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THE MISSOURI AND NORTH ARKANSAS RAILROAD STRIKE

BY

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MY FATHER AND MOTHER
SAMUEL S., AND MARINA M. GOODEN

PREFACE

THE strike on the Missouri and North Arkansas Railroad from February, 1921, to December, 1923, involving the complete suspension for nine months of a railroad serving an otherwise isolated people, the wholesale uprising of an exasperated citizenry, and the driving of the strikers out of the country, was a unique episode in the history of labor in the United States and merits the more than passing interest of students of the labor problem. In presenting the essential facts in this monograph the author has sought to give such information about the road and the people involved as is necessary to a full understanding of the unusual developments connected with the strike.

There has been no attempt to justify or to defend the attitude, policy, or actions of either side. Quotations have been used freely so that the reader may be brought in direct contact with the spirit of the situation, appreciate the viewpoint of the participants, and understand their reasons for acting as they did.

It was not easy to secure the necessary information. The position of the writer as a resident of the state and as Professor of Economics in one of its leading colleges, together with his personal acquaintance with some of the participants inspired confidence in his statement that he had no axe to grind for either side and opened sources of information that might have been closed to a stranger or an outsider. In no instance has any one supplying information or material even suggested that it be used in any particular way or for a particular purpose. It has been clearly under-

stood that the cooperation of members of both parties was being sought and that the writer was to be entirely free in his judgment as to the use of the material. Only a few have failed to cooperate, and practically all of the information that they could have given has been secured from other sources.

Citizens of Arkansas have an interest in many details and documents that may not be of particular concern to others, and this fact is regarded as justification for the extensive quotations. Doubtless there are some interesting features that have not been revealed, but it appears that the main facts are clear and that the account is reasonably complete.

The results of two years of intermittent study are incorporated herein. Information has been collected from every conceivable source from New York to California. The *Records of the Legislative Committee*, collections of correspondence, large files of statements and affidavits, voluminous newspaper files and clippings, public documents, extensive personal correspondence, and personal interviews with scores of people have all contributed their bit. Claims and charges have been traced down and checked with care. The writer spent a month in north Arkansas and southern Missouri, during which time he traveled a thousand miles by automobile, seeking information at first hand and meeting both citizens and strikers face to face.

The large number of people who have contributed valuable information, together with the confidential nature of much of the information itself, makes it impossible to acknowledge publicly the indebtedness of the author to particular individuals. Without their willing aid this monograph could not have been written. To my wife, Settie Knapp Gooden, has fallen the task of copying numberless pages of material of all kinds. Professors Ray M. Lawless and R. L. Campbell, of Hendrix College, have read the manuscript and

to them is due much credit for corrections in punctuation and sentence structure. Professor Henry R. Seager, of Columbia University, has rendered invaluable service in the way of suggestions and criticisms.

The author confesses to a conviction that organized labor has been a mighty force in securing and safeguarding the rights of the toiler. Unionism must continue in whatever form will most effectually serve the interests of the worker and of society at large. The weaknesses and shortcomings must be progressively eliminated, and the public must give patient and sympathetic support to the best and noblest endeavors of organized labor. Both capital and labor have their legitimate functions to perform in the common task of social advancement: neither is perfect, but both are striving in their own way to reach higher levels. Both must be made fully accountable to society for the power intrusted to their keeping.

CONWAY, ARKANSAS, MAY, 1926.

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CHAPTER I

INTRODUCTION

THE Missouri and North Arkansas Railway, 365 miles in length, runs from Joplin, in the southwestern part of Missouri, to Helena, Arkansas, located on the Mississippi River about midway of the state north and south. Between Helena and Seligman, Missouri, and between Wayne and Neosho, Missouri, the road operates over its own tracks. Between Seligman and Wayne it operates over the Frisco tracks, and between Neosho and Joplin over the tracks of the Kansas City Southern.

From Seligman to Kensett, Arkansas, about two-thirds of the entire distance, the road winds its tortuous way through the Ozarks, skirting high cliffs and deep ravines, passing through tunnels, and here and there emerging into broad fertile valleys. Sharp curves and steep grades are frequent. To the east is the White River branch of the Missouri Pacific. Between the roads lie rugged hills that shut the two lines off from each other. The nearest points are eleven miles apart, Harrison on the M. & N. A. and Bergman on the Missouri Pacific. Far to the west is the Frisco, and to the southwest is the Kansas City-Little Rock branch of the Missouri Pacific. The way to the west is likewise broken by rugged ranges of hills, and thus a great area, estimated at 5,394 square miles, with an almost pure Anglo-Saxon population of 145,000, is dependent upon the continuous operation of this winding mountain road. Throughout its entire length the road serves a population

of about 500,000. The southern and northern ends of the road pass through a territory fairly well served by other roads.

In February, 1921, following an attempt to reduce wages a strike was declared against the M. & N. A. by all of its employees. After an attempt to operate the road with strike-breakers, during which some depredations were committed, the road suspended operations July 31, 1921, on the ground of lack of finances, and it did not resume again until May, 1922. Attempts in 1922 to get the strikers to accept the reduced pay failed; and, with the resumption of operations on an open-shop basis, friction and destruction of property began anew, finally leading to a concerted movement of the citizens of the country for the purpose of ending the strike by placing those alleged to be guilty of sabotage in jail, and forcing the rest either to renounce the strike or to leave the country. A number, mostly sympathizers, were whipped; many left the country, and one man was hanged. The disturbance was confined to the section between Seligman and Kensett—the territory completely dependent on the continued operation of the road. An extensive investigation was made by a committee from the state legislature in an attempt to fix the blame for the trouble.

The author has endeavored to give a fair account of this singular occurrence—singular because of the suspension of a railroad for nearly nine months as a result of a strike, and because of the general uprising of the people to end what they deemed an intolerable situation.

I

THE HISTORY OF THE ROAD PRIOR TO THE STRIKE

Eureka Springs became noted for its health-giving waters in early times. In 1881 a group of St. Louis capitalists conceived the idea of a railroad from Seligman, on the Frisco

to the health resort. A charter was secured February 27, 1882, for the Missouri and Arkansas Railroad from Seligman to Beaver, Arkansas, a distance of about twelve miles. At about the same time another group of men under the leadership of General Powell Clayton made plans for a road the remaining eight miles from Beaver to Eureka Springs. In 1882 the two interests were consolidated under the name Eureka Springs Railroad. The road was opened February 1, 1883, with an equipment of two locomotives, one passenger car, one baggage car, and six platform cars. The securities consisted of \$500,000 of capital stock; \$500,000 of first mortgage, 6% fifty-year bonds; and \$500,000 of second mortgage, income 6% fifty-year non-cumulative bonds. These securities were held largely by the Western Construction Company of Little Rock.¹

The people of Boone and Searcy Counties soon began an agitation for the extension of the road southeastward. The road was not proving profitable, and the owners lent an ear to the pleas for additional mileage, hoping it might increase traffic to a paying basis.

It is a matter of history that the contract was actually let in 1886 for the beginning of construction, but owing to the death of the president of the Frisco system, who had agreed to friendly traffic relations with the Eureka Springs Railway, and the incoming president refusing to enter into a favorable agreement, the proposition was at that time abandoned.²

On May 17, 1899, a charter was granted to the St. Louis and North Arkansas Railroad, which purchased the Eureka Springs Railroad on February 1, 1900. The road was extended to Harrison in 1901 and to Leslie in 1903, increasing

¹ *Poor's Manual of Railroads*, 1889, p. 755.

² Bradley and Russell, *An Industrial War* (Harrison, Arkansas, 1923), p. 10.

the trackage to 126 miles. The road boasted of seven locomotives, five combination cars, four passenger cars, and twenty-six freight cars.¹ The road was sold under foreclosure on May 29, 1906, and reorganized on August 6, 1906, under the name of the Missouri and North Arkansas Railroad. At the time of the extension to Harrison the citizens gave over \$40,000, a large sum for an inland village of 1,500 people. Most of the farmers gave the right-of-way. As a result of the sacrifices made by the people a feeling soon began to develop that the road was theirs, in a real sense, even if they did not have a title to it. This feeling grew until it became a mighty force in the tragic events of 1923.

Realizing that it was necessary for the road to "begin somewhere and end somewhere", if it was to be a paying proposition, the new management began plans for an extension to the north from Seligman to Joplin, and to the south from Leslie to Helena. This was expected to make the road less dependent upon a single road, the Frisco, for traffic. It was expected that an agreement would be reached with the lines at either terminal that would make the Missouri and North Arkansas a link in a trunk system with an outlet to the Gulf. There seems to have been some sort of understanding to this effect; but by the time the road was completed the Frisco had found a more satisfactory outlet elsewhere, and the "North Arkansas" was left holding an empty bag. Further explanation of the extension of the unprofitable road is found in expectations of a rapid development of the fruit and mineral industries, a development which has not yet materialized on a scale to make the road profitable. Through traffic was started between Helena and Joplin in 1909, but the road, running through a sparsely settled country, was unable to pay interest on its indebtedness.

¹ *Poor's Manual of Railroads*, 1906, p. 541.

The reorganization committee in 1906 agreed to furnish funds for the road, to hold the bonds as collateral, and to forego the interest on the bonds while they were thus held. *Poor's Manual* for 1907 reports the road as having stock paid in of \$3,065,500, and first mortgage, 4% fifty-year bonds of \$3,065,500. The deficit for the preceding year was \$31,063 and for the current year was \$32,328, or a total deficit of \$63,391. The cost of the road and equipment is given as \$6,173,325. In 1908 the following equipment was listed: 14 locomotives, 10 passenger cars, 7 combination cars, 220 freight cars, 100 stock cars, and 17 service cars.

As a result of extension and improvements the stock was increased by 1909 to \$7,689,500, and the bonds to the same figure. The inventory of the road and equipment was given as \$15,380,880. By 1911 the stock had been increased to \$8,340,000, and bonds to the same figure. Notes totaling \$6,000,000 were executed to the Allegheny Improvement Company secured by the bonds of the company. In 1909 the contractors brought suit against the Allegheny Improvement Company and got judgment for \$139,820. The St. Louis Union Trust Company, as trustee holding the mortgage behind the bonds, asked for a receivership, which was granted by Judge Jacob Trieber of the United States District Court for the Eastern Division of Arkansas on April 1, 1912. W. S. Holt, George L. Sands and Jesse McDonald were appointed as Receivers. John Scullen later succeeded George L. Sands. On July 1, 1916, Festus J. Wade of St. Louis was made sole Receiver. C. A. Phelan, General Manager, succeeded Mr. Wade, and was succeeded in turn by J. C. Murray. The receivership was continued until after the reorganization in 1922.¹

E. M. Wise was selected as manager in 1911 and, after

¹*Poor's Manual of Railroads.*

a careful survey of the situation, decided the road could be made to pay if properly financed so that efficient service could be given to the public. Receiver's certificates to the amount of \$3,000,000 were authorized. By 1915 a little over \$2,000,000 had been cashed. The makeshift shops at Eureka Springs and Leslie were abandoned and a new million-dollar plant, together with the general offices, was established at Harrison. Harrison soon grew to a population of nearly four thousand. A "Red Ball" freight service was started and through sleeping-car service from Helena to Kansas City established in cooperation with the Kansas City Southern. It began to look as if the road was going to succeed when, on the night of August 4, 1914, a Kansas City Southern passenger train struck a "North Arkansas" motor car and the gasoline tank exploded, setting fire to the wreckage. Forty-three persons perished and many were injured. The responsibility was shared by the two roads, but the M. & N. A. never recovered from the financial shock.

Mr. Wise resigned in 1916, and C. A. Phelan was appointed as general manager. A policy of economy was instituted with the hope of getting the road back on its feet, but the World War came on and advancing costs of living bred labor troubles and operating expenses grew faster than revenues.

On January 1, 1918, the road was taken over by the Government. In April the wage scale was raised to the standard paid on the large roads, or about double the amount that the road had paid prior to the War. On June 29, 1918, the road was returned to the owners by telegraph. The management was disorganized, and the future doubtful. In the early part of September the shopmen struck because of the refusal of the road to accept a wage award effective July 1, 1918, and retroactive to January 1. Operations were suspended for a time. On September 24, the government again took over the

road under a lease calling for a payment of \$175,000 per year, barely enough to pay interest on the receiver's certificates and to meet a few pressing obligations. The government lost \$875,121.62 on the operation of the road.¹ On March 1, 1920, the road was turned back to the owners under a six months guaranty.

At this time it might be well to turn aside and look into the matter of earnings of the road up to the time the government took it over. It is evident, from a study of the capitalization figures given above, that the road was unwisely capitalized from the beginning, especially for a road running through a mountainous country with sparse population. There are rumors that there was considerable inefficiency in the construction of the road. The stockholders and bondholders lost most of what they put into the road, as shown by the following figures from the testimony of Mr. J. C. Murray, Vice-President and General Manager:²

EARNINGS OF M. & N. A. R. R., 1907-1921

Year	Deficit	Profit
1907		\$43,579.00
1908	\$7,853.00	
1909	17,150.00	
1910	13,657.00	
1911	31,673.00	
1912	122,969.00	
1913	160,070.00	
1914	133,606.00	
1915	352,616.00	
1916	156,531.00	
1917		88,004.00
1918	307,885.00	
1919	638,656.00	
1920	383,535.00	
1921	683,000.00	

¹ Bradley and Russell, *op. cit.*, p. 13.

² Records of the Legislative Committee.

Mr Murray further states that "in no year was any dividend paid on stock, nor interest upon bonds. The owners received from the government for the property during the period the government operated it, merely a sum sufficient to pay the interest on the \$2,062,750.00 receiver's certificates, plus a small amount, approximately \$15,000.00, for organization purposes."¹ The financial condition of the road should be kept in mind, as it was one of the outstanding arguments of the road before the Railroad Labor Board.

On account of the steep grades and sharp curves, the operating costs on the M. & N. A. are greater than on many roads. This is due to the fact that much shorter trains are moved, both because of light traffic and of steep grades. It is often necessary to "double" a few of the hills. Comparative figures for 1923 follow:²

	<i>Average freight service expense per total ton-mile</i>	<i>Operating ratio</i>
Santa Fe	\$0.00888	71.66
K. C. S.	0.00742	77.50
M. & N. A.	0.0177	84.01

II

THE PEOPLE INVOLVED IN THE CONFLICT

Few parts of the country can boast of a higher percentage of native-born population than the section of the Ozarks along the M. & N. A. Many of the words and expressions that mark the "hill-billy" are pure Anglo-Saxon. There is still much of the primitive left among the hills and occasionally a log house is still in use. In the towns and in the fertile valleys conditions are more modern. Harrison, the center of the disturbance, is one of the

¹ Testimony of J. C. Murray, *Records of the Legislative Committee. Interstate Commerce Commission Reports*, vol. 98, p. 128.

most progressive and attractive little towns of its size in the state :

You must picture the town of Harrison as a country place set in the midst of a smiling valley, spaciouly and liberally laid out so that men, in their daily goings to and fro, could see the blue sky and distant hills and immortal things. It is no bare and barren place such as the copper country of Arizona where men are hard and nature unkind. Nature smiles in Arkansas and men know leisure. In such a town as Harrison there are no shameless and glaring districts, no white way where vice parades. Instead, the moralist largely rules. Men and women attend church and prayer meeting, band themselves into civic organizations, join lodges, and there is, ordinarily, a kind of interlocking fellowship so that one man's sorrow is another man's grief, and often, private sorrow melts into universal sympathy.¹

State highways are being opened up through this section and are aiding in the rapid transformation that is going on. Isolation developed an independence and self-reliance in these mountain people that are among their chief characteristics. The people are, for the most part, peaceable and law-abiding and rank with those of other sections of the country in this respect.

Labor troubles had always been far off and merely something to read about. The people had no understanding of the tactics frequently used in long-drawn-out strikes in industrial centers. That a man had a right to quit his employment was accepted as a matter of course as an exercise of his rights as an American citizen. The right of another man to take his place without any interference was likewise accepted as a matter of course. In the midst of this rural setting, organized labor declared a strike, and the tactics of

¹ From an unpublished report to the American Civil Liberties Union, New York, by C. J. Finger.

the labor struggle appropriate to quite different surroundings were adopted.

The foreign element was as lacking among the railroad employees as among the citizens generally. Most of the strikers grew up in that section of the country and were highly regarded by everyone. For the most part they were sober and industrious workmen. A strike was almost as new to them as to the citizens at large. A considerable number of them were home owners and, as such, were interested in everything that pertained to civic welfare. Many of the strikers and their families were active members of the various churches; over half were members of the Masonic lodge; and some were members of other lodges. Several of the union officers were Knights Templars.

The strike soon tore all bonds of common sympathy asunder and arrayed man against man, and, in some cases, relative against relative. For two years the gulf between striker and citizen grew wider and wider until an enraged citizenry took matters into its own hands.

CHAPTER II

THE BEGINNING OF THE STRIKE

ON March 1, 1920, the road was restored to the owners by the government with a six months' guaranty. Realizing that the road would be unable to pay the standard rates of pay established by Decision No. 2 of the Railroad Labor Board, unless the revenues could be increased, General Manager Phelan appealed to the citizens to join with him in a request to the State Corporation Commission of Arkansas and to the Interstate Commerce Commission asking for permission to raise both freight and passenger rates 20 to 25 per cent. The request was granted, and passenger rates were increased to 5 cents per mile; but traffic declined and revenues remained about as they had been before the increase in rates.¹

There was some unrest among the employees during the latter part of 1920, and some dissatisfaction with Receiver and General Manager Phelan. He was reported to be receiving a salary of \$12,000 per year; he was accused of having pocketed a sum of money due the employees from the period of government control; and he was charged with having sold the officials' private car and appropriated the proceeds. In connection with these charges conductor J. T. (Pete) Venable was suspended from service, but was reinstated after some delay.

It is impossible to say how much truth there was in these charges, but they were generally believed by the employees. Mr. Phelan seems to have lacked the diplomacy necessary to

¹ *Boone County Headlight* (Harrison, Arkansas), July 28, 1921.

handle a difficult situation smoothly, and relations with the employees grew more strained.

The only other method of keeping expenditures within revenues appeared to be a wage reduction, and it seems that some unsuccessful approaches were made to the employees during the fall of 1920. On December 29, 1920, Mr. Phelan notified the representatives of the employees that he could not continue the operation of the road on the present basis and that it would be necessary on February 1, 1921, to reduce wages about \$25,000 per month. He further requested that the union representatives meet him in a conference on January 20 for the purpose of agreeing on a wage adjustment.

At the conference the employees stated that they could not agree to any reduction of wages, or to any plan for donating part of their time; but they suggested a reduction in the force sufficient to bring expenditures within the income. The manager replied that it was not practicable further to reduce the force and notified the representatives of the unions that on February 1, 1921, the rates of pay would be restored to the basis in effect on April 30, 1920, before Decision No. 2 was handed down. This reduction was to apply to every employee of the road.

At some time during the development of the matter Federal Judge Trieber seems to have directed the receiver to reduce the wages of the employees to the basis prevailing before the handing down of Decision No. 2. This order does not seem to have figured in the discussions until after the strike was called. Just what is the relation between the authority of the Railroad Labor Board and that of a federal court when a road is in the hands of a receiver appointed by the court is not clear. At the time of the strike on the M. & N. A. there was an almost exactly parallel case of a strike on the Atlanta, Birmingham and Atlantic Railroad

involving, among other points, the orders of a federal judge. A careful study of the matter seems to reveal the fact that neither the Railroad Labor Board nor the Interstate Commerce Commission has cared to contest with the federal courts over a matter of jurisdiction.

Representatives of the unions, in a published statement, maintain that in the notification of reduction of wages Mr. Phelan said: "I have advised you that I would continue the wage conditions established by the Labor Board provided the income would enable me to do so." It seems to be well established that the only ground given for the reduction was the inability of the road to secure sufficient revenue, and that the reasonableness of the standard rates of pay was not mentioned.

On January 29 representatives of the employees from the Grand Lodges had a conference with Mr. Phelan and proposed that the wage reduction order be rescinded and the matter referred to the Railroad Labor Board. Mr. Phelan refused this request but proposed that the reduction go into effect, and that a joint submission to the Labor Board be made. The following telegram was sent to the Railroad Labor Board on January 31:

Receiver and General Manager Phelan of the Missouri and North Arkansas has issued bulletin reducing wages of all employees effective February first. Grand Officers were assigned representing the Order Railroad Telegraphers, Brotherhood Locomotive Engineers, Brotherhood Locomotive Firemen and Enginemen, Order Railway Conductors, Brotherhood Railroad Trainmen and held conference with Mr. Phelan January 29, at which time he refused to recall or rescind his wage bulletin or join with the representatives of the men in submitting joint statement of fact to United States Railroad Labor Board until after the wage reductions were put into effect. We hold this in violation of the Transportation Act as interpreted by your

Board and ask that Mr. Phelan be instructed to withdraw or suspend wage reduction order at once and restore original rates pending hearing before your Board. The situation is so serious that prompt action is necessary in order to prevent interruption of traffic. Grand Officers on ground awaiting result of your action. Wire us your success or failure on this request.

In the meantime Tillman Jines, representing the Federated Shop Crafts, went to Chicago for a conference of some kind and wired back to the local officer in charge of the shopmen in his absence to call the shopmen out. The shopmen did not report for work on February 1. This strike seems to have been unauthorized, and hence was an outlaw strike. Later, however, it was made legitimate. The shopmen contended that they were locked out by the employer establishing rates of pay contrary to those established by the Railroad Labor Board in Decision No. 2. On February 8 the Railroad Labor Board adopted the following resolutions:

Resolved in case of disputes which have arisen between the Missouri & North Arkansas Railroad and its employees, by reason of the carrier having given thirty days' notice to employees in the various classes of its service, of certain reductions in their rates of pay, effective February 1, 1921;

That; objections having been made by the employees, and a dispute having arisen in regard to the proposed reduction, and the matter having been brought before the Board, the Board decides that no change of any kind in the compensation established by Decision No. 2 of this Board shall be made except by agreement between the parties until the dispute is heard and opportunity given for the Board to decide.

The Board will proceed with the further hearing and consideration of the case, and sets February 15 at 4:00 p. m. as the date for such presentation of evidence or argument as the parties may desire to offer.

In the meantime the Board suggests further conference be-

tween the parties and an effort on their part to agree on a settlement.

On February 9 the receiver notified the Labor Board that he would not rescind the wage-reduction order on account of inability to pay standard wage rates.

Representatives of the employees had a conference with the receiver on February 10, primarily, it appears, to ascertain whether the receiver intended to comply with the resolutions of the Labor Board that reductions in wages should not be made until after a hearing by the Board. The receiver again refused to rescind his order on the ground of inability of the carrier to pay standard wages, but stated that he would appear before the Labor Board on February 15.

On February 15 both parties appeared before the Labor Board. The representatives for the employees protested against any hearing being held until the receiver had complied with the Labor Board's resolutions of February 8. The chairman of the Board ruled that both sides would be permitted to submit evidence.

The receiver claimed that the Labor Board had no authority to include the M. & N. A. in Decision No. 2. He further dwelt on the inability of the carrier to pay the rates established by Decision No. 2 and presented some evidence that the cost of living was lower along the M. & N. A. than elsewhere. The employees argued that the M. & N. A. was properly included in Decision No. 2; that the receiver was in contempt of the Labor Board for failure to abide by the Resolutions of February 8, and therefore should not be permitted to appear before the Board; and that the question of ability to pay was not a proper matter for the consideration of the Board in fixing reasonable rates. They also asked that they not be considered a party to the case since the receiver had not obeyed the Resolutions of February 8.

On February 21 the Labor Board rendered Decision No. 90, as follows:¹

DECISION No. 90.—DOCKET 172.

Chicago, Ill., February 21, 1921.

Brotherhood of Locomotive Engineers; Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Railroad Trainmen; Order of Railway Conductors; American Train Dispatchers Association; Railway Employees' Department, American Federation of Labor; International Association of Machinists; International Alliance of Amalgamated Sheet Metal Workers; Brotherhood Railway Carmen of America; International Brotherhood of Electrical Workers; International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America; International Brotherhood of Blacksmiths, Drop Forgers and Helpers; Order of Railroad Telegraphers v. Missouri & North Arkansas Railroad.

Question.—The Missouri & North Arkansas Railroad, the carrier party to this dispute, was a party to the dispute upon which Decision No. 2 was rendered on July 20, 1920, and paid, pursuant to the decision, the wages determined therein to be just and reasonable to February 1, 1921, and also applied the increased rates authorized by the Interstate Commerce Commission to provide adequate funds to the carriers to pay the said wages and for other purposes as set forth in Interstate Commerce Proceedings, Ex Parte No. 74.

On December 29, 1920, the receiver of this carrier notified the representatives of the organizations parties to this dispute that he could not continue the operation of the railroad on the basis of the then revenues and expenses; that everything had been done to regulate expenses and revenue and avoid a loss except a readjustment of wages; and that it would be necessary on February 1, 1921, to reduce wages to the extent of about \$25,000 per month. The representatives of the organizations

¹ *Decisions of the United States Railroad Labor Board*, vol. ii, pp. 58-60.

were asked to be prepared also to agree to a wage adjustment should it appear at that time that one was necessary.

On January 20, accordingly, a conference was held in which the representatives of the employees stated that they could not accept any reduction of wages or any plan of donating time worked as suggested by the receiver. A counter proposition was made that a reduction in force be made that would equal the shortage in operating expenses. On January 20 the receiver notified the representatives of the organizations that no further reduction in force was practicable, that his only recourse to obtain the needed relief was a reduction in wages. He further notified them that, effective February 1, 1921, the rates of pay would be restored to the basis in effect April 30, 1920, the reduction to apply to every person employed by the said receiver.

On January 31, 1921, application for decision in this dispute was filed by representatives of the organizations concerned. It was claimed therein that the action of the receiver of January 20, 1921, in announcing a reduction of wages effective February 1, without the consent of the employees interested and without submission of the dispute to this Board for hearing and decision, constituted a violation of Decision No. 2. Request was made that this Board require the carrier to rescind its announcement, thus reducing wages pending determination by this Board of the questions at issue.

A number of telegrams were exchanged by the receiver and the president of the Railway Employees' Department, A. F. of L., the latter making an effort to have the receiver rescind the announcement of reduction in wages.

The announcement was not rescinded. On February 8, 1921, the Board adopted a resolution, setting forth the matter in dispute and deciding that no change of any kind in the compensation established by Decision No. 2 should be made except by agreement between the parties until the dispute had been heard and opportunity given for the Board to decide. The Board set February 15 as the date of hearing, and suggested that in the meantime the parties have further conference and make an effort on their part to reach an agreement.

On February 9, 1921, the receiver notified this Board that the order reducing wages effective February 1, 1921, would not be rescinded on account of the inability of the carrier to pay such wages.

The hearing was begun on February 15, 1921, and concluded on February 16. At this hearing evidence of the financial condition was submitted and claim was also made that living costs were lower on the line of this carrier than on other railroads. This was the first occasion that any claim had been made by the carrier that the wages determined by this Board in Decision No. 2 were not now just and reasonable, except in so far as the justness and reasonableness thereof might be affected by the financial condition of the carrier.

Decision.—In view of the fact that the record clearly shows that no conference has been had between the parties with reference to the justness or reasonableness of the wages fixed by Decision No. 2 of this Board, the Board does not deem it necessary to decide to what extent, if at all, a carrier's financial condition is a factor in the determination of just and reasonable wages to be paid by such carrier.

In the judgment of this Board the conferences heretofore held do not constitute a compliance with section 301 of the Transportation Act, for the reason that no conference has been had between the parties with reference to the justness and reasonableness of the present wages.

It is the decision of this Board that it is without jurisdiction to determine the present dispute until section 301 has been complied with by conference of the parties, the subject matter of which conference shall be whether the present wages are just and reasonable.

The Board further decides that further consideration of this dispute be deferred until it shall be made to appear that the parties have conferred and disagreed on the question of whether present wages are just and reasonable, based on the relevant circumstances as required by the Transportation Act, 1920, or until parties have refused to enter into conference on the said question.

It is the opinion of this Board that the action of the carrier in reducing wages February 1, 1921, after an application for hearing had been filed by the organizations interested, was improper. However, extenuating circumstances exist in this case, particularly in that this Board failed to act in the premises prior to February 1. For this reason the Board does not deem it judicious to proceed under section 212 of the Transportation Act.

It is the decision of the Board that all employees, including those who have been laid off, on their being returned to service, accept under protest the wages offered.

If the parties do not reach an agreement in the conference required by this decision, the Board will set March 5 as the date of a further hearing of the dispute and will determine what wages are just and reasonable with reference to the carrier and will make its decision effective as of February 1, 1921.

If conference is refused by the carrier, this Board will proceed under section 313 of the Transportation Act, 1920.

The employees contended that the Labor Board had failed to decide the original dispute, but had created a new dispute, that is, whether the rates of wages under Decision No. 2 were reasonable or not. The attitude of the unions is shown by the following statement:

After the Board made its decision above quoted, same was given consideration by the chief executives of the organizations representing the different classes of employees involved, who were in Chicago at that time, and it was agreed to notify the officers on the ground in charge of the situation to read the decision of the Board to the committees and convey to the employees on that property that they may use their own discretion as to whether they desire to renew negotiations with the Receiver and General Manager of that property as suggested by the Board and again refer the matter back to the United States Labor Board on or before March 5, in the event a settlement was not reached, inasmuch as the Receiver and General Manager had declined to restore the rates in effect prior to February 1.

In other words, if the Receiver and General Manager of this property was permitted to violate the orders of the Labor Board and take advantage of the employees by reducing wages and receive recognition by the Labor Board, it was manifestly unfair to the employees, and we did not propose to be a party to any such proceedings. If the employees desire to continue in the service after the matter had been thoroughly explained to them, that was a matter for them to determine. On the other hand, if they decided to take the other course, they would have the sanction of the chief executives of the organizations, providing the laws of the various organizations were complied with.¹

The last sentence of the above was construed by many of the men to be advice that they strike. The action of the employees is shown by the following letter addressed to the Grand Lodge Chiefs by Vice-President Anderson of the B. R. T., who, together with Vice-President Carey of the O. R. C., represented the transportation organizations in the negotiations:

HARRISON, ARK., FEBRUARY 23, 1921.

MR. W. S. STONE,
Grand Chief, B. of L. E.,
Cleveland, Ohio.

MR. W. S. CARTER,
President B. of L. F. & E.,
Cleveland, Ohio.

MR. W. G. LEE,
President of B. of R. T.,
Cleveland, Ohio.

Sirs and Brothers:

I am in receipt of your joint resolution, signed by all the chief executives under date of February 21st, with which is

¹ February *Bulletin* of the Brotherhood of Locomotive Firemen and Enginemen under date of March 1, 1921.

attached copy of the United States Railroad Labor Board's decision in connection with reduction in wages on the Missouri and North Arkansas Railroad, also giving authority to call a strike as provided by the laws of the respective organizations involved.

The entire matter was placed before each General Committee upon which separate action was taken, and the Committees by their vote went on record in favor of leaving the service and engaging in a strike, which action was also approved by the co-operative committee by unanimous vote.

The question of the justness or reasonableness of the wages fixed by Decision No. 2, or the living cost was never raised by the Receiver and General Manager during our conferences, the committees therefore decline at this time to give consideration to same.

This is to advise, that unless the Receiver and General Manager of the Missouri and North Arkansas Railroad rescinds the order reducing wages and restores the rates of pay in effect prior to February 1st, 1921, the men employed in the various classes of service will leave the service and engage in a strike at 3 A. M., Saturday, February 26th, 1921. This will include the B. of L. E., B. of L. F. & E., O. R. C., B. of R. T., O. R. T., M. of W., Shop Crafts and possibly the Clerks, the Dispatchers have also joined with us.

Fraternally yours,

(Signed) F. W. ANDERSON,
Vice-President.

On February 24 the receiver notified the Labor Board that he was ready to confer with the employees. The representatives of the Shop Crafts signified their willingness to return to work and accept under protest the reduced wages pending a conference and an appeal to the Labor Board. The receiver took the position that these employees had left the service of the road on February 1 and declined to grant a conference.

The other employees made no effort to confer with the management since they refused to recognize Decision No. 90. On February 25 at five p. m. they served notice upon the receiver that at three a. m. the next day they would withdraw from the service of the carrier. This strike was technically a protest against the failure of the receiver to obey the resolutions of the Labor Board on February 8, and a further protest against the action of the Labor Board in issuing Decision No. 90 without first securing compliance with the resolutions.

In a short time the receiver notified the Labor Board that he had recruited a new force of men willing to accept the rates of pay established February 1 under authority of the federal court. It appears that the Labor Board made no further efforts to secure compliance with Decision No. 90.

At one stage of the negotiations between Receiver Phelan and representatives of the employees the receiver was asked whether, in case the employees accepted the reduced wages, the management would guarantee that there would not be another attempt to reduce the wages. This guarantee Mr. Phelan refused to give. A union officer high in authority in the negotiations states that if this guarantee had been given, the strike would not have been called. The employees felt that the attempt to reduce wages was but one of several such actions that might be expected if the employees yielded.

The strike was directed in the following manner. The Railway Brotherhoods appointed a committee composed of Messrs. Stone, Carter and Lee to have a general oversight over the strike as far as the brotherhoods were concerned. The Federated Shop Crafts being affiliated with the American Federation of Labor, the Railway Department of the A. F. of L. appointed a representative. There were also representatives for other organizations. This group of representatives at various times appointed one or more men

to represent them on the ground with full authority. The system chairmen of the various orders constituted the Cooperative Committee in immediate charge of the strike. Each organization had its own general committee to look after its interests. In each town where there were a number of strikers there was a local committee responsible to the Cooperative Committee at Harrison. The Cooperative Committee was made up of the following: J. E. Queen, for the conductors, Chairman of the Cooperative Committee; W. J. Harrelson for the engineers; J. W. Crews for the firemen; O. Bates for the trainmen; R. L. Clay for the dispatchers; Tillman Jines for the shopmen; S. E. Brasfield for the telegraphers; E. B. Sebourne for the section men. On March 26, 1922, because of disapproval of the course of events, Queen resigned as Cooperative Chairman but continued to represent the conductors as a member of the committee. Harrelson was elected Cooperative Chairman in his place and served until in August, 1922. Crews, being Vice-President, acted from August until January, 1923, the time of the citizen uprising. Harrelson was succeeded as Chairman of the Engineers in August, 1922, by A. P. Stevens.

Considerable publicity was given by the strikers to the claim that the road had to pay standard prices for ties, rails, lumber, and other materials and made no attempt to force the sellers to accept less than the current prices. The strikers claimed it was unjust for the road to try to force the employees to accept less than standard rates of pay. The reply of the road was that they bought their supplies in the cheapest market and proposed to do the same with labor, and that they had no difficulty in getting labor at less than standard wages.

A fundamental cause of the strike was the financial condition of the railroad which was primarily due to light traffic.

This financial condition was in part a result of the government having raised wages to the standard paid on the larger and more successful railroads of the country. Local conditions justified a lower wage scale for the M. & N. A. which was necessary if the road was to continue to operate. The increase in wages was unfortunate, though, from the point of view of the Director General of Railroads, doubtless expedient at the time.

Ability to pay may be used as an argument for an increase in wages, but it cannot be accepted as a basis for reducing wages below a reasonable minimum. The receiver made a mistake in emphasizing inability to pay to the exclusion of other pertinent factors, such as cost of living along the M. & N. A. and wages paid in other industries. These, in the opinion of the author, justified a lower wage scale for the M. & N. A. The receiver acted in an arbitrary manner in refusing to reinstate the shopmen, as was contemplated by the Labor Board in its decision quoted above. Reinstatement of these employees would probably have prevented the strike by the other employees.

Acceptance by the unions of the reduction of wages on the M. & N. A. might have proved a troublesome precedent in dealing with other railroads, and may, in part, explain the policy followed by the union officials. However, if the receiver had applied to the Labor Board in the beginning, or had joined in a joint submission as suggested by the unions, there is reason to think that the reduction would have been granted and would have been accepted by the unions. In any event the receiver would have been free from the charge of having acted in an arbitrary manner.

The defense of the receiver was that he was acting under orders from a federal court. It is most unfortunate that the exact limits of the jurisdiction of the courts and of the Railroad Labor Board have not been established. Wage

adjustments, even with the road in the hands of a receiver, should be made through the agency established for that purpose, and not by orders of a judge.

The unions deserve censure for trying to take advantage of technicalities as a means of avoiding a decision by the Labor Board. They were wrong in refusing to accept Decision No. 90, and for failing to seek a conference with the receiver. Doubtless both parties would have followed a more moderate course if they had realized the dangers ahead.

CHAPTER III

PROGRESS OF THE STRIKE TO THE CLOSING DOWN OF THE ROAD

As a result of the strike of the shopmen on February 1, the road was severely inconvenienced in the matter of keeping equipment in good running order. Following the strike of the rest of the employees on February 26, operations were practically suspended for a few days. Some trains were operated with the aid of office forces. Within a few days the road was able to secure strike-breakers, and partial service was restored. There were some accidents which the strikers charged were due to the inefficiency of the "scabs". The service seems to have been unsatisfactory.

The sentiment of the people at the beginning of the strike was pretty generally favorable to the strikers. They had the usual hostile attitude toward a railroad corporation; while they felt that the strikers were largely "home boys", reared in the community. The workers seemed to be suffering along with the people from the financial difficulties of the road. The only strike the people had known before was the shopmen's strike of 1918, which had lasted only a short time. It was supposed that this strike would also be adjusted in a few days and operations would go on as usual. For a time it was difficult to find quarters in Harrison for the new employees, and some of them were housed at the shops, while others were sent to Leslie and taken in by the people.

The developments of the next few months to a large degree alienated the sympathy of the people. The lack of acquaintance on the part of the citizens with strike methods, the excesses of some of the strikers, the hardship growing out of the interference with the operation of the only means

of communication with the outside world, and the effective appeals of the road to the citizens were all responsible for this change in attitude.

The strikers visited the merchants and, under threats of a boycott, tried to induce them to refuse goods to the "scabs". The trade of the strikers had been valuable to the merchants. Some of the merchants were strike sympathizers; and, since many of the strikers still owed the merchants considerable money, the threats were effective in some cases.

A well-organized picketing system was established, and the usual friction with the new employees soon developed. *The Daily Times* of February 7 carried notice of an order by U. S. District Judge Trieber against trespassing on the property of the company or interfering with the employees, under penalty of contempt of court proceedings.

The pickets first tried to persuade the new employees to quit, offering in many cases to put them on the strike benefit rolls if they would quit. Just how far the strikers went in the matter of intimidation it is impossible to say. There were many fights as a result of the friction between the two forces. Quite a number of the new employees quit work rather than face the continued activity of the pickets.

One of the most conspicuous [cases] was that of a young machinist from Tennessee who came here as a new employee, bringing his wife and child with him. He refused to quit work at the request of the strikers and would not be intimidated, until one night when he was on duty, a group of men came to his house and, finding a load of stove wood in the yard, threw most of it through the windows into the house. The wife, who was naturally nervous and in a delicate condition besides, was almost frightened to death. The little three year old girl suffered from the same terror. This action got results. The machinist quit work, and immediately returned with his family to Tennessee.¹

¹ Bradley and Russell, *op. cit.*, p. 32.

Many of the new employees carried arms and boasted that they were prepared to protect themselves. This fact still further strained the relation between striker and "scab". The city officers were regarded as being in sympathy with the strikers, and little was done by them in cases of intimidation.

The nature of the official instructions to strikers is shown by the following:¹

All men on strike will keep away from the company's property, except such men as are designated certain duties to be performed by authority of the organization. Every man should understand that there should be no acts of violence.

In the conduct of strikes there are numerous irresponsible persons, not members of the organizations, who take occasion to engage in acts of violence and disorderly conduct, and such actions are usually attributed to members of organizations, and great care should be taken by every member to avoid association with such persons, as such conduct should be discouraged so as not to bring reproach upon the cause.

The following official order regarding handling of traffic at junction points was sent out:

BROTHERHOOD OF LOCOMOTIVE ENGINEERS
BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN
ORDER OF RAILWAY CONDUCTORS
BROTHERHOOD OF RAILROAD TRAINMEN

JOINT CIRCULAR

CLEVELAND, OHIO, MARCH 6, 1921.

To All Divisions, Lodges and Members:

Dear Sirs and Brothers:

Since legal strikes have been instituted on the Missouri & North Arkansas Railroad and the Atlanta, Birmingham &

¹ *The Flashlight* (Eureka Springs), April 7, 1921.

Atlantic Railway, our members employed by connecting companies have made inquiries as to their duties in connection with performing service involving the handling of traffic to and from the lines on strike, and in order that there may be no misunderstanding and to avoid telegraphic inquiries in the future, the undersigned have considered it advisable to issue the following instructions restating the policy followed by these organizations throughout a long period of time and which was adopted to conform with the Interstate Commerce Act and court decisions respecting the duties of carriers and employees in handling interstate commerce:

In the matter of receiving freight from and delivering freight to railroads whose employees of these classes are on strike, the employees of connecting lines will accept freight which has been placed on the usual transfers by the lines on strike and will deliver freight from their lines on the usual transfers in the same manner they would deliver or receive such freight as though no strike had been instituted. In no event, however, will employees of connecting lines perform any duties in connection with the receipt or delivery of freight from lines whose employees are on strike not performed by them before the strike was instituted. They will in no case go upon the rails of the line whose employees are on strike to perform any service for that line nor will they perform any service previously performed by the striking employees.

The intention of this circular is that our members employed on the connecting lines will not refuse to perform any service formerly performed involving the handling of interstate commerce, but they will understand that they are not required by law to perform service in connection with the handling of interstate commerce that they were not required to perform before the strike was instituted.

Where service for two companies has heretofore been performed by employees and there is now in effect on one of the properties a strike, such employees will continue to perform such part of the joint service as may be required by the Interstate Commerce Act. Such employees need not, however, per-

form any separate service for the line on which a strike is in effect.

Yours fraternally,

L. E. SHEPPARD, <i>President, O. of R. C.</i>	W. S. STONE, <i>Grand Chief, B. of L. E.</i>
W. G. LEE, <i>President, B. of R. T.</i>	W. S. CARTER, <i>President, B. of L. F. & E.</i>

The antagonism between the management of the road and the strikers helped to stimulate bitterness between the citizens and the strikers. On one occasion a group of new employees was being brought to Harrison, when some of the strikers boarded the train at the second station south of Harrison, and at Bellefonte, the next station, induced part of the men to get off and go with them. Manager Phelan with some other persons met them at the edge of Harrison and blocked the road with his car. Being unable to get the men to go with him he drew a gun on one of the strike leaders and threatened him. Mr. Phelan was censured by many of the people for this act and was later fined for carrying concealed weapons.

Manager Phelan took the usual attitude that no strike existed and that he had a full force of competent men. The following statement from Mr. Phelan was published in several papers: "We are now operating as usual with as experienced and competent a force as we ever had."

The Railway Federationist, published at Sedalia, Missouri, by the shopmen seems to have been adopted by the strikers as the official organ for propaganda purposes. Its columns seemed always open to any sort of article that might be sent in by the strikers. Many copies were distributed to the citizens by the strikers, and large numbers were sent through the mails. So extreme and biased were many of the articles that they were an important means of injuring the cause of the strikers and further incensing the citizens.

The first step in the way of activity by the citizens was taken on the night of March 7, when the Harrison protective league was organized:

"For the purpose of maintaining law and order in Harrison, Ark., and for the purpose of safeguarding her business and property interests, we, the undersigned citizens of Harrison and vicinity, fully realizing the gravity of the situation confronting us, hereby organize ourselves into an association to be known as The Harrison Protective League." The following officers were elected; W. J. Meyers, President; J. W. Wallace, Vice-President; F. M. Garvin, Secretary; and R. A. Wilson, Treasurer. The Executive Committee was composed of W. L. Snapp, Louis Keck, J. M. Wagley, W. S. Pettit, and R. A. Wilson. The sum of \$500 was raised at the meeting for the purpose of providing adequate police protection. The qualifications for membership in the League were defined as follows: "Every person applying for membership in the league shall not be interested either directly or indirectly, in any controversy affecting in any way the property or business interests of Harrison; and any member who so becomes interested in any such controversy at any time shall lose his membership in the organization at once." All representatives of either side were requested to retire from the meeting.¹

The purpose of the Protective League at this time was to preserve order in Harrison, and to aid the civil authorities in dealing with the depredations on the railroad.

On the night of March 16 two bridges burned, a large one near Alpena and a small one near Pindall, shutting Harrison off from both directions. Phelan charged that the fires were of incendiary origin, while the strikers contended that they were set off by defective engines. Traffic was suspended without any attempt to transfer around the burned bridges:

¹ *The Daily Times* (Harrison), March 8, 1921.

"Receiver and general Manager Phelan announced upon learning of the burning of the bridges that the road could not continue operations in the face of such lawlessness, and that no regular trains would be run until protection is offered from some source to guarantee the safety of life and property in the operation of trains."¹

"When the people assure me that our property will be protected, I will restore operations within forty-eight hours. But until this is done no trains will move."²

This arbitrary action of Receiver Phelan was intended to arouse the public to active support of the railroad. It was a factor in increasing the hostility to the strikers.

The sheriff of Boone County wired Governor McRae for troops "to suppress riots and prevent property loss." The governor refused to send troops, as the road was under the direction of the federal court, but advised the use of local peace officers. Judge Trieber offered to send U. S. marshals to cooperate with the local officials. The circuit judge had seventy-five deputy sheriffs sworn in.

Mayor Trimble of Harrison sent the following telegram to Senators Robinson and Carraway, Congressman Tillman, and Governor McRae:

Some action to relieve the serious situation by failure of the manager and striking employees to get together and settle the strike on the Missouri and North Arkansas Railroad should be taken through Congressional investigation, or some governmental agency like mediation board, interstate commerce commission or labor board; and immediately, since public interest is not only impaired but the third party—the public—is suffering. Excellent order now prevails here but that does not get the parties together and they seem to be locked in a struggle

¹ Quoted by Bradley and Russell, *op. cit.*, p. 35 from *Boone County Headlight*.

² *Arkansas Gazette* (Little Rock), March 20, 1921.

that will last indefinitely. The public has rights independent of both parties to the situation. I urge that you take some immediate action along the lines I have mentioned.

Congressman Tillman replied: "Am vigorously taking matter up with United States Labor Board in Chicago. They have full power in such matters."

On March 21 a special session of the grand jury was called and the Grand Lodge officers, who were in Harrison directing the strike and seeking a settlement, were subpoenaed to appear before the jury. Indictments were returned against a number of strikers for depredations.

On March 22 special trains were run from both directions, and, on invitation of the Harrison Protective League, representative citizens from points along the line gathered in a mass meeting at Harrison. The sentiment of the meeting can be shown best by extracts from speeches and newspaper accounts of the meeting:

The people who put the first eleven millions of dollars into the enterprise have wiped out the investment as a loss long ago. The people who bought the second set of bonds after the sale of the first receivership have lost everything. The three and a half millions in receiver's certificates issued since it went into the hands of the present receivership, some ten years ago, are going begging on the market with the interest unpaid. By virtue of these losses the road is valuable to nobody except to the people it serves, and has become an inheritance of the people along the line. It cannot be said to belong to anybody else. The U. S. Court has appointed Mr. Phelan to manage the affairs of a line of railroad that to all intents and purposes belongs to us. It is our duty to support him so long as he works under the orders of this court, high wages, low wages, high tariffs or low tariffs. We need the road and must have it. [After scoring the people of Harrison, who had got the shops away from Leslie, the speaker went on to say]: Do you know what

the people of Leslie would do with that bunch of agitators you have permitted to establish headquarters here in Harrison? They'd be out of here before the sun sets tonight and they'd stay out.¹

Service is going to be restored and maintained on the M. & N. A. Railroad. The strong arm of the law has already reached out for the purpose, backed by the sentiment of a righteously indignant people, which is of itself stronger than any man-made statute ever enacted.

Following the lead of the Harrison Protective League, these men of affairs came here with blood in their eyes, so to speak, and no man present doubts that they meant every word they said and more.

The season of outlawry is practically at an end right now, and the sooner the strikers realize it and go on about their business the better it will be for all concerned. The longer they attempt to prolong this struggle the deeper they are digging their own graves as far as their cause is concerned.

There was no question about the temper of this meeting. Fortunately it was kept from reaching the boiling point by men of cool heads, who are determined, if possible, to keep the law to the letter on the people's angle of the issue.

The favorite slogan of this gathering was "the road wants to run and by the eternal gods it shall run." It was an overwhelming sentiment, expressed over and over again, that no handful of four hundred men, led by Boleshevists and Anarchists, shall deprive the one hundred thousand people who depend upon this road for transportation.²

In some way the idea obtained credence that the deprecations were the result of the presence of the Grand Lodge officers in Harrison, and that if these officers were driven

¹ Quoted by Russell and Bradley, *op. cit.*, p. 36 from the *Boone County Headlight*. (Speech of Ed. Mays of Leslie.)

² Quoted by Russell and Bradley, *op. cit.*, pp. 35-36, from the *Boone County Headlight*.

out, the management of the road and the citizens could handle the situation as they desired. The strikers charge that Manager Phelan told the citizens that if they would drive the officers out, he could handle the men. Mr. Phelan denied making any such statement.

On March 21, the Harrison Protective League adopted resolutions severely condemning the strike, the strikers in general, the depredations, and Mayor Trimble for alleged favoritism toward the strikers. They asked for the resignation of the Mayor and demanded that the union chiefs leave the city.

On March 22 the mass meeting adopted similar resolutions and appointed a committee with Judge S. W. Woods, of Marshall, as chairman to convey the wishes of the body to the union chiefs. Before the committee could carry out its mission it was informed that Circuit Judge Shinn desired that they desist since the union officers were under subpoena to appear before the grand jury.

At the mass meeting plans were made to establish a citizen patrol which should guard the property of the road. A number of U. S. marshals were on the ground and the citizens thought that the trouble was practically ended.

Mass meetings were held at every town of any importance through the mountain section served by the M. & N. A.; and resolutions were passed condemning the strike and the strikers, pledging the loyalty of the citizens to the road, and calling on the county authorities to do all in their power to put an end to the depredations. The strikers vigorously denied that they had anything to do with the depredations reported by the management, and suggested that they were the work of agents of the road with the aim of inciting the people to action against the strikers. There is little evidence to support this contention.

M. S. O'Neal, representing the electricians, was arrested

on Saturday night, March 26, for drunkenness and gave bond for his appearance in court on Monday. He appears to have thought discretion the better part of valor and left, never to return. The unions later paid his fine for him.

On March 31 the grand jury adjourned and the Grand Lodge officers were released from their summons, but they remained in Harrison instead of leaving, as requested in the resolutions. On April 2 a committee of three from the Protective League waited on the strike leaders and pointed out to them that the people were restless and that there might be danger to them if they remained in Harrison. It was suggested that they move their headquarters to some other point. This the leaders declined to do, saying that the headquarters of the road and of the unions were at Harrison.

On April 6 trains were run in each direction and a large number of citizens from points along the line were brought to Harrison, arriving about one o'clock. In the forenoon the strikers had been summoned to the union headquarters and given strict orders to remain at home regardless of what might happen to their leaders. This injunction seems to have been pretty well obeyed. The citizens met and appointed a committee which was authorized to wait on the Grand Lodge officers at the Midway Hotel and to request their immediate withdrawal from the state. A considerable part of the crowd accompanied the committee to the hotel and surrounded the building. The proprietor of the hotel, George W. O'Neal (not a relative of the representative of the electricians) seems to have raised some objection to the size of the crowd, part of which sought admittance, but he allowed the committee to enter. The union officers were told that the people held them responsible for the depositions and that they should leave the state at once. No argument was permitted, and at the request of the union officials they were given five minutes to confer. They agreed

to obey the request and immediately left the state by automobile. The officers thus expelled were M. C. Carey, Vice-President of O. R. C.; G. W. Anderson, Vice-President of B. of R. T.; L. M. Eddy, Vice-President of O. R. T.; W. J. Potts, Vice-President of A. T. D. A.; W. E. Horn, Ry. Dept. A. F. of L.; J. L. Saxe, Vice-President of B. of R. C.; and S. E. Brassfield, Chairman of the striking telegraphers.

In order to be fair it seems well to reprint parts of the statements from both sides regarding this occurrence. After going to Washington and laying the matter before various government officials, including President Harding, according to the statement of *Labor*, the official organ of the Railway Brotherhoods, Mr. Carey gave out the following statement:

About 2 o'clock that afternoon the trains arrived in Harrison and the citizens or "hill billies" were corralled in the railroad yards. All were heavily armed and plentifully supplied with moonshine whiskey. At 4 p. m. these "billies" in the form of a drunken mob surrounded the hotel where the Union officials were staying, and attempted to force their way into the hotel, but were prevailed upon by the proprietor to have a committee enter the building and wait upon the Union officials.

The spokesman of this committee introduced himself as Judge Henley, who said it was the determination of the mob surrounding the hotel that the Union officials leave the state immediately, and that failure to comply would bring a condition he, the Judge, could not control. Realizing the frenzied state of the drunken mob brought in by the receiver, with the apparent consent of the town, county and state officials, and that there was imminent danger of bloodshed, the Union officials stated they would leave by automobile as soon as their personal belongings could be packed.¹

The next is part of a statement by Judge S. W. Woods

¹ Bradley and Russell, *op. cit.*, pp. 41-42.

of Marshall, one of the oldest and most respected members of the bar in that section of the state:

We visited the rendezvous of the so called leaders of the strike, and informed them of our mission and that the people believed that they were responsible for the depredations, and demanded that they leave the State at once. Mr. Carey wanted to argue the matter, but he was informed that we did not come to hear arguments but to state our mission and demand action . . .

The committee did not make a single threat, directly or indirectly, to, or about the men. It was a quiet, sober and orderly gathering, but composed of brave and determined men. We notice that Carey and others state that the men were drinking liquor, and displaying firearms, which is absolutely untrue. . . . The writer was there during the whole transaction, and did not see or smell any liquor, and did not see anyone with a gun or pistol or hear any threats of violence.

We know that there are many good, true and honest men that engaged in the walkout and that they did not approve of the depredations that were committed and that they were ready to help enforce law and order. . . .

Carey and others secured a large amount of free advertising in the interviews and articles that they published. They knew that the citizens that composed that gathering were in the right; that they had been and were encouraging the depredations by their presence, even if not advising and planning them, and they slunk away and have not returned.

This North Arkansas country is not conducive to the health, happiness and prosperity of men of the Carey type.¹

It appears, after careful investigation, that, while in a crowd of several hundred, there may have been some that had been drinking, the crowd was sober, and as orderly as might be expected under the circumstances. It would be surprising in such a crowd bent on such a mission if some did not have concealed weapons.

¹ Bradley and Russell, *op. cit.*, p. 43.

This action by the citizens was illegal and was an invasion of the civil rights of the union officials. It was a most unfortunate affair. There is little evidence that many of those expelled were allied with the radical element of the strikers. Had the union officials been allowed to remain in Harrison they would have acted as a restraining force, and would have known the true situation at first hand. Their absence left the radical element of strikers in a position to carry forward their policies and to mislead the national officials of the union through misleading and untrue reports. It is impossible to say just how close a connection there was between Receiver Phelan and the action of the citizens. It widened still further the gulf between the railroad and the citizens on one hand, and the strikers on the other hand.

The evidence indicates that the trains on April 6 were furnished free of charge by the road. Only citizens friendly to the movement were allowed passage.

The *Berryville North Arkansas Star* of April 8, referring to the action of April 6 at Harrison, said:

If the means adopted Tuesday are not successful there will be another meeting in Harrison before long and the delegation that will leave there will be a good deal larger than the one that left Tuesday. . . .

There are a few here in Berryville that have been taking a rather high hand "in talk," condemning the railroad and the people who are trying to operate it, and we think it would be the proper thing for Berryville citizens to give them their "marching orders" unless they immediately dry up.

The *St. Louis Post Dispatch* of April 10, 1921, quoted Manager Phelan as saying:

Public sentiment did not appear to be on our side and it became necessary to arouse the citizens to the seriousness of these depredations so we stopped operations for a few days to impress

upon them what it meant to be without a railroad, and to prevent serious accidents.

This railroad is an open shop road. We are under the jurisdiction of the federal court, and not the Railroad Labor Board. Judge Trieber at Little Rock has approved what we have done, and this is sufficient authority for our actions. We will never return to the principle of collective bargaining. When a man wants work he asks for it, and we tell him what wages he shall receive. There is no contract, no agreement. He works for what we think is just and are able to pay. The reduction of 20 to 22 per cent is now in effect, and when we get the situation well in hand there will be another adjustment of wages to conform to our ability to pay, for wages are still too high. I will stop the operation of the road before I will again accept collective bargaining.

With the exception of the first paragraph this same account is quoted from *Labor* by Bradley and Russell.

Mr. Phelan denied having made any such statement at any time, although it was generally ascribed to him, even by the most conciliatory of the strikers, and had its part in stiffening the determination to hold out to the end.

The next action of the Protective League was on April 12. J. E. Queen, Chairman of the Cooperative Committee; Tillman Jines, Chairman of the Federated Shop Crafts; and J. T. Venable, Secretary of the Order of Railway Conductors, and active as an unofficial strike leader, were called before the League. Ex-Circuit Judge Worthington read a prepared address and handed the union officials a copy. The address was as follows:

Gentlemen:

We have asked you, as representatives of the Local unions, to come before this league for the purpose of stating to you our position. I am speaking directly for and in behalf of the Harrison Protective League, and the leagues of Carroll,

Boone, Newton, Searcy, Van Buren, and Cleburne Counties, and I am speaking in behalf of the ONE HUNDRED THOUSAND PEOPLE who are served by the M. & N. A. Railroad.

Every word spoken here has been carefully weighed and endorsed. There will be no discussion of any description, nor will there be any remarks by any other member of the league, nor will any reply be expected or desired.

We understand from *The Daily Times* of April 8th, that the UNIONS met on that date and decided to continue the so-called strike, and it is for this reason that we have invited you before us.

Now, the United States Railroad Labor Board has dismissed the proceedings which were instituted before it in regard to the Strike on the M. & N. A. Railroad. There is nothing pending before the Federal Court. There are no negotiations pending between the railroad management and its former employees, looking to a settlement of the matter.

As there are no negotiations pending, as there are no conferences being conducted between the Railroad Management and your men, looking to a settlement of this matter, why should you keep up this everlasting agitation? Why hold the people of the country up and strangle the life out of all our industries when it does not benefit you except to get revenge on the Railroad Management and junk the road if possible?

We are determined that the M. & N. A. Railroad shall not be junked; that the operation shall in no wise be interfered with; that the present employees of the Railroad shall in no wise be interfered with or molested as they have been in the past; and we are determined that every form of intimidation of our Citizens, as practiced in the past few weeks, must and shall cease.

These are not threats, but I want to impress it upon you with all the force and fervor at my command that there is not one single useless or meaningless word in this message.

No discussion was permitted and the union officials were excused.

The relations between the carrier and the strikers, and between the latter and the public continued strained. The developments of the next few weeks added to the bitterness.

Some time in April two men obtained employment as pipe-fitters at the M. & N. A. shops under the names of George Miller and Harry Williams. They stayed at the Midway Hotel, the leading hotel of Harrison. A letter from Miller's wife advising him to leave Harrison, as he would be detected, was delivered to another George Miller. It was returned to the post-office and delivered to the Miller at the hotel. Later another letter was delivered to the Harrison George Miller which read as follows:¹

4750 BROADWAY,
CHICAGO, ILL., APRIL 12, 1921.

MR. GEORGE MILLER, Harrison, Ark.,

Dear Sir:

Arrived in Chicago yesterday morning and after talking with the boss he informs me that he has so much work in the office that he intends to keep me here for the time being. Therefore I don't expect to get to Harrison in the very near future. Nevertheless I am looking to you to keep up the good work in your locality and expect a letter from you occasionally of conditions at that place. You can use your own judgement about the time you think it necessary to remain in Harrison, but in case you should leave, will expect you to notify me, and of your whereabouts after your departure from Harrison.

Trusting that you will have no accidents as some visitors to that locality have met with, I beg to remain,

Yours truly,

BILL.

The letter was turned over to the officers who returned it to the post-office, where it was delivered to the Miller at

¹ Quoted in *The Marshall Republican* (Marshall, Arkansas), May 6, 1921, from the *Boone County Headlight*.

the hotel. Both Miller and Williams were arrested and admitted that their names were J. W. Beardsley and H. W. Kendall. They explained their assumed names as being due to fear of expulsion from the union for working as strike-breakers, and denied that they were engaged in sabotage or espionage. They were fined ten dollars each on a charge of conspiracy. The Chicago address was that of the Railway Employees' Department of the American Federation of Labor in charge of B. M. Jewell. Bill was supposed to be W. C. Jenkins who had been at Harrison as a representative of the Federated Shop Crafts. The local union authorities denied knowing anything about the activities of Beardsley and Kendall.

A large number of guards were employed by the county to guard the property of the road. The unions brought all possible pressure to bear in the way of propaganda and objections to prevent the use of county funds for this purpose. They were instrumental in getting Chancellor McMahon to issue a temporary restraining order against the county judge paying the guards from county funds. The restraining order was soon dissolved. Boone County paid out \$2192.50 to guards during the spring of 1921, in addition to a fairly large sum raised by popular subscription. Considerable volunteer guarding of bridges was done by the citizens of all the towns along the road. The citizens of Eureka Springs raised a fund to employ guards in addition to volunteer guarding. Carroll County spent approximately \$1800 for guards. In addition to volunteer guarding by citizens of Marshall, Searcy County furnished hired guards in the spring of 1921 at a cost of about \$4,000.

Manager Phelan and some other persons were accused by strikers of being drunk and shooting up the town on the night of June 2. They were haled into Mayor's court on the complaint of certain of the strikers. They sought to

have their case transferred to circuit court, charging that the mayor was biased in favor of the strikers. This request was refused by Mayor Trimble; the trial was held and the accused found guilty on the evidence of strikers. The defense refused to introduce any evidence and appealed to circuit court. The appeal has not been decided.

During the period covered in this chapter various forms of depredations occurred. Blue vitriol was placed in water tanks and emery dust in bearings; switches were turned, spikes pulled, bridges burned, and air hose cut. There was a general intimidation of employees. In March, bridges near Pindall and Alpena were found afire; in the latter part of May fire was discovered at another bridge near Pindall. In June two bridges were burned. In April the Harrell house at Bellefonte, where the station agent and a section foreman were staying, was dynamited and the windows were blown out.

An article appeared in *The Railway Federationist* published at Sedalia, Missouri, stating that Dr. C. M. Routh, dentist, of Harrison, had been seen by a strike picket placing a bomb under railroad property. It was thought that J. T. (Pete) Venable was responsible for the publication of the article, and at the point of a gun Routh forced Venable to sign a retraction. Venable denied having anything to do with the article and secured an injunction against Dr. Routh publishing the retraction. Charges were filed against Routh in the Masonic Lodge but later dropped. Routh filed a \$50,000 slander suit against Venable and, after Venable had left Harrison, was awarded damages.

An M. & N. A. train ran into a Rock Island train at Wheatly, Arkansas. The Rock Island wrecker turned the M. & N. A. engine over on its side to clear the tracks, but later the wrecker was sent back to replace it. The union wrecker crew refused to touch the engine. The M. & N. A.

recovered \$1600 from the Rock Island for damages to the engine.

Union station employees of roads that shared depots with the M. & N. A. refused to allow the non-union employees of the latter to share their offices, and separate ticket offices had to be provided at joint points. These were, in most places, box cars.

The union employees at junction points of other roads continually complained to the officials of their roads that the M. & N. A. employees were not obeying the regulations about markers, flags, etc., on their trains. Doubtless there was some basis for these complaints, but the suspicion has been entertained that the vigor of the complaints was partly due to the existence of the strike on the M. & N. A. Strict orders were issued by the M. & N. A. covering the matters under complaint.

The strikers charged that the bridges that were found afire were set by defective engines, and issued many statements and secured many affidavits indicating such origin. That the road tried to guard against carelessness is shown by the following exhibit introduced before the Legislative Committee by the unions.

MISSOURI AND NORTH ARKANSAS RAILROAD,
C. A. PHELAN, *Receiver*.

HARRISON, ARK., APRIL 4, 1921.

ENGINEER:

I continue to receive complaints about ash pans and engines dropping fire—setting fire to bridges and track. Under present conditions we cannot tolerate any carelessness in this direction. Refer to Bulletin No. 46 dated March 29th, Bulletin No. 33 dated March 24th, and to special instructions in time table No. 5. If you have a fireman that is not attending to his duties, and is not carrying out your instructions, you can protect yourself only by making a written report to this office, or to the Road Fore-

man. I want the ash pans handled properly, and I will not tolerate any carelessness on this account.

Yours truly,

J. S. REDDOCK.

Travelers on other roads asking for tickets to points on the M. & N. A. were frequently informed that it was dangerous to ride upon the road, that trains were always late, or that no trains were running. Often the prospective passenger was directed to a point on some other road and finished his journey by taxi. Such discrimination cut pretty heavily into the meager revenues of the road.

In March the citizens of Marshall offered a reward of \$100 for the arrest and conviction of any one guilty of setting fire to a bridge or wrecking a train, and \$50 for the arrest and conviction of any one guilty of attempting to burn a bridge, wreck a train, or for malicious acts of any kind.

The March 31 *Boone County Headlight* called attention to the fact that the road paid \$76,887.02 in taxes to the state, and \$7,844.54 to Boone County the previous year. The total taxes paid to the county during the twenty years of the road was given as \$125,000. This statement was for the purpose of justifying the payment by the county for guards and the support of the road by the citizens.

Since the higher freight and passenger rates had failed to produce an increased revenue and had caused objections from the citizens, passenger rates were reduced from 5 to 3.6 cents per mile in May, and it was stated by the management that careful consideration would be given to the matter of reducing freight rates.

Most of the railroads of the country sought to reduce the wages of their employees in the spring of 1921. The case was brought before the Railroad Labor Board; and in Decision No. 147, Docket 353, June 1, 1921, to go into force July 1, 1921, wages were ordered reduced. The reduction

was justified on the grounds that the cost of living had decreased and that wages in similar lines of work had been lowered. The M. & N. A. was not a party to this case, but on the basis of the general reduction of wages throughout the country, Receiver and General Manager Phelan ordered a reduction of 25 per cent in wages on the M. & N. A., which went into effect some time in June.

In June Phelan placed his resignation in the hands of Judge Trieber, and Traffic Manager J. C. Murray was appointed to the vacant position on June 14, 1921. This was hailed with satisfaction by the strikers who had been active in trying to oust Phelan. It was thought that Mr. Murray would be more inclined to treat with the strikers.

The revenues of the road proved to be insufficient to meet the costs of operation, which had been increased by the depredations; and Mr. Murray applied to the federal court for permission to discontinue operations. Judge Trieber was away on vacation and the matter was brought before Judge F. A. Youmans at Ft. Smith, who issued an order on July 23 for the suspension of operations on July 31.

The receiver was directed to execute notes for \$60,000 payable within six months with 8 per cent interest and secured by receiver's certificates. This money was to pay existing obligations and was to be repaid out of funds to be received in a settlement with the Interstate Commerce Commission. The order provided that operations should not be resumed without the order of the court. Operations were not resumed until in May, 1922.

In view of later developments it seems desirable to give some account of public opinion at this time. In an editorial, the *Boone County Headlight*¹ said that the people had been forced to take the attitude which they had assumed, and pointed out that they had been personal friends of the former

¹ March 31, 1921.

employees, while the new employees were strangers, in whom the citizens had no interest except as a means of getting railroad service. The editorial disclaimed any intention of accusing the rank and file of the strikers of lending countenance to the lawlessness, but expressed the opinion that "with nothing to do but draw strike benefits they could have prevented it, if they had wanted to." Attention was called to the fact that Manager Phelan could exercise no choice under his instructions from the federal court. In a later editorial,¹ the *Headlight* disclaimed sympathy with any movement not backed by law and order.

The Marshall Republican was more radical in its attitude and frequently expressed the sentiment that the strikers would never be permitted to operate the road under any circumstances.

The *Leslie News* summed up the attitude of the people as follows:

The News has had very little to say about the recent strike trouble on the M. & N. A., but we rise to remark at this time that the agitators who are keeping Leslie flooded with anti-railroad literature are doing their cause more harm than good. The general public is not interested so much in which set of men operates the railroad as it is in the running of the trains. It is nothing in the pockets of the patrons which side is right, or which side is wrong, but train service we must and will have, though it takes half the population to see that we get it. The *News* editor is somewhat prejudiced in favor of union labor, being himself a member in good standing of three labor unions, but we do not want to be a union man left standing high and dry forty miles from a starting point. We do not believe in trying to hamper the man who wants to work, especially when he is performing a public service.²

¹ July 28, 1921.

² Quoted in Bradley and Russell, *op. cit.*, pp. 45-46.

CHAPTER IV

HISTORY OF THE ROAD DURING SUSPENSION OF OPERATIONS

Some of the citizens felt that no road was better than a road with the friction and bitterness that had existed since the beginning of the strike. This sentiment was expressed by the following editorial:

Yes the M. & N. A. Railroad has closed down and let us hope and pray that it may be nailed down securely forever unless it can come back with peace and certainty.

The strife, turmoil and bitterness incident to the six months strike have become so exasperating that notwithstanding the millions of losses sustained by the people along this railroad in case the road is never resurrected, many are actually breathing a sigh of relief.¹

The people were not lacking in efforts to find some way to restore service on the road. The first plan, even before the road closed down, was to lease the road from Leslie to Seligman. A meeting of citizens was held at Harrison and an effort made to raise \$51,000 to keep the road in operation until some other plan could be worked out. Nothing came of this. The next move at Harrison was to approach the Missouri Pacific with a view to getting a stub built from Bergman, on the White River Branch, to Harrison. The country between is rough, and the Missouri Pacific already had several unprofitable short lines; so it turned a deaf ear to the proposition.

¹ Quoted by Bradley and Russell, *op. cit.*, p. 51, from the *Boone County Headlight*, August 4, 1921.

In August some Frisco officials visited Harrison in motor cars and, in spite of denials, a rumor, bred of wild hope, spread that the Frisco was going to take over the M. & N. A. Just what motive prompted the Frisco officials has never been revealed, but nothing came of their visit. There were wild rumors about organizing a company with \$500,000 capital to secure the north end of the line. Reports were circulated that the Unions were thinking of buying and operating the road in order to demonstrate what could be done toward making it pay.

Another rumor, not taken seriously by the citizens, came from J. T. (Pete) Venable, Secretary of the Order of Railway Conductors, and active as an unofficial strike leader, to the effect that some wealthy Tulsa oil men were going to buy the road and extend it to Tulsa and reinstate the strikers at standard wages. It was believed that the purpose of this account was to revive the hopes of the strikers and keep them in line.¹

The next plan grew out of the marvelous accounts of the success of Henry Ford as a reviver of unprofitable railroads. A committee, representing the leading towns along the line made a visit to Detroit. Mr. Ford was away, but his secretary "listened attentively to their plea, took them through the great Ford plant, and sent them home with the promise that their request would be considered as soon as Mr. Ford returned." Nothing further was heard of the plan.

Vain appeals were made to the Interstate Commerce Commission, congressmen, senators, and state officials to find some way to restore operations. Since the road had been closed without the permission of the Interstate Commerce Commission, it was thought that this body might take some action; but the Commission seems to have

¹ Cf. *infra*, pp. 203, 224-225.

been unwilling to contest the authority of the federal courts. Many of the citizens seem to have felt at this time that Mr. Murray and the interests he represented had little concern for the welfare of the people, and there was considerable criticism because plans for the sale of the road and its reorganization were slow in maturing.

In the meantime the people were suffering the gravest of hardships. Many of the towns were left far removed from railroad connections. The state highway program had not yet reached that portion of the state and most of the highways were rough roads through mountainous country. In places they were almost impassable in wet weather for loaded wagons; yet it was over these roads that goods had to be hauled to the market, and food, clothing, and farming implements hauled back. Commodities had to be sold at advanced prices to cover the cost of hauling. Property values were cut in half and the hard-earned savings of a lifetime were in danger of being swept away. Business establishments faced bankruptcy. Borrowed funds from the outside world were no longer forthcoming; insurance policies were canceled or reduced, and everything was in uncertainty. Unemployment on a large scale was the lot of the working class, and starvation pressed nearer and nearer for many, warded off only by such meager advances of food on credit as the hard-pressed merchants were able to make. Live stock on the farms had to be driven long weary miles to market with considerable loss in weight. Fruit and berries were left to rot in the fields. The timber industry, the largest industry of the country, was brought to a standstill with great losses to the investors. Many of the farmers back in the hills raised a part of their living on their little patches of ground and depended for the rest of their bare existence on cutting ties at odd times and selling them to the road. Many children went hungry and cold, their parents being

unable to minister to them. In short, all the labor of a generation of hardy men in digging the land out of the wilderness seemed to be for naught, because a few hundred employees and the railroad could not settle their difficulties by peaceful means. And it must be remembered that during this time most of the strikers were drawing benefits from their organizations that enabled them to secure the necessities and some of the comforts of life, even while they did nothing except hinder the operation of the road. Truly the third party was suffering most from the struggle between capital and labor. Some of the strikers, it is true, received little or no benefits and suffered along with the rest of the citizens.

The nearest rail points to the towns along the M. & N. A. were Seligman, Bergman, Sylamore, Morrillton, Searcy and Kensett. Eureka Springs, with a population of nearly 3,000, is eighteen miles by rail from Seligman and considerably farther by wagon road. The town is a health resort and largely supported by the tourist population. The inconvenience and demoralization of business were considerable. Berryville, with a population of 1500, is thirty-four miles from Seligman by rail. Harrison, with a population of nearly 4,000, is eleven miles from Bergman. The roads were far from good for the heavy traffic necessary during the shut-down of the M. & N. A. Harrison is the trade center for a large area to the south. Jasper is dependent upon Harrison for an outlet. The timber industry is one of the most important in the section about the latter place. Marshall, with a population of about 800, is sixty miles from either Sylamore or Morrillton. The roads were poor and mountainous. Heber Springs, with a population of 1800, is thirty miles from Searcy, and thirty-four from Kensett. The roads were unusually rough and difficult, and in wet weather almost impassable with a loaded wagon.

The most serious situation of all was at Leslie, a town with a population of 1500, fifty-five miles from both Sylamore and Morrillton. The trip to Searcy or Kensett and back with a loaded wagon took nearly a week, and in wet weather the roads were almost impassable with a load. Leslie is the main timber-mill town of that section of the country, and its existence very largely depends upon the mills. The mill of A. L. Barnett employed thirty men and in addition afforded part-time work for many farmers who cut and hauled timber at odd times when not busy with their crops. The pay-roll was about \$7,000 or \$8,000 per year. The principal products were headers, staves, and hub materials. The Mays Manufacturing Company employed seventy-five men in the plant and about the same number part-time in the woods and as haulers. The pay-roll was more than double that of the Barnett factory. The largest factory was The Export Cooperage Company, Incorporated. This company had an investment of a million dollars in plant and materials on hand at the time the road suspended operations. It operates its own log road eighteen miles into the woods. A hundred and twenty-five men were thrown out of employment at the main plant. In addition there were thirteen mills in the country supplying materials for the main plant. At times as high as six hundred men were on the pay-rolls. The Leslie pay-roll was about \$7,000 per month, while the entire pay-roll was about \$15,000 per month. With the shut-down of the M. & N. A. most of the laborers in the various industries were left without any means of support. The depression of 1920-21 was on, and there was little work to be had. The merchants were unable to carry the people on credit, and real suffering existed on every hand.

The Export Cooperage Company allowed the families to use the company houses rent-free from the latter part of 1921 until the road was in operation again. So serious were

the conditions facing many of the mill hands that their children went half starved and poorly clad. The Superintendent of the Schools, Miss Jones, soon saw that many of the children were missing school because of lack of clothing and food.

I noticed a number of children who were coming to school undernourished. Upon investigation I found that these children would sometimes go for two days without a bite to eat. . . . I know of other cases where whole families would live for weeks on dry corn bread and molasses. . . . We had a little money in the Red Cross treasury and I called a meeting of the executive committee and put the situation before them. . . . One of the men said, "so long as we have a dollar in this Red Cross treasury, if you will give us your word that you will assume the responsibility for looking after the matter, you go ahead and make the best of things. Take care of these children and when this money is spent come to me again and I will give you the last dollar I have if it takes that to give these children something to eat."¹

In January, 1922, we began to serve two meals a day here at the school building to children whose parents were unable to feed them. . . .

At first I had to exercise care for many of them had been hungry so long that I could not permit them to eat all they could at one time. After a few days, however, I could safely give them all they wished, and did so. We planned and served REAL meals and not the "soup kitchen" diet that is sometimes spoken of. Early in the morning a large room in the basement was heated and these children were permitted to come into it by 6:45 if they wished. . . .

Always it was the choicest of what was on the market; for merchants, countrymen and market-men, all gladly gave me the best they had, and at the best price they could make because they were in hearty sympathy with the effort. I had engaged

¹ Testimony of Miss Irene Jones, *Records of the Legislative Committee.*

regularly several gallons of fresh milk. This was brought to me fresh early every morning and one or more glasses of the whole milk given to each child in addition to the other things served at breakfast. Frequently people who lived several miles out in the country brought different kinds of meat, potatoes and other things they had raised at home, and one citizen of Leslie phoned me that he wished to give enough young chickens for them to have a good chicken dinner and asked me to figure out how many it would take. I did so, and he sent enough young pullets for every one of them to have all they could eat. . . .

We served meals, two a day, on through the school term which ended in May. However, the number was not as large during the last months for the parents of some got work on farms, and then after the weather began to get warmer it did not require so much to live on—fewer clothes and less fuel. The largest number served was between thirty-five and forty. . . .

During this time about \$150 was paid out for groceries, etc. A very small amount indeed, and kept at this low figure by the generosity and interest of the people of the town and community as has been spoken of above, and by careful planning and working on my part.¹

The grand juries of Searcy, Van Buren, and Cleburne Counties petitioned Governor McRae to grant an extension of time for the payment of taxes. The petition was endorsed by Prosecuting Attorney Karl Greenhaw and transmitted to the Governor, who granted it.

The first definite news leading to the renewed operation of the road was a statement in the Heber Springs *Jacksonian Headlight* that Festus J. Wade, St. Louis capitalist representing the owners, had asked the Interstate Commerce Commission for a loan.

The next definite step was the calling of J. E. Queen, chairman of the local conductors' organization; Rufus Bar-

¹ Quoted from a letter of Miss Jones to the author.

nett, chairman of the local order of trainmen; W. J. Harrelson, chairman of the local engineers' Brotherhood; and J. W. Crews, chairman of the local firemen, to St. Louis on October 10 for a conference with Mr. Wade in an effort to get the strikers to accept the reduced rates of pay. Mr. Wade went to Chicago and met the national officers of the various unions in a conference on October 11 in an effort to secure the acceptance of the reduced rates of pay. At these meetings the following proposition was made by Mr. Wade.

OCTOBER 10, 1921.

To all crafts of Union Labor heretofore employed by the Missouri & North Arkansas Railroad:

You to agree to make a reduction of 25% in present wage scale as approved by U. S. R. R. Labor Board, which means in round figures \$310,000. As to how you will divide up this \$310,000 among the various employes of the road is a matter that you ought to determine, that cannot be handled by one outside of your organizations, but I suggest the proper method to be used in determining the ratio of decrease to apply to each craft should be on the same percentage basis as was used in making the increase under Government control and since. That scale to run for one year. At the end of that period, if there is any sum remaining from the earnings, it is to be divided in percentage of wages between all of the employes of the Missouri & North Arkansas Railroad. This procedure to continue until you have received the standard scale. After that, if there should be any remainder, it is to be utilized to pay the Government debt, so that the stockholders and bondholders will never receive a cent until the Government debt is liquidated and standard wages paid.

From the above it will be seen that the owners of the property cannot and will not receive one cent until:

- (a) The Government loan is paid off, which will take at least ten years.
- (b) Wages are restored to standard scale.

Unless you comply with this request, it is inevitable that the road must and will be scrapped. Thousands of people along the line will be out of employment, and ruin and devastation will follow to all those who invested money in farms, homes, manufacturing establishments, financial institutions, schools and churches along the line of the road on the theory that it was to be an operating railroad.

In order that you may be certain of receiving the full benefit of the above proposition, I propose that you shall select a competent auditor, who may be a member of one of your organizations, and he will be employed by the railroad and have full charge of all accounts showing the gross and net receipts and disbursements of the entire property, in order that you may always be informed as to the financial condition of the property.

The reduction of 25% as above outlined will not only apply to all crafts affiliated with the Unions but also to every officer and employee from the Receiver down.

The payroll of the Missouri & North Arkansas Railroad for the year 1917 was \$695,000 and for the year 1920 was \$1,410,000 on the full standard scale of 1920. The payroll of 1920 on the present standard scale as lately approved by the United States R. R. Labor Board would be 12% less than \$1,410,000 or \$1,240,800 and 25% of that amount would be \$310,200, which wage would still leave an increase of 34% over the payroll of 1917.

If for any reason you cannot see your way clear to adopt my suggestions then I wish you would recommend to your various organizations that we be permitted to run the railroad on an open-shop basis, in which event I am absolutely certain that I can employ men to run the road at one half the payroll of 1920, which is the last full year the road was operated. I do not want non-union men on the road but if you cannot let the road live because of some real or imaginary or technical rule of your organization, then you should, for the protection of the unfortunate people along the line give the owners an opportunity to operate it with non-union labor without interference.

I trust the equity and justice of this proposition will appeal to you and your associates.

Submitted by

FESTUS J. WADE.

The offer was rejected by the unions. The local union officials were in a position to know the financial condition of the M. & N. A. and should have either accepted the offer, which was fair to them, or have called off the strike and have allowed the railroad to operate as best it could. No satisfactory explanation has been given by the union officers for prolonging the hopeless strike.

On December 20 the carrier made an application to the Railroad Labor Board for a hearing. The unions made many attempts to prevent the hearing of the case by the Labor Board.

Under date of December 30, 1921, Messrs. Carter and Stone of the B. L. F. & E. and B. L. E. wrote the Secretary of the Labor Board:

This is to advise that we have referred this application for a decision to our attorneys in order that we may know the legal standing of the Missouri and North Arkansas. We are especially interested because of the following facts:

First—That the road is in the hands of a receiver and has been for several months.

Second—That the Receiver of the Missouri and North Arkansas is in contempt of the United States Railroad Labor Board at the present time, having refused to carry out or put into effect the 1st decision of the United States Railroad Labor Board.

Third—That the Missouri and North Arkansas, as an operating company, is not in existence, having ceased operation July 31st.

Fourth—As to whether or not the United States Railroad Labor Board has jurisdiction over a road that is not in exist-

ence except on paper, and their employees, who are not in existence except on paper.

When we have received the opinion of our attorneys relative to the present status of the above questions, we will be in a position to advise you whether or not we will be represented when the case is docketed and date fixed for hearing.

Under date of December 31 Tillman Jines, Chairman System Federation No. 27, The Federated Shop Crafts at Harrison, wrote the Labor Board:

Up until to date there has never been any negotiations between the management of the railroad and the employees in question.

There was some decision rendered for the railroad to be governed by but up to the present time they have not complied with those decisions.

B. M. Jewell, President of the Railway Employees' Department of the A. F. of L., under date of January 5, 1922, wrote the Secretary of the Labor Board:

Confirming phone conversation between Mr. MacGowan of this office and your Mr. Reed, I wish to state that as far as the federated shop crafts are concerned, there has been no conference held between the Management of the Missouri and North Arkansas Railroad and the Federated Shop Crafts or their representatives relative to the dispute which is made the subject of application for decision which was filed with the Labor Board by Mr. Murray, under date of December 20th.

Under date of January 30 Mr. Jewell, in a letter to the Secretary of the Labor Board, quotes from letters of Tillman Jines and W. H. Langley of System Federation No. 27 in an effort to prove that the road had not held conferences with the men as required. Later in the same letter is the following statement:

In the last paragraph of Mr. Murray's letter to the Board under date of January 10th, he states :

"Your particular attention is called to the fifth paragraph of Mr. Wade's letter of January 10th addressed to me in which he states that Mr. B. M. Jewell was Chairman of the meeting held in Chicago on October 11, 1921."

The fact that Mr. Jewell was present at this meeting as Chairman, is of no significance for the reason that at that meeting no negotiations, in the accepted sense of that term, took place and none could take place, but the matter was referred to the employees on the railroad and they are now handling the matter as evidenced by the above quotations as is contemplated by the Transportation Act of 1920. We must, therefore, still insist that negotiations have not been held, and an honest attempt has not been made to reach an agreement on the property before submission of the matter to the Board. We, therefore, protest against the consideration of this matter as far as the shop craft organizations are concerned until this railroad does negotiate in a proper manner.

The unions were protesting that there could be no hearing of the matter until the resolutions of the Board of February 8, 1921, had been complied with. These resolutions declared that no reduction of pay should be made until the dispute had been referred to the Labor Board. The unions were further protesting that the meetings at St. Louis on October 10 and at Chicago on October 11 were not conferences respecting the reasonableness of the rates of pay, the subject of the matter before the Board, but merely an attempt to induce the strikers to accept the reduced rates of pay. They were claiming that the carrier had refused to acknowledge the strikers as having any standing and hence could not be a party to a dispute. They were claiming that since the road was not in operation there could be no dispute. They further claimed that the Labor Board had ruled in other cases that men on strike did not come under the

Transportation Act. These points are covered by the reply of the unions to the decision of the Board which is quoted later in this chapter.

It is unfortunate that the union officials felt that there was a principle at stake which justified them in raising technicalities as a means of hampering the railroad, instead of dealing with the dispute in a frank and straightforward manner. Such policies are unlikely to meet with favor on the part of the public, and are opposed to the long-time interests of unionism.

In addition to introducing evidence that the road was unable to pay the standard rates of wages, the management filed many affidavits regarding the decrease in cost of living in the towns along the railroad between May, 1920, and December, 1921. Exhibit A consisted of a summary of the figures for each town and a combined average of the various items for the several towns. The final summary follows:

<i>Commodity</i>	<i>Average per cent decrease</i>	<i>Commodity</i>	<i>Average per cent decrease</i>
Sugar per pound	76	Men's overcoats	36
Coffee	33	Men's slickers	37
Flour per 100 lbs.	41	Men's underwear	36
Corn meal	50	Men's shirts	42
Lard	43	Men's overalls	44
Rice	53	Men's hats	34
Beans	37	Men's shoes	40
Butter	32	Ladies' suits	35
Pork	44	Ladies' shoes	38
Beef	40	Dress goods, yd.	34
Ham	31	Calico	44
Bacon	28	Gingham	43
Potatoes, bu.	45	Muslin	48
Eggs	12	Boy's suits	34
Milk	32	Boy's shoes	33
Coal, ton	21	Blankets	37
Wood, cord	45	House rent	22
Men's suits	38		

Sworn statements in support of the cost of living figures were filed with the Labor Board as follows:

<i>Town</i>	<i>No. of Statements</i>	<i>Town</i>	<i>No. of Statements</i>
Helena	11	Harrison	11
Cotton Plant	8	Eureka Springs	6
Searcy	6	Green Forest	6
Heber Springs	12	Fairview	1
Leslie	10	Joplin	9

Mass meetings were held at various towns along the M. & N. A. and resolutions were adopted asking for the reduction in wage rates. These resolutions were directed to the Labor Board and constitute a part of the exhibits filed by the management.

On February 18, 1922, the Railroad Labor Board granted the request for reduction in wages in Decision No. 724, Docket 1300-4A, and said in part:¹

If this request is not granted the carrier contends that it is inevitable that the road must be scrapped, with the result that thousands of people along the line will be out of employment with great loss and inconvenience to all those who have made investments in farms, homes, manufacturing establishments, financial institutions, schools, and churches along the line of the railroad on the theory that it was to be an operating railroad. The carrier's proposition further contemplates that the owners of the property shall not receive any return upon their investment until the Government loan which is contemplated is paid off and wages of the employees are restored to the standard scale.

The employees request that the Board give consideration at this time only to the question of jurisdiction, and if it is decided that the Board has jurisdiction to set a further hearing for the discussion of the merit of the carrier's proposals as to reduction in wages.

¹ *Decisions of the United States Railroad Labor Board*, vol. iii, pp. 136-137.

OPINION—The Labor Board has given consideration to the question of jurisdiction referred to by the employees and is of the opinion that it has jurisdiction in this dispute. It further appears that the contention of the employees that this dispute is not properly before the Board in view of the failure of the carrier to hold conferences as contemplated by Section 301 of the Transportation Act is not well sustained. The evidence shows that the representative of the receiver circulated among the employees a notice of its desire to resume operation and establish certain wages which would permit of saving an amount required to operate the property. This notice was not only distributed among the employees' representatives on the property to which the carrier had direct access, but the carrier's representative appeared at a conference in Chicago conducted by the organizations whose membership was involved in the controversy and made known to those present at said conferences the details of its proposals and sought their acceptance of the reduced scale of wages. The committee representing the Federated Shop Crafts claim that they were not a party to the conferences conducted by the carrier in either St. Louis or Chicago, but the evidence shows that at the conference in Chicago the president of the Federated Shop Crafts was in attendance and participated therein.

DECISION—The Labor Board decides that the proposition contained in the submission made by the representatives of the carrier, dated October 10, 1921, shall be accepted by the employees, based upon a continuation of the agreements as to working conditions that were in effect as of January 1, 1921, or, in lieu thereof, the decisions the Labor Board has rendered in connection with rules which superseded the several agreements in effect as of January 1, 1921.

While this matter is not in issue at this time before the Labor Board, it is recommended by the Board that all the former employees parties to this dispute be reinstated with the continuity of their seniority unimpaired.

Conferences to be held between the representatives of the

employees parties to this dispute and the representative of the carrier at the earliest possible date, not later than March 1, 1922, to properly and fairly apply this decision.

The attitude of the unions toward the decision is shown by the following extracts from a statement filed with the Labor Board:

The Respondents in the above entitled matter respectfully submit the following to the Board:

1. The Board had no jurisdiction to entertain this case.
2. The Board has no legal authority to make the decision handed down.
3. The decision of the Board is void for the reason that it fails to establish just and reasonable wages and is an order made without legal warrant.
4. There was an abuse of discretion on the part of the Board in entertaining any petition filed by this Receiver, who at the time was defiantly violating orders of the Board.
5. There was an abuse of discretion on the part of the Board in hearing the case on its merits and rendering a decision solely on interested statements of the Receiver, and refusing the employees an opportunity to present contrary evidence.

For the foregoing reasons the Respondents respectfully decline to recognize the decision or to make any further appearance before the Board.

MEMORANDUM

In order that the Board may be fully informed as to the position of the employees in the matter, we make a brief history of the case as shown by the official decision of the Board. . . .

When Decision No. 90 was issued, and in compliance with the suggestion contained therein, the representatives of these employees¹ notified the carrier of their willingness to accept the wages under protest pending conferences and appeal, but the

¹ The shopmen who went on strike February 1.

carrier again "FLOUTED THE BOARD" and arbitrarily took the position that these employees had severed their connection with the road and refused to meet them. As a result of the continued arbitrary attitude of the Receiver in reducing wages and refusing to abide by the resolutions or decisions of this Board, other classes of employees left the service of this carrier on February 6, 1921. . . .¹

The record shows that in furtherance of his application for a loan, and not in any sense a good faith effort to put the road in operation, the Receiver thereupon called on these representatives of the employees, WHOM HE HAD PREVIOUSLY REFUSED TO RECOGNIZE, to hold conferences on the subject of wages. No attempt was made to hold conferences on the subject of justness and reasonableness of wages but the Receiver did undertake to induce the representatives to accept an arbitrary scale set by him, making the statement that the road could not possibly pay any other scale.

The Receiver thereupon filed an application before this Board, making the same employees respondents WHOM HE HAD PREVIOUSLY REFUSED TO MEET OR RECOGNIZE, and who had not been in the service of the carrier for almost a year.

On October 29th, 1921, the Board rendered a decision, No. 299, in which it stated that employees who left the service of a carrier had voluntarily removed themselves from the classes entitled to appeal to the Board for relief or protection. While it is denied that the Board had any authority to make any such ruling or statement, that was the position it took. If that be the rule, however, surely a carrier which defied or disregarded the rulings of the Board would be in no better position. In view of that decision and the attitude of the Receiver, the representatives of the employees raised the question at the hearing that the Board was without jurisdiction—

1. Because there were no proper parties Respondents, for in the opinion of both the Receiver and the Board these em-

¹ Thus in the original. It should be February 26.

ployees had removed themselves from the service and from the jurisdiction of the Board.

2. If the position of the Receiver was correct, these employees were no longer in his service, and a dispute on the subject of wages could not possibly arise; and the only jurisdiction of this Board is to pass on disputes.

3. If on the other hand, these employees were still in the service of the Receiver, no attempt had been made to hold conferences in compliance with Decision No. 90 of the Board as to the justness and reasonableness of wages, and under that and numerous other decisions the Board was still without jurisdiction. . . .

The Board reversed itself without giving any reasons and held that it had jurisdiction. Violating and disregarding all principles of equity, the Board entertained the petition of this Receiver who was in open and flagrant defiance of a resolution and a decision of this Board on the same subject matter. The Board refused the reasonable and proper request of employees for an extension of time in which to present evidence on the merits, but accepted the interested statements of this Receiver, closed the case, and handed down its decision in a very brief period of time **SOLELY ON THE EVIDENCE OF THE RECEIVER.**

While on Page 4 the Board makes a statement in four lines, intimating that such data and information had been submitted to it as to bring the matter within the provisions of the Transportation Act, yet the Board takes up a whole page in discussing the ability of this carrier to earn and pay wages, and it is evident from this decision that the **ABILITY OF THE CARRIER TO PAY WAGES** was the deciding factor. The ability of the carrier to pay is not one of the factors set forth in the Transportation Act to be considered in determining "just and reasonable wages," and the Board had disregarded an unbroken line of decisions of about forty years, and also the Transportation Act itself, in considering the ability of this carrier to pay, when rendering its decision.

With reference to the form of the decision, the Labor Board

simply decides that the proposition of the carrier dated October 10, 1921, "shall be accepted by the employees." This Board is utterly without any legal authority to make any such decision. The scope of authority of the Board is to establish "just and reasonable wages," and even when it has established what it considers just and reasonable wages, it is not given authority to order the employees to accept them. The Board does not find that the proposition made by the carrier constituted "just and reasonable wages," but simply ordered the employees to accept it. As a matter of fact, the Board COULD NOT POSSIBLY FIND that the proposition made by the carrier did constitute "just and reasonable wages," for plainly the carrier itself does not consider the rates of pay which it offers to be just and reasonable, as there is an additional offer to pay more "provided the road earns it." This provision in the proposition of the carrier that he is willing to pay more than he offers "provided the road earns it" is conclusive that it does not consider the rates offered to be just and reasonable. If the carrier does not consider the rates just and reasonable HOW COULD THIS BOARD FIND THEM TO BE SO? If the Board cannot make such a finding, how much less should it make an order that the men "shall accept it." . . .

For the reasons set forth above, the Respondents respectfully decline to recognize the decision or to make any further appearance before this Board.

The efforts of the Receiver and General Manager to comply with Decision No. 724 are shown by the following correspondence. Doubtless the constant postponing of the conference was due to the desire of the strikers to get directions from the Grand Lodge officers, whose attitude has been shown above.¹

¹ Files Railroad Labor Board (Chicago, Illinois).

HARRISON, ARK., FEBRUARY 24, 1922.

Messrs.

J. E. QUEEN, Chairman, ORC,
W. J. HARRELSON, Chairman, B of LE,
J. W. CREWS, Chairman, B of L F&E,
RUFÉ BARNETT, Chairman, BRT,
T. JINES, Chairman, Federated Shop Crafts,
R. L. CLAY, General Chairman, ATDA,
S. E. BRASSFIELD, Chairman, ORT,
E. B. SEBOURN, Chairman, M of W Employees & Ry. Shop
Laborers.

Gentlemen:

In accordance with the United States Railroad Labor Board's Decision, No. 724 (Dt. 1300-4A) dated February 18, 1922 (Corrected Copy) requesting:

"Conferences to be held between the representatives of the carrier at the earliest possible date, not later than March 1, 1922, to properly and fairly apply this decision":

I wish to meet you gentlemen in my office Citizens' Bank Building (formerly Kirby Building) Harrison, Arkansas, three o'clock Saturday afternoon, February 25, 1922.

Please acknowledge receipt.

Yours truly,

(Sgd) J. C. MURRAY,
Receiver & General Manager.

HARRISON, ARKANSAS, FEBRUARY 25, 1922.

MR. J. C. MURRAY,
Receiver, M & N. A. RR.
Harrison, Arkansas.

Dear Sir:

We are in receipt of your letter of the 24th, instant, to the undersigned requesting a conference 3: P. M. February 25th, 1922. . . .

This is to advise that we have not received Decision referred

to in your letter, therefore, we respectfully request date of proposed conference be postponed.

Yours truly,

(Signed by the eight Chairmen named above).

HARRISON, ARK., FEBRUARY 25, 1922.

Messrs. (The eight Chairmen named above).

Gentlemen:

For your ready reference I am enclosing herewith an exact copy of Decision No. 724 (Corrected Copy) and would like to confer with you in my office Monday afternoon, February 27th, at three o'clock; it being my purpose to hold the conferences within the time specified by the Board in their decision, and you will note that they state conferences shall be held at the earliest possible date, not later than March 1, 1922.

Yours truly,

(Signed) J. C. MURRAY,
Receiver & General Mgr.

HARRISON, ARK., FEB. 27TH, 1922.

MR. J. C. MURRAY, Receiver.
Missouri & North Arkansas R. R.
Harrison, Ark.

Dear Sir:

We are in receipt of your letter of 25th inst. and in reply wish to advise we are not in a position to meet you this afternoon as you requested, and we again respectfully request postponement.

We wish to advise you the delay is occasioned by matters over which we have no control.

Yours truly,

(Signed by the eight Chairmen named above.)

HARRISON, ARKANSAS, FEB. 27, 1922.

Messrs. (The eight Chairmen named above).

Gentlemen:

.
Of course I wish to extend every convenience to you, but I find it necessary to go to Washington, D. C., leaving here tomorrow morning at eleven o'clock and I, therefore, request that you confer with me in my office tomorrow morning, February 28th, at nine o'clock.

This request was made verbally to Messrs. Crews and Barnett when they delivered your letter of today and Mr. Crews' verbal reply at three fifteen o'clock PM today was to the effect that you could not say at this time whether you could meet me at nine o'clock tomorrow morning, but that in the event you found it could be arranged, you would so advise me, I will appreciate advice as early as possible tomorrow morning.

It is noted that you do not set any particular time to which you wish the meeting postponed, either in your letter of February 25th or your letter of February 27th.

Yours truly,

(Signed) J. C. MURRAY,

Receiver and General Manager.

HARRISON, ARK., FEB. 28, 1922.

MR. J. C. MURRAY, General Manager & Receiver,
Missouri & North Arkansas R. R.
Harrison, Ark.

Dear Sir:

Replying to your letter of 27th inst.

Wish to advise that it is our desire to meet you at earliest possible moment after certain matters are disposed of, which we trust will be within the specified time given by the U. S. R. R. Labor Board.

It is impossible for us to meet you this morning at 9:00 o'clock but possibly this afternoon.

Yours truly,

(Signed by the eight Chairmen named above).

HARRISON, ARKANSAS, FEB. 28, 1922.

Messrs. (The Eight Chairmen named above).

Gentlemen:

Acknowledging your letter of February 28th stating that it is impossible for you to confer with me at nine o'clock this morning:

I am leaving the city at eleven o'clock this morning and will not return until next week. Mr. H. J. Armstrong is authorized to represent the Receiver and will confer with you at any time you may desire on or before March 1st between the hours of eight AM and five PM.

I have personally made every effort to hold this conference before leaving, but the situation is such that I cannot remain here longer.

Yours truly,

(Signed) J. C. MURRAY,
Receiver and General Manager.

HARRISON, ARKANSAS, MARCH 6, 1922.

MR. C. P. CARRITHERS,
Secy., United States RR Labor Board,
5 North Wabash Ave.,
Chicago, Ill.

Dear Sir:

Referring to your letter of March 2nd, Docket 1300-4-A:

You will note that in my letter of February 28th addressed to the representatives of the various labor organizations involved I advised them that Mr. H. J. Armstrong would represent the Receiver and would confer with them at any time they desired on or before March 1st.

This letter is to advise you for the information of the Board

that no one of these representatives requested a conference prior to midnight March 1st or since that time.

It is my understanding that on behalf of the carrier I have fully complied with Decision No. 724 in so far as it relates to the holding of a conference. I have made every effort to hold the conference and after fixing three different dates, notified the men in my letter of February 28th that conference would be held at their convenience, prior to five o'clock PM March 1st, but no request was made by them.

Yours very truly,

(Sgd) J. C. MURRAY,

Receiver & General Manager.

These letters should be kept in mind in connection with statements of union officials that the unions never at any time refused to confer with the management.

The sentiment among the rank and file of the strikers at this time seems to have been rather favorable to a settlement under the terms of the decision of the Labor Board. Trips were made by officers of the unions to the various points along the line to consult the strikers. Most of the local officers of the unions at the various towns for some reason were in favor of continuing the strike. The Cooperative Committee voted to reject the terms of settlement. There was some division among the members, and on March 26 J. E. Queen resigned as Cooperative Chairman, continuing, however, a member of the Committee as representative of the Conductors.

There seem to have been two factions among the strikers at this time, one under the leadership of J. E. Queen being conservative, and the other under the influence of Pete Venable being less conservative but strong enough to control the strikers' actions. Of course an unbroken front was presented to the public at all times, and thus the position and influence of various parties were not correctly appraised by

the citizens. Mr. Queen was in favor of settlement at this time and seems to have realized that the cause of the men was lost, and that it was their last opportunity to deal with the road. Many of the strikers say that Queen was right at all times, and that if the men had listened to him they would still have their positions on the M. & N. A. with their seniority unimpaired. Queen protested to some of the National officers on one or two occasions because of the activities of Venable and others. It seems that in the two or three weeks before the uprising of the citizens in January, 1923, efforts were being made to eliminate the more radical leaders, but the effort came too late.

The next step, and the last official one, in the relations between the strikers and the carrier was on April 25, 1922. Mr. Murray as Vice-President and General Manager of the Missouri and North Arkansas Railway, which had bought the property of the Missouri and North Arkansas Railroad at public auction, called a conference of the eight local chairmen of the strikers. In behalf of the new company he offered them their positions under the terms of Decision No. 724 of the Labor Board. This action was not in obedience to the decision, as the Board had set March 1 as the last date for a conference, but was a last resort before opening the road on an open-shop basis. Each of the chairmen refused the offer for his organization.

Mr. Murray seems to have been entirely fair to the unions and to have done everything within his power to settle the strike on the basis of Decision No. 724 of the Labor Board. He realized the value to the M. & N. A. of the good will of the unions.

It is now time to turn back to other details of the plans for reopening the road. In January, 1922, the trustees for the bondholders formally asked for foreclosure and sale of

the property of the road. On February 7 Judge Trieber, of the U. S. District Court, ordered J. C. Murray, as Receiver, to sell the property at public auction within sixty days for not less than \$3,000,000. At the same time announcement was made that a new company, to be known as the Missouri and North Arkansas Railway Company, was being formed by the holders of the old securities to purchase the property of the old company. The date for the sale was set for April 10. The property was bid in by Charles Gilbert of St. Louis for the new company for \$3,000,000. The sale and the organization of the new company were a part of the general plan worked out in connection with the Interstate Commerce Commission to put the road on its feet once more.

As a part of the plan to get the road back to an operating basis application was made to the Interstate Commerce Commission for a larger division of rates on shipments involving the M. & N. A. as point of origin, or of delivery of inter-line shipments. The M. & N. A. admitted that the present divisions were fair as far as mileage haul was concerned, but contended that they were unjust under the Transportation Act of 1920, since they did not "make possible the payment of operating expenses, taxes, and a fair return on the property held for and used in transportation service, and to accord to the public an important transportation service."

A committee of representatives of connecting lines was appointed to study the matter. They considered three remedies: first, diversion of tonnage from other roads, which was regarded as impracticable since the amount of unrouted tonnage was not sufficient for the purpose; second, increased division of inter-line rates, which was not recommended; third, increased freight rates on the M. & N. A. The suggested increases were:¹

¹ *Interstate Commerce Commission Reports*, vol. 68, p. 49.

Grain and grain products	5 cents per 100 pounds
Coal	\$1 per net ton
Petroleum products	5 cents per 100 pounds
Cement	5 cents per 100 pounds
Brick	5 cents per 100 pounds
Fertilizer	5 cents per 100 pounds
Ties	3 cents per 100 pounds
Salt	25 per cent
Packing house products	25 per cent
Merchandise	25 per cent

The representatives of the M. & N. A. were of the opinion that higher rates would cause a decrease in tonnage, and hence not increase the revenue of the company. However, on January 3, 1922, "fourth section order No. 8128" was issued establishing higher rates at intermediate stations, and on January 16, 1922, "special permission No. 56751" was issued allowing increased freight rates "substantially as recommended by the committee."

The opinion of the road that this would not provide increased revenues seems to have been correct.

On March 14, 1922, the Commission handed down its decision on the matter of the division of rates, granting the application by reason of "the importance of the transportation service of the carrier" and on the ground of an increase of revenue being needed to pay "operating expenses, taxes, and a fair return on property." The road was declared to be "a public necessity in its entirety, and that operation thereof should be resumed and continued."¹

The eight connecting lines protested against the award. Rehearings were held, and on March 2, 1925, the former action granting the larger share in the division of rates was sustained.

As has been stated above, Festus J. Wade of St. Louis applied to the Interstate Commerce Commission for a loan to aid in rehabilitating the road. The organizers of the

¹ *Interstate Commerce Commission Reports*, vol. 68, p. 47 et seq.

new road later joined in the application, and hearings were held. In addition to the appeals of Mr. Wade and J. C. Murray, the influence of Senators Robinson and Caraway, and of several of the congressmen was brought into play. Senator Robinson appeared before the Commission in behalf of the application. Mr. Wade said in part:

Therefore, I contend the following:

1. That taking over of the property by the Government, the increase of the wage scale to a standard totally unnecessary in that district (because a man can support a family in the middle of Arkansas at one third of what is necessary in New York or Washington);

2. The complete disruption of our organization;¹

3. The turning back of the railroad to the receiver on June 29, 1918, cessation of operation for weeks;

4. Again turning over the railroad to the receiver in March 1920 with a wage scale so high that it was impossible to continue operation in that district, resulted in the Government destroying the property and we now appeal to you as the only Governmental Department who can aid us.

The nature of the opposition to the loan is shown by the following:

The most insistent writer is J. T. Venable, secretary of the O. R. C., No. 425, whose address is given as Box 45, Harrison, Ark. A half dozen letters and telegrams within two weeks is the record established by Venable, while several have been received from Tillman Jines, General Chairman System Federation No. 27, and from C. D. Allison, of the Harrison National Farm Loan Association.

¹ Mr. Wade has reference to the fact that when the Government took over the operation of the road the first time, he, as Receiver, disbanded the entire management organization, including traffic agents over the country, and hence was unable to resume successful management on the short notice which was given by telegraph.

The file of the commission also contained telegrams of protest from the employment department, and from Stone, Carter, Sheppard and Lee, representatives of the four big brotherhoods.

Most of the letters from Venable and Jines declare that the writers know other "interests" that are ready to buy the road, make extensions to Tulsa, Okla., and Memphis, Tenn., and who could control sufficient tonnage to make it a going concern. No names are mentioned, however, and no reasons given why the would-be purchasers have refrained from buying.

Members of the Interstate Commerce Commission, appointed by the President, will be "defeated at the polls," according to the threat made by C. D. Allison, Secretary and Treasurer of the Harrison National Farm Loan Association.

"Can your Commission retain your reputation for honor and integrity if you loan this bunch of petty high financiers \$3,500,000 of the people's money?" Allison said.

"I say no; and if you do, I hope union labor makes a campaign issue of it and skins you at the polls. We farmers are after you, and if we can get union labor to jine, we will give you a jolt such as David gave Goliath."

Throughout the letters from Venable the frequent question is asked why the government should loan \$3,500,000 to a railroad which has been ordered sold for \$3,000,000.

"We do not believe the Interstate Commerce Commission can afford to loan out government funds to a defunct railroad in order that that road might carry on a war against labor," he said in one letter.

In several different letters Venable argued that the loan asked by the road would not be sufficient to take up its receiver's certificates, pay off other indebtedness and leave enough remaining to resume operations.

"They would not even have enough to buy ties," he said, "and they need at least 500,000 ties, as well as new rails, new bridge materials and new machinery in the shops."

"Should the road be permitted to sell, other interests will purchase and operate," said Venable, "and why should the gov-

ernment prevent the people along the line from being freed from the yoke of the present interests."¹

The claim that other interests would buy the M. & N. A. was far fetched as will be shown in a later chapter.² Other correspondence by Venable at this time, as well as later, shows that he was more than willing for the road to be "scrapped" rather than for the strikers to surrender. There is some evidence of a spirit of revenge, especially later on in the strike.

The loan was granted and the Commission said in part:³

The applicant has completed all of the details of its organization and incorporation as a common carrier and on March 29, 1922, filed with us an application under section 20a of the act for appropriate authority for capital issues which we have heretofore granted, as follows:

Capital Stock	\$3,000,000
First mortgage bonds	5,000,000
	<hr/>
Total	\$8,000,000

In our consideration of the application for increases in divisions of the through rates we found that this railroad, in its entirety, is at present, irrespective of the advisability of its original construction, a public necessity, and that operation of the property in the service of transportation should be resumed and continued. We there found that there was a present emergency which is intensified by the coming of the planting season, and the presence of perishable commodities along the line awaiting shipment.

It may be that theoretically some plan of operation involving a smaller government loan should be possible, but from the

¹ *The Flashlight*, March 9, 1922.

² *Cf. infra*, pp. 203, 224-225.

³ *Interstate Commerce Commission Reports*, vol. 71, pp. 395-405.

record it appears that strenuous efforts have been made to induce the investment of funds in this property in amounts sufficient to assure its operation, and that the only practical offer of operation secured is that herein involved; and it is our opinion that with the granting of these applications operations can and will be resumed on a basis which will insure service adequate to the transportation needs of the public. The emergency nature of the proceeding involving a present public necessity precludes speculation with possibilities and places the issue squarely upon the present offer. Our rejection of that offer would leave no plan of operation before us. . . .

The applications must be considered, so far as the public interest is concerned, as in effect collateral to a reorganization of the Missouri and North Arkansas Railroad Company through the receiver's sale with the result that the outstanding capitalization of the property is scaled down from \$18,649,000 to \$8,000,000, \$5,000,000 of which will be pledged as security for the proposed loan. The risk element incident to such reorganization, and the operation of the property under the conditions shown of record have received such consideration as appears warranted.

The valuation of the property has not been completed, but from record before us it is estimated that the depreciated value of the property to be acquired under the sale by the applicant used and useful in the public service is in excess of \$8,000,000 and that this value will be increased by the expenditure for improvement thereto and the addition of working capital herein provided for.

Our action herein, considered in connection with the related divisions case, thus has the effect of securing an additional expenditure of \$560,000 from private sources; of devoting to the public service railway property of a value in excess of \$9,000,000 which has been found necessary for the public service, and which would not otherwise be used in it; and of repaying an indebtedness to the Director General of Railroads of \$292,000.

From the record it appears that under the reduced wage scale which is to run for one year, if there is any sum remain-

ing from the earning of the road at the end of that period after payment of necessary operating expenses, interest on the government loan and taxes, it must be divided in percentage of wages between all of the employees of the Missouri and North Arkansas Railroad; that this procedure must continue until the employees have received the standard scale; and that if there should be any remainder thereafter, it must be utilized to pay the principal of the government debt, so that the stockholders and bondholders will not receive any return until the standard wages are paid and the government debt liquidated. . . .

We have found that the public interest requires the operation of the property it will acquire by the sale; we can not at the same time for the purposes of fixing a loan criterion assign to that property, which we assume will and must be operated, only the salvage value attaching to an abandoned road. *Denver v. Denver Union Water Co.*, 246 U. S. 178. Looking back of the new corporate organization to consider the holders of the receiver's certificates as the recipient of the loan, in spite of the fact that their interest discounted to the extent of \$560,000 is required to be paid and cancelled, would not alter the fact that we are dealing with a property which we find should be and is to be, operated and therefore possesses more than a salvage value.

It should be remembered that we are not dealing with the holders of the receiver's certificates, but with the owners of the property in order to enable them to meet the transportation needs of the public. It does not seem to us that because the incidental effect of this plan may be to secure for the holders of the receiver's certificates, which have an underlying lien upon all of the properties, the payment of a part of their certificates, we have sufficient grounds for withholding the financial assistance contemplated by the statute in the public interest. . . .

After investigation, we find that the making in whole of the proposed loan by the United States to the applicant . . . is required in the rehabilitation of the property so acquired, as follows, to wit: [to pay] maturing obligations reduced to judgment in receivership proceedings and foreclosure suits in the

United States District Court for the Eastern District of Arkansas, as Follows, to-wit:

Outstanding receiver's certificates	\$1,969,250.00
Current liabilities, including unpaid vouchers \$442,642.40 ...	612,433.95
Indebtedness to the Director General of Railroads	292,000.00
Miscellaneous indebtedness and expenses of receivership ...	126,316.05
Total maturing indebtedness	3,000,000.00
Additions and betterments to roadway and structures	500,000.00
Grand total	3,500,000.00

and is necessary in order to enable the applicant properly to meet the transportation needs of the public; that the prospective earning power of the applicant, and character and value of the security offered, afford reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan, and reasonable protection to the United States; and that the applicant is unable to provide itself with funds necessary for the aforesaid purposes from other sources.

As a condition to the loan, the applicant shall secure the undertaking of the Mercantile Trust Company of St. Louis to supervise and regulate disbursements of the proceeds of the loan in accordance with the purposes for which it is made, and shall provide an additional sum of \$500,000 of which \$250,000 shall be used for additions and betterments to roadway and structures, together with the amount of the loan to be devoted to like purposes and \$250,000 for working capital. The applicant shall also provide a fund of \$60,000, separate and distinct from the railroad assets, to be used for the purpose of securing competent supervision and operation of the properties. From the record it appears that these sums can be secured only from the present holders of the receiver's certificates so that, in effect, the payment to them from the proceeds of the loan herein authorized will be decreased from the amount shown in the above tabulation by \$560,000 and that additional sum will be devoted to the operation of the property.

The loan which shall be made under the supervision of the Mercantile Trust Company of St. Louis, as aforesaid, shall be

secured by the pledge with the Secretary of the Treasury of the total issue, \$5,000,000 principal amount, of the applicants first mortgage bonds. . . .

EASTMAN, Commissioner, dissenting:

The loan approved is in my judgment larger than the public interest requires. Of the total of \$3,500,000, the sum of \$500,000 is to be used for additions and betterments and this portion of the loan I favor. The remaining \$3,000,000 is to be used to meet indebtedness of the receiver, the chief item being nearly \$2,000,000 in receiver's certificates. The United States owes no duty to the holders of these certificates, and there can be no justification for loaning its money to pay them off unless that is necessary to enable the applicant "properly to serve the public." . . .

It is conceded, however, that if it were sold for scrap, the holders of receiver's certificates probably would not realize fifty cents on the dollar. Under the circumstances, it seems to me that the utmost the United States should loan in addition to the \$500,000 for additions and betterments, is a sum equal to the best estimate of the amount the certificate holders would realize if the road were sold for scrap, offering them at the same time opportunity to receive first mortgage bonds of the new company for the balance of their claim. If the new company, under the changed conditions, can meet the interest on a loan of \$3,500,000 and repay that amount at the end of 15 years, it will be able to meet its obligations under such first mortgage bonds.

It is said that many of the holders of the receiver's certificates are trustees who would find it impracticable to take first mortgage bonds in part payment. But if they were confronted by the alternatives of selling the road for scrap or of receiving in cash the amount which would be realized from such a sale and in addition first mortgage bonds of a reinvigorated property for the balance of their claim, I find it hard to believe that the legal and practical difficulties in the way of the acceptance of the latter alternative would prove insuperable.

Under the arrangement approved by the majority, the United States is in effect buying the road at a sum much in excess of its alleged market value, while at the same time control and management are permitted to remain in the hands of private parties.

It appears that the scrap value of the road was about half of the amount of receiver's certificates and other pressing claims that had been reduced to judgment in the courts. Judge Trieber had ordered the sale of the road for not less than \$3,000,000, or enough to meet these pressing claims. No one was willing to invest \$3,000,000 of new capital and expend additional sums getting the road into running order. The holders of receiver's certificates and other claims would lose heavily if the road were scrapped and hence they were interested in some plan that would, in time, give them an opportunity to recover the entire amount due them. The proposal adopted was for the security holders of the old road to organize a new company to buy the road at public auction. The new company had to pay \$3,000,000 for the property and in addition finance substantial improvements. The money for this purpose was secured as follows: \$3,500,000 from the government and \$560,000 from their own pockets. From this \$4,060,000 they paid \$3,000,000 for the road, which was distributed largely among themselves as holders of the receiver's certificates and other claims against the old road, \$750,000 for additions and betterments, \$250,000 for working capital, leaving \$60,000 which was set apart to secure adequate supervision and operation.

The organizers of the new company hold the \$3,000,000 of common stock, the \$5,000,000 of bonds being pledged as security for the government loan.

CHAPTER V

HISTORY OF THE ROAD FROM MAY, 1922, TO JANUARY 15, 1923

IN the latter part of April work trains were out on the road, and in some instances passengers and freight were handled. It was not until May 1 that any sort of regular schedule was attempted, and then only from Seligman to Leslie. On May 4 a fertilizer train was operated out of Kensett toward Leslie. On May 14 traffic was resumed on the division from Leslie to Kensett.

It had been fifteen months since the strike of the shopmen, and nine months since the road had operated. Needless to say, roadbed and equipment were in wretched condition and service was for a time uncertain. In order to take care of the urgent needs of the farmers during the planting season, particularly in the matter of fertilizer, and to take care of the strawberry crop which promised to be heavy at some points, operations were resumed before adequate repairs could be made. In one instance a train was run from Harrison to Seligman, a distance of sixty-six miles, to move one car of strawberries.

During the strike, benefits were paid as follows: Dispatchers, \$150 per month part of the time; Conductors, \$60 per month; Engineers, \$60 per month; Firemen, \$60 per month; Trainmen, \$60 per month; Shopmen, \$7 per week for a time; Telegraphers, \$60 per month; the Maintenance of Way men received some benefits but not much. The benefits of the Trainmen and the Engineers were raised to \$100 per month in May, 1922, retroactive to January 1,

1922. This raise was regarded by the citizens as an answer to the reopening of the road.

About the time of the opening of the road arrangements were made to send some of the engines to Kansas to be repaired as the M. & N. A. did not have proper equipment for the work. The following correspondence speaks for itself, both as to methods used to embarrass the road, the effectiveness of the picketing system, and the attitude of Prosecuting Attorney Greenhaw.¹

HARRISON, ARK., MAY 10, 1922.

MR. THOS. A. WILSON, Commissioner of Labor, State of
Arkansas, Little Rock, Ark.

Dear Sir:— . . .

The Missouri and North Arkansas Railway Co., with headquarters at Harrison, Arkansas, has now at this time a man from McNally Machine and Boiler Repair Shops, located at Pittsburg, Kan., and I understand have contracted out to them for repair, engines No. 3, 5, 12, 33, to be taken outside of this state to their shops in Kansas, which is a direct violation of the law referred to. If you have no power to enforce or cause to be enforced these laws, then in this instance refer my letter to someone who has; at the same time notify me.

This railroad has at all times violated every law, National or State, governing a railroad, and they have been let go and do as they please. I would like to see something done in such a manner that would cause this and any other railroad to respect the laws.

Trusting that I may be favored with a reply, I beg to remain,

Yours truly,

TILLMAN JINES (signed.)

Gen. Chairman System Federation, No. 27.

¹ Testimony of Karl Greenhaw, *Records of the Legislative Committee.*

HARRISON, ARK., MAY 27, 1922.

MR. KARL GREENHAW, Prosecuting Attorney,
Harrison, Ark.

Dear Sir:—Referring to letter under date of May 22, 1922, from Commissioner, Mr. T. A. Wilson, and his enclosure of my letter to him, calling his attention to the intention of the Missouri and North Arkansas Railway Co., violating laws referred to in my letter, and he is in turn calling your attention to same.

Mr. Wilson asks you to proceed in this case and further recommends that the matter be taken up and be given favorable consideration. I am now calling your attention to the fact that the Railroad company referred to today did send two locomotives away for the purpose of repairs, which is and now constitutes a violation of said law. I am now ready to proceed along lines indicated in Mr. Wilson's letter of the 22nd of this month, and will co-operate with you to the end that the law may be carried to the limit.

The Railroad Company has no right in my opinion, and is just as guilty as a man dealing with the traffic of liquor, insofar as violation of law is concerned, and I am of the opinion it is just as much your duty to help enforce and prosecute when your attention is called in one case as the other.

Assuring you that I will co-operate with you in this matter and placing myself at your command, and soliciting a reply, I beg to remain,

Yours very sincerely,

TILLMAN JINES,
General Chairman System Federation No. 27.

HARRISON, ARK., MAY 29, 1922.

MR. TILLMAN JINES, General Chairman,
System Federation No. 27, Harrison, Ark. .

Dear Sir: . . .

I desire to advise you that in my opinion, neither the spirit nor the letter of the law you refer to, has been violated by the

Missouri and North Arkansas Railway Co. Section 1 of Act. No. 220 of the Acts of 1915, makes it a violation of law for railroad companies in this state to send its cars and engines out of the State to be repaired, PROVIDED that such railroad shall have or be under obligations to have the proper facilities in this state to do such work. I have talked to the master mechanic and he informed me that they did not have the proper facilities here to do necessary work upon these engines and get them into service within the next few weeks, and this is the reason they were sent out of the state for repairs.

The Labor Commissioner advised you that this same question had been before the Labor Bureau before and the conclusion was reached that this law probably was in conflict with Federal Laws regulating Interstate Commerce, and stated that he would like to see the law tested out in the courts. I too, believe this law would be construed as being in conflict with Federal Laws upon interstate commerce and therefore invalid, but if you and the Labor Commissioner want this law tested out at this time, you will have to take the necessary steps upon your own initiative, giving the proper cost bond therefor, or get some other prosecuting attorney through whose district this railroad runs to take it up for you. This law has been on our statute books for more than seven years and to date no one as far as I can learn, has seen fit to test its validity. I am advised by an official of this railroad that while you and the men now on a strike, were in the service of the company during October and November, 1920, engines number 13 and 19 were sent out of this state to the Scullin Iron Works, an open shop concern, in St. Louis for repairs, and that in 1919 four or five engines were sent to Wichita and Pittsburg, Kansas, for repairs, all of which took place before the former employees went out on a strike and no complaint was made by you or by any one else. I feel that this is no time to test out a law, heretofore ignored, against a railroad that is trying so hard to serve the people and is so universally needed by them.

Conceding for the sake of argument that the railroad company in sending these engines out of the state for repairs was

technically liable to a fine of not less than \$100, nor more than \$500, still I feel that the exigency of the railroad situation at this time, the hard fight they are making to resume normal operation of this railroad, and the salvation of the hundred and fifty thousand people this railroad serves, outweighs and is paramount to, the small gratification that you and the other strikers would receive in having this railroad injured, embarrassed and fined. You state that this railroad has violated every law, both State and National governing railroads, and nothing has been done about it. In my opinion, the General Manager, Mr. Murray, and his staff of faithful officials and employees have complied with the law, the rules and orders of the Interstate Commerce Commission, and the U. S. Railway Labor Board, and that you and the other strikers have refused to comply with the decision of the Labor Board and go back to work at the wages fixed by this Board.

Believing therefore that the interest you have manifested is not so much due to your profound desire to see the Law enforced, as it is to see this railroad blocked in its efforts to resume service for the people, and that this is only one of the many desperate efforts that you and the other strikers are making to hinder and stop the operation of this railroad, to the utter ruin and destruction of our country and its citizens, I shall refuse to take action, official or otherwise, that would tend to impede or interfere with the operation of this railroad. I will state furthermore that I shall do all in my power, that is right and honorable, to see that this railroad is operated and that the people it serves are saved from the unspeakable ruin and disaster that you strikers seem determined by your actions, to force upon them.

Yours very truly,
KARL GREENHAW,
Prosecuting Attorney.

With the renewed operations of the road depredations began anew. The following list for May and June, sworn to by General Manager Murray before the Legislative Investi-

gating Committee, shows the extent of the damage: May 18, switch thrown at Searcy; May 30, bridge 146-9 burned; June 18, bridge 35-2 burned; June 22, acid in water tank at Stark City; June 20, bridge 344-8 burned; June 22, bridge 89-4 burned. The citizens of Harrison offered a reward of \$1,000 for the arrest and conviction of anyone burning a bridge. The citizens of Marshall offered a reward of \$250 for the arrest and conviction of those responsible for burning the bridge on May 30. Two of the strikers were arrested for burning bridge 35-2 but were later released for want of evidence.

In order to fill in the background of public feeling regarding the strike at this time, it seems proper to give an account of three meetings that were held during June and the early part of July.

The first was a mass meeting on the Court House lawn on June 10. Lists of depredations were read. The principal speeches were made by Dr. J. J. Johnson and Rev. W. T. Martin, pastor of the Methodist Church. The latter had refused to take any part in the controversy up to this time and consented to speak only because he felt that the people were on the verge of a bloody struggle, as both sides were reported to be armed. His address was an appeal for the respect of the constitutional rights of both sides. Virtually the same speech was given on July 4 at the request of the citizens and is reprinted in part later in this chapter. The following account of the meeting of June 10 gives some idea of the tense situation:¹

Dr. Johnson declared that the majority of the men on strike were being used by a few of the leaders. These men, he asserted, are responsible for the tense situation existing in Harrison at the present time, and if blood is shed or mob

¹ Bradley and Russell, *op. cit.*, pp. 90-91.

violence resorted to by persons who tire of "much talk and thunder, and no lightning," he asserted, they will be responsible and not the people of Harrison who have counseled peace. It has been necessary on more than one occasion, he said, to argue and reason with some of the patrons of the road, to prevent drastic action against persons charged with responsibility for some of the road's difficulties.

Addressing himself directly to the strikers, scores of whom were present, presumably for the purpose of taking notes, Dr. Johnson declared that if they ever did force the issue to a show-down, as they seemed determined to do, the guns and ammunition with which they were reported to be stocking their homes, would not last them longer than the proverbial snow ball.

Dr. Johnson urged the people who have had the interests of the road at heart to lend their support to the management in very way, to withdraw all support from the strikers wherever possible and to quit patronizing merchants or business men who cater to the striking element and its sympathizers, and not to employ strikers or members of their families.

Rev. Mr. Martin dwelt on the constitutional rights of the American people to free speech and action.

The speaker called attention to the fact that while the trouble in Harrison might be attributed to the age-old controversy between capital and labor, these two groups constitute only about eight per cent of the people, and in the district served by the M. & N. A. only about one per cent of the 200,000 persons served by the road.

"I ask this one per cent," the speaker said, "if it is right that they should dictate to the other ninety nine per cent? Is it right that they, by their action should cause the great majority of men, women and children who depend largely upon the road for their sustenance, to suffer?"

The bitter feeling existing in Harrison was mollified some by the heightened, passionate appeal made by Rev. Martin, of whose address only a small portion is given above.

Judge E. G. Mitchell, who was local attorney for the striking shopmen, was on the platform at the time these addresses were

made, and when Rev. Martin had finished his appeal, Judge Mitchell commended him very highly, saying that he felt that that address had prevented bloodshed, and as a token of his appreciation handed the preacher a ten dollar bill to be divided between himself and the compiler of this book.

On Sunday, July 2, Rev. Bradley, pastor of the Presbyterian Church at Harrison, delivered a sermon which was an appeal for cessation of the strife that was daily growing more and more bitter. In the course of the sermon he said:¹

Another factor in industrialism, and the one which concerns us chiefly today, is the growth of Organized Labor. . . . This introduction of foreign influence into American labor marked the beginning of most of its difficulties, and has so completely dominated the spirit of the organization as to discredit it before the American people. . . .

With less conscience and with more brutal methods, foreign labor leaders soon gained leadership and control of the American organization, and this one fact lies at the bottom of most of our difficulties now. As long as American labor remained American we had few difficulties which could not be settled peaceably. . . . American men and ideals have been supplanted by foreigners and foreign ideals. . . .

When any group of men bind themselves together upon any set of self-imposed rules and principles and special constitutional prerogatives or exemptions not accorded other American citizens whether in an organization or not, then that group to that extent has set up a government of its own superior to, or in defiance of the government under which other people are privileged to live. If members of the union have rights which other Americans can not enjoy, then organized labor has set up a government of its own and sworn fealty to a flag different from the Red, White and Blue. Our Flag stands for "Equal Rights to All, Special Privileges to None" and this applies to Labor as well as to capital. One of the prerogatives of gov-

¹ Quoted by Bradley and Russell, *op. cit.*, pp. 73-78.

ernment is the right to enforce its decrees, even to the extent of declaring war. Unionism decrees that when Union Men strike or walk out from their job, no other man shall have the right to take those jobs. In order to enforce this decree industrial war is declared and the weapons used are Insult, Deceit, Boycott and Destruction of Property and of Life. . . .

Deceit also plays an important part in aiding Unionism to win its battles. A few weeks ago I was talking to a man who had recently come to Harrison to secure work. He told me that his wife and children had been visiting near Ft. Smith, but they had arrived in Harrison a day or two before. He had written her instructions to get off at Seligman and take the M. & N. A. When she arrived in Seligman the depot agent there told her that the M. & N. A. was not running trains. She told him that she had just received a letter from her husband at Harrison, telling her the train was running; the agent then told her that there was no one there to sell tickets over that road and it was impossible to tell when the train might come. The agent then told her that she would have to go around by way of Bergman or take a taxi thru to Harrison. She took a taxi, paying much more fare for herself and children than would have been required on the train, and besides this she was compelled to pay six dollars extra for her baggage. . . .

The Boycott is another vicious weapon of industrial war. . . . And as long as your controversy remained with the railroad you had ninety per cent of the sympathy of the folks in town. In fact, when a petition was circulated asking the management to re-employ you, almost every business man in Harrison signed that petition. But when the management didn't see fit to accept your services again and began to employ other laborers, then you came to the merchants and told them that if they sold goods to "Scabs" you would boycott them and ruin their businesses. Now I am personally against the boycott regardless of who institutes it. It is wrong in principle—"Rule or Ruin"—and no right cause can ultimately succeed by employing it. The boycott figured largely in bringing on the American Revolution and from that day to this it has been un-American.

The program of destruction of both property and of life reflects greater discredit upon Unionism than any other weapon it uses. The burning of bridges, pulling spikes, throwing switches, draining water tanks, cutting air hose, using blue vitriol and carborundum is responsible for the change of public sentiment on this road. There has been no loss of life yet, and I pray God there may not be in connection with this trouble here. . . . On this point, however, I must remind you of that unspeakable crime committed by the coal strikers in Illinois the other day. It is one of the blackest crimes ever committed in the history of American industry. When that big crowd of mountaineers came to Harrison and invited the Union officers to leave here I heard many say that it was the most dastardly outrage ever committed in this country, but I want to say to you that such a thing was supreme kindness—they didn't even touch the Union officials with their hands—in comparison with that unspeakable massacre at Herrin. . . . I am almost forced to conclude that Organized Labor has set up a government of its own inside our government and that it has sworn allegiance to the Red Flag of Anarchy, or a black Flag of Rebellion, and it is a serious question with me whether or not Organized Labor has a right to claim privileges and protection under our Constitution, when it has apparently sworn fealty to a different one of its own. . . .

Now permit me to conclude this discussion with what seems to me to be a sane suggestion, addressing myself to the former employees, or strikers, several of whom I see in my audience. . . .

There is but one way this trouble can be ended, and I appeal to you as the ones who have the power to end it. Harrison was happy and peaceful until you quit work, and its peace will not be restored until you go to work again. . . .

I appeal to you as red blooded men. I would be ashamed to sit around in the Court park and wear out my pants on those benches. I would blush to accept the dimes and quarters deducted from the pay checks of office boys and girls and clerks, and men who sweat and toil in other places and sent here to maintain you in idleness and help keep alive this unnecessary and dangerous strife. . . .

I would rather work for half the amounts of my benefits, and come home to a peaceful family at night, than to keep myself and my family and the community in a continuous racket over a cause that is dead. You can stop meeting in that little room up there and give Charlie Capps the key. You can quit lounging about the Court park to make and be the objects of unkind remarks. You can stop this picketing and irritation which comes from it. You can stop the neighborhood rows, which are to be found in every part of Harrison over calling the present employees and their families "Scabs" and "Scalies." If you will do this much, peaceful conditions will be restored in Harrison in less than thirty days. If you do not these things, then the responsibility for the continuance of this agitation must rest upon you. You have the power to stop it, and I beg of you to do the thing which lies in your power to do.

There was a mass meeting on July 4 on the Court House lawn, the principal speaker for the day being Rev. W. T. Martin, pastor of the local Methodist Church, who in a large measure repeated his address of June 10. The general theme was the rights of an American citizen. The speech merits a careful reading and a part is reprinted herewith:¹

In pursuing their commerce men have the right of collective bargaining. It matters not what men have to sell in the markets of the world they have the right to pool their interests in order to sell to advantage. It matters not what men have to buy in the markets of the world they have the right to pool their interests in order to buy to advantage. Farmers have the right to pool their products of corn, wheat, cotton, fruit and live stock in order to put their products into market without an expense which makes the price prohibitive to the consumer. . . . Merchants have the right to pool their buying in order to cut the cost and transportation so that the prices will not be prohibitive

¹ Quoted in Bradley and Russell, *op. cit.*, pp. 81-88.

when they offer their buyings to their customers. Transportation companies have the right to pool their carrying capacity and correlate their lines so as to reduce the cost of travel and transportation of merchandise. . . . Men who sell their labor in the markets of the world have the right to pool their labor and sell it in groups in order to benefit themselves, the men who buy labor, and the citizens who are served by this commerce of daily labor. The right of collective bargaining is not to be denied as long as the objective is the service of any considerable portion of the citizens. If I could use plainer language in saying that men have the right of collective bargaining when selling their labor I would use it. They have this right. It cannot be denied them. But in every case the pool must be related to the welfare of the citizens who are patrons of the products of the pool. When any pool passes the point where its objective is the common welfare and becomes a mere tool for private gain, it forfeits its rights under the Constitution to bargain as a pool. It then becomes a trust inimical to the letter and spirit of the Declaration of Independence and of the Constitution of the United States and is subject to prosecution under the Constitution which it defies.

There is another right of trade just as inviolable and that is the right of individual bargaining. A man has the right to buy and sell for the mutual benefit of himself and of his fellowmen without interference by any one on earth, if he does not violate the Constitution of this government by his trading. If the farmer cannot sell his products in a pool, he has the right to withdraw from the pool and sell as an individual in any market that is bidding for his products. If the merchant can not buy his goods in a pool, he has the right to buy outside the pool in any market that offers to him the goods that he needs and makes the offer at a price that is satisfactory to him. If a transportation company can not carry passengers and merchandise as part of a pool, then it has the right to carry the freight and passengers that come to it for transportation over its line. The man who cannot sell his labor in a pool has the right to sell his labor independently of the pool because his labor is his asset

for supporting his family and contributing to world necessity as men and women exercise their "inalienable right" to "life, liberty, and the pursuit of happiness." The right of individual bargaining is just as inviolable as the right of collective bargaining, and a real American respects both of these rights of his fellowmen. . . .

No man in a pool or out of a pool has the right to interfere with him as he exercises his right by selling his labor to keep his part of the contract. . . .

The right of working without interference is the heritage of every American citizen which no man, no group of men can take away . . . any man in the pool who finds that he can sell his labor as an individual at the price offered, and sell to advantage to himself, has the right to withdraw from the pool and sell as an individual, and no man can legitimately interfere with him after he has traded and is trying to carry out his part of a compact into which he had the right to enter. It is contrary to the spirit of Americanism for any man to attempt to interfere with him. . . .

The definition of the open shop is already clear, if the logic of this article is true. . . .

There is a moral responsibility in this matter. It has been said that organized labor is like the churches, having in it good men and bad. This is partially true. . . . There is a difference. Official orders go out from the lodges of organized labor. These orders are the creed of organized labor, because these orders are signed officially, and these orders are obeyed by the members of the unions. These orders command the obstruction of trade and travel, and they do not define the methods of obstruction. The heart of these orders is for the members of the union to prevent the operation of trains, to turn every dollar possible away from the railroads, to make the operation of every train that goes out as expensive as possible, with the idea that the operating expenses can be made greater than the income from traffic and thus stop the running of any train whatever. Because there is no definition of the means to be used in obstructing traffic, it is easy for these

orders to be construed as orders of destruction. No one doubts that in obeying the orders of obstruction given by the officers of the union and signed by these officers officially that the members of the union do in fact destroy property in various ways. These orders which are signed officially are expressive of the purpose and program of the unions. These orders breathe and speak the purpose for which the organization is maintained. . . .

. . . the members of the union and the friendly sympathizers of the union make the official creed of the union their creed and they become responsible for the things which the propagation of this creed induces men to do. It is useless for men to say that they do not approve any destruction of property or any loss of life that may come from the wrecking of trains, if these men say at the same time that they believe in the work that the union is doing in obedience to the utterances of the officers of the union.

The sympathizers with the movement to destroy become guilty of the destruction itself, and they become guilty of any loss of life that may occur in connection with any wreckage that is wrought in obedience to the orders of the union officials. . . .

The people of this country have some rights in the matter. Not more than one per cent of the population of the territory served by this road is on strike. The other ninety-nine per cent of the people can be found doing the best they can under the stress of interrupted transportation. . . .

My argument is made. If my contention is correct, there ought to be relief from this situation in some way through the courts. I can not understand how any man or pool of men can invade the provisions of the Constitution with impunity and go free. There must be some way to reach any man who denies the fundamental principles of the Constitution. The problem is up to the courts. It is not a problem for the people to deal with violently. There is no demand for violence of any kind. Our courts are organized and some of them have jurisdiction. Let me appeal to the courts to act in this matter. . . .

This speech did something toward quieting things and preventing an outbreak in the summer of 1922.

The strikers have charged that the Ku Klux Klan was the motive force on the citizens' side of the controversy, and that the strikers were merely trying to be in a position to defend themselves from an attack by the Klan. The author has been assured by prominent Klansmen of integrity that the Klan was not responsible for the organization of the citizens and that the officers of the Klan prevented bloodshed on more than one occasion by holding the more radical element of citizens in check.

During the early summer the situation grew more and more tense. There is considerable evidence that both sides were beginning to collect arms and ammunition to defend what they regarded as their rights. Many of the employees of the road went armed. Apparently some of the less responsible strikers made statements about how they would take care of themselves. By some means the rumor originated and was believed by many of the people, that the strikers had two machine guns with plenty of ammunition. J. T. Venable and others were arrested and charged with conspiracy to commit a felony—to murder the employees of the railroad. Venable's case was tried separately in August and he was found guilty and fined \$100. He appealed to the Supreme Court of Arkansas which handed down its decision, January 22, 1923, affirming the judgment. The Supreme Court summed up the evidence in the following language:

On the night of June 26, 1922, Selby, Stevens, and Barnett, who were indicted with appellant as coconspirators, left Harrison and drove to Springfield, Mo., where they arrived about sun-up. After arriving in Springfield they went to a wholesale hardware store, where Selby represented himself as being engaged in the retail hardware business in Harrison. The

salesman made out the bill, consisting, principally, of cartridges of different calibers, and amounting, at wholesale prices, to \$37.62. After filling this order Stevens directed the shipping clerk to add to the bill a thousand 12-gauge shells loaded with nitro-powder and No. 2 chilled shot. The wholesaler had only 750 shells of that kind in stock, and they were included in the bill. The price of the shotgun shells was \$28.96, making the total bill \$66.58. Stevens and Barnett were former employees of the railroad, and Selby ran in Harrison a small grocery store and "short-order" eating house. An offer was made to prove that he was a sympathizer of the strikers, but the court sustained an objection to that question.

It transpired that the salesman-manager of the wholesale store in Springfield was a stockholder in a hardware store in Harrison, and was advised of the tension there. His suspicions were aroused by the size and character of the order, as he knew that no game could be lawfully hunted at that season of the year which required shot of the size of those ordered. He also recognized Stevens as one of the strikers; so he called the sheriff at Harrison over the telephone and advised that officer of the purchase. The sheriff swore out a warrant for the parties, and went out upon the Springfield and Harrison road to a point which he knew the parties would have to pass on their return to Harrison, and he arrested them late in the afternoon at that place. The sheriff found two boxes of ammunition in the automobile weighing about 150 pounds. The purchasers made no explanation of their possession of the ammunition, nor did they protest against it being taken from their possession.

No testimony was offered on behalf of appellant, but the state called Stevens as a witness. The hostility of this witness was obvious, but he offered the explanation that the party was going to Springfield to get some parts for a Ford car, and he went along because he was invited to go. He did not know whether the parts had been purchased for the car or not, but they were not found in the car by the officers.

On the afternoon of the day on which appellant's alleged coconspirators were arrested an unusually large number of

strikers visited appellant's residence. A Mrs. Woodruff, who lived directly across the street, testified that her attention was attracted by the number of persons she saw going into and leaving appellant's residence and their conduct. About 4 or 5 o'clock in the afternoon four men came to appellant's house in a car, and when they left one or two of them had guns, and the men drove away towards the north in the direction where Selby, Stevens, and Barnett were later arrested with the ammunition. On the same afternoon three strikers were seen in a Ford car driving very rapidly in the direction of Bear Creek Springs, where Selby and his companions had been arrested by the officers a short time before.

On Saturday before appellant's case was called for trial the circuit court issued an order directing the appellant's house be searched for firearms and ammunition. The search was made, and the sheriff who served the search warrant testified that he found no arms or ammunition, but that he did find buried in appellant's garden a box containing two boxes of dynamite caps and a large roll of dynamite fuse and a quantity of emery dust. . . .

. . . we think a case was made which we cannot overturn as being unsupported by legally sufficient evidence. There was concert of action for some purpose; but for what purpose? What meant all this ammunition under the circumstances under which it was purchased? For whom was it intended? What inference more reasonable than it was intended for the persons whose employment by the railroad company, notwithstanding the strike, prevented the strike from being successful? Did appellant participate in the unlawful purpose? We think the jury was warranted in finding that, if there was an unlawful purpose, appellant was a party to it. He appears to have been the custodian of instrumentalities adapted to sabotage; and something besides sabotage must have been contemplated in the purchase of the ammunition, otherwise the dynamite would have sufficed. We know, without proof, that cartridges and shells are not as well adapted to sabotage as dynamite. Then why have both if only sabotage was contemplated. We think

the jury did not exceed its prerogative, under the law, in finding, from this testimony that the conspirators of whom appellant was one, intended to use the ammunition for the purpose stated in the indictment.¹

Venable claims the dynamite caps and fuse were for the purpose of investigating some mining property, and that the emery dust was for use about his automobile and to sharpen his lawn-mower.

The other cases were still pending in January, 1923, when the uprising of citizens took place and the defendants left the scene of action.

The speech of Dr. Johnson on June 10 referred to above indicates the beginning of a boycott on the part of the citizens. Open-shop cards were printed and the merchants asked to display them in their windows as an indication that they were for the road and against the strikers. Some of the merchants who had been selling to the strikers on credit were in a difficult position. To display the cards would mean a boycott by the strikers and possible loss from unpaid accounts. To refuse to display the cards might be interpreted as sympathy for the strikers and might result in a boycott from the citizens. There was some opposition to the boycott movement among business men at first as an improper procedure, but before long the division line between citizen and striker was clearly drawn. There are many today on both sides who say that the two boycotts were the most unfortunate features of the matter and did more than any other one thing to cause extreme bitterness. Conditions had reached the stage where it was impossible for anyone to refrain from partisanship; everyone was regarded as being for the citizens or against them, for the strikers or against them.

¹ *Southwestern Reporter*, vol. 246, pp. 861-862.

The strikers soon quit attending church, feeling that they were not welcome and that the churches were on the other side. Even the children in the schools were drawn into the ill-feeling and there was friction between the children of the factions, especially between the children of strikers and "scabs". The schools were threatened with being closed down for lack of funds and, when an appeal for a public subscription was made, the strikers did not cooperate. There was some effort toward a private school for the children of the strikers.

In the midst of the turmoil and bitterness Dr. Frank Kirby, elderly physician and surgeon, Past Grand Master of the Masonic Lodge of the State, a man respected by both sides, sought to mediate and still the gathering storm. His efforts were largely unsuccessful.

Each side was quick to give credence to any rumor about the other, and thus the situation, which was bad enough at best, was exaggerated.

In the course of comments on the word "scab" several of the local papers pointed out that scabs were usually associated with an unclean festering condition of the body and indicated that conditions were progressing favorably toward a cure, and that therefore the term "scab" was a good omen and honorable.

Since 1922 was election year for local officers, support of the M. & N. A. figured prominently in the race for nomination in the Democratic Primary. One of the candidates for reelection was accused of not having given proper support to the road. He published in the local papers an affidavit from one of the officers of the road to the effect that he had at all times given support to the road. The following extract from a letter of Karl Greenhaw, candidate for prosecuting attorney, appeared in the Heber Springs *Jacksonian Headlight* for July 27:

I stand unreservedly for the operation of this road by its present management and employees on the open shop basis under the decision of the Railroad Labor Board. The so called strikers have refused to comply with the decision of the Labor Board and have no right to interfere in any way with the loyal men who are trying to operate this road and save our country from the ruin the strikers were willing to force upon it.

During the first week in July a temporary' injunction against picketing was granted by Chancellor McMahon. On August 1 the matter was deferred until early in November when, after three days' hearing, it was continued until December 5, when it was made permanent. The body of the restraining order follows:

The Chancellor finds, from the verified pleadings and the affidavits adduced, that the plaintiff's petition for a temporary injunction should be granted and that plaintiff is entitled to immediate relief. The Court finds that no notice of this application has been given to the defendants and that it is impracticable to do so before granting said relief, because of the holding of Court in other parts of his district, and the Court finds that if relief is deferred that it will work great injury to the plaintiff. The Court finds that the plaintiff has tendered good and sufficient bond in favor of the defendants in the sum of \$5,000.00, conditioned to pay said defendants all damages that may accrue to them by reason of the injunction granted herein, if it shall be finally determined that the same was wrongfully granted.

It is therefor, by the Chancellor, considered, ordered, adjudged and decreed that the defendants and each of them, their agents, and employees, and all other persons connected with conducting of the strike against the plaintiff, Missouri and North Arkansas Railway Company, be and they are hereby enjoined and restrained from, in any way, interfering with or damaging the property of the plaintiff in the State of Arkansas, and from intimidating, insulting, abusing and maltreating plaintiff's employees, and from enticing, persuading and coerc-

ing and from attempting to entice, persuade and coerce plaintiff's employees from its service; that they be and are hereby further restrained and enjoined from picketing or causing to be picketed the plaintiff's stations, freight houses, shops, trains or any other of the Railroad operations being carried on by plaintiff in the State of Arkansas; and from picketing the streets and highways leading to or adjacent to the said places of plaintiff's business; and from congregating in great numbers immediately adjacent to plaintiff's right-of ways and properties and by their great numbers, menacing actions and conduct intimidating plaintiff's employees and inspiring them with a fear of physical violence; that they be restrained and enjoined from congregating upon the platforms of the plaintiff at its various stations and obstructing free passage of plaintiff's servants and employees, in the discharge of their duties, and its passengers and patrons from entering upon and alighting from its trains; and that they be and are hereby enjoined from in any way menacing or spying upon the employees and agents of the plaintiff in the discharge of their duties.¹

An effort at mediation was made in the latter part of July, 1922, by Mr. W. O. Van Pelt of the Kansas City Southern force. He met Mr. Murray in Kansas City in the offices of the Kansas City Southern and discussed the matter with him. There seems to have been some misunderstanding at the time, which is shown by the following correspondence which ended this attempt at settlement:²

PITTSBURG, KANSAS
AUGUST 1, 1922.

MR. J. C. MURRAY,
General Manager, M. & N. A. Ry.,
Harrison, Ark.

Dear Sir:

Pursuant to our conversation some time since in Kansas City,

¹ *The Marshall Republican*, July 7, 1922.

² Testimony of Mr. Van Pelt, *Records of the Legislative Committee*.

I have had conference with the Chief Executives and I believe so far as they are concerned a settlement can be reached.

And as by conference is the only method by which such a settlement can be reached, I suggest that you and the representatives of the men meet on August 19th, at the Sansons Hotel, Springfield, Mo. for the purpose of reaching a settlement if possible of this important matter.

I am making the same suggestion to the representatives of the men and I hope you will write or wire me at the earliest date possible, whether or not this meets with your approval and whether the date and place of meeting is satisfactory.

(Signed) W. O. VAN PELT.

Address 1312 N. Smelter Ave.
Pittsburg, Kansas.

Mr. W. O. VAN PELT
1312 N. Smelter Ave.,
Pittsburg, Kansas.

HARRISON, ARK.
AUGUST 2, 1922.

Dear Sir:

I have your letter of August 1st.

I am led to believe from your letter that it is your desire that I meet with representatives of the former employees of the Missouri and North Arkansas Railroad to discuss the question of settlement. This I am not in a position to do.

You will recall that when I talked over this proposition with you informally in Kansas City, I stated that the first step necessary is to call off the strike and until this is done, I very much regret to say there is nothing for us to discuss.

I think I made myself clear in my conversation with you that there is no question of dispute today between the former employees referred to and this railway so far as the railway is concerned.

We have not a full complement of men but we have all that

is required for our present business during the existing chaotic conditions throughout the country.

With kindest regards, I am

Yours very truly,

(Signed) J. C. MURRAY,
Vice-President and Gen'l Manager.

The technical point of Mr. Murray's contention was that the strike was against the M. & N. A. Railroad which was no longer in existence, and that therefore there was no controversy between the M. & N. A. Railway and the unions. It would have been very difficult to have reached an agreement at this time because of the opposition on the part of the public to the restoration to service of Venable, Jines, and others of the aggressive element of strikers. The problems of the non-union employees and the question of seniority rights would also have been stumbling blocks. It is likely that Mr. Murray realized that a settlement acceptable to the people was practically impossible.

The period from July 4 to January 1, 1923, was a continuation of the same situation and feeling which has been outlined above. The citizens had expected that the conviction of Venable, who was thought to be in charge of the depredations, would result in a discontinuance of such activities, but the following summary of a list from the testimony of Manager J. C. Murray before the Legislative Committee indicates that there was but little change.

[Depredations July, 1922, to December, 1922, inclusive:]

Chemicals placed in water tanks or tanks damaged	10
Bridges afire	6
Theft	4
Attempts to wreck trains	7
Number of air hose cut	63
Track greased	9
Damage to property	4
Emery dust used	3

[The list for January, 1923, is given in full:]

- 1-6-23 North of Belefonte, bent wagon axle placed on track resulting in derailment of freight train.
- 1-6-23 Moro, Ark. (Near), bridge dynamited.
- 1-8-23 Harrison, Ark., switch North of passenger depot opened and cocked, causing derailment of engine trucks.
- 1-9-23 Bridge 78-8, length 238', depth 45', triple deck, completely destroyed by fire.
- 1-9-23 Bridge near Armstrong Springs, Ark., set afire, but fire put out by one of our freight trains which happened to discover it, damage slight.
- 1-10-23 Bridge 139-5 near Everton, Ark., length 131', depth 33' fifty per cent destroyed by fire.
- 1-10-23 Bridge 178-0 (near Leslie, Ark.), discovered on fire at 4:30 A. M. 11th. Fire put out by farmer. This bridge was a small one and we will be able to repair it promptly.
- 1-10-23 Bridge 318-2 dynamited.
- 1-10-23 Bridge 167-4 damaged by fire.
- 1-11-23 Bridge 263-1 just North of West Point, Ark., set afire but fire put out by farmers in that vicinity.
- 1-12-23 Bridge 262-3, near Letona, Ark., practically destroyed by fire.
- 1-12-23 Airhose cut in Fairview yard.
- 1-18-23 Bridge just North of Dixie, Ark., on fire.

Apparently there was a concerted movement of bridge-burning during the second week in January that threatened to prevent the operation of trains altogether and that would have completely exhausted the meager funds of the road in a short time. The various depredations had another significance in that they were calculated to raise a question in the

mind of patrons as to whether it was safe to trust life or property on the trains. Such a state of affairs threatened to reduce the revenues to such an extent that operations would have to be suspended. The necessary delays also hampered the road in its efforts to secure through freight.

Various rewards were offered for the apprehension and conviction of the parties guilty of the depredations. About the first of June the citizens of Marshall offered a reward of \$250 in connection with the burning of a bridge near Pindall on the night of May 29. Later in June the citizens of Harrison offered a reward of \$1000 for the arrest and conviction of the bridge-burners. In January, 1923, as a result of the outbreak of depredations, the citizens of Heber Springs offered a reward of \$700; the citizens of Marshall raised \$2,236 of a total of \$5,000 planned for Searcy County; and Harrison raised \$2,000 as a reward for the arrest and conviction of the guilty parties.

On December 29 Governor McRae issued a proclamation offering a reward of \$300 for the arrest and conviction of parties guilty of depredations.

The Marshall *Mountain Wave* of January 12, 1923, contained the following:

Depredations on the M. & N. A. Railroad have broken out again in a most dangerous form. During the past week attempts have been made to destroy at least seven bridges on the road.

A 238-foot bridge near the tunnel, east of Eureka Springs, was burned. It is reported that a bridge near Everton is out, and the bridge in Wiley's Cove, near the Henry Corn place, is so badly damaged by fire that trains were run north only as far as Leslie, Thursday, but it is thought the damage to the latter bridge will be repaired in time for trains within a day or two.

There is one safe way to stop these embryo murderers, and that is to decorate a few telegraph poles with them when they

are caught, for if a passenger train were to crash through a bridge weakened by fire, and some of the passengers killed, the parties responsible for the wreck would be murderers at heart, pure and simple.

An article in the *Boone County Headlight* for January 11, 1923, stated:

. . . In three instances evidences of coal oil were found and the fire burned in such a way as to indicate that they were set. . . . It would seem that depredations covering a period of two years should convince the public that parties working against the interests of the public are systematically seeking to ruin the investment of the people served by the railroad. Some definite action must be taken immediately by the public as they are the ones interested in the operation of this railway.

The following statement was issued to the public on January 13 by J. C. Murray, General Manager:

Some time after midnight last night a bridge near Letona, Arkansas, was partially burned.

The bridge near Everton has been repaired and arrangements had been made to reinstate passenger service over the entire line and freight service for this territory. The burning of the bridge last night will delay this three or four days longer.

It seems that the people do not realize the danger this situation involves and the situation practically all along the line seems to be beyond the control of local authorities although apparently only a small number of men are committing the depredations.

Many appeals have been made by the Railway Company for protection of its property, and some effort has been made to give relief. It will not be advisable or consistent to make any more appeals for protection, but the management will take whatever steps are necessary to protect the finances of the Company, as we cannot consistently continue to construct bridges for citizens of communities served by this line to destroy,

and if it is found necessary to annul all trains until proper protection is afforded, this action will be taken. We have been earning sufficient to operate the property but cannot and will not continue to pay out these earnings to replace incendiary burned bridges.

It is now entirely with the public as to whether or not they desire the continued operation of this railway and their desire will be expressed entirely in the protective measures they may and will take.

(Signed) J. C. MURRAY, *Vice Pres. and Gen'l. Mgr.*

The 29th Convention of the Brotherhood of Locomotive Firemen and Enginemen had adopted the following resolutions:

We further recommend that if the strikes on these four railroads are not won by the first of October, 1922, and it is apparent that they are not going to be won in the immediate future thereafter, that the International President of this organization confer and cooperate with the Chief Executives of the other three transportation organizations with a view of calling off the strikes on the four railroads mentioned in the resolution herein referred to.¹

Just what was meant by winning the strike is not clear when the financial weakness of the road is considered, but it would appear that the only result that could have been called a victory for the unions would have been the scrapping of the road. It seems that the officers thought there was a probability of winning, since they decided in a meeting at Chicago, attended by Pete Venable, on January 14, 1923, to continue the strike indefinitely. Reports of this meeting were quickly circulated among the citizens and doubtless had some part in bringing matters to a head at once.

¹ December *Bulletin* of Brotherhood of Locomotive Firemen and Enginemen dated January 1, 1924.

The decision to continue the strike appears to have been greatly influenced by the reports made by Pete Venable, and by his presence at the Chicago meeting. Many of the strikers at Harrison realized that his reports were largely "hot air for the purpose of keeping the strikers loyal to his leadership". The citizens think that there was a close connection between the outbreak of depredations in January, 1923, and the meeting at Chicago where the fate of the M. & N. A. strike was to be settled. The voluminous reports by Venable would indicate that the M. & N. A. was on the verge of suspension of operation and that the strikers were victorious. If the national union officers could have visited Harrison they would have been able to discount the glowing accounts by Venable.

CHAPTER VI

THE REIGN OF THE HARRISON CITIZENS' COMMITTEE

THE large number of serious depredations, a disturbance in Harrison on January 12 in connection with the arrest of some men charged with bridge-burning, together with the bulletin issued by General Manager Murray on January 13, were the signal for a determined movement on the part of the citizens to "end the strike" once for all. All that was needed for a gathering at Harrison of determined citizens from along the road was a suggestion from some source. Just who sent out the call has never been revealed; few of those who took part know where it originated. Some think it originated at Harrison, others say at Marshall, and still others Leslie. Suffice it to say that the phones were busy late Saturday and Sunday and messengers were sent out in many cases. Early Monday morning, January 15, 1923, armed men began to gather in Harrison from every direction. About noon a special train came in from Leslie loaded with armed men. This train was chartered and paid for (\$502) by a small group of citizens. It has been generally agreed that about a thousand men were on the streets by night. A committee of twelve men representing the various communities was selected to investigate the strikers and the depredations. The committee was composed of Sam Dennis, traveling salesman of Valley Springs; L. C. Holt, business man of Harrison; Dr. Troy Coffman, dentist of Harrison; Tom Morris, canner and grocer of Berryville; George Bazole, miller of Berryville; W. J. Douglas, editor of the *North Arkansas Star*, Berryville; J. F. Henley, attorney of

Marshall; S. W. Woods, attorney of Marshall; W. T. Mills, attorney of Marshall; A. B. Arbaugh, attorney of Jasper; L. W. Clark, timber man of Jasper; J. W. Moore, banker of Jasper. Sam Dennis was made Chairman and A. B. Arbaugh, Secretary. Some changes were made in the committee as members had to go home.

When the crowd came on Monday all strikers and strike-sympathizers were ordered out of the crowd, and in some cases they were helped out with the toe of a boot. Each citizen wore a white ribbon as sign of his loyalty to the road and to the committee, and all who failed to wear the badge were looked on with suspicion.

Squads were organized under squad leaders to go and search houses for evidence of depredations and to bring parties before the committee. Guards were placed on all of the roads leading out from Harrison and the destination and purpose of every traveler inquired into. Guards were stationed at various points in Harrison.

Practically every man was armed with pistol, shot-gun or rifle. No one knew what might happen, as some of the strikers had made boasts as to what they would do if they were disturbed. Stories of machine guns, rifles, shot-guns, and ammunition stored by the strikers had been widely circulated, and the citizens were prepared for any emergency. "We have them outnumbered a hundred to one," was a common remark. Little opposition was encountered as the squads went about their business. A number of strikers made their escape across country; many hid in the woods, but most of them were taken before the committee and questioned. Many voluntarily appeared before the committee.

Circuit court was in session, and S. W. Woods, respected lawyer of Marshall, was sent as a messenger to Judge Shinn and Prosecuting Attorney Greenhaw to inform them that

the mission of the committee was to seek evidence in an orderly way and furnish it to the grand jury then in session. The relation of the committee to the court is further shown by the testimony of Prosecuting Attorney Greenhaw.¹

Q. How did this citizens' committee work, did it work in connection with the court and grand jury?

A. It was not working in connection with the court. I will say that it was not sanctioned by the court. It had its origin outside of the court. We knew nothing about it, but it was composed, as I understand, of some of the best citizens of this county who were trying to assist the officers of the law, and in certain instances it seemed they were able to gather information that the court was unable to secure.

Q. Did you have any conference with that committee while it was in session, as a committee or with its individual members?

A. At one time, on Tuesday, after E. C. Gregor's body was found suspended from the bridge I went before that committee with Mr. S. W. Woods, at the court's request to ask them to see that no more violations of the law were committed. I told them that we couldn't stand for that, and wouldn't submit to it, and I asked them to use every effort they could to see that no acts of violence were committed. . . .

Q. Did you appear before this committee at any time?

A. As I stated a few minutes ago, I went over there on Tuesday morning, after the committee was organized on Monday, and carried a message from Judge Shinn that they should see that no boys carried guns, and that all acts of violence should cease, if there had been any. They assured me that they would do their best to see that no violence was committed.

As the strikers were brought before the committee, they were questioned regarding the depredations on the road. They were asked in most cases to pledge their loyalty to the road and to give up their strike benefits. They were told

¹ *Records of the Legislative Committee.*

that if they would not do that, it would be best for them to leave the country. In some cases the men were told that the committee would not be responsible for their safety if they stayed. Considerable care seems to have been used by the committee only to *advise* the men to leave and not to *order* them to do so. The meaning was clear; they were either to line up with the citizens in defense of the road or to get out. Most of them left. Some of the men did not answer satisfactorily and were held under guard in an adjoining room popularly known as the "bull pen".

All sorts of charges have been made by the strikers to the effect that the committee was armed and that men were sitting around the room with rifles on their knees; that they were punched, struck with guns, cursed, and otherwise mistreated while before the committee. Charges have been made that there was wild confusion on the streets, frequent shooting of fire-arms, drinking, and general disorder. The evidence of disinterested parties, of citizens whose integrity is beyond question, and in many instances of strikers, is that the crowd was unusually orderly under the circumstances, that there was little if any drinking, and that, although the strikers who were thought to have information were severely grilled and in some instances informed in strong terms that they were lying, the strikers were not beaten nor threatened with guns by the committee. The crowd seems to have been orderly, but intent on its business and determined that nothing should stand in the way of its mission to end the strike and the depredations.

The union hall was raided and the records seized. The furniture was piled in the street and used for a bonfire. One of the citizens protested against the destruction but received the reply: "They won't have any more use for it."

Houses were searched, with or without the permission of the occupants, though in most cases the occupants agreed

that the search might be made. No search-warrants were issued at Harrison nor were warrants of arrest used in bringing men before the committee. One of the leading men in the movement and a leading member of the committee said very frankly: "Technically the whole thing was illegal, but we felt that the circumstances were sufficient warrant and we are not ashamed of what we did. We would do the same thing again. Some things happened that we did not approve of and which we tried to prevent."

With reference to the legality of the proceedings at Harrison, U. S. District Judge Trieber said:¹

They were armed and in violation of all laws, and of every guarantee of the Constitution of the United States and of the State of Arkansas, they deprived men of their liberty and on Tuesday morning assassinated a man by hanging him; others were whipped, some of them for doing what they had a right to do as citizens of the United States, for signing the bond for a man under indictment.

It appears that a considerable part of the citizens thought their activities were in cooperation with the civil authorities. Newspaper dispatches were sent out that the investigation was under the direction of the circuit court. Some of the members of the committee testified that they thought Sheriff Shaddock was in charge of those held for further questioning.

Reports were circulated that armed bands of union men and their sympathizers were gathering at Springfield, Missouri, for an invasion of Harrison. The reports proved baseless, but the citizens were ready for any emergency.

No great distinction seems to have been made between strikers thought to be guilty of depredations and those not suspected. All were questioned and those free from sus-

¹ Decision in Wise and Orr appeal, *cf. infra*, p. 174.

picion of depredations were given an opportunity to line up with the citizens in support of the road. It seems that the men were not always asked to give up their benefits. Just what effect renouncing the strike and lining up with the citizens would have on the standing of strikers with respect to old-age and sickness benefits that had been built up through the years, is not clear. The penalty for failure to remain loyal to a strike is expulsion from the union. The attitude of the citizens was that the strikers not personally guilty of depredations had made no effort to prevent them, and had backed those that were guilty by supporting the strike, and thus were responsible for what was done and should bear the responsibility along with the others; both classes were advised to leave or line up with the citizens. Many of the strikers at the time sincerely believed the claims of some of their leaders that the depredations were not committed by strikers, but by others for the purpose of arousing the public against the strikers. These claims were fortified by references to instances in industrial centers where such had been true. If the strikers were guilty of the depredations, it was a comparatively small group and they kept their activities pretty well to themselves. Many of the strikers and their friends now admit that some of the depredations were probably committed by strikers and regret that an active movement to eliminate the lawless element was not made earlier in the strike.

The only place where any serious difficulty was encountered by the squads was at the house of Ed. C. Gregor, striking shopman, about two blocks from the square. Gregor, as it was learned later, had been away working on a dam on the White River near Branson, Missouri, and had returned to Harrison only a few days before. It appears that two men suspected of depredations had been staying at Gregor's house, and that he had been seen at the house of Pete Venable,

alleged strike leader and director of depredations. Gregor was usually a quiet, peaceful man who seldom went about with other people. He was a mason and a member of the church. He was regarded as a fearless man, and had a bad temper when aroused. A group of armed citizens approached his house for the purpose of searching it and taking him before the committee. At this time Mrs. Gregor, by her husband's request, was down town to see what was happening. Gregor ordered the citizens off his premises and fired two shots out of his back door with a shot gun, but did not hit anyone. This was the signal for a volley into the house from all sides. About fifty shots were fired, and it is remarkable that neither Gregor nor his child was injured. During the shooting Mrs. Gregor returned from town and, on her plea that her baby was in the house, the shooting ceased. She induced Gregor to accompany the citizens to the committee room. The house was searched and a can of emery dust found in addition to a shot gun that gave evidence of having been recently fired. During the affair one of the citizens was accidentally shot in the arm by one of his own crowd. It was reported that it was done by Gregor, but the false report was later corrected. Gregor's testimony before the committee was not regarded as satisfactory, and he was ordered held in the guard room for further questioning. It appears that he was defiant to the committee and made statements to the effect that they were having their day but that he would have his day. His language while in the guard room was not conducive to good feeling. At one time while looking out of the window watching a squad of armed citizens drilling on the square he was cautioned by some of the other strikers about his language, and replied something as follows: "Let them shoot, the cowardly G— D— S— of B— haven't got nerve enough to shoot."

Sheriff Shaddock seems to have spent some time during the night in the guard room and to have sent for supper for some of the men held there for whom he had warrants. Sometime toward morning he took two or three of the men to the jail. Shortly after this the guards were changed. In a few minutes, or about four o'clock, three masked armed men came in and ordered everyone to hold up his hands. They motioned to Gregor to go with them and ordered him to leave his overcoat behind. The next morning his body was found hanging to a bridge near Harrison. These are all the facts that are known, except to the few who did the deed. Investigation by the prosecuting attorney, grand jury, and Legislative Committee failed to find any clue to the guilty parties. Every person questioned replied that he knew nothing about it. The community regretted the hanging, and it was condemned by the citizens' committee, some of the members stating that if they had had any idea there was danger of such action they would have guarded Gregor personally.

Why a few irresponsible parties took matters into their own hands has never been determined. The questioning on Monday had failed to get any results, even from parties the citizens were sure had knowledge of the depredations, and there are some who think that a few citizens thought that an example would have a loosening effect upon the tongues of the strikers. Whether the hanging was responsible or not, it is a fact that the committee secured considerable evidence the next day. Others think that Gregor's defiant attitude and threats were responsible; still others that there was no intention of carrying the matter so far but that he was strung up as a means of forcing a confession and allowed to hang too long, or that he recognized some of his captors, who decided that it was safest to put him out of the way. While Gregor could not have been guilty of the depredations

during the few months prior to January, 1923, many of the citizens thought he was a party to them.

There seems to be no doubt that the committee was opposed to violence, but with the committee in constant session in-doors and a thousand armed men on the streets it is not surprising that a few hot-heads with no thought of the future should go to extremes.

However much one may bemoan mob action he must admit that it was fortunate that the leaders were cool, deliberate men representing the best element of the citizens. Had they been otherwise there would have been much more violence than did occur. The leaders went about their self-appointed task with a determination to carry it through with as little violence as possible. It is remarkable that under conditions fraught with such possibilities there was so little violence.

The Rev. J. K. Farris, pastor of the Methodist Episcopal Church, South, was called by friends of the widow and offered what consolation he could. He was commissioned to look after arrangements for the removal of the body to another state for burial. It was suggested that he see the committee before he went further. The committee received him and not only directed him to do everything possible under the circumstances, but sent a message to the widow lamenting the hanging and assuring her that they were in no way responsible. Silly stories of indignities offered to the widow were circulated among the strikers, but according to the testimony of several parties, including Rev. Farris, they were untrue.

Later a five-thousand-dollar reward was offered by the state and a like sum by the unions for the arrest and convictions of the persons that hanged Gregor, but the reward has not been claimed.

It is believed by some of the citizens that at a meeting of

the strikers it was agreed that they would stand their ground and that, if anyone was attacked, two shots would be the signal for help. They think this was the explanation of Gregor's shooting rather than an attempt to kill anyone. The signal story is denied by the strikers.

On the same morning that Gregor was hanged two men were whipped. Albert Raash, German subject and City Marshal, accused of being a strike sympathizer and suspected of being an I. W. W., was given a severe flogging. George W. O'Neal, wealthy property owner, and bondsman for Albert Stevens, who had been arrested for bridge burning, was taken from bed and whipped. It appears that earlier he had been a member of the Protective League but had grown lukewarm and was suspected of being a strike sympathizer. He had objected to being taken before the citizens' committee and demanded the authority of the persons who called for him.

As soon as the committee heard of the death of Gregor and the whippings, they issued strict orders that there must be no more violence and that they would hold every man strictly to account for his acts.

Immediately on hearing of the hanging of Gregor and the whippings, Mayor Clutes, Circuit Judge Shinn, and Sheriff Shaddock, not knowing what might happen, joined in a request to Governor McRae for troops. As the legislature was in session, the governor could not comply but turned the request over to the latter body, which passed an act for the sending of troops. In the meantime Judge Shinn instructed the sheriff to deputize fifty men to keep order. The deputies were sworn in and no more violence was attempted. The sheriff telephoned the state authorities that the situation was well in hand and that troops were not needed.

The sessions of the citizens' committee continued from

about one-thirty Monday afternoon until late Friday night. Considerable evidence was collected and turned over to the grand jury. Resolutions were passed that the presence of Mrs. J. T. Venable was no longer wanted. The mayor, the marshal, and some of the city council resigned under pressure and left Harrison. Some of the strikers and strike sympathizers agreed to line up with the citizens and were assured that they would have the protection of the committee; a large number refused the pledge and were *advised* to leave without regard to whether they had been implicated in depredations or not. Before adjourning, the committee provided for a permanent committee composed of W. L. Snapp of Harrison, Chairman; Dr. Troy Coffman of Harrison, Secretary; W. W. Findley and N. G. Sawyer of Leslie; S. W. Woods and Z. V. Ferguson of Marshall; W. L. Hendley and H. M. Walker of St. Joe; B. Killebrew and F. M. Jones of Everton; J. A. Centers and Dr. W. L. Wadkins of Alpena; A. L. Kinney and W. B. Coxsey of Green Forrest; Tom Morris and Oscar Johnson of Berryville; C. E. Sweeney and Floyd Walker of Eureka Springs; C. E. Shinn and Horace Mangness of Western Grove; and J. W. Moore and A. B. Arbaugh of Jasper. This committee has had no occasion for action as no further trouble developed.

On Tuesday, January 16, three newspaper reporters, Wallace Casey of the *Kansas City Star*, John Rogers of the *St. Louis Post Dispatch*, and Jack Carberry of the *Kansas City Post*, were directed to go to Harrison and report the situation. On the way by automobile they were stopped by the armed guards on the road and searched, and, after telephoning to Harrison, allowed to go on their way. Rogers seems to have been incensed by the search on the way and to have showed a rather ugly temper at Harrison. As a result he did not find a warm welcome and pictured the

situation in a different light from that in which the other reporters saw it.

Jack Carberry was a witness before the Legislative Committee and stated under oath that he was allowed to interview every one he wanted to, that he watched carefully to see signs of drinking and saw only one man that gave evidence of drinking, that there was no censorship of the telegraph office, but that he told Rogers there was censorship so that he would be assured of getting his write-up to his paper.

For weeks after the reign of the citizens' committee armed guards were maintained on the streets and about town as a precaution against retaliation or any sort of disturbance. In a few cases individuals thought to be objects of special dislike by the strikers were careful about their movements after dark.

A case of destitution among the families of the strikers left in Harrison was brought to the attention of Rev. J. K. Farris, and through him to the attention of the citizens. A fund of about \$550 was raised to care for the needy and to aid them in leaving Harrison if they desired and had no means. The committee to investigate needy cases consisted of Dr. D. E. Evans, Rev. Albertson of the Baptist Church, and Rev. Farris. It appears that the other members of the committee did not approve of some of the cases Rev. Farris favored, and as a result the latter soon ceased to function on the committee.¹ It appears that the committee did not see fit to help those who had property and could thus raise money to buy the necessities of life and to pay their transportation. Most of the money was spent for relief work and the small residue was used to feed the citizen guards about Harrison during the coming months.

A few individuals that were not wanted by the citizens

¹ Cf. *infra*, pp. 259-261.

ventured to return after matters had settled down, and were given to understand that their presence was not appreciated. Quite a number that fled in fear have returned to Harrison and are living there in peace. Among this group is Jim Queen, chairman of the Cooperative Committee in charge of the strike locally. Queen was a special object of dislike for a time, and at the time Gregor was hanged there was a rumor that Queen was hanged to a tree in an orchard near Harrison. Queen seems to have stood resolutely against the more radical policy of many of the strikers, who in turn called him yellow and claimed that he was double-crossing them.

The leading citizens seem to have taken the stand at all times that, with the exception of a small group, any of the strikers that were willing to forget the strike and be loyal to the railroad and the community might return to Harrison and live there without molestation. These leaders claim that no one was ordered to leave, but that objectionable persons were merely instructed that their presence was not appreciated and that they could not be guaranteed protection. There were doubtless enough citizens ready to act so that when the leaders withdrew their protection Harrison was not a healthy place in which to live.

At the time of the uprising and during the next few months the Department of Justice at Washington was appealed to by means of letters and telegrams from labor organizations and individuals at various places in the United States requesting action by the federal government. It seems that senators and congressmen were also favored with letters and telegrams which they sent on to the Department of Justice. The most prolific writer was William Pfaff, Niagara Lodge No. 330, International Association of Machinists, Buffalo, New York. Assistant Attorney General Crim seems to have grown tired of answering these

requests, if one may judge by the following letter addressed to Senator Copeland of New York:

My Dear Senator: This is to acknowledge receipt of your letter under date of March 12, inclosing a letter from William Pfaff, of Buffalo. From the number of these letters I am receiving I assume that he has sent one to every Senator and Congressman, past, present, and future. This is a matter that rests solely within the police power of the State of Arkansas.¹

An amusing threat was mailed at Springfield, Missouri, and addressed to Governor McRae:

"If you don't want every town on the Missouri & North Arkansas wiped off the map, you had better get busy and release all persons sent to the pen and have every member of that mob at Harrison sent up.

"If you don't act, we will give them a terrible dose of their own medicine. The whole proceedings are a violation of all law and order.

"If this is not done, we will send an airplane over those towns and burn and blow them up.

"We will see who laughs last. Get busy and right this wrong.

"You won't have any warning when we are coming."

Signed I. W. W.

"P. S.—Every striker that was forced to leave must be paid double value for his property or hell will be to pay. Do you hear?"²

The citizens' committee upon adjourning said:³

We welcome the visit of the legislative committee. We are congratulating ourselves on having wound up this situation with a minimum amount of tragedy and unpleasantness. What the civil and court authorities were unable to handle in the past two years, the citizens have accomplished in two days time.

¹ *Appendix to the Report of the Attorney General, 1922, p. 117.*

² *Daily Times Echo (Eureka Springs), January 25, 1923.*

³ *The Daily Times, January 19, 1923.*

Some men who have suffered from the strike are still more or less 'hard boiled' but they are few in number and the people of the entire region are ready to forget and forgive the depredations and animosities.

The Harrison Rotary Club adopted resolutions concerning the events connected with the strike. After recounting the depredations and disorder, they went on as follows:¹

WHEREAS, the matter was taken in hand by a determined delegation of men representing the citizens who live in the territory served by said railroad; AND

WHEREAS, the results achieved have been so successful and satisfactory, and, as we believe, so full of promise for the future operations of the railroad, THEREFORE BE IT RESOLVED, that we, the members of the Rotary Club of Harrison, Boone County, Arkansas, do hereby publicly commend the action of "CITIZENS COMMITTEE" in obtaining evidence, confessions, and other data, which has resulted in bringing to justice a number of the culprits guilty of said depredations.

Little comment on the part of the author is necessary. Mob action is always deplorable and is liable to result in deeds of violence, deeply regretted later when feelings have calmed. The defense of the citizens is that for two years they had patiently tried less stringent measures without success; that the situation had become intolerable; and that they used the vigilance committee method only as a last resort.

The citizens thought that they had ended the strike. The depredations ceased; but the strike continued to be effective through the hostility of union employees on other railroads. Traffic was light and the road was unable to increase it to a paying basis. The financial straits growing out of this hostility resulted in a willingness of the citizens and the officials of the road to compromise with the unions in order to end the strike.

¹ *The Daily Times*, January 18, 1923.

CHAPTER VII

OTHER CITIZENS' COMMITTEES

WITH the return home of citizens who had taken part in affairs at Harrison similar committees were organized at Eureka Springs, Leslie, and Heber Springs.

Many of the strikers at Eureka Springs left before the citizens' committee was organized. The remaining strikers and sympathizers were brought before the committee and, in most cases, agreed to line up with the citizens and were promised the protection of the committee so long as their conduct was satisfactory. Mayor Fuller issued the following statement:¹

Citizens are united here and will not stand for any more interference with traffic on the Missouri and North Arkansas. Men who left Harrison on account of activities of the Citizens' Committee there, might just as well understand they cannot stay in Eureka Springs. We are united and the city administration will back up the citizens in every way.

I have given the strikers to understand that there must be no strike meetings on the streets or anywhere else in Eureka Springs. We will lend aid to the Missouri and North Arkansas in every possible way.

At a meeting of interested citizens the following resolutions were adopted:²

Be it resolved: That this Citizens' Meeting assembled, hereby

¹ *Daily Times Echo*, January 23, 1923.

² *The Flashlight*, January 25, 1923.

pledge themselves as 100 per cent for Eureka Springs and for the Missouri and North Arkansas Railway Company; That we commend and approve fully the course of action followed and directed by the Citizens' Committee of Boone, Carroll, Newton and Searcy Counties in the recent investigations at Harrison in relation to the strike on the M. & N. A. railway. Further Resolved, that any Striker or Union member, who is willing to pledge himself to a 100 per cent support to our city, and to an absolute abandonment of all active participation in or support of the strike heretofore existing along the line of said railway, is welcome here; but that no such resident who does not fully abandon all active participation in such strike, is desired as a resident here; and that this shall absolutely apply without further investigation to any and all such strikers or union members, whose residence at any town along the line of railway had been determined to be undesirable by the local committee of such town, or by the committee of twelve, of Harrison.

Among others, Homer Porch and Ed. Rowe were before the committee. The committee later thought that Porch was failing to live up to his promise, and he was called before the committee and told that the personal protection was withdrawn. Porch later testified that he had been ordered to leave under threats and ascribed the action to his having testified that it was his belief that O. N. Pritchett could not get a fair trial in Eureka Springs. The committee made a statement regarding the matter, saying in part:¹

The protection promised was a personal protection, and each member of the committee bound himself to them to afford the same protection as would be done to any law-abiding citizen who conducted himself as such and did not lend his influence, counsel or encouragement to law violations, either actively or tacitly.

With reference to Mr. Porch and two others, the committee

¹ *The Flashlight*, February 23, 1923.

some two weeks later decided that they were not keeping faith with the promise of protection, but by their repeated consultations, circulations of silly stories appearing in the union labor paper, many of which were so grotesquely untrue as to bear the stamp of their falsity upon their face, were not entitled to any extraordinary protection at the hands of the committee, and each was so advised. Each insisted that the intent of the information to him was to impel him to leave the city. Each was definitely told that it had no such meaning, that since the committee had promised protection to them upon their request and upon their professed belief that same was desirable, that the committee now believed their action had been such as not to entitle them to demand of any fellow citizen individually that he exert himself specially to see that he be protected from results which, if they occurred, would be the results of his own indiscreet and unnecessary conduct; that in view of that situation they could exercise their own discretion as to where they lived, remained or conducted themselves.

Porch was told that his presence was deemed dangerous simply because he furnished a meeting point and a focus for concentration and that as his fellow townsmen we thought he should leave. No threat was made or suggested. He fixed his own time in which he could prepare to and would leave. . . . He left and one danger point was removed; not because he was dangerous, but because others who were irresponsible and dangerous gathered about him. Personally he is a fine fellow, well liked, and it was simply a case of "dog Tray".

The only other striker that was asked to leave Eureka Springs was Ed. Rowe. Interrogated by the committee, he was "agin" the railroad, the government, and about everything else, and "would like to see the whole thing burn up". We told him that sentiments like that were such that he could expect no protection from us and would not get it, and that he would be safer somewhere else and had best go. He was given to understand that he was expected to go, regardless of his own wishes.

Another, Wm. Dobbins, less violent, was likewise advised, but the question of going or staying was left to himself. Both left.¹

Fred Smith, a former brakeman on the M. & N. A., refused to appear before the committee in January and continued to be obnoxious to the people of Eureka Springs. On April 2, 1923, he was given a severe whipping by a band of men, and, according to his account, given forty-eight hours to leave town. There is no proof that the committee had any part in the affair.

The situation in Eureka Springs has been summed up as follows:²

Fortunately in my town the strikers were men who were in general esteemed, and we believed them good citizens, wholly disconnected with any active participation in destroying the road; . . . so long as they refrained from active participation in plans [for depredations], our purpose was to see that they were protected rather than molested. Indeed different ones of them, wholly without their knowledge then or since, were, with their homes, guarded against possible unfounded apprehensions for their safety at the hands of parties from other points where their citizenship and loyalty to good government was not so confidently relied upon as by ourselves. But with no act of violence done by our own people, it may as well be confessed, that had such appeared necessary, it would have been had. It was simply a question whether the strikers were to be allowed to destroy the country and all that we had, or themselves be eliminated.

S. W. Woods, of Marshall, prominent member of the Harrison committee, accompanied the Leslie delegation home and helped in the organization of the committee there. In the course of the time it was in session practically every

¹ Quoted from a letter to the author from a prominent member of the committee.

² *Ibid.*

business man of prominence served as a member. Four men seem to have been whipped by citizens. Ed. Treece was called before the committee and, after being questioned, signed a statement of loyalty to the road. As he went out from the committee room he was taken in charge by a crowd, severely whipped, and released. In 1925 he established legal residence in Faulkner County, Arkansas, and in January, 1926, filed suit for \$70,000 damages. The case was dismissed in April under the statute of limitations.

Abe Treece, whose store had been a loafing place for the strikers, was called before the committee and questioned. He protested his loyalty to the road and was released from the committee room and taken in charge by some of the citizens and whipped. Two others were whipped. None of the four were strikers.

R. L. Pendergraft, after being questioned by the committee, was given the following statement at his request:

LESLIE, ARK.
JAN. 22, 1923.

To Whom it May Concern:

This is to certify that R. L. Pendergraft has been before the Leslie committee, has made satisfactory replies to the questions propounded to him by that body and has adopted a course of action entirely satisfactory to the committee as a whole. Mr. Pendergraft has been furnished a white ribbon.

(Signed by five members of the committee.)

In August, 1924, three men, including Rev. D. M. Carter, were fined for their part in the Leslie whippings. Carter was especially active in the matter and seems to have plied the lash in one instance. Carter was fined fifty dollars and the other two ten dollars each.

A few days prior to the Harrison uprising a bridge was

burned at Letonia below Heber Springs. A mass meeting was to be held by citizens of Heber Springs, but the feeling was so strong and so many of the strikers were on the streets that it was decided to turn it into a chamber of commerce meeting. On Sunday morning, January 14, a small group meeting was held and the situation discussed. There were about thirty strikers and a number of strike sympathizers there at the time, and feeling was pretty strong. A few of the strikers and their sympathizers had made themselves obnoxious to the citizens. Several had been fined in the Mayor's court for drunkenness, disturbing public worship, cursing the "scabs", and other petty crimes. The strikers were supposed to be well armed and to have made statements that they would protect themselves if molested by the citizens. On Wednesday evening an armed group of about fifty from Leslie and Marshall came to Heber Springs to aid in dealing with the situation. It appears that someone had sent a telegram asking for their assistance.

Prior to their coming plans were being laid to form a committee and a warrant of search and arrest was issued for all the strikers by a justice of the peace. It was as follows:

State of Arkansas,
County of Cleburne,
Heber Township.

Before M. M. Irwin, J. P.

WARRANT OF ARREST AND SEARCH WARRANT.

To any constable, coroner, sheriff, or policeman of the state of Arkansas:

You are hereby commanded to arrest and forthwith bring before me Fred Jones, Peter Bettis, C. L. Goff, Ben Hensley, W. C. Kidd, H. B. Meloy, C. E. Black, Fred Bell, Cecil Rickey, H. Eads, C. L. Woolard, Fred Smith, J. E. Byes, Jno. Webb, J. Duncan, J. B. Davis, P. W. Webb, ——— Wilson, W. A.

Fulkerson, John Joyce, Ralph Holmes, Turner Hicks, J. D. Miller, G. W. Musick, J. J. Wellman, Chas. Wellman, E. E. Gann, Clyde Webb, Geo. Bradley, Jeff Garner, Jim Baer, J. M. Keener, L. E. Harding, Jim Raney, Tom Bittle, Ura Russell, Bill Leslie and H. Hensley to answer to the charge of conspiracy to commit the crime of arson, and forthwith bring them before me at my office in said township to answer to said charge; and you are further ordered, commanded and directed to search the premises of each of said defendants for guns, pistols, ammunition, emery dust, explosives or other articles used for the purpose of destroying property as charged, and you will seize and hold all such articles subject to the orders of this court.

Witness my hand as Justice of the Peace on this 17th day of January, 1923.

M. M. IRWIN, J. P.

With news of the coming of the citizens from above Heber Springs some of the leaders were a bit uneasy, for they were determined that there should be no repetition of what had happened at Harrison. The visitors were met at the train and given their suppers. After supper a meeting was held and O. B. Robbins, local Ford dealer, was made chairman. In cooperation with Mr. Robbins, the Sheriff selected a number of men and designated them orally as squad leaders or possemen to bring men before the committee and to search houses. They do not seem to have been formally sworn in as deputies or to have been given any written commissions. The warrants were placed in the hands of at least a number of the squad leaders, and it was generally understood by everyone that the warrants were being properly used, though most of the citizens testify that they did not see any warrants and that none were read to the strikers, nor were the strikers brought before the justice of the peace as required by the warrants.

The sheriff sent some men to the armory with orders to get army pistols which were issued to the sheriff and a re-

ceipt taken. In one or two instances parties took rifles without permission but returned them later on learning that they were not supposed to be taken. The issue of the army pistols at the request of the sheriff seems to have been an entirely legal proceeding.

Some emery dust, several high-powered rifles, and some ammunition were found. The various strikers and strike sympathizers were brought before the committee and questioned. It is proper to state here that but few depredations had been committed near Heber Springs, and those were mostly of a minor character. The men were asked to agree to give up their strike benefits and the strike and to agree to be loyal to the road and the citizens. They were requested to sign either a statement to that effect or the following statement:

HEBER SPRINGS
JANUARY 18TH, 1923.

To the Citizens Committee,
Heber Springs, Arkansas.

Gentlemen:

I hereby decline to renounce my strike benefits, but agree to leave Heber Springs and any county through which the M. & N. A. Railway passes by not later than Monday, January 22d, 1923. I further agree to remain out of the above territory.

Respectfully,

The statements of loyalty were not a set form but were made up to fit the individual case. The following is representative:

HEBER SPRINGS, ARK.
JANUARY 18, 1923.

To the Citizens Committee,
Heber Springs, Ark.

Gentlemen:

I was formerly an employee of the M. & N. A. Railroad and

went out on strike in February 1921, and have remained out on the strike until this day, drawing a strike benefit. After fully considering the matter and learning of the acts which have been attributed to and proven on some of the strikers, and the depredations on the property of the M. & N. A. Railroad, I have made up my mind to drop the strike, drop the strike benefits, and cast my lot with the citizens of Cleburne and White Counties and do all I can for the upbuilding of my country, to protect in every way I can, along with other citizens, the interests of the railroad and its property, and the interests of the people and community, and I pledge to my friends and neighbors that I will do what I have pledged above, that I am their friend and they are my friends, and that I am with them in lawful and honorable acts in protecting the railroad and upbuilding the country.

Respectfully,

Some of the strikers that signed the statement to leave asked for a clearance paper. The following was given in one case:

HEBER SPRINGS, ARK., JAN. 20TH, 1923.

To Whom It May Concern:

The bearer of this letter, Cecil Richey, is under the protection of the Citizens Committee of Heber Springs and the Sheriff's Possemen of Cleburne County. We hereby request that all persons coming in contact with him show him every possible courtesy, and we hereby state that we will resent any interference with him in any way or any insulting remarks made to him. We further state that we have given a similar letter to all of the former employees and striking men who have recently left Cleburne County who have asked the committee to do so.

Respectfully,

(Signed) M. E. VINSON, *Mayor.*

(Signed) C. E. OLMSTEAD, *Chairman of Committee.*

(Signed) GUY E. BAYSE, *Sec'y of Committee.*

(Signed) B. MASINGILL, *County Judge.*

(Signed) E. BALDRIDGE, *Sheriff.*

While it appears that the strikers were not asked to give up membership in their union, compliance with the citizens' demand would have made the individuals subject to trial and expulsion.

A few of the men brought before the committee later told of threats made to get them to confess, but every member of the committee has testified that no such threats were made. The charges came mostly from men whose reputations in the community were such as to cast doubt on the truth of their statements. Other strikers testify that no threats were made to them and that no strap was in evidence.

The strikers had been fairly active during the strike in trying to line the people up on their side, especially the farmers. A few of the strikers moved to the country and did some farming. Jim Baer, local chairman of the strikers, was one of these. He was active in aiding in the formation of a local of the United Farmers of America, a small Arkansas organization of farmers. When a squad searched Baer's house they found a letter to Baer regarding the local farmers organization. The letter follows:

UNITED FARMERS OF AMERICA

OSCAR ALEXANDER, *Gen. Sec'y.*

BLYTHEVILLE, ARKANSAS, JAN. 10TH, 1923.

MR. J. W. BAER,
Heber Springs, Ark.

Dear Sir:

We are in receipt of your application for charter, together with application for bond, which has been already filled out. We are to-day sending you, under separate cover, stationery, etc., together with charter. Wish to say that we are not sending you a minute book, as we are out of these books, just now, but will send you one just as soon as we get some in.

Yours very truly,

OSCAR ALEXANDER,

Gen. Sec.

Prior to this time the farmers had gone to the merchants and offered them a sort of business man's membership at prices ranging as high as \$47.50. The stores that became members were given a trade card to place in their windows. The finding of this letter together with the trade cards led some members of the crowd to assume that the strikers and the farmers' organization were cooperating. Without any suggestion from the committee or consultation with them, some of the crowd took it on themselves to remove the cards from the store windows. With the exception of the store of J. A. Casey and Son, there seems to have been no trouble. The Caseys were respected members of the community. Most of the removal of trade cards seems to have been the work of citizens from other points.

A group, apparently under the leadership of a man from Marshall, decided to get the card from the Casey store. It seems there had been some reckless statements circulated and young Casey had said something about what he would do if anyone tried to take the card from their store. At any rate, the crowd went to the Casey store and, after some difficulty, took the card. In the disturbance young Casey was hit over the head with a pistol in the hands of a Marshal citizen. As soon as the committee became aware that something was going on, they sent two of their members out to investigate. The affair was soon stopped. Both of the Caseys came before the committee and stated that they did not blame the committee for what had happened.

The membership of the United Farmers in Cleburne County happens to be largely in the southern part of the county, a section where there was considerable opposition to the draft during the war, and some feeling was stirred up between town and country. The removal of the trade cards and the Casey affair stirred the farmers into active opposition to the citizens of Heber Springs. Wild stories were

circulated about an invasion of the town by the strikers and the farmers. How much basis there was for these stories it is impossible to say, but they were believed by many of the citizens for a time, and guards were maintained about the town.

The following resolutions were adopted by the United Farmers:

HEBER SPRINGS, ARKANSAS,
JANUARY 22, 1923.

Be it resolved by the United Farmers of America in council assembled that:

Whereas, an armed mob at Heber Springs, Arkansas, backed and assisted by some of the county officers of Cleburne County, and prominent men of Heber Springs, Arkansas, have openly insulted and attacked some of our members who were going peaceably about their business, and,

Whereas, this same mob of men went into the places of business of our trade members in Heber Springs, Arkansas, and by the use of arms forcibly took away their trade cards, which these members had bought and paid for:

Whereas, we have been wrongfully accused of hindering the operation of the Missouri and North Arkansas Railway we beg to take this opportunity of expressing ourselves as (100%) one hundred per cent in favor of the operation of said railroad, and, whereas we believe in law and order,

Therefore be it resolved that we send this as a protest and that a copy of this shall be sent to the Heber Springs Chamber of Commerce, one copy to the *Jacksonian Headlight* and one copy to the (Little Rock) *Arkansas Gazette*, and one copy to the *Arkansas Democrat*, with a request that these papers publish these resolutions and that the world may know that we do not approve of these acts of violence and that we are ready to give any assistance possible in bringing these men to trial in order that justice may be meted out to all.

Signed by C. R. Goddard, Henry Donohue, J. R. Adcock.

COMMITTEE.

The leading citizens of Heber Springs sincerely regretted the action in removing the trade cards, stating that it grew out of a misunderstanding connected with the letter to Jim Baer and that parties residing out of Heber Springs were responsible. In time matters cooled down and better feelings were restored, as far as the farmers were concerned.

It is now time to take up the cases of some of the individual strikers. Ura Russell, striking fireman, and Fred Bell were among those who left Heber Springs in January. Later they went back, as they claim, to pay their taxes and look after their property. They paid the taxes at the court house and then went to one of the banks. It appears that they had some boxes of shot-gun shells in their arms, and considerable excitement was caused. A group of citizens went to where they were staying to see them, but they had fled. They later testified before the Legislative Committee that they were "run out of town." Just what the crowd intended to do is not known.

Emmett Crosby, W. C. Webb and Dewey Webb were whipped. Crosby testified before the Legislative Committee that he was not a striker but a strike sympathizer; that Mayor Vinson called his attention to a strap about four inches wide in the hands of a member of the committee; and that later a member made a motion, which carried unanimously, that he be given fifty lashes. He states that he was dismissed from the committee room and later whipped. The members of the committee emphatically deny that there was any strap in the committee room, or that any motion about strapping was made, or that any threat was made. It appears to be a fact that he was whipped, but there is no further evidence that the committee was responsible.

Dewey Webb, aged eighteen, testified that the committee tried by means of threats to make him tell about depredations, and finally passed a motion to whip him. After a

time he was excused and, as he started out of the building, he was taken by eight or nine men, who he claims tied him to a post with barbed wire around his head, and whipped him. There has been no denial that he was whipped. The members of the committee deny that there was any motion to whip him and that they had anything to do with any whippings.

It appears from the testimony of Dewey Webb, and from that of the citizens, that he never worked, but was a town loafer supported by his brother. He had been arrested for being drunk. On one occasion Dewey Webb, W. C. Webb and Fred Bell took possession of the town park and stated that "Every God Damn scaley scab had to get out of the park," and cursed until all of the women left. They were taken before the Mayor's court for this. On another occasion Dewey Webb and another man went to the park while church services were being held in the open, and during the service would cry out "Amen" and "God Damn". They were fined for this. Emmett Crosby had been obnoxious for cursing the "scabs" and for other violent language.

In February G. F. Wilmer was attacked in his room by a crowd who tried to break in his door with a bench. He fired through the door and the crowd fired several shots in return before they fled.

It appears that there were a number of citizens ready to chastise those thought to be deserving of punishment but they do not appear to have been members of the committee.

On February 9, 1923, a mass meeting was held, and the Cleburne County Welfare Association was formed. After officers had been elected and committees appointed resolutions were adopted condemning the strikers, pledging loyalty to the road, and declaring that those who continued to support the strike were not wanted in the community.

Some of the citizens along the line called on the sheriff at Searcy and asked about the strikers there indicating that they had in mind going there. They were informed by the sheriff that he had some of the strikers in jail, that they would get a fair trial, and that he did not want any one coming in there making trouble. The officers at Searcy were much opposed to any sort of committee action and proposed to see that no violence or interference took place. The proposed aid in dealing with the situation did not materialize.

CHAPTER VIII

THE WISE AND ORR CASES

CIRCUIT court convened on the second Monday in January. The most pressing cases for investigation by the grand jury were the depredations on the M. & N. A. A large number of the strikers were under subpoena, and they charge that the whole matter was arranged to insure their presence when the mob arrived. On the night of Wednesday, January 10, 1923, a bridge near Everton burned. Tracks of an automobile were found and evidences that oil had been used on the bridge. Albert Stevens, L. A. Wise and V. D. Orr were indicted and arrested for the crime. Orr and Stevens requested not to be placed in jail until they had an opportunity to make bond. On permission of Judge Shinn, Sheriff Shaddock took them to his house for the night. Some of the strikers, including Wise, who had not yet been arrested, maintained that they had been made deputy marshals and were going armed. The strikers claimed that they were afraid Stevens and Orr would be mobbed, and several gathered near the sheriff's house, ostensibly to protect Stevens and Orr, and refused to leave at the orders of the deputy sheriff. One of them "offered to shoot it out" with the deputy. The officers thought it was part of a plot to take the prisoners from them; and accordingly the prisoners were removed to the jail. At this time (about three days before the coming of the mob) feeling was pretty high, and many of the citizens wanted to deal summarily with the strikers. The Ku Klux Klan was in session, and it seems

to have been only the determined stand of the Klan officers that held the citizens in check. Stevens gave bond for ten thousand dollars and was released. Among his bondsmen was George W. O'Neal. Stevens fled with the coming of the mob and became a fugitive from justice.

On January 12 Judge Shinn called the grand jury before him and gave them the following instructions:¹

Gentlemen of the Grand Jury, the court sent for you to give you additional instructions with reference to your duties in some things which have occurred since you were instructed last Monday morning and began your labors.

These are matters on which I believe you should be more specifically instructed. The laws are being violated in our midst, and within a stone's throw of our Court House; within the borders of our county violations are being committed openly and above board. Nobody seems to care about the results. Nobody seems to have any respect for the law. Night before last a bridge was burned this side of Everton, and there is not a question but that it was set on fire. I want to instruct you gentlemen that anyone who sets fire to and burns, or attempts to burn a bridge of the M. & N. A. Railway is guilty of a felony, and that anyone who, though not present at the time the bridge is burned, but who has knowledge of it, is also guilty as an accessory before the fact. Furthermore, if a conspiracy is entered into and a bridge burned by anyone or a bridge is set afire by anyone, then everyone having knowledge of and being connected with that conspiracy would be guilty. I want you gentlemen to make an investigation if it takes from now until the third Monday of July and run down these matters. Keep it up. Something has got to be done, there is no question about that on earth, something is going to be done.

I am informed that here, last night, people were on the streets of Harrison armed as officers and deputy sheriffs. The Mayor tells me there are only two Deputy Marshalls, Mr. Parr

¹Testimony of Judge Shinn, *Records of the Legislative Committee.*

and a night man. I am informed that some people who claim to be strikers were going about up and down the streets with pistols on, last night. I am informed that there is only one deputy sheriff; and every man who had a pistol on him last night, unless he is a regularly appointed, authorized and sworn deputy sheriff or other officer of the law, is openly violating the law. I am informed that one of the strikers approached a deputy sheriff and wanted to fight it out. He is guilty of trying to incite a riot, I don't want to have to call on the Governor for the militia and if you gentlemen will do your duty I don't believe I will have to do so. Bob Shaddock is Sheriff of Boone County, he can appoint a deputy and he is entitled to carry a pistol as an officer of the law. A man to be a deputy marshal must have a commission in writing, and must be sworn in, and unless he does that he is not a Marshall. And the very minute a man who is not an officer of the law puts a pistol into his pocket and starts out to mix and mingle with the people that moment he is guilty of violating the law, and he should be fined to the limit. And I want to say to you gentlemen if you find the leaders of any gang whatever they call them, let them be Ku Kluxers, or whatever they call them, or strikers or whatever they call them, if he is not appointed under proper authority and if he is not approved by the county court he has no more right to carry a pistol than you have or than I have, and any man who has no appointment by the county court, in writing, approved by the county court has no more right than you have or than I have. While court is in session here I have power to see that orders which I make are obeyed and enforced, and gentlemen, I mean to do it. And I want to instruct you now, Mr. Sheriff, there can be no more gatherings while court is in session here. I don't want the strikers to assemble in their meetings and I do not want the Ku Kluxers to have their meetings, and if the Sheriff sees such going on I want him to report to me and I will make the order and fine them. We must have order. I have heard a great deal of what took place last night, and as told to me it was almost a disgrace. There were men placed under

arrest. We had to fix their bonds. At first the Sheriff took them to his home, did not want to take them to jail and people actually flocked up there and wanted to fight it out, and I understand one man did with a deputy sheriff. Every man who was there was trying to intimidate the sheriff and was acting in open violation of the law. I submit it all to you gentlemen. I don't want any fighting or disturbances during this term of court and if you see people who are going to congregate on the streets report it to me and I will issue attachments and I will fine every one who congregates about the streets more than four in number.

Mr. Sheriff, you, Mr. Mayor, I want you to help me to enforce the law and this ruling, and to see that people do not meet. I do not want meetings held until things are adjusted. Send out subpoenas for all of those people connected with this thing last night and indict everybody who has been carrying a pistol or committing other violations of the law. If you find anyone has done so, unless he is acting under oath and is duly appointed, indict him, and that means everybody that has a gun who is not a legal officer under our Statute.

On Tuesday morning, January 16, after wiring the governor for troops, Judge Shinn called the grand jury before him and gave them the following additional instructions:¹

Gentlemen of the Grand Jury, I don't know what to say to you this morning, except that Boone County is in awful condition when it gets to the point that people can come here to the county seat and within a stone's throw of the courthouse commit the crimes that were committed yesterday and last night. I want to say to you that it is putting it mildly to say we are in a terrible condition—terrible does not express it. I have just wired the governor the conditions. One man is killed, other men have been whipped publicly in broad daylight and others beaten up with guns. I do not know what the governor will do. If he doesn't do something it seems to me we

¹ Testimony of Judge Shinn, *Records of the Legislative Committee*.

are in an awful condition. You gentlemen are under oath the same as I am under oath, and as I said at the beginning of this term in instructing you in regard to your labors, I believe the responsibility that rests upon you gentlemen is graver than the responsibility that rests upon me. I want to say to you that I never felt it stronger in my life than I do right at this moment, and I never felt so much like resigning in all my life as I do right now. I have served for four years as circuit judge, and have done everything I could during that time to enforce the law. I feel right now that I am a failure, an absolute failure. I have just started out on my second term, and, God being my helper, I want to do my duty. But when it comes to the point that men go wild and commit offenses that were committed here last night, I want to say to you that it is an appalling condition. Here is one of the best grand juries that has been empaneled in Boone County, Arkansas. You gentlemen were getting along and making investigations; you were doing good work; people were being indicted for burning these bridges and committing these depredations; and indicted for other violations of the law. I was pleased with the work being done and the progress being made, but now the time has come when it looks like something besides the enforcement of the law has got to be done. You are a branch of the criminal court, and you gentlemen, in your deliberation and consideration of the state of affairs here, I would be glad if you have any recommendations to make. I don't want to be taken out, whipped, beaten and publicly humiliated because of my attitude or my efforts to enforce the law. I am just a free-born American citizen. I grew up in the hills of Newton County to breathe the free air and drink the pure water of those mountains. I didn't know what it was to violate the law. But today it has gotten to the point where people wink at violations and have no respect for the law; the law is not respected like it was when I was a boy. In those days a man who was indicted was considered an outcast from society, but now it has gotten to the point where people do not care a straw for violating the law, and have no respect for either the law or the officers of the law.

Threats have been made. I have received anonymous letters, and the people who sent those letters did not have the guts or the courage to put their names to what they wrote. A man who hasn't the nerve and backbone to sign his name to a letter he writes is an agitator, and as a rule desires only to stir up trouble. Gentlemen, go on, and do your duty. This is the home of the people of Boone County. This is the courthouse, the seat of government. This is supposed to be the place where criminals are brought to justice, and the place where people have the right to seek protection. There is the man in the very northeastern corner of Boone County and the man out there on the Missouri line—he looks to the courthouse for protection as much as do those who abide under its shadows. This court house was built by the people and it is a monument. I want you gentlemen to do your duty; no difference who has violated the law, if it is your brother or your nephew or any relative, have the courage to do your duty fearlessly and let the chips fall where they may. But I want you gentlemen to consider right now that you are in a session from now until the third Monday in July, when another Grand Jury will be empaneled. We must have protection for life and property. Peoples' property is being taken possession of, and if people here are being mobbed and whipped we must do something to protect them.

The following tribute to Judge Shinn seems to be merited. "But interest ran high for Judge Shinn, man of quiet confidence and integrity, of public-spirited endeavor, was on the point of investigating charges of sabotage and bridge-burning made against the striking railroad men."¹

Whatever may have been Judge Shinn's feelings regarding the mob, he seems to have been jealous for the integrity of his court. He doubtless realized that he was powerless, and was content to use his influence against further violence.

On Wednesday, January 17, Wise and Orr were brought

¹ From an unpublished report by C. J. Fieger.

before the court and after some conference with their attorneys plead guilty to burning the bridge near Everton and were sentenced to a term of from seven to ten years in the penitentiary. The evidence against them is shown by the minutes of the grand jury:¹

JANUARY 13, 1923.

J. S. Johnson, on oath states, that he saw the car tracks at the bridge that was burned near Everton, Arkansas, and knows the prints of the tires that were found in the mud. He further states that the car belonging to Luther Wise which he took charge of last night has the same kind of tires on it that made the tracks at the bridge which was burned near Everton, Boone County, Arkansas.

Signed—J. S. JOHNSON.

[J. S. Johnson is a former sheriff of this county.]

JANUARY 11, 1923.

Jack Halter, upon oath states that about nine o'clock January 10, 1923, I passed down Stephenson Avenue in Harrison in a Ford coupe and I saw Albert Stephens making to a car, apparently wiping his hands and about thirty minutes later I drove back up the street. I saw Albert Stephens and another man standing near a Ford car, the other man I understand is a brother of J. S. Selby. One of these men, as I recall it, was Selby who had a five gallon or a large oil can in his hand. From my subsequent and immediate observation this car was headed east and was driven away by Albert Stephens, moving up the side of the street which adjoins or is located by Hammer-schmits Lumber Yard, and at the Scott residence the car turned west, on the street leading to the square between the postoffice and the citizens bank which was the last trace I had of said car on account of riding east in my car and turning the corner

¹ Testimony of Prosecuting Attorney Karl Greenhaw, *Records of the Legislative Committee*. [Comments by Mr. Greenhaw are enclosed in brackets.]

to the south at the Planters Hotel. I returned to the Square up Stephenson Avenue and I did not see this car or any other car. This all occurred in Harrison, Boone County, Arkansas.

Signed—JACK HALTER.

JANUARY 11, 1923.

Mrs. V. D. Orr, on oath states. She was at home last night and she went to the show and returned home about eight forty, and that my husband was in bed when I returned. My husband was at home when I left for the show. Before leaving for the show I went to visit Mrs. Brown and Mrs. Baker. Mrs. Brown is very sick.

She later states: My husband was not at home when I left and he was not at home when I returned from the show and when he came home I was asleep and I really don't know just when he came as we have no clock or timepiece except his watch. I do know the automobile was not there. I always ask my husband the time when he comes in at night and he told me it was eleven o'clock last night when he came home. The reason I made the first statement was because I was afraid my husband might be in some meanness.

Almar Cooper, upon oath states, that he is a brother-in-law of Red Orr. Orr married his sister; that he stayed all night at Red's house the night the Everton bridge was burned, that is the railroad bridge a mile and a half this side of Everton and known as the Young bridge. He further states that Red Orr, Albert Stephens, and Luther Wise drove up to Red Orr's home about five p. m. the evening the bridge burned referred to above, and that he heard Red Orr tell his wife they were going to get another one tonight, and they drove off in Luther Wise's Ford car; Red Orr came home between eleven and twelve o'clock that same night and he told his wife they got another bridge that night and said it was the Young bridge this side of Everton, Arkansas. The next day at the court house Red Orr told me "We got another one last night." Red was then in the Sheriff's office and I was standing just outside the

building on the steps and the window was up and he told me this through the window.

[I will state when the officers went and arrested "Red" Orr this man Cooper, who lived at his (Orr's) house, or rather stayed there that night had not gotten up. Cooper's testimony is not complete; that is, we have no Grand Jury stenographer here and it was not taken verbatim, but I was present and heard him testify that he was asleep in an adjoining room to that occupied by "Red" Orr and his wife; that the partition wall between their rooms was thin, and when Orr came in that night, he told his wife that they had burned the Young bridge this side of Everton. Orr was arrested before Cooper got up, and when Cooper came down to the sheriff's office he told us what "Red" Orr had told his wife the night before. He said that "Red" Orr told him while there in the sheriff's office: "We got another one last night." He said when "Red" told him this that he (Orr) was in the sheriff's office and he (Cooper) was just outside of the building on the steps, and the window was up and he told him this thru the window.]¹

[Albert Stephens is the one that was testified about having been seen at the filling station. Selby runs a store and sells oil, and he saw Stephens there with an oil can, and he saw him go in the direction of Everton. This happened on the night the Everton bridge was burned. This man Stephens is indicted for burning this same bridge. He was indicted and his bond fixed in the sum of \$10,000. He left here in January and has not returned.]

Scarcely had the doors of the penitentiary closed behind Wise and Orr when they repudiated their pleas of guilty. Early in July habeas corpus proceedings were brought before the Supreme Court of Arkansas asking for their release on the ground that they had not had a fair trial, as the court was intimidated, and they plead guilty to save their lives.

The evidence submitted consisted of the following: Ex-

¹ Cf. *infra*, p. 168, for repudiation of this statement.

hibit A was the court record of indictment and sentence. Exhibit B was the testimony of George W. O'Neal before the Legislative Committee giving an account of the disturbed conditions in Harrison at the time of their plea of guilty. Exhibit C was the instructions of Judge Shinn to the grand jury on the morning of January 16 after the hanging of Gregor. Exhibit D was the statement of Judge E. G. Mitchell, attorney for Wise and Orr, which is reproduced in part below. Judge Mitchell is still a resident of Harrison and one of the leading practicing attorneys of that section of the state.

. . . The accused asked me if I would defend them. I said yes. . . I further said, "I want to tell you boys the situation; the mob is here and is dangerous." I advised them that I would have to file a motion for a change of venue, and that the court would grant it because he could not do otherwise as a conscientious man. I told them that if he does grant it, in my opinion you will throw away that thousand dollars and distress your family to no purpose; "I fully believe you will be mobbed before tomorrow morning." I then appealed to Judge Williams to give his views; he promptly answered that he thought I was absolutely right. I said to them then that we would defend them if they wanted us to do so without regard to consequences. Red Orr spoke up and said that he would plead guilty. I told him I was glad of it even though it did lose me a thousand dollars. Luther Wise said he would not plead guilty because he was not guilty. Then we went back into the courthouse and I told the court that "Red" Orr wanted to plead guilty unconditionally. Luther Wise then told the court that he would plead guilty, but that he was not guilty, but he would do so to save his life. The court said he could not accept that sort of plea. I insisted that he should take Red Orr's plea of guilty, and the court refused to take the plea of Red Orr. I told the court then that it seemed to me that if one defendant wanted the poor pitiful satisfaction of going to the penitentiary that this

right should not be denied him because the co-defendant did not see fit to take the same course. I told the court that in my honest opinion they would be mobbed if they remained overnight. The court said he would put a hundred men around the jail to guard it, and would give them a trial the next morning. He ordered the sheriff to have them in the next morning for trial. Then he meditated for a little time and asked me to go back in the room and talk with them. We went. I told the defendants then that I believed the court was very uneasy and that he would, in my judgment, deal lenient with them more so than a jury would. I told them that he was good-hearted and probably thought they were guilty. I told them what Karl Greenhaw, the prosecuting attorney, had told me the evidence would be on the part of the state. I said to them that if he made that the proof any jury would give them the limit, if they were not mobbed. I pointed out of the window at the hordes of men constituting the mob. These men had guns; their threats were audible; the defendants could see them and hear them. I did suggest to them that later on I was sure a reaction would set in and that they could get a fair trial. Luther Wise and Red Orr had some conversation in which Wise tried to get Orr to go in and tell the court he was not guilty. Orr said, "I am not guilty, either, but I know I am going to be killed if I can't get away from here" and insisted in effect that Wise would plead guilty unconditionally and not cause them both to be mobbed. Wise then reluctantly consented, or it seemed to me he was reluctant about it. We went back into the court room and I told the court that both defendants had agreed to plead guilty unconditionally. Orr then pleaded guilty unconditionally and the court gave him seven years, and then asked Wise if he pleaded guilty unconditionally and Wise said he did. I was standing a little ways off and I heard Wise mutter something and I understood him to say, rather low, "I am not guilty, but I have to do it to save my life." I am sure that Judge Shinn did not understand him. Mr. Russell, editor of the *Headlight*, was standing nearer Wise at the time. He asked me if I understood what Wise said. I told him I was

not sure and he told me that Wise said he was not guilty, but that he had to plead guilty to save his life. I then said I did not believe Wise was guilty, and I have so said ever since. I was sincere about my opinion. Judge Shinn then admonished the crowd, there were not a great many in the court room, not to tell what had occurred there in the court room. . . .

That Wise and Orr did plead guilty under duress and fear, I know. The night before they had been in jail and the mob, first and last consisting of hundreds and hundreds of men, armed with guns, surrounded them in a way since their arrest a day or so before. They had been taken before a Citizens' Committee, and from there to the grand jury. The night before, I think it was, an innocent man by the name of Gregor had been foully murdered by members of the same mob. The mob had beat up a number of citizens and Judge Shinn had announced his inability to cope with the situation. He had done so to the grand jury and made a record of it. In that instruction to the grand jury he had used language that indicated that they might attempt to beat him. He had appealed to Governor McRae for troops, but the troops had not arrived. These facts I detailed to the defendants before they pleaded guilty. They knew some of them anyway. They knew about the mob breaking into houses and destroying some property. They knew that trains bearing hundreds of men had been brought in by the railroad to drive union men, then on strike, away from that country. They knew that nearly all of them had been driven away. There were reports at that time that a number of prominent union men had been found in the woods hanging on trees. Notably, this was true as a rumor about Jim Queen, a fellow railroad worker, with defendants as union men and union strikers. Most of these rumors proved to be without foundation, but at the time they were believed, at least by the defendants. . . . The brutality of the hour caused fear on the part of defendants and, in my opinion, they are entitled to have their day in court, to face their accusers. I believe the time is coming when they can get a fair and impartial trial in Boone county.

Exhibit E was by J. L. Clutes, age 71, Mayor of Harrison until the January, 1923, upheaval, when he resigned under pressure from the citizens, who charged that he was a strike sympathizer. Exhibit F was a sworn statement by O. W. Hudgens, practicing attorney of Harrison, until he left in January, 1923, as a result of the troubles. Exhibit G was the testimony of Sheriff Bob Shaddock before the Legislative Committee.¹ Exhibit H was the statement of Mrs. Enola Stewart, former boarding-house keeper of Harrison and strike sympathizer. Exhibit I was a statement by A. H. Cooper, who had testified earlier before the grand jury.²

In the course of his statement Cooper said:

On the 15th day of January, 1923, at about 11 o'clock, p. m., five cars of men drove up in front of the house and took another man and myself . . . to Harrison, Arkansas, where we were locked up. At 3 o'clock on the morning of the 16th, four men came to the room where we were imprisoned and one man said to the guard, "Where is Cooper?" This guard answered him and said, "I don't know, but I will find out." At this point I spoke and told them that I was Cooper. He told me that he wanted to see me, and took me downstairs and put me in a car. There were four other men in the car besides myself, and we all drove out to a place just south of the M. & N. A. shops, where I was taken from the car and a rope tied around my neck. I was then asked what I knew about the burning of bridges, which happened previous to this time. I told them I knew nothing about the matter except what I had seen in the paper. At this one of the men spoke up and said, "Bring him on down to this tree." I was then taken down to the tree that they spoke of and was told if I did not tell everything I knew I would be

¹ Cf. *infra*, pp. 200-201.

² Cf. *supra*, p. 164.

killed right there. I still maintained I knew nothing of the matter they referred to. When I told them this they began to pull on the rope that was tied around my neck and the other end of which had been thrown over a limb of the tree. They then let the rope out and one of the men said to me, "What time did Red Orr and Luther Wise get home the night the bridge near Everton, Arkansas, was burned?" I told them that Orr was home at 11 p. m., and I did not know what time Wise got home. They told me I had "lied", and that both of them had burned the bridge near Everton, and they began to pull me up again. After keeping me up a minute or two I was let down and the man who had done all the talking pulled a Colts automatic from his pocket and hit me in the chest and said, "I just as soon kill a hog as eat, and if you don't go before the grand jury and swear that Orr and Wise burned that bridge down at Everton, you will never get out of town alive". After agreeing to do this I was put in the car and taken back to Harrison, where I was locked up again in the same room they had taken me from. I was left there until 4 p. m., when I was taken before a group of 12 men known as the "Citizens' Committee." I was not questioned at this time, but on my way home I was overtaken by three men in a car and taken back to the committee, where I was rigidly questioned. I told them that I had been forced to tell that Orr and Wise had burned the bridge. From here I was taken to the courthouse and taken before the grand jury and forced to swear that Orr and Wise were responsible for the burning of the bridge near Everton.

I further swear that the affidavit I signed about Orr and Wise being responsible for the burning of the bridge is false, and that I knew Orr had nothing to do with it, and so far as I know Wise is innocent also. That the affidavit I signed was obtained under duress and threats.

Exhibit J was the affidavit of George W. Roberts and is reproduced in part.¹

¹ Cf. *infra*, pp. 213-215.

I was first taken before the Citizens' Committee of Twelve about 10:00 a. m., Thursday, January 18th, for about ten minutes. They told me that my statement was unsatisfactory and they could not accept it and sent me to the bull pen under guard. . . . I was again taken before the committee at 1:00 p. m. . . . They again told me that my statements were not satisfactory and placed me in a room with three guards over me. I was held until about 5:00 p. m., when I was again taken into the committee room. Only three men were in the room; Walter Snapp, Sam Dennis, and a man by the name of Thompson from Berryville. Walter Snapp went out of the room and returned with a rifle. He poked the gun into my side and shamefully abused me. Walter Snapp said to me, "We are tired of your God damn lying, and we are not going to put up with it any longer, you God damned son-of-a-bitch, you just sit up there and lie, and don't think you are going to get by with it here, and if you want to get out of Harrison, better come on clean, or you will never get out of here alive." Mr. Dennis then said, "We can not control that bunch out there much longer, we are going to give you one more chance. We will stretch your neck longer than the others. We do not know who hung Gregor, nor want you to think that we do." . . .

They questioned me about five minutes. They asked me why I had gone up to Venable's so often at all hours of night, etc. They said they had reliable information that I was seen going to Venable's house. I told them that it was not true and then I was again taken back in. Then I was asked if I was Venable's private secretary, and told that I had been seen carrying books to and from Venable's; that I had to go dig these books up so they could see what they were, etc. I told them I knew nothing of any books. They told me that they had reliable information that I had been doing depredations along the railroad and that if I would confess to them that I would be released. I told them that I knew of nothing to confess to. Then they told me that the mob was getting hard to handle and that they would have to turn them in on me. I told them to go ahead. I was then sent to a private room under four guards. . . .

About 11:00 p. m., Sam Dennis and Walter Snapp came to the door. They told me this was my last chance to confess and they would not be responsible for what might happen if the mob came in on me. I told them I had nothing to confess and they left. Then the armed mob began to crowd in the hall and a big man from Eureka Springs who had been in the committee room, began to curse me and knocked me around with a gun. About this time Walter Snapp or Sam Dennis made a talk to the mob, and said we have information that Roberts has been trying to hire men to kill Dr. Routh and Mr. Murray, and we do not know what ought to be done with a fellow who acts like that. Then the mob got busy. . . . Some of them struck me with their guns. I started to run and they put their guns on me and told me not to make another move, or they would kill me. I then asked for Walter Snapp and Sam Dennis. They came and I told them I would make a statement if they would get rid of that mob and not let them kill me. They said they would see what could be done, and asked the mob to let me talk to them a little. I knew that I would have to tell them some sort of a satisfactory story or they would hang me just as they had Gregor the morning before, so I made up a story out of the questions they had asked me. . . .

. . . I answered all their questions as I thought that they wanted me to, offering no volunteer statement. My statement was not the truth, as I knew of no one who had committed any depredations. . . .

About 8:30 a. m. on Friday, January 19th, Sam Dennis and Walter Snapp and three car loads of armed men took me to the grand jury room. As we went into the courthouse Walter Snapp said, "Now, you tell that story, or by God you won't get out of here alive." There are two doors to the grand jury room. Walter Snapp stood in one door and Sam Dennis in the other during the time I was in the grand jury. They wanted me to repeat what I had said to Greenhaw. There was no use attempting to avoid doing this, as I was under duress, subject to the actions of the mob and being treated no better while in the grand jury room than when before the Citizens'

Committee. J. A. Center, a member of the grand jury, said, "We don't want none of your God damned lying in here." Greenhaw asked that he be permitted to question me, and said that he knew what to ask. Circuit court was in session in a room above. I knew I could get no protection there, as I had seen the deputy sheriff waiting on the Citizens' Committee of Twelve, and appeals to Judge Shinn and the other authorities had brought no results. Both Walter Snapp and Sam Dennis told me that the Citizens' Committee was a branch of the circuit court acting under orders of Judge Shinn.

The statements that I made to the grand jury were along the same line as made to the committee before the prosecuting attorney. They were not facts. I do not know of any one guilty of committing any depredations or crimes, and the statements were made, together with the deposition afterward taken, under duress, and while I was threatened with mob violence if I refused to make the statements, or refused to give testimony INDICTING SOME ONE and I only testified and made statements as directed by them in order to save my life. . . .

The last Exhibit, K, was by Mrs. J. T. Venable.

On July 6 the Supreme Court ruled that it had no jurisdiction in the matter and proceedings were instituted before Judge Jacob Trieber of the U. S. District Court. The same evidence was filed before him, and the oral testimony of a number of witnesses was heard. In the course of his decision declining the petition, Judge Trieber said:¹

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 At that time [the time of arrest] there was no mob in the city, and there seemed to be no feeling. . . . The evidence fails to show that at that time there was any mob feeling against these or other Union men by the people of Harrison.

Now, what happened that night? Mr. Holt testifies that after the prisoners had been taken to the sheriff's home, he went to

¹ Quoted from a verified copy.

his father-in-law's house, who lived two blocks from the sheriff's house, and I believe his family was there, and when on his way to the sheriff's house he found within a block of the sheriff's house three men, whom he named, sitting there. All of them were armed, and they were cursing and abusing everybody for arresting and indicting these men, that he told them that, feeling as they did, they were entirely too close to the sheriff's house where these two men, Orr and Stephens, were held at their request. They were not handcuffed or treated as prisoners, but more as guests. These men then started off, but came back, when he saw them come back and go to another place within a block of the sheriff's house, he went there to order them off again, when six men came there in an automobile, one of them the petitioner Wise; they cursed him and abused him, and his conclusion was that they were trying to liberate these prisoners. They told him that they had been deputized by the city marshal, who it seems, was afterwards forced to resign by a mob; that they were officers and had a right to carry guns, and some of them told him: "If you want to we can settle it right here, and shoot it out man to man." He testified that he knew better than to engage in a fight against six armed men. When he found the three first men and one of them attempted to draw a pistol on him he pulled his gun out and made them leave, but he thought it wiser not to accept their challenge and shoot it out with six armed men against him. He then went to the sheriff's house and he saw a large number of men around there, most of them strikers and their sympathizers; he thinks there were about fifty; he went in the house and told the sheriff what had taken place and of the crowd near the house. . . . Then the sheriff felt that if they kept the men there they would be taken from him by force by their friends and sympathizers, and the only thing for him to do was to take them to jail and he did it.

Everything continued to be quiet until the succeeding Monday, January 15th. On that day, which was the first day the road began running again after the burning of the bridges, citizens, mostly farmers and others living along the line of the road came to the town of Harrison, evidently for the purpose of putting an

end to this continued destruction and obstruction of the road upon which they were so dependent. They came there armed. Whether they came there without any intention of violating the law or not, it is of course impossible to say, but the evidence establishes beyond any possible doubt that, after they had come there, they held a meeting at which there was appointed an executive committee of fifteen, and then the crowd became a mob. They were armed and in violation of all laws, and of every guarantee of the Constitution of the United States and of the State of Arkansas, they deprived men of their liberty and on Tuesday morning assassinated a man by hanging him; others were whipped, some of them for doing what they had a right to do as citizens of the United States, for signing the bond for a man under indictment. Some of the officers who were reputed to be in sympathy with the element which had committed sabotage to prevent the operation of the railroad, were forced by them to resign and some to leave town. But all this happened on Monday, Monday night and Tuesday morning, following the indictment of the petitioners on January 12th.

In the meantime these men were in jail. There is no evidence to show that there had been any interference or threats made against them or others prior to the coming of this mob. After hearing what the mob had done, and especially that one of their men had been lynched that night they no doubt became uneasy, but it seems that by order of the court the sheriff had put a number of trustworthy men in the jail, appointed as deputies, to see that the prisoners were protected. Mr. Johnson, the former sheriff, and Mr. Godwin, who is a business man and others, and so far as this evidence shows they had no connection with the mob, acted as guards. Mr. Godwin was deputized to be there as a watchman to see that no harm was done to the petitioners.

Now, here we find a conflict in the evidence. The petitioners testified that all night there was shooting, that threats against them were made, that men passed through the jail, called their names, cursed and swore, and said that they ought to be hung. Mr. Godwin positively testifies that there wasn't a word of truth

in it; that there had been some shooting early in the evening at some distance from the jail; that no armed men were near the jail, no one came into the jail, and that no threats were made. The court believes the testimony of Mr. Godwin, rather than that of the petitioners, not merely because they are interested but for several other reasons to which I will refer later.

On Tuesday morning, Judge Shinn, who is on the Circuit bench the fifth year, having been reelected I believe with practical unanimity last year, came down town in the morning and heard of the lawless acts committed. He immediately sent for the Grand Jury and gave them a charge, such as would be expected of any judge of firmness and who believes that his duty is to see to it that every man, whether guilty or innocent, is entitled to protection and if charged with a crime to a fair trial. The charge which he gave to that jury is a model, and it ought to be published and distributed around the country. That was on Tuesday morning. In addition to that he instructed the sheriff to appoint fifty discreet, impartial men, to protect those who are in jail, and every citizen. The sheriff did appoint such special deputies, and there is nothing to show here that any of these appointed by him were a part of the mob, even if some of them did wear a white ribbon, which it seems was pinned on them as a sort of protection to show the mob they were not in sympathy with those who were supposed to have interfered with the operation of the road by committing acts of sabotage.

The evidence shows, and it is practically undisputed, that most of the crowd began leaving for their homes on that Tuesday. I refer to those who had come there from other parts along the railroad. It was further shown that after the judge learned of what had taken place the night before, and during that day, after he had given his special charge to the grand jury, and learned from rumors that a body of men belonging to the various unions to which these strikers belonged, employed at Springfield, Missouri, and at other places probably, were coming to Harrison for the purpose of avenging the death of Gregor, who had been so foully murdered that morning and to

protect other Union men. Thereupon, after consultation with the sheriff, Judge Worthington, who had been the predecessor of Judge Shinn as Circuit Judge of that Circuit, and with some other men whom he considered proper men to consult with, it was decided to call on the governor for troops. . . . But as during the day most of these people had left the city, and everything having quieted down, and having learned that the rumor that a mob was coming down to avenge the death of Gregor and the wrongs which had been done by this mob, was false, it was decided that it was unnecessary to have troops, and the sheriff feeling that with the force of deputies he had, and the men he could summon as a posse comitatus he could control the situation, wired the governor that it would be unnecessary to send any troops, that he had the situation under perfect control. That was the condition up until Wednesday morning. . . .

That Wednesday morning these petitioners were brought into court for the purpose of arraignment and plea, and to set the case for trial, if they were to have trials.

When they came into court each was informed by the Judge of the charge against him and asked whether they had an attorney. They said they had consulted with Judge Mitchell. Judge Mitchell wasn't in the court room, and from the evidence it appears that there were very few persons present, not exceeding twenty-five at that time or any time the court was held that morning. Judge Shinn directed the sheriff or his deputy to telephone for Judge Mitchell. Judge Mitchell came to the court, and asked for time to consult with his clients, which was promptly granted. They thereupon retired to the judge's chambers for that purpose. Before that day, after the parties had spoken to him about employment, he had asked Mr. Greenhaw the prosecuting attorney, what the evidence against them was. Neither Judge Mitchell nor Mr. Greenhaw is certain whether Mr. Greenhaw furnished him with the minutes of the grand jury, showing what the evidence was, or whether he merely told him what it was, but both agree that one of these two things was done. Mr. Greenhaw told him, Judge Mitchell testified, after informing him what the evidence was, "I have no doubt

that upon the evidence I have given you there will be no doubt of securing a conviction." He testified that he told petitioners from the evidence furnished him by the prosecuting attorney, he had no doubt with the feeling now existing, that they would be found guilty by any jury, and if they were found guilty, no doubt the jury would impose on them the maximum punishment permissible under the law, while on the other hand if they should enter pleas of guilty, the court wouldn't impose the maximum punishment, as it is usual for the court to impose a lighter punishment, on a plea of guilty than the jury would impose under the conditions then prevailing, upon a verdict of guilty. He also thought that it would be dangerous, with the feeling existing at the time, to attempt to take a change of venue, or ask for a continuance. Before Judge Mitchell had been sent for, Orr testified that he informed the court that he would like to have his trial postponed until the 29th of January, when there would be an adjourned session of the court, but the judge told him that he would have to go to trial the next day, that the secret committee of the mob had (he didn't use the word mob) had sent word to him that there must be a speedy trial or a plea of guilty. Judge Shinn absolutely denied that anything of that kind was said, that no one ever approached him, and said no man or any body of men would dare to approach him, with such a proposition, to tell him what he must do, and what he must not do in the discharge of his duties as a judge, and I don't believe anyone who knows Judge Shinn would believe that they would. The court is satisfied beyond any doubt that no such remark was made by Judge Shinn, and no such request was made, and that it is an absolute falsehood, as much so as some other testimony of Orr, as well as of the other petitioner, which I will refer to later.

They came back. Judge Mitchell says Wise told him, he would not enter a plea of guilty, and Orr said: "To save my life I would rather plead guilty and take my chances in the penitentiary, as I may get out later." But finally Wise said, "All right, let's go in." When the court asked him: "Are you ready to plead in this case," Wise said he was ready to enter a

plea of guilty, but that he was innocent, that he didn't commit the crime charged. Orr said that he was willing to enter the plea of guilty, without anything more. Judge Shinn told Wise that he couldn't accept such a plea, if a man is innocent he can't enter a plea of guilty in his court; he is entitled to a trial by jury, and he is going to have it, and the trial will be the next day. They then decided to have another consultation with their attorney. After another consultation in the Judge's chambers they came back and Judge Mitchell, as their attorney, said both defendants are ready to enter pleas of guilty "unconditionally." Judge Shinn said it struck him a little peculiar that Judge Mitchell should use the word "unconditionally," something that had never been done before. He then explained to the petitioners the effect of a plea of guilty, and each of them pleaded guilty. . . .

Now, let's take some other testimony of these petitioners, which is certainly bound to affect their credibility, as the court is sitting here for the purpose of determining the weight of the evidence and the credibility of the witnesses.

First Wise testified that when he went into the grand jury room the day before the plea of guilty was entered, there were thirty persons present in the grand jury room. Of course under the laws of the State of Arkansas no one is permitted to be present in the grand jury room but the sixteen members of the grand jury, the prosecuting attorney or his assistant, and the witness who is testifying at the time. The intention in making this statement, was to impress on the court that the mob was in charge of the grand jury room, in order to force indictments against strikers or prevent indictments against those who had participated in the crimes of the mob on Monday night. Later he said he was certain there were over seventeen and later there were over eighteen persons present. The prosecuting attorney who was present in the grand jury room all the time, absolutely denied that there was a single person present, except the members of the grand jury, the witness who was testifying, and himself. It is impossible for this court to believe that a prosecuting attorney, or a member of a grand jury would so far

violate his oath as to permit a mob to be present when witnesses are examined or when they deliberate on the question of a true bill, whether they should vote it or not.

The court hasn't the least doubt that this was a falsehood, and that he knew it. Orr testified to the same thing, that there were present (he said he didn't count them) more than the sixteen members of the grand jury when he testified before it. He was asked who was present who wasn't a member of the grand jury, and he didn't know them, although he has lived there, he says, for years. Nothing of that kind was presented to the court when they were before the court.

Now it may be true, and the court has no doubt of it, that these men, and perhaps Judge Mitchell honestly believed that this mob, although it had been dispersed, and all the officers say that on Wednesday things had quieted down, still they might have believed that they were in danger, but nothing of that kind was called to the attention of the court, nor does the court believe that on Wednesday they were in any danger. There is no evidence to show it. All the evidence on that question which was introduced here was negatived by men whose veracity is beyond question, so far as this court is concerned. They also testified that armed men came to the jail Tuesday night, passed through the jail, cursed and swore and said that they ought to be hanged, and some fired their guns, but that is all denied by Mr. Godwin who was at the jail as a watchman, and a deputy sheriff. In the court room only twenty-five people were present altogether. Petitioners' testimony as to the statements made by Judge Shinn are disproven by every man who was in the court room at the time. Judge Mitchell, who was present, didn't testify that anything of the kind took place, and if he had heard it he would have told it when on the stand.

They also testified that Judge Shinn told the sheriff to put them in a closed car and rush them off immediately to Bergman, on the Missouri Pacific Railroad, twenty miles from Harrison, and warned those present in the court room that, if they said a single word about what had been done in court at that time he would punish them for contempt. Every man present, the

Judge, the clerk who was present, the deputy sheriff who was present, deny it, and Judge Mitchell didn't hear it, although he was present, or else he would have testified to it when on the witness stand.

When men testify that way, what weight can be given to their testimony, leaving out of consideration the interest they have?

If they were under the wrong impression as to the danger to their lives, that wouldn't justify a court to set aside the verdict of a court of co-equal dignity with this court. This court on habeas corpus can't pass on errors alleged to have been committed by the state court, and this court, before it would feel justified to set aside the solemn judgment of a judge of a Circuit Court of the State of Arkansas, any judge, even if I didn't know Judge Shinn as well as I do, and he didn't have the reputation for firmness which Judge Shinn possesses, the court would require evidence of the strongest nature, it would have to be convinced that the judge violated the oath which he had taken as a judge, and was willing to allow himself to be overawed by a mob, which wasn't even present, and which he testified he didn't think was existing at the time the pleas of guilty were made.

They testified they saw men around the court house with guns. Other witnesses, and the judge says that is not true. Judge Shinn said he saw one man, a school teacher, with a shotgun, but the others didn't have any. Why he had it he didn't know, but he knew him as a quiet peaceable man, and didn't believe he had any connection with the mob. Others testified no armed men or any men were in the courtyard, none was in the court house, and certainly none was in the court room with guns or weapons of any kind. For this court to hold upon these facts that the presiding judge of that court stultified himself to such an extent as to require it to hold that it is its duty to grant this writ, this court would feel that it would be an unwarranted interference with the judgments of a superior court of the state.

The writs will be DISCHARGED in both cases.

The author has been unable to find any proof of the statements of Cooper given above. The statements of others regarding mistreatment by members of the citizens' committee have been vigorously denied by every citizen having any connection with the matter. There is little doubt but that the strikers were in terror and expected almost anything to happen to them. Most of the witnesses that would have been used by Wise and Orr to establish their whereabouts the night the bridge was burned were in hiding, or had left the country. Many affidavits have been collected showing that Wise, Orr and Stevens were in Harrison up to about the time the bridge was burned. These affidavits are all by strikers or members of their families and if accepted at face value would constitute an excellent alibi. They are all rejected as untrue by the leading and most reliable citizens, who accept without question the testimony offered against Wise and Orr. A fair trial in Harrison in January, 1923, would have been unlikely, but there is every reason for thinking that a change of venue would have been granted without question by Judge Shinn. This would have meant a sufficient lapse of time for feelings to have cooled, and would have enabled the defense to collect its witnesses who had fled in terror to the four winds of the earth. The defendants and their advisers may well be pardoned for thinking there was serious danger of mob violence after the hanging of Gregor, even if later developments indicated there was little danger on the day of the plea of guilty.

CHAPTER IX

THE WELCHER AND PRITCHETT TRIALS

SOMETIME during the latter part of the night of January 12, 1923, a bridge near Letonia, in White County, burned. Shortly afterwards Verne Dodge, an illiterate, weak-minded boy twenty years of age, confessed that he went with George Welcher, C. H. (Straight Air) Smith and another person whose name he did not know and sat in the car while they burned the bridge. While in jail Dodge seems to have told another prisoner that he made the confession because a mob had him with a rope around his neck and threatened to hang him if he did not confess that Welcher and Smith burned the bridge. He also stated that a man offered him two hundred dollars to tell the story about burning the bridge. In the trial at Searcy Dodge insisted that his confession was true and that he did not know why he told the prisoners what he did. He also testified that he went with the same persons and burned another bridge near West Point the following week, and that he had received money from Welcher for cutting air hose. Dodge said he took no part in burning the bridge and did not know why he was taken along. The state introduced witnesses who testified to seeing Dodge, Welcher and Smith together the night the bridge was burned. A five-gallon oil can was found near the bridge and identified as being similar to the one which had disappeared from the house where Welcher stayed. Officers testified to finding a package of emery dust and a pair of acid-eaten over-alls in Welcher's trunk, together with letters apparently written between Welcher and Pete Venable. Welcher was secretary

of the Searcy organization of strikers, and Smith was Chairman. In one of the letters addressed to "Pete" and signed "George" was this statement: "Our worthy successors are having trouble on this end now, and all we want is the necessary and the action will follow." The word "necessary" was underlined four times when the letter was presented in court and the defense objected to its introduction on the ground that it had been in the hands of the prosecution and there was no way of knowing who put the lines there.

The defense consisted of an alibi. Welcher swore that he went to Stuttgart, seventy-five miles away, on January 12 and did not return until the next day. A restaurant keeper and garage man located on the road to Stuttgart testified to seeing Welcher and a man named Ganns of Heber Springs on January 12. A restaurant keeper at Stuttgart testified that Welcher and Ganns ate at his place that evening and again the next morning. A rooming-house keeper testified that Welcher and Ganns registered at his place about eleven-thirty, though there were only the two names on the register, and he admitted that two men came in ahead of Welcher and Ganns. He stated that he kept two registers. Other parties testified to seeing Welcher in Stuttgart, and a Miss George, who later married Welcher, testified that they went to a show together that night.

On rebuttal the state introduced witnesses that testified to seeing Ganns in Heber Springs at the time he swore he was with Welcher, and other persons that claimed to have seen Welcher in Kensett at the time he claimed to have been in Stuttgart. The Mayor of Stuttgart testified that the rooming house keeper told him he did not know when Welcher and Ganns went to bed. The state also sought to show that Welcher could have left Stuttgart about eleven-thirty and burned the bridge and returned by the time he was said to have been seen the next morning.

The Dodge boy does not seem to have made much of an impression, and it was generally thought that he would tell any story wanted for a small sum of money. The prosecuting attorney admits that he was a weak witness. Welcher was acquitted. The citizens of Searcy were divided on the question of his guilt.

Later Welcher and some witnesses for the defense were indicted for perjury on the testimony of persons that claim to have seen Ganns in Heber Springs at the time he claimed he was with Welcher. The strikers claim that these indictments were for the purpose of intimidating the strikers. The cases have not been tried, as the unions claimed they understood they were included in the settlement of the strike reached at Harrison in December, 1923. The parties interested in the road have been willing to let them drop, and the prosecuting attorney has followed their wishes in the matter.

On the night of January 9, 1923, a large triple-deck bridge about forty-five feet high and two hundred and forty feet long near Eureka Springs burned. The bridge was worth about \$5,000 and was insured for \$1,200. O. N. Pritchett, striking brakeman of Harrison, was arrested and taken to Eureka Springs. He was unable to make the \$20,000 bond and was placed in the Berryville jail awaiting trial. A change of venue was granted to Huntsville. Pritchett claims that while in jail at Berryville he was twice taken from his cell, once to the sheriff's office and once to the court house, for questioning by parties interested in the road. One time he seems to have been taken in charge by the sheriff and the other time by the deputy sheriff. He claims that he was abused, cursed and beaten with guns. He claims that on another occasion the crowd took three prisoners from the jail and whipped them and returned for him but concluded that it was too near morning and let him alone. He claims

that guns were poked through the bars at him, and that he had one rib broken and a gash cut on the back of his hand. He further claims that while being questioned he was struck across the temple with a gun and as a result lost the sight of one eye. These events are alleged to have taken place in January. As a result of representations made to the governor and to the circuit judge, Pritchett was removed from the Berryville jail and taken to Bentonville until the time of his trial in March.

Some of the above charges were made by Pritchett on the witness stand, but he seems not to have made any statement about the loss of the sight of one eye. All of the charges have been vigorously denied by the persons concerned, and in fact it appears that some of the persons said to have been present were not anywhere near Berryville at the time. It is true that a group from Harrison went to Berryville to question Pritchett and that the sheriff allowed twelve, whom he regarded as representative citizens of the country, to question Pritchett in the presence of the sheriff. That the questioning was severe and that plain language was used has not been denied, but there is little evidence to prove the treatment charged. There seems to be no doubt, however, that Pritchett was in fear of his life.

The sheriff, now a U. S. Marshal, states:¹

. . . While Pritchett was in jail in my charge it was the desire of some citizens of Berryville and Harrison to interview Pritchett relative to the many depredations committed by strikers on that road, and particularly with reference to parties associated with him on the charge then pending. He indicated a willingness to meet and talk with them, on the assurance on my part that he would not be ill-treated. I gave him that assurance and also told him that I would select the men, limiting them to twelve. . . . I took Pritchett to my office in the county

¹ From a letter to the author.

court house and stayed with him every minute. He was questioned by those gentlemen, and not one time was there a cross word said to him, in no way was any insult of any kind or character offered him; not one of the men was armed. He was treated as a gentleman and in no sense of the word was he mistreated. On the trial of the case at Huntsville he testified, and in his testimony made the same "claim" as to "mob" treatment as mentioned in your letter, but to my personal and official knowledge there was not one word of truth in it.

The deputy sheriff is positive in his statements that "Pritchett was not mistreated unless it was with the tongue."

Pritchett was found guilty and given a sentence of two years, but appealed the case to the Supreme Court of the state. In the decision of the Supreme Court the evidence in the case was summed up as follows:¹

According to the undisputed evidence, appellant and one McCurdy left Harrison in a Ford car on January 8, 1923, and reached Eureka Springs in the evening, or early in the night, stopping at a garage on the hill in the suburbs of Eureka Springs to get repairs made on the car. After the repairs were made and the two men got supper at a nearby restaurant, they drove off, going in the direction of Seligman. The two men returned in a car about the same hour early in the night of January 9. The time is fixed by most of the witnesses at about the hour of seven in the evening. The men stopped at the garage again for repairs, and remained there until about nine o'clock; they also went to a nearby restaurant and got something to eat. There was a can in the back end of the car, which was observed by the witnesses, and the can appeared to have been one in which oil had been carried. There is a conflict in the testimony as to the size of the can—the witnesses for the state say that it was a five-gallon can, whereas appellant says that it was a two-gallon can—but it is undisputed that it was a can which had been used for handling oil. None of the wit-

¹ *Southwestern Reporter*, vol. 254, pp. 544-548.

nesses testified about the contents of the can at that time, or whether it contained anything at all.

The two men got into the car, after the completion of the repairs, and rode in the direction of Harrison, and the last seen of them by those witnesses they were going in that direction. One of the state's witnesses testified that there was a third man in the car, named Kimberlin, another railroad employee on strike, who was sitting on appellant's lap in the car. There is a conflict at this point in the testimony, and appellant testified that neither Kimberlin nor any other person except himself and McCurdy was in the car. Appellant also testified that, shortly after they left Eureka Springs, they met a man by the name of Nelson, about whom there was a rumor that he was engaged in committing depredations on railroad property, and, fearing that he might arouse suspicion by going out in the car with Nelson, he got out and walked back to Eureka Springs, and obtained passage that night back to Seligman in another car. He testified that that was the last he saw or heard of McCurdy.

Neither Kimberlin nor McCurdy were introduced as witnesses, nor their whereabouts accounted for in the testimony.

The State introduced a witness named Weston, who testified that he was a farmer living near the Carroll County line, on the main highway between Seligman and Eureka Springs, and that, about five o'clock in the evening preceding the night on which the bridge was burned, two men came by in an automobile, going in the direction of Eureka Springs, and stopped at his house and inquired where they could get some whiskey. The witness identified one of the men as appellant, and testified that, after he stated to the men that he "wasn't fooling with whiskey," appellant replied, "You need not be afraid of us; I am into it deeper than you can be. We are going to put down one of the biggest bridges on the M. & N. A. tonight." The witness further testified that appellant had a revolver in his coat pocket, with several inches of the barrel sticking out, and that he added, "We have got the stuff to do it with." The witness stated that appellant told him his name was Pritchett and that the name of the other man was McCurdy.

The next day after the burning of the bridge several persons in authority went there to make an examination, among them Mr. Murray, the railroad superintendent, and Mr. McShane, the sheriff of the county. Both of these witnesses testified that they went there about three or four o'clock in the afternoon. They stated that about a half a mile from the bridge they found tracks of a Ford car where it had turned around and stopped on the side of the road; that some oil had leaked out on the ground, and that there were footprints leading from the car down towards the bridge. The tracks indicated that there were two persons, who walked on each side of the path down to the bridge, and returned single file. One track was larger than the other, and the shoe tracks indicated that the shoes had new rubber heels, and the witness described the shoes as "a pair of English walking shoes with new rubber heels, about number eight in size." The witness, who testified principally on the question of the identity of the shoes, stated that he lost his measurement of the tracks, but that, after appellant was arrested, he examined the shoes he had on, and that they appeared to be the size and kind that made the tracks. These witnesses found a five-gallon oil can about one hundred yards from the bridge; they stated that it was a can used for motor oil. . . .

Appellant was a witness in his own behalf, and gave an account of his whereabouts on the night of the burning of the bridge and the days preceding and succeeding. He stated that when he passed through Eureka Springs on the night of January 8 he was enroute from his home in Harrison to Rogers, in Benton County, to visit his wife's mother who was sick. He testified that he asked McCurdy to drive him over there, and that, after stopping at the garage in Eureka Springs that night, they pursued their journey to Seligman and thence to Harrison,¹ and returned to Seligman the next day. He testified that, after reaching Seligman, it was his purpose to go to Monett to seek employment in the railroad service there, but that McCurdy persuaded him to return to Harrison, and that he did so at

¹ Should read Rogers.

McCurdy's urgent request, reaching Eureka Springs about seven o'clock on the evening of January 9, as stated by the other witnesses. In fact, there is no conflict in the testimony up to this point concerning the journey of appellant with McCurdy through Eureka Springs and back.

Appellant denies that he had any conversation with the witness Weston, as detailed by the latter, and that they did not stop at the house of any one on the journey back to Eureka Springs, nor had any such conversation with anyone as detailed by Weston. He testified, as before stated, that, after leaving Eureka Springs on the night of January 9, he got out of the car and walked back to the city, on account of the fact that McCurdy had picked up Nelson, a man about whom there was a suspicion of lawlessness, and that he did not wish to be seen riding in the car with Nelson. Appellant testified that after he returned to Eureka Springs, he saw a man about to leave that city in a car for Seligman, and that he took passage in the car and returned to Seligman that night for the purpose of taking passage on a train over the Frisco to Monett. He testified that the man with whom he rode that night was named Plummer, who worked in a garage at Seligman. Plummer was introduced as a witness, and corroborated appellant. He testified that he had carried a travelling man from Seligman to Eureka Springs that afternoon, and that on the return trip he permitted appellant to ride with him back to Seligman, and accepted seventy-five cents in payment for the ride, merely to cover the cost of the gasoline.

Appellant testified that after reaching Seligman he left there on a freight train and went to Monett; he said that he first tried to arrange with the brakeman for a ride, but, failing in this, he rode between the cars, and that on reaching Monett he sought the yardmaster and applied for a switching job, but that the yardmaster informed him that he could not use him at that time, but would give him a job in about thirty days. He testified that he rode on a freight train out of Monett over to Aurora, and came to Bergman the next day over the Missouri Pacific Railroad, and then drove over in a taxicab from Bergman to Harrison.

The theory of the State is that appellant and McCurdy, after leaving Eureka Springs on the night of January 9, left the road from Eureka Springs to Harrison and drove out to within a short distance of the bridge in question, and set fire to the bridge, using coal oil or other combustible oil which was carried in the can that was seen in the car by witnesses, and which appellant admits was in the car.

The facts and circumstances, the substance of which is detailed above, were relied upon by the state as sustaining the conviction, and we are of the opinion that this evidence was legally sufficient to warrant the jury in finding that appellant and McCurdy burned the bridge. . . .

The Supreme Court passed by many of the exceptions of the defense, overruled others, and remanded the case for a new hearing largely on two grounds; that the trial court admitted evidence of depredations in general on the road without any grounds of conspiracy having been laid, and allowed the prosecuting attorney in his argument to state as a fact from his own knowledge certain things that had not been shown by evidence, and to state what he could have proved by two witnesses that were not placed on the stand. These were held to be prejudicial to the defendant.

Pending the new trial Pritchett gave cash bond in the sum of \$2,500 for his appearance in court. The case was later dropped by the prosecution, apparently in connection with the settlement of the strike in December, 1923.

Mr. Murray testified that it would have taken from twenty to thirty hours for such a bridge to burn if it had been set in one place by an engine; whereas it took only a few hours for the entire bridge to be consumed, a fact which indicated that it was set in several places by means of some combustible substance.

It appears that a large number of citizens from along the M. & N. A. attended the trial and that they thought that the

friends of Pritchett intended to take him from the sheriff in case of conviction. Pritchett and his supporters seem to have been equally sincere in thinking that the citizens intended to mob him. Some of the citizens approached Judge Dickson at the conclusion of the trial and proposed taking Pritchett to Berryville for safe keeping. The proposal was refused by the judge.

Pritchett's lawyers appear to have paid Deputy Sheriff Will Vaughn to act as a special guard for Pritchett. The night of the conviction one of the defense witnesses was called to the porch of the hotel and some persons tried to grab him. There was a scuffle and one of the persons dropped a pistol and the crowd fled. The witness rushed back into the hotel in terror. Pritchett, who was being guarded in the hotel by the deputy sheriff, ran to the back of the hotel. The deputy soon restored order and took every precaution against other disturbances. The citizens allege that the disturbance was by friends of Pritchett in an effort to provide for his escape, while on the other hand Pritchett and his supporters claim that it was the "Harrison mob" trying to get his witness and himself for mob action.

Pritchett states that the deputy sheriff who guarded him that night gave him a rifle with which to protect himself from the mob which he alleges stayed about all night. The deputy sheriff states that no crowd hung around and that he did not give Pritchett a gun of any sort, but did tell him in answer to his fears of mob violence that he might have the deputy's gun after he was dead as a result of an attack.

Judge Dickson says with reference to the trial:¹

The verdict was returned near 9 o'clock on Saturday night, and a short time afterward I received a request that he be sent to the jail at Berryville for safekeeping. It was urged that he

¹ From a letter to the author.

had many friends in town and that they might rescue him from the officers. I expressed myself as having full confidence in the disposition and ability of Sheriff Berry of Madison County to retain and protect Pritchett in Huntsville and present him in court the following Monday for sentence. Satisfaction was expressed at my position. Early the next morning I learned for the first time that just prior to the making of the request a disturbance had occurred at the Madison Hotel where the prisoner was under guard. I have been unable to this day to determine by whom this disturbance was precipitated. It is claimed by the prisoner that an attempt was made to mob him; it is claimed by witnesses for the prosecution that an attempt was made to rescue him. . . . It was said that Pritchett hastily ran to the rear of the hotel, and that these men fled southward in an automobile. Their identity has never been established. . . .

During the entire trial interest was unabated and tension was high, but I saw nothing to indicate, nor have I ever heard, that any violence was offered or threatened by either side toward the other, unless it was at the hotel disturbance related above.

You ask: "What was the conduct of the Harrison people during and following the trial?"

I neither saw nor heard nor observed anything in their conduct or in the conduct of people from other towns interested with them (and there were many) that indicated any more or less than that they were good citizens and law-abiding people, yet vitally and deeply interested in the unhampered operation of the railroad. If any on either side were armed I had no knowledge or hint of it. . . .

Pritchett is a resident of Rogers at the present time. The author has been unable to determine the true facts as to the alleged blindness of Pritchett in one eye. The records of reputable specialists who examined the eye twenty-one months after the alleged injury are incomplete and they will not certify that the eye is sightless or not sightless, or the cause of any defect therein.

CHAPTER X

THE CASE FOR THE STRIKERS

THE charges that the strikers were responsible for the depredations brought forth a denial of any participation on the part of the strikers and a charge that both their number and seriousness was exaggerated; that those that did occur were the work of agents of the road seeking to arouse the citizens against the strikers so as to prevent them from winning the strike; and that defective equipment was responsible for most of the fires.

Evidence introduced before the Legislative Committee shows that the fall of 1922 was unusually dry, thereby providing favorable conditions for fires to catch from engines, particularly if they were defective. The strikers claimed that most of the fires occurred shortly after the passage of trains. They collected affidavits as to fires set along the right-of-way by trains and as to engines dropping fire from the ash pans. Inspection of engines by federal inspectors was more frequent during the strike than at other times as a result of requests by the unions for such examinations. These reports are filed with the Bureau of Locomotive Inspection, which is a part of the Interstate Commerce Commission and are public property.

The following table was compiled from the annual reports of the Chief Inspector and shows something of the bad condition of locomotives during the period of the strike.

Year ending June 30	Locomotives owned.	Locomotives inspected.	Locomotives defective.	Locomotives ordered out of service.	Defects.	Inspections and tests not made as required.	Ash pans or mechan- ism inoperative, defective, or mis- ing or in violation of rules.
1918....	21	13	6	1	51	3	..
1919....	25	28	24	9	127	4	..
1920....	24	13	10	2	60	2	..
1921....	24	34	33	11	215	16	3
1922....	24	16	16	16	334	4	9
1923....	24	45	45	22	339	7	15
1924....	24	52	40	8	204	3	..

With the shop force disorganized following the strike in February, 1921, the period of suspension of operations from July 31, 1921, to May, 1922, and the resumption of operations on short notice, it seems entirely reasonable to expect that the equipment would not be in the best of shape. Then again, the funds of the road were not adequate to keep equipment in the repair that might be expected on more prosperous roads.

By examining the reports of the inspectors which are filed with the Chief Inspector we get a better idea of the situation. The reports for any road always show a large number of defects in locomotives that seem appalling to the uninitiated. Many of these are minor in character, however. The number of locomotives ordered out of service is significant and is shown in the above table. Conditions found by the inspectors have some significance and it is to these that we will turn at this point. Our interest will be principally with the conditions of ash pans.

In the course of the inspection in June, 1922, the report shows that engine 31 was found to have many defects on June 9, which the general foreman stated would be repaired

before the engine was put into service and that the engine would be ready for inspection the following morning. The engine was sent into service during the night and on its return on the evening of June 10 was inspected and ordered from service. The inspectors state:

Night Round House Foreman O'Hare advised us that all defects reported on the 9th were repaired before the locomotive was put in service. However, our inspection on arrival of this locomotive on the 10th, disclosed the principal defects reported the previous day still existed and showed no signs of having been worked on. They also showed to be defects that had existed for some time, which also proved to us that the laws and rules are given little consideration, only when they are forced to do so.

With respect to the engine number 9, inspected on June 11, the inspectors, after listing the defects, state:

With the conditions all shown "good" and certified to on their monthly inspection and repair reports, and with the dangerous condition in which we found the locomotives to be placed into service, further confirms our belief that the law and rules are disregarded in every instance that suits their convenience. . . .

In concluding the report the inspectors state:

Our inspection disclosed defects to exist on every locomotive inspected, that made it dangerous to operate the locomotive. . . . None of the defects found were of such a nature that they could not be corrected with the facilities at hand. Furthermore, after working five days with these people, it is our opinion they will operate their locomotives in violation of every law and rule governing inspection and repairs of locomotives as set forth by the Interstate Commerce Commission if it suits their purpose.

In September, 1922, another inspection was made and the

following statements made regarding the condition of locomotives :

M. & N. A. 34. Ash pan front hopper does not extend far enough to prevent fire falling to the track. . . .

M. & N. A. 7. . . . Back end of ash pan rear hopper open, nothing to prevent fire falling to the track through this opening. . . .

M. & N. A. 15. This locomotive arrived in passenger service at Harrison, Ark., on the 20th. . . . The ash pan of this locomotive is of straight bottom construction with the ends flared up. No damper was provided to prevent the fire falling out either end. . . .

The report concludes with the statement :

In regard to conditions on the M. & N. A. Ry., wish to advise that while conditions are not as they should be, there is a decided improvement over conditions as they existed on our last visit, which was in June of this year.

This improvement was ascribed to the new Master Mechanic, W. B. Meeder.

A partial inspection was made in November, 1922, with the following reports of interest :

M. & N. A. 19. 2 large holes in rear ash pan hopper around grate shaker rods. . . .

M. & N. A. 31. Two holes at front corner of front ash pan hopper, and holes too large in rear ash pan hopper around grate shaker rods, nothing to prevent fire falling through these openings to the track. . . .

As a result of a complaint by Mr. Wm. H. Johnston of the International Association of Machinists an inspection was made in February, 1923, and the following defects in ash pans were found :

February 17th we noted fire falling from the fire box of locomotive 20 in the pit while standing in the roundhouse. . . .

M. & N. A. 4. Rear ash pan hopper slide will not close leaving an opening $\frac{3}{8}$ " wide across the bottom of the hopper. A hole in left side of rear ash pan hopper crescent shape 1" x 2" through which fire can fall to the track.

Another inspection was made in June, 1923, apparently on the complaint of Mr. D. B. Robertson, President B. L. F. & E. and the following matters of interest reported:

[Quite a number of locomotives were reported with no defects in ash pans.]

M. & N. A. 31. . . . This locomotive was used to handle a passenger train from Kensett, Arkansas, to Searcy, Arkansas, a distance of five miles, and returned to Kensett. The ash pan door, located at rear pan, was open when this locomotive left Kensett and was open when it returned. The bottom of the pan slopes to the door, and while operated in this condition there is nothing to prevent coals falling into the pan rolling out the door to the track.

M. & N. A. 33. Ready for service outbound crew on. . . . Opening or hole at rear of pan above door, 21" long, and $5\frac{1}{2}$ " wide, also end strip above door sprung out 1" at center and 18" long through which fire will fall to the track when ashes fill up at the back end of the pan. . . .

M. & N. A. 19. . . . Bottom of pan bent, leaving opening $7\frac{1}{16}$ " where door does not fit, through which fire may fall to the track. . . .

M. & N. A. 13. . . . Wing loose from pan over right back driving box and open about 12" long by 2" wide in the center, allowing fire and ashes to fall to the track. . . .

With reference to the allegations that several bridges had been burned recently on the M. & N. A. investigation by our inspector disclosed that the last bridge discovered to be on fire was during the month of March. This bridge was located at Cotton Plant, Arkansas.¹ However the following bulletins have been issued by the officials of this carrier.

¹ Charges were made by the strikers that a number of bridges had burned since the strikers were driven out. The road had issued statements that there had been no more fires.

Bulletin #140.

To all Engineers:

Effective at once engineers will sign report which will be furnished all terminals except Joplin, in regard to the condition of their ash pans, and wire report will be made each morning leaving Joplin on condition of ash pan.

(Signed) W. R. MEEDER.

HARRISON, ARK.
MARCH 31, 1923.

Agents,
Roadmasters,
All Foremen:

To enable this office to keep a close record of locomotives dropping fire from fireboxes you are to watch all trains to see if locomotives are dropping any fire and in case fire is discovered to immediately report same by wire, giving engine number, and location of fire found.

(Signed) H. J. ARMSTRONG, *Genl. Supt.*

HARRISON, ARK.
APRIL 28, 1923.

Bulletin # 149.

To all Engineers and Firemen:

A fact brought to my attention that Firemen are in the habit of tying dampers up out on road for the purpose of increasing draft under the grates.

This will not be tolerated and any Fireman found running with dampers open will be dismissed from the service of the Company.

Any Engineer leaving terminal or any point that he may discover damper off ash pan, will wire the Master Mechanic's Office and Superintendent's Office for instructions before he proceeds. Failure on his part to comply with this bulletin is sufficient cause for dismissal, and no excuse is taken.

(Signed) L. W. FERGUSON,
Road Foreman of Engines.

A considerable file of affidavits of strikers, employees of the Frisco and of the Kansas City Southern, and citizens along the line of the M. & N. A. have been collected showing the grass fires set by the engines of the road during dry weather and the dropping of fire by engines at various times. It was claimed that it was a common practice of firemen on the M. & N. A. to tie up the doors of fire boxes, especially on steep grades so as to get a stronger draft. Bulletin # 149 above indicates that the management was aware of these charges in the spring of 1923. It appears that about the time the bridge near Eureka Springs was burned a M. & N. A. engine set fire to the grass in the edge of Seligman, and for a time two or three dwellings were endangered. Considerable stress was laid on the fact that the bridges on the M. & N. A. were of simple pine construction and not fire-proofed or covered by metal to prevent fires from catching.

This evidence would indicate the possibility of bridges catching fire from engines, but would not constitute proof that any did catch in that fashion. The evidence shows that in several instances there was distinct evidence of oil having been used, and in at least two cases empty oil cans were found near the bridges. Mr. Murray pointedly remarked on the witness stand that they "did not carry oil cans in their ash pans". It appears that fireproofing of bridges is far from being a general practice with railroads, and its absence is no ground for an excessive number of bridge fires. Several of the bridges according to the testimony of Mr. Murray, burned far too rapidly to have been set by an engine.

Great emphasis has been placed upon the infringement of the civil rights of the strikers. Outside of denying the stories of cruelty, leading citizens have made little effort to deny that the civil rights of the strikers were interfered with. The statement of Judge Trieber in the Wise and Orr case is clear-cut as to this point.¹ The defense of the citizens is

¹ Cf. *supra*, pp. 130 or 174.

that they were justified in what they did because the civil authorities were unable to cope with the unprecedented situation.

The strikers claim that the civil authorities were not adverse to the action of the citizens. Sheriff Shaddock testified as follows:¹

.
Q. Were you in Harrison at the time there were some shots fired at Mr. Gregor's home?

A. I was here in the courtroom.

Q. Did you go out to make an investigation?

A. No, sir.

Q. How far is the home from the courthouse where the shooting took place?

A. Right up the hill here, about a hundred or two hundred yards.

Q. Did you hear the shots?

A. Yes, sir.

.
Q. When did you hear what had happened up there?

A. Some time late that afternoon some one came down here and told it. . . .

Q. Did you hear anything about Gregor being taken from the hands of that committee and hung?

A. Yes, sir.

Q. When did you hear that?

A. The next morning about six or seven o'clock.

Q. Did you make any investigation of that?

A. I came down here when I heard it, and reported it to the judge. I went down there with some parties where he was hung.

Q. Did your Grand Jury make any investigation of that?

A. They had me before them and asked me if I knew who did it.

¹ *Records of the Legislative Committee.*

Q. Have you learned anything, or know of any parties who are responsible in any way for the death of that man?

A. No, sir.

Q. Have you made an effort to find out who did it?

A. Well, I haven't made any special effort; I understood the Grand Jury was trying to find out. . . .

Q. What steps, if any, did you take to preserve peace in the community at that time?

A. I did all I could.

Q. What did you do? What steps did you take? Here were a thousand men on the streets, some of them armed.

A. On Monday, I did not do anything; people were all worked up. The next morning Judge Shinn ordered me to deputize as many as fifty men, and he instructed them to keep down any further trouble.

Q. Did you have any further trouble?

A. No, sir. . . .

Q. Did anyone make application to you for protection or assistance by reason of the excited condition of the public mind, and you were unable to protect them?

A. I believe Mrs. Harris called me and wanted me to come out to her place. She said that someone was out there interfering with her. They went out there to get her son. She said something about me coming out there and do something with the bunch that was out there. I told her that I could not come out, as I was busy at the time?

Q. Was her son harmed in any way?

A. Not that I know of. If he was I did not hear of it. . . .

Several members of the citizens' committee testified that they thought the strikers held in the "bull pen" for further questioning were in charge of the sheriff. There is no evidence that the sheriff made any efforts to prevent the work of the citizens' committee.

Judge Shinn seems to have made no effort to interfere with the orderly procedure of the citizens' committee. His

notice to them about the prevention of violence and allowing boys to carry guns; together with the request for troops has been given above.¹

There is no evidence that any effort was made at any time to arrest or punish any member of the crowd for carrying of arms or for any act aside from the Gregor hanging and for the fining of three persons for activities at Leslie.

The officers seem to have taken the position that as long as a fair degree of order was preserved they would not interfere.

Many of the strikers and members of their families fled in terror from Harrison on foot, and some of them hid in the woods for days.

Many of the strikers owned their homes in Harrison and, as a result of being forced to leave, had to sell them. As a result of the lingering effects of the depression all over the country and of the uncertainty as to the future of the struggling road, property values were far below their former level, and the strikers lost pretty heavily. In many cases the property was heavily mortgaged and was sold at forced sale. Many of the strikers owed considerable sums at the stores, and judgments were rendered against the property of the strikers. Furniture, canned fruit, and other personal property sold at ridiculously low figures. There was some damage to property through lack of care by the owners and through stealing after the owners were run out. The loss to the strikers along the above lines appears to have been considerable.

To make the pill doubly bitter, their homes were in many cases bought by the new employees of the railroad and thus contributed to the successful operation of the road in spite of the strike.

¹ Cf. *supra*, p. 128.

In many cases the children of the strikers lost the year in school as a result of families being driven out of Harrison in the middle of the school year. The children were not able to enter school elsewhere until a permanent residence was found.

If one takes the position that the road could not possibly pay the higher rates of pay demanded by the strikers, which seems tenable, the only other outcome would have been the scrapping of the road, which would have meant as great a property loss to the strikers as they suffered from the dumping of a large amount of property on a depressed market. The strikers claim that other interests would have bought the road and have restored the former employees to service. The "other interests" made no effort to buy the road at the time it sold for \$3,000,000, and there is little reason to put reliance in the claim except as a means of keeping discouraged strikers in line.¹ Nor is there any reason to think that other interests could have made a greater success of the road.

Admitting the loss to the strikers from the forced sale of the property, the citizens point out that it was small in comparison with the loss which the citizens and the road sustained through depredations and the continuance of a hopeless strike. Then, it is said, the strikers brought the whole thing upon themselves by the depredations and interference with the operation of the road.

The following was addressed to the Mayor of Harrison:²

This is only a small part of the mass of evidence that is being gathered against Murray of the M. & N. A. and others in Harrison. If you have a spark of humanity in your breast, and are just willing or anxious to see fair play done, give this publicity.

¹ Cf. *infra*, pp. 224-225.

² Quoted from the *Records of the Legislative Committee*.

ST. LOUIS, MISSOURI,
FEBRUARY 10, 1923.

We, Moses Rosen, boxer, and Henry Raynor, boxer, do swear that we were hired in company with Ed Sheldon and Joe Kenney at an Employment Bureau at the corner of 5th and Delaware Street, Kansas City, Mo., on January 4th, 1923, by Mr. Sullivan to go to the line of the Missouri and North Arkansas R. R., and guard property. In Dallas, Texas, we met Jack DeVaney, who joined us. Mr. Sullivan got guns in an office on the 7th floor, Kirby Bldg., and gave them to us at Little Rock, and we caught a train to Searcy, where we went by automobile to Everton. Sheldon and Kenney and ourselves were offered \$50.00 for burning a bridge there and Sheldon and Kenney and Sullivan burned the bridge about a mile out of Everton.¹

We left Sheldon, Kenney and DeVaney at Harrison and on the way back we met Mr. Vining, who is employed by the R. R. at Heber Springs, and Mr. Robbins of Heber, whose car we had, and went to the depot at Heber Springs where Vining got some gasoline and showed us the way to a bridge near Letona.² We sprinkled the gasoline and Sullivan and Vining started the fire with paper. This happened on the night of the 12th. We slept with Sullivan at Horton House that night. The next day Sullivan paid us \$50.00 by check which we cashed at the Bank in Heber Springs. He said he wanted us to do some more work but was waiting for word from Harrison.

On Sunday we went to burn another bridge, but were scared away before we had the fire properly started. Vining, Robbins and Sullivan were with us and during the next week or ten days, we burned four bridges. Mr. Vining got the gasoline from the depot at Heber Springs, and he and Robbins went with us each time in Robbins' car.

Sullivan and Vining told us we would not be prosecuted

¹ The bridge Wise and Orr were sentenced for burning.

² The bridge Welcher was tried for burning.

if we were caught, as the Railroad would turn us loose. Mr. Sullivan hired us with other men during the strike to beat up strikers at Sedalia, Missouri, and Sullivan is mixed up with the police for shooting Ray Stewart, a union official in the Mechanics Hall in Chicago during the Builders strike last year. He gave us his address as the Middle Way Hotel,¹ Harrison, to write to if we wanted more work. If Sullivan is arrested we will come forward and testify. A letter to General Delivery, St. Louis, Missouri, will reach us and we will come to court when we hear Sullivan is arrested if our expenses are paid, and we are told we will not be interfered with.

(Signed) M. ROSEN
H. RAYNOR.

(Seal)

SWORN AND SUBSCRIBED TO BEFORE ME THIS
the 10th day of February 1923.

(Signed) EUGENIA NAGER, Witnessed by
Notary Public, John DeVaney

On the back of the above statement appears the following:

ST. LOUIS, MO.,
MARCH 15TH, 1923.

Referring to copy of affidavit of Moses Rosen and Henry Raynor dated St. Louis, Missouri, February 10th, 1923, in relation to burning of bridges on the line of the Missouri and North Arkansas Railroad shown on reverse side of this sheet of paper, and which indicates that it was sworn and subscribed to before me, Eugenia Nager, a notary public, on February 10th, 1923, the facts are as follows:

I am located at the LaClede Hotel, St. Louis, Missouri, and on February 10th, 1923, a man who stated his name to be John DeVaney, came to me with the subject matter appearing on the reverse side of this sheet written in long hand and had me

¹ Intended for Midway Hotel.

transcribe same on the typewriter. After transcribing same this man who claimed to be John DeVaney asked me to complete the affidavit stating that Moses Rosen and Henry Raynor would come in with it on Monday the 12th, sign it and be sworn. I completed the affidavit by affixing my seal and subscribing same as follows:

"Sworn and subscribed to before me this 10th day of February, 1923, Eugenia Nager, Notary Public," Said men then signed. Rosen and Raynor did not come in on the 12th nor have they since appeared before me, nor have I since seen DeVaney.

In other words the affidavit was not signed by Rosen and Raynor, nor did they appear before me.

About ten days ago a man whom I do not know called with the original of this purported affidavit, which then had affixed the name of Rosen and Raynor, and asked me whether the names were affixed when I took the affidavit and I replied no. He then asked whether Rosen and Raynor had appeared before me and been sworn and I again replied no.

(S) EUGENIA NAGER.

Witness:

Roy F. Korr.

Sworn and subscribed to before me this 15th day of March, 1923.

(S) M. R. FAHERTY
Notary Public.

The supposed affidavit of Rosen and Raynor is said to have appeared in *Labor*, and the citizens think that was the reason for its existence.

Jack DeVaney appeared before the Legislative Committee and testified that he was hired in Dallas as indicated above. He claimed that he went from Dallas to Searcy but was unable to give any account of the depot at Little Rock, where he claimed he changed trains, whether it was large or small or whether he went up steps or not. He testified to serving

as a guard along the M. & N. A. under Sullivan and that Joe Kenney and Ed Sheldon left the car with Sullivan and later told him that they set fire to the Everton bridge. He stated that he saw the light which he supposed was from the bridge. He thought that the road employed Sullivan. He claimed that Rosen, Raynor, and he met a crowd of about thirty or forty on the night Gregor was hanged with a man with a sack over his head, and that they gathered about him, and he could identify ten of the men if he were to see them, as it was moonlight, the moon being about three quarters full. He further stated that it was about midnight.

From the evidence of the strikers that were in the guard room with Gregor it is certain that he was not taken from the room until after four in the morning. The new moon occurred on the 16, the day Gregor was hanged, and thus the night was not light as DeVaney testified. At one time DeVaney stated that when the bridge was burned Sheldon got out of the car first and called Kenney, and another time he stated that Kenney got out first and called Sheldon.

Mr. Murray testified that he not only did not hire Sullivan or the other persons but never heard of them. Mr. Robbins, who is the Ford dealer at Heber Springs, denies ever going with the men or having ever known them. DeVaney testified in one place that they hired a car at Searcy.

The following bit of logic is so naive that it seems worth including:

Now a very peculiar fact. While the railroad was closed down not a thing happened to the property, still the STRIKERS were in the country. Now get this: When the road was operated, all kinds of damages were done; while the road was closed down nothing happened to it. Draw your own conclusions as to who was doing this damage.¹

¹ Quoted from a letter by Pete Venable.

In connection with the foregoing the following statements form the grand jury minute books are of interest as constituting a part of the evidence against the strikers:¹

Forrest Phifer, on oath states that on Sunday, March 13, 1921, he was in the town of Olvey and passed by Sylvia Dalton and a stranger who were engaged in a conversation. Sylvia was talking in a low tone of voice and I heard him say that if we can't win one way we will burn them out. I did not think of this anymore until I heard that the bridge had been burned near Alpena and that Dalton was arrested for burning it.²

Signed—F. A. PHIFER.

W. R. Green, on oath states: . . . One of the former employees, Bill Longley, asked me to do some inside work for them. He asked me to get rid of some flue explosives and he said that would tie up all the superheated engines until they could order and get in some more from Moberley. . . .

Signed W. R. GREEN.

Calvin Smith on oath states he lives on Tomahawk in Searcy County, Arkansas. That he was in Harrison Wednesday, March 16, came that morning. He was talking with Asa Potter's wife in Harrison and she advised him not to come back to Harrison on the train as they were going to start burning bridges. I had talked with her several times and she led me to believe from her talk that something would happen to this railroad and it made me uneasy about riding on it. Mr. Potter is my first cousin.

Signed—CALVIN SMITH

[A. H. Potter formerly worked in the shops.]

J. H. Fowler, on oath, states that he has played poker for money in Boone County, Arkansas, in the last six months, with the following parties: . . .

¹ Testimony of Prosecuting Attorney Greenhaw, *Records of the Legislative Committee*. Comments by Mr. Greenhaw are in brackets.

² Dalton was released for want of evidence.

[This is read to show the committee that this man is telling the truth for the reason that all of these parties who were indicted came into court and entered their plea of guilty and no question as to their guilt was raised.]

During this poker game Luther Wise asked Arthur Coker who he could get to put some soap in the water tank at Alpena, Arkansas, Arthur asked him what effect it would have on the engine and Wise explained that it would prevent them from raising steam in the engines.

Thomas Collins states on oath that he came to Harrison about June 5, 1922, to have his eye treated by Dr. Wallace, that he stayed with Ed Sebourne while in Harrison. That one day Sebourne came in home and said he had eleven hundred dollars. I said if you have that much money you don't have to work. He said, it is not mine but is for the boys.

We walked in on the porch and he reached in his pocket and pulled out a pretty large cartridge and said "This has the nerve if we haven't the backbone," and I said, "Yes, it has the nerve, if you have the nerve to pull it off."

Signed—THOMAS COLLINS

signed by his mark,

Witness PAUL MIDDLETON.

HARRISON, ARKANSAS, JANUARY 13, 1923.

Velva Cowan, on oath states that he was going from school, going home one evening about five o'clock. I heard three men, Mr. Bob Sparks, Mr. Clay King, and Mr. P. G. Passmoor talking to Mr. Harding, and one of the three made the remark that they were thinking of burning another bridge tonight. This was on Thursday evening, January 11, 1923.

This occurred in Boone County, Arkansas.

Signed—VELVA COWAN.

It must not be inferred from the evidence presented in various places that the attitude of all of the local unions was alike. The older organizations, and those with a more highly

skilled membership were, for the most part, more conservative than the newer ones with a less skilled membership. In general the shopmen appear to have been less conservative than the four brotherhoods of trainmen. The conductors, with an older group of members, seem to have been more conservative than most of the other organizations. But a united front was presented to the public and to the road at all times, and the public made little distinction between the organizations.

CHAPTER XI

PETE VENABLE AND OTHERS

THE *Memphis Commercial Appeal* sent a staff correspondent to Harrison at the time of the uprising in January, 1923. In addition to regular news items, a feature story was sent in under date of January 20, and published the next day. This story was reprinted entire, or in part, by many of the local papers. The following excerpts are quoted from the *Jacksonian Headlight* of January 25, 1923:

Pete Venable conducted one of the most profitable enterprises along the line of the Missouri & North Arkansas railroad during the two years he directed the strike of 700 employees. His executive position as rail strike director paid him \$300 per month salary, along with the perquisites. The perquisites are said to have been considerable. The pay of a railroad freight or passenger train conductor was a mere bagatelle for Pete. In this capacity his earnings ranged only from \$150 to around \$200 per month.

So, while he was a conductor he was a mere wage earner. As the head of a strike industry he became an executive, a potentate, a major-general in a labor conflict, waxed fat and had little to do. Hence the strike business paid Pete more dividends than legitimate railroading.

Peter had 700 strikers on his pay roll for nearly two years. During one period this pay roll, the funds provided by higher-ups in Cleveland, Indianapolis and Chicago, amounted to around \$50,000 monthly. The pay to strikers ranged from \$35 to \$100 per month for a time, maintenance of way men drawing down \$35 per month, while the brakemen, engineers and conductors drew up to \$100 per month.

Thus it may be seen that so long as Pete could keep the strike going he was making money. These are some of the high spots bared here last night and today in the grand jury room and before the citizens' committee and obtained from Peter's own private and official records seized when the citizens' movement raided the strike headquarters.

Along about the early part of last fall the union moguls in Cleveland, Chicago and Indianapolis evidently were beginning to show signs of disgust over Peter's failure to lead the strike anywhere near a successful conclusion.

The road had resumed operations, was making money, running trains on time, and had an entirely new set of employees. These higher-ups had scheduled Sunday, Jan. 14, as the date of a conference in Chicago, when the fate of the M. & N. A. strike would be decided for once and for all.

It looked as if the higher-ups were about ready to abandon the battle in the Ozarks as a bad job. It was up to Peter to show some results if he wanted to retain his job as strike leader with a fat salary and nothing to do. Then something happened. A series of depredations set in on the Missouri & North Arkansas line. From evidence disclosed before the grand jury and the citizens' committee, six separate bands actually committed the depredations. Neither band knew the personnel of the other. Neither knew the *modus operandi* of the other. For instance, there was the spike-pulling crew, the bridge burning crew, the track soaping crew, the air hose cutters, the emery dust operatives and the water tank dynamiters. . . .

The situation as painted to the higher-ups when they met in Chicago last Sunday must have appeared roseate. It looked as if the strikers were in the saddle and the M. & N. A. almost out of commission.

Anyway, the decision of the higher officials of the various rail unions was to continue the strike. . . .

But probably the worst blow of all hit Pete Venable just before the grand jury adjourned today.

Some of the few remaining strikers in Harrison, there are only about 25 left out of a former 200, turned against their doughty leader.

The books seized by the citizens' movement did not look exactly right. And now Peter is indicted again, this time by his own men, the men he held on strike for nearly two years, and to whom he paid benefits while they were on strike, have gone before the grand jury and charged Peter with stealing funds from his own organization.

This new indictment charges Peter with embezzlement and misappropriation of the funds of the rail union of which he was secretary and treasurer.

The following statements from the minutes of the grand jury¹ seem to be, together with current gossip on the street, the basis for the above story.

Dock Keeter, upon oath further states that Charlie DeGoche a former engineer for the M&NA railroad came to me upon the streets of Harrison about six weeks ago and said "Pete Venable says you have drawn as much benefits as anyone and have never done anything" and that he wanted me to take some emery dust over to Bellefonte and put it in the journals of the cars that were there at Bellefonte in which Walter Snapp was loading apples and said if this were done it would put the cars out of commission before they got off this railroad and he said if I did not do this that my benefits would be stopped, and I told him I would not do this, and he said the emery dust would be put in my back yard where I could get it and I told him I did not want this emery dust put in my yard. A short time after I had this conversation with Charlie DeGoche I found a half-gallon fruit jar in my back yard under a sack with emery dust in it.²

Signed—DOCK KEETER.

JANUARY 1ST, 1923.

George W. Roberts, upon oath states that he is a former employee of the M&NA. Railroad and has been on a strike for

¹ *Records of the Legislative Committee.*

² This entire story is denied by DeGoche under oath.

almost two years and that he was a brakeman at the time of the strike. He further states that Pete Venable has had charge of the strike and the depredations that have been committed on the railroad since the road resumed operations under J. C. Murray's management in May, 1922. Pete Venable asked me to do different kind of depredations against this railroad. One night in the fall of 1922 after dark I was at Pete Venable's home in Harrison and Pete wanted me and Nig Carlton to grease the track on the Caps Hill that night. Nig Carlton was out in front of Pete's house at the time in my car and Pete said for us to grease the track that night and I agreed that we would do it. Pete told me where we could find the hill just this side of Loyd Shouse's house on the Jefferson highway west of town. Pete agreed to pay our expenses. We went out that night and greased the track for quite a distance down the Caps Hill.

At another time since the road resumed operations in 1922 Pete Venable asked me one night if I would not go with Carl Schultz and old man J. A. Maupin that night and put some acid of vitrol in the Gilbert Water tank. He said all the trains stopped there for water, and that by doing this we could put this guy (meaning J. C. Murray) out of business. I agreed to go with Maupin and Schultz that night and put the oil of vitrol in the Gilbert water tank, and then Pete Venable told me where we would find the oil of vitrol. He told me it was at a certain place on the road between St. Joe and the Gilbert water tank and said there was ten gallons of the acid there and he wanted us to put it all in the tank. The acid was in two five gallon jars and we dropped one and broke it and Carl Schultz, J. A. Maupin and I took the other jar of acid and emptied it in the Gilbert Water tank.

It was night when Venable asked me to go and do these depredations and agreed to pay my expenses for doing them and we went in the night time and did these depredations. Pete Venable told me if I ever told anything I might have my block knocked off. Pete Venable asked me one time since the road started up in May, 1922, to go to Marshall Hill and wait until I heard a freight train coming from the south and to break a

rail and I refused to do this because I was afraid it might cause some one to be killed. Pete also asked me to go up to Caps where six car loads of ties were setting and to switch them loose and start them down grade to Harrison and that he would have some one here to fix the switches so the cars would run through the shops of the M&NA Railway Company at Harrison. I refused to do this because I was afraid it would kill some one and tear the shops up, and at another time since the road started up the last time Pete Venable asked me what I would take to go to Little Rock and get somebody to kill W. E. Tucker, and I told him I would not go for anything.¹

Signed—GEORGE W. ROBERTS.

JANUARY 19, 1923.

Berry Jones, upon oath states that since the M&NA resumed operations in May, 1922, he has had several conversations with Pete Venable, that the said Pete Venable at different times came to see me and asked me to give him statements for auto hire, so that he could send the statements into the Union headquarters and get checks to pay different expenses that he had. He got statements from me showing charges for auto trips to various points and sent these statements into the Union headquarters and when the check was sent to Pete he brought them to me and I signed them and gave them back to Pete. These bills ran all the way from about ten to fifty or sixty dollars. I always gave these checks back to Pete and he never owed me for these trips, since no trips were in fact made for him. I talked to a lawyer and he told me that it might get me in bad to do this and I refused to give Pete these statements anymore, and then he took several of my blank statements away with him and said he would take them and use them himself. Pete told me he did this because he had to have some expense money and that the Union would never know the difference.

About three weeks ago I had a conversation with Pete Venable at his home in Harrison and I asked him what the

¹ Cf. *supra*, pp. 169-172 where Roberts repudiates this testimony.

strikers were going to do as the railroad was running along in good shape, and he said yes that it was going to have to be stopped. He said he did not have his arrangements made just then, and I asked him when they were going to stop it and he said "We are going to have to stop it right away." Venable did not tell me how they were going to stop the operation of the railroad.

Signed—BERRY JONES.

The above *Commercial Appeal* story appears to be written in true newspaper fashion, the facts written up in an exaggerated form and properly decorated and embellished to make interesting reading. The author has been unable to establish any *official* position for Venable as Strike Director. He was Secretary of the order of conductors and as such something of a leader, but he was not a member of the Co-operative Committee in local charge of the strike. It appears to be true, however, that he was active as an unofficial strike leader and was the moving force behind a large section of the strikers who stood for a fight to the finish. He was a natural-born leader of the aggressive type and frequently went beyond the bounds set for him. Likewise there seems to be no evidence that he received a salary of \$300 per month.

There were possibly as many as seven hundred strikers in all, though many estimates of the citizens indicate about five or six hundred. While it is true that as Secretary of his own order, Venable received and distributed the checks to the conductors, there is no reason for thinking that the checks for the other organizations passed through his hands.

The evidence of maintenance-of-the-way men before the Legislative Committee gives no indication that they received as much as \$35 per month at any time. It appears from the statements of officials of the conductors' organization that they drew \$60 per month throughout the entire strike, and

that their benefits were not increased to \$100 per month, as was the case with the other two orders mentioned.

With reference to the charge that Venable was indicted for stealing funds from his own organization, Prosecuting Attorney Greenhaw states: "In reply to your letter of the 5th instant, I desire to advise you that no indictments were returned against J. T. Venable in any of the counties in my judicial district for misappropriation of funds belonging to the unions." Venable did send out appeals for volunteer offerings to aid the conductors, and some of the conductors state that they received very little from that source, but they do not know how much was received by Venable from contributions. These funds were used to pay dues for the conductors and some of the administrative expenses.

There is no question but that the citizens were fully convinced that Venable did dominate the conduct of the strike and had charge of the depredations, which they are convinced were the work of the strikers. The evidence in the Venable conspiracy case, the grand jury minutes quoted in this chapter, together with common observation of the large numbers of strikers going to and coming from his residence is the basis for the opinion of the citizens. Then, too, Venable had an office down town during the early part of the strike. He states that he was assigned the duty of collecting information about the strike-breakers and had an office in that connection. Later he moved the office to his residence as a result of the growing friction between citizens and strikers. In his capacity as investigator of strike-breakers he furnished information to lodges in other places that resulted in several strike-breakers being expelled from the union for working for the M. & N. A. during the strike.

The citizens' committee found two or three benefit checks among Venable's effects that had not been delivered to the ones for whom they were intended. One or two strikers

stated to the committee that their checks had been held up because they would not do what Venable wanted them to do. This seems to be the basis for the report that Venable forced the strikers to do his bidding by withholding their benefits. It appears that Venable handled only the benefit checks for the conductors, which was in his official capacity as secretary of the order. According to the union regulations it is the duty of the local secretary to hold up the checks of members suspected of being disloyal to the strike until charges can be preferred and a hearing held. The checks found by the citizens' committee appear to have been those of "Red" Gilbert who was under charges, and as a matter of fact did become a special agent for the M. & N. A. sometime prior to the uprising in January, 1923, and therefore the holding up of one or two of his checks was entirely proper. It is a rule of the unions that when a striker accepts regular work elsewhere his benefits cease. In one case the striker soon ceased to work elsewhere but for some reason was unable to get back on the benefit list of his organization. It was the duty of Venable to prefer charges against such striking conductors as were not loyal to the strike. It is but natural that some of them would be incensed at him for such action and give him a bad reputation.

Venable took many responsibilities upon himself and the Cooperative Committee was unable to restrain him even as much as it desired. Some of the strikers state that he lined up practically every local officer along the line behind his policy of continuing the strike to the end, and that some of the system chairmen at Harrison could not answer a letter without consulting him. "Venable ruined us all. If Queen had been able to carry out his ideas we would have our jobs back today, and our records would be clear if we wanted to transfer to some other road." It is generally agreed by citizen and striker that Venable is

a natural-born leader of men and that if his activities had turned in other directions he would today be high in railroad circles.

Some of the strikers still have implicit faith in Venable and say that Queen was double-crossing them and was yellow. Many are bitter against Venable and his policies and influence. Many of the strikers thought Venable was secretary of the Cooperative Committee, since he carried on such an extensive correspondence relative to the strike.

Venable was at Chicago attending the meeting on January 14, where the decision to continue the strike was reached, and thus was not in Harrison when the storm broke. Perhaps it was well for him that he was away, as he was the one man above all others that the citizens wanted. He was on his way back to Harrison when the news reached him of the happenings at Harrison. He went to Little Rock and saw Governor McRae in an attempt to get action by the state authorities. He gave an interview to the United Press in which his imagination got the better of him, and the world learned some lurid details of the affairs at Harrison. The dispatch in part follows:¹

"Little Rock, Ark., Jan. 17. (United Press.) 'Outlawry, murder and ruin reign in Harrison,' Pete Venable told the United Press here today. 'A mob of 1,000 heavily armed radicals is advancing upon the defenseless strikers, and they are penned in like rats. Homes have been violated and the wives of strikers tortured and cast into the streets.' . . .

"'Oh God,' Venable cried, 'He (the governor) doesn't realize the unspeakable torments and dangers which people are suffering. The lives of fifty strikers are in jeopardy today, and they will be dead men before night fall if something is not done.

¹ Bradley and Russell, *op. cit.*, pp. 126-127.

“ ‘They have tortured the wives of strikers when they pleaded on their knees for the lives of their husbands.

“ ‘Mrs. DeGoche, wife of an engineer, was dragged from her home and cruelly beaten when she sought to wrest her husband from the arms of the mob. A hot iron was applied to her feet, until she dropped unconscious from the pain.

“ ‘Mrs. Jones, wife of a fireman, was forced to walk five miles through a dismal swamp in the dead of night after the mob had clubbed her husband and wrecked her home. She was thinly clad, and may die from exposure. Mrs. Jones is in hiding in Missouri.

“ ‘A group of strikers have been locked in a bull pen near the public square, to await execution or torture’ . . .

“ ‘Venable’s wife is one of the residents ordered to leave Harrison and she has fled into Missouri, making the trip of nearly one hundred miles on foot.’”

The *Little Rock Daily News*’ account of Venable’s statement contained the above and this added gem: “ ‘A striking engineer was lashed to a post and his left eye burned out,’ Venable said.”

The evidence introduced before the Legislative Committee by the strikers fails to indicate any torture of wives of strikers. Mrs. DeGoche in a sworn statement fails to indicate any torture of any kind, though she claims to have been pushed around roughly and called vile names. Mrs. Venable left Harrison in her automobile after looking after such business as she desired to. She was accompanied, at her request, by one of the citizens as a precaution against any hostility. The country about Harrison is rolling, and in places mountainous, and there is no “dismal swamp” for anyone to walk through.

Further evidence of Venable’s imagination is found in the following article from the Muskogee *Daily Phoenix* of April 8, 1924:

PAL OF UNION RAILROADER LYNCHED BY KLANSMEN HERE
WITH AFFIDAVITS

Peter Venable is a protestant. He is a Mason. He is secretary of the Harrison Arkansas local of the railroad conductors union.

Sunday night he jumped on a train and came to Muskogee. He paid his own way. He is paying his own expenses.

One year ago Peter Venable's closest friend was hung from a bridge by klansmen. That man was E. Gregory a brother mason and an officer in the railroad machinists union.

After the klansmen hung Gregory they went to Gregory's home and riddled it with bullets as his terror stricken wife and babe huddled beneath the bed.

The klan took it as a joke. The maskers took a doll that Gregory's baby had left on the porch. They hung the doll in a noose and fastened the cord to the roof of the porch, to mock the anguished widow and the wondering babe.

A Methodist minister went to the home to comfort the woman. He was driven out of town.

Gregory's body was embalmed but the klansmen would not let the widow view the body. She had to have it shipped out of town so she might see it.

The klansmen tore the Masonic ring from Gregory's finger. Mrs. Gregory left Harrison. The klansmen put her and her baby in a service car. They made the driver carry her around the courthouse square that they might jeer the widowed woman from the sidewalk.

The doll in the noose hung from the porch for months. It was very funny—to the klan.

That is why Venable came to Muskogee Sunday night. He wanted to tell the laboring men of Muskogee of the manner in which his friend met his death and of the klan joke. He brought with him depositions and affidavits to support his story. Scores of laboring men have heard him give his message:

If you want to make Muskogee another Harrison, vote the klan ticket.

The story about the doll, the firing into the house after the hanging of Gregor, the running of the minister out of town,¹ the masonic ring being torn from the finger, the forced trip around the square and the jeering are clearly fiction. Rev. Farris states:

"Before the committee adjourned I was asked to take the stand and state if the Committee of Twelve and the general attorneys for the railway favored my assisting Mrs. Gregor after the death of her husband,—all of which I was glad to answer in the affirmative, and also to say that no indignities had been offered Mrs. Gregor by any citizen, so far as I knew." ²

The ring was secured by Rev. Farris while the body was at the undertakers and later given to Mrs. Gregor, who states:

Along in the afternoon I thought about his ring. Mr. Gregor was a Mason. I told Brother Farris I expected his Masonic ring was on his finger. I said, "I wish you would go and see," and he went down and brought the ring up. It was on his finger.³

The undertaking establishment was uptown, and the car with Mrs. Gregor and Rev. Farris drove there to accompany the hearse to Bergman. Nothing disrespectful seems to have happened during the few minutes the party was waiting for the hearse to start, or Rev. Farris would have observed it. While the town was more or less divided over the attitude and policy of Rev. Farris, he remained as pastor of the Methodist Church until the annual conference the next fall when he was superannuated.⁴

¹ Cf. *infra*, pp. 259-261.

² Farris, *The Harrison Riot* (Wynne, Arkansas, 1924), p. 183.

³ Sworn statement by Mrs. Gregor.

⁴ Cf. *infra*, pp. 259-261.

It is impossible to say how closely the *Phoenix* account follows the actual story told by Venable. Doubtless it served its purpose of turning some votes against the alleged Klan ticket, which, however, was elected.

Venable tried to get employment on numerous railroads but he was either turned down outright, or having secured temporary employment was discharged as soon as his record was investigated. The black list seems to have been practically absolute in his case. He finally secured employment with a switching crew at Orlando, Florida, where he was killed March 26, 1926.

Soon after the affairs at Harrison, Venable turned his attention to the matter of instituting a series of damage suits against the members of the Harrison mob in behalf of the strikers who were run out. Statements and affidavits were secured from every man that could be reached, and first and last five firms of attorneys were connected with the matter. Four of the firms were under contract, but the matter was dropped by them for one cause and another. One firm dissolved, another gave it up because Mrs. Gregor, the principal claimant, would not go ahead with the case. The attorneys seem to have agreed to take the cases on a contingent fee, apparently fifty per cent. This still left the enormous expense of financing the collection of evidence and the necessary court expenses estimated at \$27,500 for all the cases. Appeals to the union officials seem to have been in vain. Venable thinks the union officials were afraid of retaliation suits against the unions for destruction of railroad property if they furthered the civil damage suits for the strikers. It is more likely that they realized the weakness of Venable's case. At one time the American Civil Liberties Union of New York City agreed to put up some of the necessary funds, but with the withdrawal of Mrs. Gregor they withdrew their support. The suits were to be filed in

the federal courts so as to remove them from the local influence of the state courts along the line of the M. & N. A. The possibility of the suits being filed seems to be remote at the present time, except for that of Ed Treece mentioned on page 145. In the damage suits Venable was to be the agent of the strikers, and no compromise was to be accepted without his consent. It appears that one or two other persons were associated with Venable in the damage-suit matter.

Reference has been made to statements by Venable and others that some wealthy Tulsa oil men were interested in building a road from Tulsa to Seligman, and buying the M. & N. A. as a means of securing an outlet to Memphis for their oil.¹ This would have supplied the M. & N. A. with the necessary traffic for success. These reports were regarded by citizens and many of the strikers as propaganda for the purpose of keeping the strikers in line, and possibly influencing local public opinion. Many doubted that any letters were received by Venable from a certain Briggs, while others admitted that the letters had been received but thought they were without any backing.

Considering the sharp curves and the steep grades throughout the mountain section, it does not appear that the M. & N. A. would be suitable for an oil road in competition with other roads that do not have these handicaps.

The facts are not clear, but this much is evident. Briggs is an optimistic, smooth talker and "could make you believe most anything or buy everything you didn't want." There was a "stock scheme which never developed" to take over the M. & N. A.; Briggs seems to have been one of the promoters in the plan, and Venable seems to have had some connection with it. Whether the plan was to sell the stock to gullible investors on the basis of glowing accounts

¹ Cf. *supra*, pp. 64, 92, 203.

of the oil traffic and the unbounded possibilities of North Arkansas, leaving a nice profit to the promoters, can only be guessed at. It appears that the promoters were unable to raise enough money to bid for the road when it sold for three million dollars, or did not regard it as worth that much to them. Complete failure of the road and sale for scrap might have furnished the opportunity to buy it at a price low enough for their purpose.

The American Civil Liberties Union, 100 Fifth Avenue, New York City, devoted to the investigation of alleged cases of interference with civil liberties of individuals and organizations, took an interest in the Harrison affair at once and wired Governor McRae to know what the state was going to do about the situation. Governor McRae answered by wire:

I have condemned the lynching and other acts of violence at Harrison. I have asked the circuit judge and sheriff at Harrison to see that a thorough investigation is made through the grand jury of Boone County. Upon my recommendation the General Assembly now in session has appointed a Legislative Committee to investigate.

On February 17 the Civil Liberties Union addressed a letter to the governor in which they said in part:

1. Is it not true that you, as Governor, have refused to protect railroad strikers driven out of Harrison and surrounding territory who have asked you for protection in order that they may return to their homes? Is it not also true that it is unsafe for them to return without that protection?

2. Is it not true that the only men driven from their homes in that territory who have been able to return are those who have submitted to the dictation of J. C. Murray, manager of the Missouri and North Arkansas Railway, virtually abandon-

ing their labor connections and agreeing to go back to work on non-union conditions?

3. Most important, is it not true that the committee appointed by the Legislature to investigate conditions in Harrison has not yet started this investigation and has fixed no date when they would do so? Is it not equally true that this committee started out with evident good faith to do the job, and lost interest at the time that J. C. Murray and other officials of the Missouri and North Arkansas Railway came to Little Rock? Is it not a fair question to ask whether the officials of the railroad, who control the Citizens' Committee responsible for the disturbances, are able to influence the state's policy and activity? Does not all the available evidence show that the Citizens' Committee responsible for the lynching in Harrison and for all the disturbances which took place there was not a mob in any proper sense of the word but an organized group of men directed by the officials of the railroad and their associates? Did not O. B. Robins, who is associated with the railroad's interest, name members of the Citizens' Committee and give orders as to its activity? Are not Mr. Robins and others now active in preventing an investigation of the Citizens' Committee and its lawless activity, and in denying to the strikers and their sympathizers any civil rights whatever in their own home districts?

4. Does not evidence which you, as Governor, doubtless have, tend to show that the Ku Klux Klan is identified, in part at least, with the Citizens' Committee and that it has both privately and in at least one instance publicly endorsed the Committee and its lawless activity, and has endeavored through secret channels to prevent any effective public investigations being made?

Governor McRae answered on February 21: "Your letter of the 17th instant received. Waiving the discourteous tone of it, I answer all of your questions in the negative, so far as I have information."

On April 6, 1923, the Civil Liberties Union addressed another letter to Governor McRae in the course of which they said:

We have since been following the course of the investigation by the Legislative Committee. What has been revealed both in the press reports of the investigation and in the statements which we have received from our representatives is more startling than any of the charges we transmitted to you. It is startling because there is displayed generally either open or tacit approval of the lawless conduct of the "Citizens' Committee" on the assumption that theirs was the right way to handle an intolerable situation. The lynching of Gregor is referred to publicly before the committee as "a regrettable incident." The "Citizens' Committee" is glorified as a patriotic body, taking the law into its own hands to protect the community from the depredations of strikers.

This estimate of the attitude of the citizens appears to have been fairly accurate. The next step of the Civil Liberties Union was to secure the services of C. J. Finger, literary writer and former railroad manager, to make an investigation with the idea of publishing his report as a pamphlet for wide distribution. His report was not considered suitable for publication in its original form, and a press release containing a few extracts better suited to their purpose was sent out.

The Civil Liberties Union, like all organizations at a distance, secures its information from correspondents over the country. They have no certain way of knowing how reliable and unbiased the information is. In addition to the reports submitted by one or two regular correspondents in Arkansas they received much information from Pete Venable, which was not always accurate, and for some time planned to aid in financing the damage suits that Venable was promoting.

It appears that the Civil Liberties Union accepted at face value, without investigation, reports sent in by partisans on one side and rejected statements by the other side.

CHAPTER XII

THE LEGISLATIVE COMMITTEE

FOLLOWING the hanging of Gregor, Governor McRae recommended to the legislature that they appoint a committee to investigate the whole situation. A joint resolution was passed by both houses providing for a committee of three from the Senate appointed by the President of the Senate, and four from the House appointed by the Speaker of the House. The President of the Senate and Speaker of the House were declared ex-officio members of the committee. The committee was empowered to summon witnesses, place them under oath, and summon any papers that might shed light on the happenings. They were empowered to employ such stenographic and clerical aid as might be necessary. The Pine Bluff company of the state militia was designated to act as peace officers in the summoning of witnesses, making of arrests, and other necessary services. The Adjutant General of the state acted as officer in charge of the militia in the investigation. The governor was requested to declare martial law over any town, community, or county at the request of the committee.

The committee was composed of Senators M. B. Norfleet, Chairman, G. Otis Bogle, W. H. Abington, Jake Wilson, ex-officio member as President of the Senate, Representatives Ernest Chaney, Paul McKennon, Fred Harrelson, Neill Bollinger. Senator Wilson was a member of the order of railway conductors and an ardent supporter of unionism; so the unions were well represented.

The first session of the committee was on January 22, 1923, at the state capital, when Wise and Orr gave their

evidence. Sessions were continued with some interruptions at Little Rock during the remainder of the session of the legislature, and witnesses for the unions were heard and some for the citizens. On March 20 the committee began hearings in the court room at Harrison, where the citizens' side was fully presented. After finishing at Harrison, hearings were again held at Little Rock and the unions presented further evidence for their side.

Unfortunately Senator Jake Wilson did not go to Harrison because of the press of his duties as President of the Senate and the fact that his wife was sick. His questioning of witnesses was pointed, and with his services there could have been no ground for claims by the unions that the work of the committee was not thorough.

A hundred and thirty-eight witnesses were heard, a large number of affidavits and depositions introduced, and a large mass of documentary material brought forward by both sides. A large number of additional witnesses were called and allowed to state that the testimony of others from their communities was acceptable as their testimony. Both sides were permitted to have lawyers present to aid in questioning witnesses so that their side would be fully developed. A large degree of freedom was allowed witnesses in their statements, and the rules of evidence in court procedure were not closely adhered to.

The questioning in the earlier stages of the hearings was severe, but after the committee had secured a clear working knowledge of the situation, the witnesses were allowed to tell their own stories and then were cross-examined as far as the committee thought necessary to bring out additional information or check up on their statements.

In closing the hearings at Harrison, Chairman Norfleet spoke in part as follows:¹

¹ *Records of the Legislative Committee.*

It has been a great pleasure to this Commission to hear these people detailing this, the story of the late unpleasantness in this County. I would be remiss to all of the patriotic functions of my soul if I did not respond to the splendid American citizenship as developed and expressed in this County. . . .

There may be an issue between Capital and Labor, and there is in certain portions of this great country, that shall be settled at last between American people as it has been settled in Boone County, and the State of Arkansas.

My friends, I hope that property rights which are granted under the Constitution of the great country in which we live shall be preserved in the future as they have been in the past; and I hope, in addition to that, that whoever runs may have sense enough to see that in this, the greatest country the world has ever known, the man who wants to work wherever opportunity shows its way, has a right, though he may be a native of a cabin, to become the president of the greatest Republic; while, upon the other hand, if he assumes a power that is not justly due him, he will have to suffer the consequences of American law and order. I am glad this commission is here, and this commission, in response to the Resolution which gave it life, will deposit in the archives of this State, in my judgment, the most wondrous history that possibly has been written up to this day and this good hour.

After the return of the committee to Little Rock, further hearings were held, and April 30 was fixed as the last date for the introduction of evidence. The records of the committee consist of nearly 1,400 typewritten pages and are on file in the governor's office. Several copies have been made for persons interested in the matter.

The report of the committee comprised some ten pages of typewritten matter. The greater part was taken up with a summary of the facts in the case, and covers matters which have been more fully treated in preceding chapters. Neither side was especially charged with the responsibility

for what had happened during the strike. The latter part of the report, which follows, is the most significant:

It appears to the committee from the charges of Judge Shinn to the Grand Jury and his attitude throughout the disturbances that he was doing all in his power with the assistance of his court officials to control the situation which had clearly gotten beyond the civil authorities at the time the call for the militia was made.

The testimony in bulk discloses the undisputed fact that on Monday, January 16th, 1923, the citizens along the railroad arose almost en masse and took the situation in hand. We find no testimony tending to place the responsibility for this action upon any one man or class of men. The proof is conclusive that it was joined by men from all walks of life, from the most influential citizens to those of the humbler stations. That in carrying out this movement they took charge of persons and entered private homes without due process of law, and without legal authority, and that in many instances men were ordered or advised to leave, with the single purpose to break the existing strike on the Missouri and North Arkansas Railroad and to guarantee the operations of its trains. We find that the situation at Harrison was in charge of a large body of armed men on Monday, January 16th, and that the civil authorities would have been wholly inadequate to cope with or control this movement on that day. That while these men went about their work in an orderly manner according to the testimony, it was a determination on their part to carry it through and they did so. We call attention to the great volume of evidence introduced by the citizens of these counties tending to set forth the peculiar value of this train service to them, and of the financial loss and suffering caused by the suspension of this service. We make no finding nor do we fix the blame for the depredations against the railroad on any particular person or persons, but we call attention to the fact that no witness has yet shown that any damage to railroad property was done under the order of any railroad union.

There is nothing that can be said or done to condone acts of violence in any instance. The depredations against the railroad property deserve the punishment which the law directs for the guilty, there is nothing that can be said or done to atone for the killing of Mr. Gregor, and your committee does not think that the honest laborer on the one hand committed, counselled or advised depredations against the railroad any more than the good citizen on the other hand masked himself for the abduction and killing of Gregor. All of the acts of lawlessness and violence in our judgment sprang from the seemingly innocent beginnings. The strike started peaceably, the organization of the citizens' committee was orderly and without show or thought of violence, but we call the attention of our people here to the fact that it is just as impossible to tamper with or condone lawlessness without experiencing a letting down of the moral sense as it is for a people aroused to a point when the mob spirit pervades the populace to where they set aside their civil government, to do so without violence, and violence in this case is deplored by everyone on both sides of this unfortunate controversy, as is shown by the acts of kindness and of thoughtfulness exhibited after the death of Mr. Gregor to his family according to the custom of our people toward those in bereavement.

Our labors have been long and arduous but we will feel amply repaid if we have made a record that fairly depicts both sides of this case, and we say in closing that if at any time in any section of our commonwealth the people feel the urge to set aside their established form of government and to make and execute the laws passed upon the personal conception of right and merit that is born of the moment let them bear in mind this gathering that was orderly in its inception but which gave birth in the minds of a few to the spirit of a mob as a means of combatting lawlessness and left a widow and orphans within the dangling shadow of him of whom the courts had yet to write their verdict of guilty. The people of that community regret that sad affair, and your committee desires to state that in its humble judgment it has viewed with surprise the fact that only

one casualty resulted from that movement and it is a tribute to that section, which is one of the great strongholds of our Anglo Saxon blood, that at a time that was fraught with possibilities of lawlessness as was the day of Gregor's death, but three men of all that number were recorded as having yielded up the love of our law to that degree where they acted as judge, jury and executioner. Had the people been less firmly grounded in their love of law we feel there might have been an affair as bloody as that which lately besmirched the escutcheons of our sister State of Illinois.

The report was branded by organized labor as a white-wash. Senator Jake Wilson was particularly displeased, as is shown below.¹

Scoring the actions of the Committee of Twelve, composed during the strike of Harrison citizens, as "high treason," Senator Jake Wilson, president of the 1923 Senate, in an address before the State Federation of Labor yesterday said that he had not signed the report of the legislative committee that investigated the Missouri and North Arkansas strike troubles, and "didn't intend to sign it."

"They called it an investigation," he said, "but you know what it was."

Senator Wilson took an active part in the conduct of the investigation while the committee was sitting in Little Rock, but said that the committee had picked out a time to go to Harrison when it was impossible for him to leave on account of business and illness in his family.

Mr. Bohlinger replied to Senator Wilson's statement as follows:²

"The committee desired to be fair with every one and not only would it have fixed another date had it been requested to

¹ *Arkansas Gazette*, May 9, 1923.

² *Ibid.*, May 10, 1923.

do so, but the committee regretted the fact that Senator Wilson was not with us, he having been an attentive member up to this time, and his published statement of being unfairly treated by the committee is the first intimation so far as I know that the committee has received that the senator was displeased in the premises. If the senator knows of any facts that would have been more fully developed by reason of his being on the trip, I will state for the committee that it is a matter of regret that he did not sooner advise us when we would have been glad to resume our hearings for his benefit."

The citizens generally seemed to be satisfied with the report as it stood.

It may not be out of place at this time to give some extracts from the testimony before the Legislative Committee as a means of showing how the citizens felt about the whole matter.

[Ex-Circuit Judge Maples, Berryville:] It is not a question, it never has been a question of the railroad people or the dammed Union—this is a fight solely for our property, our rights, and for our families. . . . Many of them feel about it like I do, they believe in organized labor, they have no objection to the union and never complained as to the road going out as it did before until they just got to bragging around here, around all over the country that the dammed road was going to be put out. If they could not do it one way they would do it another. It was then that the citizens turned to each other and got together and said "By the eternal gods the strike is over", and gentlemen she is over for this country.

[County Judge B. Massingill, Heber Springs:] For more than two years the people of our county have been bull-dozed, and bull ragged, and threatened, insulted and boycotted and intimidated, and we got tired of it. It seemed that we had to take matters in hand and we decided that these strikers could move cheaper than we could. They didn't make that country, they never dug it out of the wilderness as we did and we

decided we were going to stay there, and they were going to move—and they moved.

[A. L. Barnett, stave mill owner of Leslie:] If the road had not commenced operating again I would have lost everything I had. . . . We do not intend to have any more trouble and are not going to have it. . . . John Dobbs got a note written last week that if he ever got out of the house at night they would shoot him, when we find out who that fellow is he will be gone. We have learned to do without them and we are going to do without them. . . . We are not against union labor, but we are against these outlaws and anarchists who have been up there. . . . Dick Kimball used to go there to the post office after the road closed down and would get his check and wave it around and say "Who in the devil ever heard of hard times here". . . . It finally got to where we could not stand it.

[Walter Snapp, horticulturist of Harrison.] I can safely say that we have had as many as 80 men out under those bridges on a single night. . . . We all gave our time freely and willingly. . . . We told them . . . that if they wanted to remain here and be good law-abiding citizens and go to work at some legitimate job we saw no reason why they should not remain here . . . otherwise they might get ready to move.

CHAPTER XIII

AS SEEN BY THE LABOR PRESS

ONE reason for the detailed account of the facts in reference to the organization and actions of the Harrison Citizens' Committee is that grossly exaggerated statements in regard to the matter were printed in many of the labor papers.

It is not to be understood that all of the labor press gave lurid accounts, nor that all accounts in the same paper were as exaggerated as those given. Even the lurid accounts contain much that was true. The purpose here is to give only some of the more extreme extracts. The fact that these accounts had a wide circulation and were believed by a considerable section of the laboring population is deemed sufficient justification for this chapter. It will be noted that many of the accounts disagree widely as to the facts.

It has been definitely established that most of the leading citizens of that section of the state took part in the activities at Harrison; yet the *Butte Bulletin* of January 19 published a dispatch from Harrison dated January 19, which included the following:

. . . In the neighborhood of a hundred of the men who created the reign of terror are believed to have been furnished by the Baldwin-Felts detective agency, and the thugs are declared to have been shipped from the coal fields of West Virginia. . . . More booze was furnished, and ordinarily peaceable persons soon became a howling mob, controlled by the railway representatives. A "kangaroo" court was instituted, many strikers forcibly taken before it and ordered to return to work

or be driven from the town. In cases the strikers defied their inquisitors. This so enraged the "law and order" representatives that private homes were invaded and searched, representatives of the large news agencies meantime sending out stories about the "committee of 1,000 that had been collected from hundreds of miles around" in an effort to apprehend criminals. The wonderful committee consisted of about 200 more or less drunken gunmen imported for the occasion and a few subsidized citizens who by their passive presence lent color to the allegation that local residents handled the affair.

With reference to the make-up of the "mob" and the responsibility for its existence, the January 27 issue of *Labor* quoted Mr. Johnston of the International Association of Machinists as follows:

"Beyond any question the railroad is an accessory to this great crime.

"The company brought in a mob of 1,000 from the hills in a special train. This mob, the members of which were all 'lit up' with moonshine, ordered the wives and children of the strikers out of the town, beat the men unmercifully, and took the secretary of the machinists' local and hanged him from a bridge."

The *Manitowoc Times* for September 29 carried the following from a press release of the Civil Liberties Union:

"Judge Shinn, Sheriff Shaddock and Prosecuting Attorney Greenhaw were fully aware of the plans," the Civil Liberties Union is informed. "On the night of January 14th, at 10:30 o'clock, J. P. Murray, General Manager of the M & N A railway, got in touch with the judge and sheriff and many others. They gathered at the operating offices of the railroad, where immediate plans were formulated for the mob action the next day.

This information seems to have had its origin with a

discharged telephone operator. It has been vigorously denied by the parties concerned.

The Worker for February 3 gave the following account of the origin of the bridge fires.

It is now definitely established that the destruction of bridges on the Missouri and North Arkansas Railroad, which is said to have been the cause of the organization of the so-called "citizens' committee" at Harrison, Ark., was due to defective fire-boxes in the broken-down engines of the road, and not to strikers as has been charged by the prostitute press of the nation, which re-echoed the declaration of the mob that has terrorized the district for the past week.

Labor for January 27, under the sub-head "ENGINES FIRING BRIDGES FEDERAL RECORDS SHOW," quotes some of the locomotive inspectors' reports given in Chapter X above. It will be remembered that the inspectors' reports do not in any place state the engines set any fires but that the fire-boxes were defective and that fire could easily fall out. The possibility is quite different from the certainty. Nothing in the quoted matter justifies the sub-heading.

The *Illinois Miner* for January 27 quotes the following, which had its origin with Pete Venable, and, as has been shown above, was false:

. . . Mrs. DeGoche, wife of an engineer, was dragged from her home and beaten when she sought to wrest her husband from the hands of the mob. A hot iron was applied to her feet, Venable said, until she fell unconscious from the pain. . . .

A striking engineer was lashed to a post and his left eye burned out, Venable said. . . .

Labor for February 3 gives the following account of the Casey affair at Heber Springs. (According to Casey's testimony he was hit on the head once with a gun but was not knocked unconscious.)

Chester Casey and his father, J. A. Casey, described the mob actions and the attack on them by four armed men. Chester Casey's head was swathed in bandages when he came before the committee. He said one of the mob had struck him a number of times with the butt end of a pistol and had rendered him unconscious. While in that condition he was kicked a number of times.

Labor for January 27 contains the following, which are exaggerations and cannot be substantiated in their entirety by the testimony of the strikers themselves. Only two strikers and not over ten or twelve sympathizers were whipped:

That Monday afternoon and night will be long remembered by the terrified women and children of Harrison, who saw their husbands and fathers marched off by howling bands of intoxicated furies who cursed and abused men and women.

On occasions when some women would protest at the attempt to force an entrance into her home she would be slapped across the face, knocked down, her dress torn off of her and subjected to other indignities.

.....

Scores of strikers have been publicly flogged and otherwise tortured. Wives of the strikers have been beaten, their clothes torn from their backs, and in many instances they have been driven out of town without food or means of transportation.

The accounts of the hanging of Gregor were varied. The following are among the more extreme ones.

The *Butte Bulletin* for January 19 said:

Mr. Gregor was hailed before their court. He told them they would soon have a different story to tell. An effort was made to invade his home the next afternoon. When he saw the invaders were drunk, fearing for his life, he ordered them to halt. When they failed to do so, he threatened to fire. And

drunk though they appeared to be, that stopped them. During the evening, when Mr. Gregor left his home, he was apparently waylaid, and his body, gently swinging in the breeze, was found next morning, bearing mute witness to the fact that men may be deliberately murdered in Arkansas providing the perpetrators of the crime are the agents of wealthy individuals or corporations, to whom no law in America applies. The law is only for the poor.

The *Milwaukee Leader* for January 31 said:

. . . LITTLE ROCK, Ark.—The names of members of the citizens' committee which lynched J. C. Gregor, railroad striker, were given to the legislative investigating committee here by John Huey, striker, who told how he had seen three men enter Gregor's home and lead him to his death. . . .

The *West Virginia Federationist* for March 15 said:

Members of the mob that slew Gregor were identified by the widow. They were so-called leading citizens of Harrison and vicinity, business and professional men sprinkled among strike-breakers of the railroad.

The members identified by Mrs. Gregor were in the crowd at the Gregor house and not the ones who twelve hours later took him from the guard room.

The *New York Call* for January 17 said:

Gregor resisted the mob. He fled through the rear door of his home in a shower of bullets from the attackers. A detachment of the mob pursued him and the next heard of him was the discovery of his dead body hanging from a trestle. . . .

Labor for January 27 said:

Gregor sacrificed his life to save his wife and daughter from the fury of the lynchers. While a part of the mob was threatening to destroy his home with dynamite, a large amount of which

had been placed on the front porch, other members had set fire to the rear of the house. . . .

The mob placed 100 pounds of dynamite on the front porch and notified Gregor that unless he surrendered the house would be blown up. . . .

In the affidavit filed with the Legislative Committee Mrs. Gregor, after telling of starting home on hearing the shots, says:

. . . just a few steps from the corner there was a telephone post, and there was four of the mob, I did not see any of their faces—and just as I was passing them, of course he did not know who I was, he said, "We have sent for dynamite and will blow it to atoms, and then burn it down, we will get him out of there."

This was before she even knew it was her house that was being fired upon. Nowhere has there been any evidence or statement that the dynamite was brought or that any fire was set.

Labor for January 27 contained the following:

Among the strikers in the "bull pen" were the two Johnson boys, nephews of Circuit Judge Shinn.

One of the boys, R. S. Johnson, was thrown into the "bull pen" Monday night. He told the leaders of the mob that his wife was in a delicate condition and that the baby was expected at any moment. They disregarded his plea.

Later on, when word came from the Johnson home that Mrs. Johnson needed the assistance of a physician, the mob would not permit a doctor to visit her. Finally, four women, hearing of Mrs. Johnson's plight, forced their way into her house and did what they could to aid her while the child was being born.

Labor for February 17 contained this additional statement:

In its issue of February 1 the *Headlight* devotes three columns on the first page to an attack on LABOR.

The paper specifically denies the story printed in LABOR to the effect that the wife of one of the strikers—R. S. Johnson—was denied assistance during the period of maternity. The Johnson referred to is the nephew of Circuit Judge Shinn of Harrison, and the *Headlight* quotes the judge as follows:

“Judge Shinn informs the *Headlight* that the nephews referred to left Harrison some months ago for Oklahoma, where they now have employment and are conducting themselves like men. The whole story about them is a base fabrication manufactured from whole cloth.”

When R. S. Johnson, the striker referred to, saw this story in the Harrison *Headlight*, he addressed the following letter to the editor:

MUSKOGEE, OKLA., FEBRUARY 11, 1923.

MR. J. L. RUSSELL,

Editor *Boone County Headlight*, Harrison, Ark.

Dear Sir: Your issue of February 1 has just come to my attention, and I notice a purported interview from Judge Shinn, who pretends to state regarding my whereabouts and actions. Judge Shinn says I left Harrison, Ark., “some months ago for Oklahoma, where they now have employment and are conducting themselves like men.”

This statement is true only so far as that part which states we are “conducting ourselves like men.”

I left Harrison, Ark., Sunday, the 14th, day of January, and would not have left then had I not been warned that a mob was coming to Harrison for the purpose of killing, whipping, and mobbing the union men.

I do not think you will make this correction in your paper but am offering it to you, hoping that for once you will try and do the fair thing.

You also make reference to the condition of my wife and intimate that the facts regarding her condition were untrue. The facts are that my wife gave birth to a baby boy on the

morning of the 17th of January. Some one cut the lights out, and neighbor women had to assist, with the use of a flashlight. Conditions were such, on account of mob rule, that it was nearly 10 days before I knew my wife was all right.

Respectfully submitted,

R. S. JOHNSON.

It will be remembered that the "mob" did not begin its activities until the afternoon of Monday, January 15, and hence Johnson was not in the "bull pen," having left Harrison on Sunday, January 14.

Among papers supplied by an active unionist are the following unsigned statements:

I, Raymond Scott Johnson accepted employment on the Missouri and North Arkansas Ry. June 18, 1920, as brakeman, retired from the service Feb. 26, 1921 in a general strike. November 8th 1922 I came to Muskogee and accepted employment with the Kansas Oklahoma and Gulf Ry. On account of my wifes illness I returned to Harrison December 15th, 1922, to be home with her in her expected sickness. However on the 14th of January was so much talk and so many rumors of a mob coming and the threats being made would murder the Union men, I decided to leave going via Bergman and the MP Ry. . . .

I [Mrs. Johnson] was expecting to be confined, and had arranged with Dr. Brand who was our family physician to attend to me, however, Monday, when I wanted Dr. Brand could not reach him, same on Tuesday, Wednesday 17th, late afternoon I grew worse, and some of the neighbors came in and in some manner managed to get Dr. Owens, and a nurse, a Miss Bodie, this was about 4 pm. at 8:15 pm foned Dr. Owens and he came decided needed additional help and Mrs. Reece went to her home to fone and the wires were cut, went to a neighbors, but could not get any other Doctor, to come and attend, tried to get all that were known in town. At the time my light wires were

cut, by the MOB and necessitated the using of oil lamps and flash lights by those in attendance to wait on me. . . . My husband had been told by some of the men Sunday to leave, and this left me alone. My regular Doctor Dr. Brand was run out of town account his friendship for the Union men. . . .

The following appeared in the *Boone County Headlight* for February 22:

STATEMENT OF DR. OWENS WHO ATTENDED MRS. JOHNSON.

"There is not one word of truth in the statement that the wires were cut at the Johnson home the night the child was born, or that Mrs. Johnson was mistreated by anybody in any way. She was given every consideration that could have been expected or desired.

"I was called by phone to see Mrs. Johnson about 4 o'clock pm. Jan. 16. I went promptly and found my services would not be needed, at least for some hours. I went away and was called about 7:30 that evening, and remained until the child was delivered about 4 the next morning. The last time I went I was accompanied by a graduate nurse, Mrs. Bodie, who stayed five days and took excellent care of the patient who did exceedingly well.

"About ten o'clock the night of Mrs. Johnson's confinement the wind was blowing briskly and the electric lights went out. Mrs. Johnson said that it was caused by the flapping around of the meter which was simply hung up in the porch, having a loose connection. That it had happened before. We lighted a lamp, went to my car and got my flash light and tried to replace the wire that had come loose, but having no screw driver, I gave it up and we got along nicely with oil lamps which were mustered into use.

"Nobody tried to interfere in any way with my going. I never dreamed of such a story going out and I am sure no one else did. The word 'mob' was not mentioned that I can remember. Mrs. Johnson merely stated that her husband had gone away."

Rev. J. K. Farris in speaking of two births to strikers' wives says:¹

But as I promised, in the beginning, to tell the truth and suppress nothing, I shall deny certain stories which were set afloat, and which were published, to the effect indignities were committed at the time of these births. There were no electric wires cut entering their homes, nor were any acts of discourtesy shown these mothers.

Another story widely circulated was that the telegraph service from Harrison was censored by the "mob".

Labor for January 27 gives the following in the course of a dispatch:

"Any reporter who dared to send a true story out of Harrison would be lynched. One of the St. Louis reporters had a gun in his stomach every five minutes after his arrival in the district, and he took the first means to get out. Only two of the Kansas reporters remain, and they are trying to get permission to leave. Their stuff is watched carefully and held up." . . .

Newspaper men who have succeeded in reaching Harrison are guarded by members of the mob and are not permitted to make inquiries. Messages by telegraph or telephone cannot come out of Harrison until they have been censored by the "committee of twelve."

The St. Louis, Missouri, *Labor* for April 14 says:

At Harrison, Rogers and other newspaper men were bullied by a committee of outlaws, who also forbid them to interview anybody but J. C. Murray, vice-president and general manager of the Missouri and North Arkansas Railroad.

Union officials seemed to have been convinced by the reports sent out that censorship was a fact. The following appeared in the Harrison *Daily Times*:

¹ Farris, *The Harrison Riot*, p. 150.

Chicago, Jan. 18,—Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers, declared tonight that an "absolute censorship prevails at Harrison, Ark."

"The telegraph and telephone are censored," Mr. Stone declared. "The Western Union office is in the depot of the Missouri and North Arkansas Railroad and the railroad controls absolutely everything that is sent out. We haven't heard from any of our people since the trouble started."

The Western Union telegraph office at Harrison, Ark., is in the Citizens bank, four blocks from the station of the Missouri & North Arkansas Railroad, and "there is no connection between the two, whatsoever." King Speer, manager of the Western Union at Harrison, denied that a censorship was being employed on dispatches filed at the telegraph office.

"We are running the office just as in any other city," Speer said, "There is no truth in Stone's statement that we are censoring dispatches."

The wide circulation of *Labor* is shown by the following from the issue of January 27:

Readers of *LABOR* are doing their part to get the truth of the Harrison outrages to the American people. More than 100,000 additional copies of last week's issue were distributed throughout the nation.

The Railway Clerks ordered and distributed 11,000 copies. Garment workers, steel workers, printers and other crafts have secured bundles of 100 or more and placed them where they will do good. . . .

Don't permit anybody in your section to be in ignorance of what happened in Arkansas. Secure a bundle of copies of *LABOR* and pass them to friends and neighbors. You'll be surprised at the magic effect upon their minds.

To encourage widespread distribution a special price of \$1 per 100 copies will continue until the Arkansas incident is closed.

The following reprint from the *Railway Carmen's Journal* of Kansas City was designated as "the unkindest cut of all".¹

"Where," asks this philosophical (?) publication, 'may the criminal class be found? In these days they prey upon society in large cities where laws are lax and 'picking' is good. But in old days such characters of the more daring sort soon became well known and, as a result, became fugitives from justice. There was no place to hide and exist except in those portions of the country where the law never reached—except the law of brute force. . . .

"One nest bed for criminals in days past has been the Ozark mountains in Arkansas. Many localities in this region, especially about the valley that contains Harrison, fulfills the requirements demanded by the fugitives of past years.

"The majority of the people who live in Arkansas along the steam jitney line of the M. and N. A. seriously known as a railroad by the hill billies of the region, without question, come of stock that many respectable people would rather forget about. The fact is, the people living in this region say little regarding the doings of their ancestors. In a small town way many of them have removed their manure covered boots and wear mail order clothes and live in Harrison as merchants, lawyers, doctors, just as near beer survives in place of the real article. . . .

"Recently blood told. Men who might cover well the misdeeds of their forefathers openly showed their faulty stock which spawned criminals fully and viciously immoral as the parents themselves. We refer to the mob which reverted to type a few weeks ago at Harrison, Ark. . . .

"To call the denizens of the Ozark's valley, where progressiveness is unknown, either city people or farmers is a travesty on civilization. For the sake of respected people in other places—please, oh, please do not call these people city folks or farmers. If you do some will call for the smelling salts.' . . .

¹ Russell and Bradley, *op. cit.*, pp. 129-130.

The descendents of criminals in days long gone then said: "We're for the unions but we want them to be 100 per cent American." The filthy curs never had a clean thought for such an ideal—their puny, pin-headed brain could never master the a, b, c's of Americanism—they come of tainted stock and their work is the result. . . ."

The more radical *Worker* under dates of February 3 and March 10 says:

In order to effectively fight such outbreaks it is necessary to organize the working class into effective unions, a thing that has been woefully neglected by the officialdom of the American Federation of Labor and the petrified leadership of its affiliated unions.

Effective unionism in Arkansas would have made impossible the successful deportation thru terror of the strikers. The sort of unionism needed to combat such contemptible outrages against the working class is the unionism that made Herrin, Ill., the bright star in the firmament of unionism in America the past year. Teach the jackal pack of capitalism that they cannot with impunity murder strikers and there will be no repetition of the atrocities such as occurred at Harrison, Ark.

It may be well for all workers to remember that the trade union officials who do not lift a finger for Gregor and his fellow victims, are the same reactionaries who oppose amalgamation and every other progressive measure advocated for labor's advancement. They are the best agents the bosses have on the inside of the trade unions. The most effective tribute that the great masses of the workers can pay to the memory of Gregor now fading into forgetfulness is to get rid of these lieutenants of the capitalist class.

Some suggestions as to why such exaggerated accounts as the above are circulated will be found in the concluding chapter. Most of these accounts had their source with strik-

ers who had been driven out of Harrison, many of them originating in the fertile brain of Pete Venable. Their inaccuracy was due not only to the exaggeration of events the strikers witnessed, but also to the report by hearsay of events that had taken place after their expulsion.

The author wishes to state again that these accounts are not representative of the labor press as a whole. They do illustrate, however, the use sometimes made of labor publications by local leaders in their efforts to secure support for their doubtful policies. They are not representative of the leadership of the majority of our national labor organizations. Such lurid accounts fan the flames of hatred in the breasts of laboring men; and retard progress toward a better understanding between the laborer, the employer, and the public.

CHAPTER XIV

THE SETTLEMENT OF THE STRIKE

THE citizens sincerely believed that they ended the strike in January, 1923, but they were to find that it takes more than running the strikers out of the country to end methods of making a strike effective. It seems that union agents on other roads were not particularly anxious to route freight over the M. & N. A.; sometimes there were delays in shipment of goods routed over the M. & N. A.; sometimes ticket agents were unable to find any ticket routing over the M. & N. A. to Harrison, but had no trouble finding a rate to Bergman, eleven miles away, on the Missouri Pacific; sometimes they stated there was no way to transfer baggage to the M. & N. A. at junction points; sometimes the would-be passenger was informed that no trains were running, or that they were uncertain and dangerous and there was no telling when a train would be along. With the road barely able to keep revenues equal to expenditures at the best, a little of such discrimination meant ruin and defeat. Protests were made to the Interstate Commerce Commission and to the connecting railroads by citizens. The following is self-explanatory:¹

GENERAL PASSENGER AGENT FRISCO

ST. LOUIS, MO., APRIL 27, 1923.

To All Coupon Ticket Agents:

. . . "Complaint has also been made that patrons desiring to purchase through tickets have been erroneously informed that

¹ *The Flashlight*, May 10, 1923.

passenger train service on the Missouri & North Arkansas railroad is very irregular and further that other prejudicial statements have been made that would tend to discourage passengers from taking passage by the way of that line.

"You are hereby informed that train service on the Missouri & North Arkansas railroad is perfectly normal and passengers en route to destinations on that line should be sold through tickets in the same manner as they are sold to destinations on other foreign lines."

"J. W. NOURSE" *General Passenger Agent Frisco.*

"We get the worst of it, of course, from union sources in the way of routing stuff and information concerning the operation of the road but that is dying out. Agents in many places realize the futility, if not the unjustness of carrying on the fight against the road and many of them who have been hostile, are now giving us a square deal, but as long as the strike is continued, we will of course, be more or less handicapped by the spreading of damaging reports."¹

The bond-forfeiture cases pending in the circuit court were also a matter of some concern. The principal case was the ten-thousand-dollar bond case of Albert Stevens. George O'Neal and others were bondsmen. Stevens had escaped from the "mob" to his house and then to a neighbor's house, where he was concealed under a feather bed. Later he dressed in woman's clothing and escaped from town. He was later arrested in Oklahoma, but the Boone County officers made no effort to secure him and left the matter up to his bondsmen. The defense of O'Neal and the others in the forfeiture case was certain to be that Stevens left Harrison because of mob rule, and hence the bondsmen could not be held liable. It was expected that if a jury trial proved favorable to the state, an appeal

¹ Mr. Murray quoted in the *Boone County Headlight*, September 6, 1923.

would be taken to the Supreme Court of Arkansas, and possibly to the Supreme Court of the United States. This would have meant a great expense to the county, more perhaps than they would have received from the bond if it were ever paid. There was some real doubt as to whether, under the circumstances, the bond could be collected. The calling-off of the strike was the main consideration in the minds of many of the people, and the various cases pending in court were good trading material in a compromise.

The unions were anxious for some sort of settlement. Wise and Orr were in prison, Pritchett was out on bail awaiting a new trial; the unions felt that they should stand by the bondsmen, and there were a large number of cases still pending against strikers in the courts along the M. & N. A. Clearance papers for these men that would enable them to obtain work elsewhere could be had only from the M. & N. A. Then again the strike benefits were a heavy drain with no possibility of victory for the strikers.

Venable did not take kindly to the attempts to compromise with the citizens, and protested very vigorously to the officers in charge, stating that they had the victory won and that other parties were ready to take the property over as soon as operations were suspended, and the property offered for sale. These protests do not seem to have had much weight with the officials.

Attempts to effect a compromise were made during the month of August. The union representatives threw out a suggestion that part of the bond be paid, the sentences of Wise and Orr be reduced, and the other cases dismissed. When the civil officers proposed the calling-off of the strike, the representatives of the unions stated that they had no authority from the national officers to agree to such a settlement.

In December Frank Mulholland, attorney for the brother-

hoods, together with the Arkansas attorney for the unions, went to Harrison armed with authority to call off the strike if a suitable compromise could be reached. The final agreement included the following conditions: calling off the strike, the release of Wise and Orr from the penitentiary, dismissal of all the cases against strikers and their sympathizers including the bond cases, and the payment of \$500 to cover the court costs already incurred in the various cases. The date of the official ending of the strike was December 21, 1923.

Prosecuting Attorney Greenhaw and Circuit Judge Shinn at once wrote Governor McRae asking that he issue paroles to Wise and Orr, and at the end of one year from time of sentence grant them pardons.

In what purports to be a copy of the letter from the national officers to Attorney Mulholland is the following statement:

After signing terms of settlement, do everything you possibly can to get an agreement in writing containing promise from the officers of the railway company that they will take back in their services former employees who were not guilty of acts of violence, as fast as they can find employment for them.

Manager J. C. Murray wrote a cordial letter to Mr. Mulholland expressing his gratitude at the calling-off of the strike. In the course of the letter he said:

I feel no hesitancy in saying to you that in considering the employment of new men on this property in future, we will give every consideration to applications which may be made by those who were on strike against the company, provided that they are acceptable to the management as employees and willing to accept our wage scale and working conditions.

None of the strikers who remained on strike to the end have been re-employed. Vacancies have been few, and the

men would have to begin at the bottom as far as seniority is concerned. Whether the present employers and citizens would favor the re-employment of any of the strikers is a question. It is probable that few if any former strikers would be regarded as "acceptable to the company as employees." Among the present employees are quite a number who are members of the unions and apparently no discrimination is made against union members who were not strikers.

While the negotiations were in progress at Harrison, the Civil Liberties Union wired Governor McRae asking Christmas season clemency for Wise and Orr and repeated the charge that they plead guilty "under duress and that a fair trial was impossible". Governor McRae replied:¹

"The sworn testimony of the trial judge taken by the legislative committee, which is now in my possession, shows that the pleas of guilty of Orr and Wise were not under duress. I believe the statement of the judge, and most respectfully decline to extend clemency, unless the pending negotiations for the settlement of the strike and all controversies growing out of it are amicably settled by the contending sides.

(Signed) "THOMAS C. McRAE,
Governor."

The reply of the governor and the terms of release of Wise and Orr were the occasion of a press release by the Civil Liberties Union charging that Wise and Orr were being held as hostages for the good faith of the unions. This seems to have resulted from the Federated Press dispatch stating that the pardons would be issued on condition that the terms of the agreement were kept. According to union officials no such condition was a part of the agreement.

The settlement was generally acceptable to the people along the M. & N. A., and it was expected that the road would soon get on its feet again.

¹ *Arkansas Gazette*, December 22, 1923.

CHAPTER XV

CONCLUSION

STIRRING events like those which grew out of the strike on the M. & N. A. always leave a trail of bitterness and suspicion. In spite of the fact that most of the strikers were driven out of the country and that the citizens' movement had the support of most of the best citizens, there was a minority element in opposition. After the settlement of the strike there was some gossip that a large sum was paid by the unions in settlement and that county officials had appropriated it. The rumor was without foundation, but is an example of how far some people will go in their efforts to discredit others.

Various opinions concerning the strike and the episodes incident to it are now held by the inhabitants of the counties along the M. & N. A. There are a few substantial people who condemn equally the actions of strikers and citizens; there are others who side with the strikers and bitterly denounce the citizens. The majority, however, still justify the citizens' movement as a last resort after everything else had failed, although they do not give their unqualified approval to everything that was done. No one, for example, defends the hanging of Gregor. The whippings, too, are generally regarded as unfortunate occurrences, even though the ones who were whipped may have richly deserved their punishment. Finally there are those who uphold the general purpose of the uprising but feel that the citizens went too far in effecting this purpose.

The strikers have always claimed that the citizens' move-

ment was instigated and directed by the management of the road. They contend that Festus J. Wade of St. Louis was the chief instigator and that the people of Harrison were used by him through General Manager Murray. There seems to be little serious evidence available to bear out these charges. Every witness before the Legislative Committee stated that he received no directions or suggestions from Mr. Murray and did not consult him in any way about matters. It is true, however, that the action of the citizens was far from displeasing to Mr. Murray and that his statement of January 13¹ had an important influence in bringing matters to a head at that time. The uprising was just the sort of thing that was desired by the management.

Many attempts have been made to identify the Klan with the movement and the claim has been made that the uprising was planned and carried out by the Klan. There seems to have been some talk among the citizens to the effect that "the Klan did it", and Jack Carberry in his accounts in the *Kansas City Post* attributed it to the Klan. The author has been assured by Klansmen of known integrity, some of whom are personal friends, that the Klan did not plan or carry out the movement. It is true that most of the Klansmen were members of the "citizens committee of one thousand" but in the crowd were many not Klansmen. One of the members of the citizens' committee at Harrison, and spokesman in April, 1921, is an ardent opponent of the Klan.

It is, of course, fashionable to say Ku Klux Klan and have done with it. But that is to fall into error, because, while the men who formed the mob did, in many instances, doubtless belong to that organization, there were also members of the Masonic body on both sides, men belonging to the same

¹ Cf. *supra*, pp. 123-124.

churches: Methodists, Presbyterians, Christians. There were men in no wise affiliated with any organization, merchants and professional men; those who had for years favored the retention of the union workers but, later, had become embroiled with them. Something altogether different from the deliberate plan of any one organization was responsible. Somehow, many elements were welded together in a common purpose.¹

The attitude of the national officers of the unions is a matter of some interest. The officers of the older, more stable organizations appear to have been men of sane ideals and principles and to have been sincerely opposed to violence. One or two of the men appointed to represent some of the organizations seem to have been radical and the source of exaggerated propaganda and to have allied themselves with the more radical element of the strikers. The statement of the Legislative Committee that: "We make no finding nor do we fix the blame for the depredations against the railroad on any particular person or persons, but we call attention to the fact that no witness has yet shown that any damage to railroad property was done under the order of any railroad union," is in order at this point. Unfortunately, experience in the past in major labor disputes and the atmosphere in which labor officials move make them suspicious of charges that depredations are committed by strikers, and they frequently accept without careful investigation the charge of the strikers that the depredations are committed by agents of the employers in an effort to discredit the men.

One great weakness of any large organization spread out over a wide territory is its system of getting information. The grand lodge officers in the case of a strike must depend upon underlings for information. Usually in railroad

¹ From an unpublished report by C. J. Finger.

strikes, vice-presidents are appointed to supervise the strike and to secure information and make reports. These vice-presidents must in turn rely for reports upon the local officials of the union. This means that the local officials, who are at best partisan, are often able to color and distort the information if it suits their purpose. Information also reaches the higher officers from various individual sources. In the M. & N. A. strike the American Federation of Labor depended upon representatives and organizers in Arkansas, and upon the secretary of the State Federation of Labor for information, but these representatives were in turn dependent on others. The Grand Lodge officers were driven out of Harrison in April, 1921, and hence were no longer able to get information or direct the strike at first hand, but were made dependent upon local officials for information. Much information came from the prolific pen of Pete Venable, who was decidedly partisan. Conservative strikers say that both the strikers and the citizens suffered as a result of the driving out of the Grand Lodge officers, which left the strike without effective and responsible direction.

The higher union officers cannot always know how partisan their informants may be, or to what extent they may wink at violence if it seems to offer some probability of furthering victory for the men. Many of the officers are dependent upon the rank and file for office and are under pressure not to antagonize them but to follow a policy that promises to get immediate results, even though they know that the policy is wrong from a long-time point of view.

This weakness of a partisan source of information intent upon immediate results is one explanation of the exaggerated reports sometimes found in the labor press. The labor press is dependent upon the rank and file of unionists for subscribers and, as in the case of all newspapers, must print what the class to which it caters desires. There is another factor

about the type of reports that are often published. If the strikers can create an impression of getting results or, what is more important, of being oppressed and mistreated by the common enemy, they are more likely to have the support of the powerful national organization and to be backed by the rank and file of unionists over the country, whose contributions are being used to finance the local strike. Then again, if appeals are to be made for voluntary contributions, as was the case at Harrison, lurid stories will aid in securing sympathy and developing liberality. The citizens along the M. & N. A. regard many of the articles appearing in the *Railway Federationist* and in *Labor* as being colored by this situation. They likewise think that the famous affidavits of Rosen and Raynor and the testimony of DeVaney were primarily for propaganda purposes among unionists.

The conduct of the M. & N. A. strike and the exaggerated reports in the labor press have discredited organized labor in Arkansas to a certain extent, and it will be some time before unionism will win back its old position in northern Arkansas.

These weaknesses are more or less inherent in the nature of unionism, and many of the officials are fully conscious of them and want to avoid them; but they are naturally suspicious of statements from the other side. Nor is the other side free from the same spirit of partisanship. Both need to be more cautious and discerning in accepting reports from their own followers.

About six weeks before the Harrison uprising, the Methodist annual conference had transferred Rev. W. T. Martin to another charge and sent Rev. J. K. Farris to Harrison. Rev. Farris, who was one of the able ministers of the denomination, had served several charges where there was a large union membership and had come to know and love union workers. He went to Harrison without knowing

much about the bitter feelings there and how impossible it was for a man to be neutral in the controversy. He seems to have endeavored to ignore the strike situation and to minister to all alike whether scab, striker, or citizen. According to his custom, he set out to visit every Methodist home in Harrison. His visitation of the strikers led some of the more radical citizens to assume that he was to be classed with the strikers. When the trouble came on in January, his refusal to wear a white ribbon with the rest of the citizens caused him to be something of an object of suspicion at a time when men were not very discerning in their appraisals of their fellow men. He was appointed on the relief committee and soon found that the other members were not of the same mind as to who should be aided. In one case he recommended aid, and the other members, finding that the party had a good team of horses, refused the request. In one case much less was given than Farris thought proper. In a maternity case Farris had promised that the doctor's fee would be paid out of the fund, but he was overruled by the rest of the committee. He soon dropped out of any participation in the relief work. He became somewhat an object of criticism, for it was well known that he did not approve of the citizens' committee and its activities. Through it all, however, he retained the confidence and support of probably the majority of his membership; but it was a divided church and a situation that would try the most gifted diplomat. Toward the end of his first year at Harrison his health began to give way, and he indicated to his Presiding Elder that he wanted a year off for rest. About the time of the Annual Conference, he states that he reported to the Presiding Elder that he was in better health and would continue in the active ministry. There was a misunderstanding and he was placed on the superannuated, or retired, list. He thinks that his

enemies at Harrison used their influence against him. He returned to Wynne, Arkansas, where he had many friends, and wrote a book about the happenings in Harrison during his ministry there.

His book, under the title, *The Harrison Riot, or The Reign of the Mob on the Missouri and North Arkansas Railroad*, is primarily a defense of his policy and gives an account of the happenings in January, 1923, as he saw them. He appears to have been embittered by his trying experiences, and while most that he writes is true, he gives only one side of the matter and includes some decidedly unflattering implications concerning the citizens.

The tone of the book, more than what was actually said in it, was resented by the citizens and cost him many friends in Harrison. His Presiding Elder states that Farris did as well as any one could have done under the circumstances and that he was well pleased with his record. Thoughtful citizens say his proposed policy was the right one for a minister, but an impossible one in Harrison at the time. It appears that Farris has been broken in spirit and health by the ordeal through which he passed and is one of the casualties. He stated to the author that if he could have known the true situation at Harrison, he might have avoided some of the misunderstanding, though he would have pursued the same policy towards the strikers. Even as it was, he is confident that if he could have had six months instead of six weeks before the storm broke, he could have won out.

The other ministers seem to have given their active support to the citizens, though they did not approve of everything that was done.

With a full realization of what it meant to be without a road and facing the possibility of another shut-down, the citizens have made every effort to give the road all the traffic

possible. The shipping of goods to Bergman on the Missouri Pacific and trucking across to Harrison was frowned upon as was the jitney service between towns on the M. & N. A. Part of the trouble of the reporters in getting to Harrison as related above was due to the fact that they were riding in a jitney and not "on our railroad". Since higher freight rates and longer distances are necessitated in many cases, it has been a real test of loyalty for the citizens of Harrison to use the M. & N. A. even when it would be cheaper to ship through Bergman. The freight rate on newsprint paper from Springfield, Missouri, to Bergman is \$12 per ton; the cost of trucking across from Bergman is \$5 per ton. The rate from Springfield to Harrison is \$22 per ton, but the papers pay the extra charge and patronize the M. & N. A. The freight rate on a car load lot of a well-known make of automobile is reported by the dealer to be \$344 to Harrison and \$226 to Bergman. According to the *Boone County Headlight* for March 22, 1923, the Ford factory pays the difference in freight rates on the M. & N. A. and the Missouri Pacific, which amounts to about \$25 per car.

The traffic on the road is light at best and, with improved highways, trucks and automobiles are taking a portion of the traffic, particularly passenger traffic. It is realized that the country must increase the tonnage sufficiently to more than make up for this loss if the road is to survive in the face of the new competition. The road has an agricultural agent and is doing everything possible to develop the fruit and berry industry, for which the land is well adapted. Grape culture is receiving great emphasis at present. M. & N. A. Booster Clubs have been organized in every town along the line to keep alive the loyalty to the road and to cooperate with the road in the development of the country.

The question of the status of the government loan is a

proper one at this point, as it will indicate something of the success of the road. According to a public statement of General Manager Murray in November, 1925, the annual deficit (including interest on the government loan) has been reduced to an average of \$79,750 per year. He hopes that through agricultural development the deficit will be wiped out in a few years and both the accumulated interest and principal of the loan will be cared for.

Just what the permanent suspension of the road would mean to the people if they had adequate highways is hard to say, but they certainly would not suffer as much as they did in 1921-1922 without the good roads. The timber industry would suffer most. The people all along the line look to the future with confidence and have faith that the road will succeed. We might say with Webster, it is a little road "but there are those who love it". There are constant rumors that some other line, probably the Frisco, is going to buy the road. This would be more than pleasing to the citizens because a trunk line could throw enough traffic to the M. & N. A. to make it profitable.

On January 1, 1926, it was announced that W. Stephenson, formerly President of the Jonesboro, Lake City and Eastern Railway, had bought a considerable interest in the M. & N. A., and had been elected President and General Manager, to succeed Charles Gilbert of St. Louis and J. C. Murray of Harrison. Mr. Stephenson at once moved to Harrison and announced that \$500,000 would be expended for improvements that would end the frequent derailments, and make it possible to secure the traffic necessary to success. About the same time it was announced that the government and the city would construct a \$400,000 river terminal at Helena, the southern terminus of the M. & N. A., which would greatly cheapen freight rates to a large part of Arkansas. This saving would come through cheaper rates by

water to Helena, and by avoiding the eight-dollar toll bridge charge and additional switching charges at Memphis on freight from the east. It is expected that the M. & N. A. will reap substantial benefits from this improvement.

At the present time (spring of 1926), the equipment of the M. & N. A. is being repaired and painted; electric lights are being installed in passenger cars; and the roadbed is being improved by the replacement of ties and the addition of rock ballast. Traffic has already increased materially.

Certain weaknesses of unionism illustrated by the M. & N. A. strike have been suggested above. They are: (1) the conflict between social welfare and the long-time interests of unionism, on the one hand, and the interests of local leaders and members of the unions concerned with immediate results, on the other hand; (2) the undue use of the labor press to serve the supposed interests of local leaders; (3) the inability of the national officers of a union covering a vast territory to keep in touch with, and to control the policies of a local strike. The strike illustrates other features of the policies and aims of trade-unionism that are of concern to the public.

In the industrial center, as a rule, only a small per cent of the population is vitally affected by a strike, and the tactics of the strikers do not attract so much attention. In the case of the M. & N. A. we have a rural setting entirely unfamiliar with strike tactics, and a situation where every citizen was vitally affected in both his person and property. From the point of view of unionism itself the policy and tactics followed were a mistake. Strongly centralized unionism is not always able to adjust itself to local situations, and the strike on the M. & N. A. was waged with an utter disregard for local conditions that brought failure and disaster. Complete standardization of wages and working conditions in a country as vast as ours, without regard to cost of living, value of

services rendered, and other elements of the local situation, is a daring conception, and likely to result in failure. When a group has interests that conflict with the interests of the larger group, society, we must expect the smaller group to subordinate its ambitions to social welfare. This is a point of view that both capital and labor have been slow to adopt. In the case of the M. & N. A. the interests of the road and of the public were largely the same, and the strike became as much a fight on the public as on capital. Both unionism and capitalism have vast power in their keeping and at their command; and they must come to acknowledge their responsibility to society for the use of that power, and progressively to eliminate the weaknesses set forth above.

A brief discussion of the railroad labor problem in general is appropriate as a final conclusion to this monograph. Uninterrupted transportation service is so vitally necessary to the public that some means of adjusting labor difficulties, without resort to strikes and lockouts, must be sought. This method of adjustment must protect the public interest, and at the same time command the respect and obedience of both employer and employee.

The public is prone to become impatient of industrial strife, and of the seemingly slow progress in the substitution of cooperation for conflict. The natural reaction of the public results in the use of legal and judicial measures in an effort to force the resumption of outwardly amicable relations by the struggling elements. The public assumes that this use of force is in the interest of the general welfare. The public falls into the same error of which the employer and employee have frequently been guilty—the error of stressing their rights to the neglect of their responsibilities, and at the expense of the rights of the other parties. They forget that force, however necessary under some conditions, is no remedy for the fundamental causes of friction between capital

and labor. Mere force cannot establish a spirit of cooperation and sense of social responsibility, without which satisfactory relationships cannot exist.

The Kansas Court of Industrial Relations furnishes an example of an honest attempt to solve by the use of force the problems growing out of the relations between capital, labor, and the public. This interesting experiment has not received the hearty approval of students of labor problems. The powers of the court have been greatly restricted by the decision of the United States Supreme Court in the Wolf Packing Company case.

The United States Railroad Labor Board, provided for in the Transportation Act of 1920, has commanded the respect of neither the public, employers, nor employees, and has been discarded in favor of a new plan agreed to by the parties concerned. The Labor Board at times allowed "red tape" and technicalities to hamper it; while at other times it ignored precedent and sought to deal with the problems before it on the basis of practical justice. The Board has been so heavily loaded with duties that frequently it has been unable to give the careful attention that a particular case demanded. It has been without means of enforcing its findings except through the weight of public opinion, which has been inadequate in many cases. Both litigants have felt free to ignore its findings. It is to be hoped that the plan provided in the recent act of Congress will be more satisfactory.

Certain objections to bargaining on a national scale have been suggested earlier in this chapter. The company-union plan which has been proposed as a remedy offers some advantages: the employer would deal with his own employees, rather than with the officers of the national organization, and they could negotiate in the light of conditions and problems of that particular company. The plan, however,

has certain weaknesses, in that: (1) The employer would be likely to be superior to his employees in bargaining ability. (2) In many cases the employees could not afford to hire competent representatives, even if allowed to choose them from outside of their own ranks. (3) It would hamper efforts to build up benefit funds of various sorts. (4) It would tend to eliminate that degree of uniformity of wages and working conditions which is often beneficial to employer, employee, and the public. (5) In many cases the company union would be but a tool in the hands of a designing employer.

The company union as a substitute for the national labor organization, or as independent of it, is undesirable in most cases. But as an addition to the national union, and with a proper distribution of powers and functions between them, it gives promise of securing the good features of both plans without their weaknesses.

A constructive policy of cooperation between labor and capital looking toward greater efficiency in production is the goal toward which we must strive in a tolerant and broad-minded spirit. This goal can be attained only through a growing recognition by the three parties of their responsibilities to, and for, one another. Machinery must be set up by the common consent of both capital and labor to interpret and execute this broad policy of cooperation, and to settle such problems as may arise.

The writer wishes to express his confidence in the progressive character of capital and labor. Both are moving forward and upward to higher levels. It is this progressive spirit upon which the author relies to eliminate the weaknesses set forth above, and to bring into eventual harmony these discordant elements of our modern civilization.

BIBLIOGRAPHY

GENERAL

- Bradley and Russell, *An Industrial War*. Largely a compilation of documents, first published in the *Boone County Headlight* and later printed in book form from the same type.
- Farris, J. K., *The Harrison Riot*. A partial account of the events in Harrison in 1923.
- Poor's Manual of Railroads, 1889-1924*. Brief annual financial and statistical reports of railroads.

DOCUMENTS

- Abstract and Brief for Appellant, O. N. Prichett v. State of Arkansas, Supreme Court of the State of Arkansas.*
- Annual Reports of Chief Inspectors, Bureau of Locomotive Inspection, Interstate Commerce Commission, 1915-1924.*
- Appendix to the Report of the Attorney General, 1922.*
- Decisions of the United States Railroad Labor Board, Vol. II and III.*
- Interstate Commerce Commission Reports, Vols. 68, 71, and 98.*
- Petition for Writ of Habeas Corpus, Luther Wise v. Hamp Martin, Keeper of the Arkansas State Penitentiary, Supreme Court of Arkansas.*
- Petition for Writ of Habeas Corpus, Luther Wise v. Hamp Martin, Keeper of the Arkansas State Penitentiary, District Court of the United States for the Western Division of the Eastern District of Arkansas.*
- Records of the Legislative Committee.* An invaluable source of information from both sides.
- An unpublished report by C. J. Finger.
- Southwestern Reporter, Vol. 246 and 254.* Decisions of the Supreme Court.

NEWSPAPERS

- Arkansas Democrat*, daily, Little Rock.
- Arkansas Gazette*, Leading daily newspaper of the state, Little Rock.
- Boone County Headlight*, weekly, Harrison.
- Daily Times Echo*, daily, Eureka Springs.
- Jacksonian Headlight*, weekly, Heber Springs.
- Labor*, weekly, Washington, D. C.

- Leslie News*, weekly, Leslie.
Little Rock Daily News, daily, Little Rock.
North Arkansas Star, weekly, Berryville.
The Daily Times, daily, Harrison.
The Flashlight, weekly, Eureka Springs.
The Harrison Times, weekly, Harrison.
The Marshall Republican, weekly, Marshall.
The Mountain Wave, weekly, Marshall.
The Railway Federationist, weekly, Sedalia, Missouri.

MISCELLANEOUS

- Files of newspaper clippings.
Files of the United States Railroad Labor Board.
Personal Correspondence.

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VITA

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