir.

Q. He was Adjutant General under Governor Lowden?
A. Yes, sir.

Q. And was he the party you referred to going to Alton?
A. No, not Alton, he went to Waukegan. There was a request for troops made by the sheriff and chief of police -- there was some trouble in the steel mills -- rioting in the streets. General Dickson was on a tour at the time and we got in touch with him and Governor Lowden ordered him to go there as quickly as possible.

CONTINUED EXAMINATION BY CHAIRMAN:

Q. In your conversations with General Black, or any persons connected with his office, was the question of troops ever discussed?
A. I have forgotten how we discussed it. It was uppermost in our minds.

Q. Do you remember discussing the seriousness of the situation at any time with them, with a view of sending troops or not?
A. I thought it was a pretty bad situation after Monday.

Q. Where did you get information after Monday relative to the situation that made you think it was bad?
A. The newspaper reports.
Q. Was that the general opinion in the Adjutant General's office?
A. I can't say as to that.

O. From your conversations with them and being around there, did they seem to consider the situation serious?
A. Oh, yes, General Black was much concerned and thought the situation serious. He was trying to make the county officers perform their duty and handle it.

THAT IS ALL.

MR. MURPHY (representing Col. Hunter)

Q. During your conference with Adjutant General Black, was anything said about the apparent intensity of the situation and apparent need for troops?
A. I couldn't get any clear idea as to how bad it was.

O. Do you remember what day it was he answered a report from Col. Hunter and asked the sheriff to appoint deputies?
A. I don't recall.

Q. How long prior to the massacre?
A. A day or two.

O. You don't know whether that was before Col. Hunter reported there for duty?
A. I think Col. Hunter reported before that.

Q. Do you know whether Col. Hunter made other reports after that?
A. No, sir, I don't.

Q. Did Col. Hunter at any time make reports directly to your office?
A. No, sir.

Q. Did you receive any indirect report at your office?
A. No, sir.

Q. Do you know, Mr. Sutton, what the custom of the Adjutant General's office was with reference to subordinate officers reporting to their superiors in situations of this kind?
A. What is the custom?

Q. Are you acquainted with that custom?
A. I suppose a subordinate officer should report.
Q. In your interviews with General Black, he stated to you the substance of some of the reports that had been made by Col. Hunter?

A. Yes, I have forgotten the details.

Q. Do you know the substance of the reports and to which General Black replied about the appointment of deputies?

A. No.

Q. Do you remember the substance of any other reports?

A. Yes, I have forgotten the details.

Q. Do you remember whether any of those reports were to the effect that civil authorities were not performing their duties?

A. I can't say I do.

Q. You don't know whether it was before the time or after the time General Black suggested that deputies be appointed?

A. No.

Q. Did you have any particular discussion with the General about the source from which the request for troops should come?

A. No.

Q. You remember having heard him say anything about that source?

A. I don't recall a word of that kind.

Q. Do you remember having heard him express an opinion that there should be troops there?

A. No.

Q. Having in mind the knowledge he had about the situation, did you hear him say at what provocation or what kind of report he must receive before he would send troops?

A. No.

That is all.

CHAIRMAN: That is all.
TESTIMONY OF GOVERNOR LEF SHALL
BEFORE THE HERBIN MASSACRE INVESTIGATION COMMITTEE
HOUSE OF REPRESENTATIVES
AT
SPRINGFIELD, ILLINOIS

MAY 17, 1923.
Present: Committee on Herrin Massacre Investigation Committee
Attorneys for Adjutant General Black and Colonel Hunter.

CHAIRMAN: In order to facilitate matters and to bring the real situation before the Committee, the Chairman wishes to report that he received a telephone call from the Sergeant-at-Arms, who was sent to Herrin to bring back some witnesses. It seems that last Friday or last Thursday, rather, I left some subpoenas with the Sergeant-at-Arms for certain witnesses at Herrin. On Friday, the Sheriff from Williamson County, Mr. Galligan, happened to be in Springfield and got in touch with Mr. Leonard and the Sheriff agreed to serve the summons immediately on his return home. He got home on Saturday during the forenoon and on Monday I got in communication with the Sheriff to find out what had been done, why the witnesses were not here. He said he was sick Saturday afternoon and could not serve them and that he would serve the summons immediately and have it returnable for Tuesday, the subpoenas ready. I called on Tuesday and could not find the Sheriff in the county. They said he was out looking for some payroll bandits or hold-up men that had been operating in the county that night and since that time I have not been able to get in touch with him. I asked the Sergeant at Arms where the Sheriff was and he said he was still out looking for somebody and they found somebody that had committed the crime. He, also, informed me that the three witnesses for whom I had subpoenas were not at home, there whereabouts were unknown, and the wife of one said she did not know where he was but she expected him back at any time, and they could not be found.

Now, the situation is bad. We have had no cooperation from that county and I am convinced that they do not want to come and that they will keep out of the way. The information comes from the Sergeant at Arms that two of the witnesses were away and would not