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Eight Men Buried Alive

**The Centralia Case calls to every decent man and
woman in the state of Washington to act quickly**

Industrial Workers of the World, General Defense Comm

1924

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Pamphlet published by I.W.W. General Defense Committee,
Chicago, 1924
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Contents

INCONTROVERTIBLE EVIDENCE	5
Years of Struggle in the Lumber Woods	7
Sawmill Workers Long Exploited	9
A.F. of L. Fails to Organize Woodsmen	10
Everett Employers Break Wage Promise	11
Sheriff and Mob Brutalize Industrialists	12
Eleven I.W.W. Murdered; Nobody Punished	13
Exile, Torture and Death for Unionists	14
Five Die in Jail While Awaiting Trial	15
Memorial Day Parade Raids One Hall	17
Blind Newspaper Seller Is Deported	17
Hubbard Appoints Secret Committee	19
Protection Asked of Police and Public	20
Marcher Admits Soldiers Attacked First	21
Mob Controls Town for Nine Days	22
Verdict Is Contradiction of Charge	23
Judge Delivers Eulogy of Slain Men	24
Right of Self-Defense Is Clear	26
Two Saw Grimm in Doorway of Hall	28
But There Was No Reviewing Stand	29
"I Offered to Lead a Raid—"	30
Two Men Carry Ropes in the Parade	32
Court Ignores Evidence About Mob Leader	34
"I'll Hang Every One of Them."	35
Jurors Admit They Were Terrorized	36
Presence of Troops Big Factor	37
Defense Searches For Movie Camera-Man	38
WHAT YOU CAN DO TO HELP	39

GENERAL DEFENSE COMMITTEE
1001 West Madison Street
Chicago, Ill.

Notes: All ellipses are in the original and do not indicate material left out of this edition. All text added here is enclosed in square brackets.

Eight Men Buried Alive

The Centralia Case calls to every decent man and woman in the state of Washington to act quickly

Published by The General Defense Committee

1001 West Madison Street, Chicago, Ill.

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INCONTROVERTIBLE EVIDENCE

Every statement in these pages can be backed up by documentary evidence. The background of the Centralia case, stretching across long years, is first portrayed, and the circumstances which led inevitably to the Armistice Day rioting in 1919 are clearly and dispassionately related; then comes the story of the evidence admitted or suppressed during the trial of the industrialists [industrial workers] who defended their hall against a mob; and lastly the affidavits of six jurors who admit that they were terrorized into returning a verdict of guilty.

On the final page you are told what you can do to set the Centralia victims free.

We must work against herculean forces which seek to keep these men in prison. According to its own annual report, the Northwest Logging Operators' Association, organized in May, 1923, set aside \$55,000 for its first year's fight to crush the I.W.W. And the Federated Industries of Washington is admittedly active in efforts to disbar Elmer Stuart Smith, the young attorney who was tried with the Centralia unionists and acquitted. These two organizations operate a blacklist against all I.W.W. members, having devised an elaborate card index system to get around the state law which prohibits blacklisting of workingmen.

If you want more information about the I.W.W. and the lumber monopoly, read the following:

The I.W.W.; A Study of American Syndicalism, by Paul F. Brissenden. New York: Longmans, Green and Company. 1920.

The Casual Laborer, by Carleton Parker. New York: Harcourt, Brace and Howe. 1920.

An American Idyll, by Cornelia Parker. Boston: Atlantic Monthly Press. 1919.

The Lumber Industry, Part 1, Standing Timber, by Herbert Knox Smith, U.S. Commissioner of Corporations. Washington: Bureau of Corporations, U.S. Department of Commerce and Labor. 1911.

The Lumber Industry and Its Workers. Chicago: Industrial Workers of The World, 1001 West Madison Street. 1923. Price 25 cents.

EIGHT MEN BURIED ALIVE

Eight industrial workingmen are buried behind iron bars and stone walls in the state of Washington for a crime they never committed. They are in prison at Walla Walla. Seven of them were sentenced to serve from 25 to 40 years, and one was found insane, but for some inexplicable reason he also was placed in the penitentiary. They were tried in 1920 for the alleged murder of Lieut. Warren Grimm and the seven were convicted. But actually none of them committed any crime. They were accused and found guilty solely because they were members of the I.W.W. and had fought against the exploitation policies of the Puget Sound lumber barons, and because they defended their meeting hall in Centralia against an Armistice Day mob that had come to drive them from the town.

The defendants were tried before a manifestly prejudiced judge, who refused to permit the defense to introduce any of a mass of evidence showing that a group of Centralia business men had conspired to attack the I.W.W. hall, but admitted all evidence offered by the prosecution to indicate that the defendants had conspired to fire on the Armistice Day parade.

camera was smashed into pieces. When the two were let out of jail, the photographer stated, they were escorted to a train and watched until they left town.

WHAT YOU CAN DO TO HELP

Only the combined action of the working people of the State of Washington can set the Centralia victims free. They can make their indignation felt in many ways. Such strong pressure must be brought to bear upon Governor Hart that he will no longer dare to ignore the facts in this case.

You can help this fight by acting upon the following suggestions:

1. Send money, so that we can put our side of the case before every man and woman in Washington State.
2. Write to the General Defense Committee signifying your willingness to co-operate.
3. Bring this pamphlet to the attention of all organizations of which you are a member, whether labor, civic, or religious.
4. Get those organizations to demand of Governor Hart that he unconditionally commute the sentences of the Centralia prisoners.
5. Have committees appointed to raise funds so that this pamphlet can be circulated far and wide.
6. Organize committees to carry our literature into mills, mines, factories, homes and everywhere in Washington State. Arrange routes so that the facts will be placed in every home there.
7. Send us mailing lists of people who ought to be informed about this case.
8. Advise the General Defense Committee of every move you make along these lines.

Do these things quickly. The eight innocent men involved have been imprisoned since 1919.

and impartial trial and there is not now in my mind an abiding conviction of their guilt of the murder of Warren Grimm; that the said trial was conducted under extreme excitement and pressure which made it impossible to conduct a trial in a normal manner and leave the jury free and unhampered in their deliberations.”

One more juror cleared his conscience on October 20, 1922. U. G. Robinson, carpenter, foreman of the jury, took oath as follows: “During the trial...a squad of soldiers was brought into Montesano and camped diagonally across the street from...our jury quarters. Nearly always while we were out for exercise...we could see these soldiers either marching around the streets or at their camp. A number of the jurors believed that these soldiers had been brought in to protect the jury against some threatened assault by the I.W.W., and there were three or four jurors, as I now remember...who so feared such an assault that they wanted guns for their own protection.”

Defense Searches For Movie Camera-Man

Search has been made without avail by the defense for two alleged eye-witnesses of the Armistice Day raid—a movie photographer and his assistant. In August, 1920, Walter Bland, brother of two of the defendants, was riding on a Northern Pacific train between Seattle and Yakima, and relates that he had a chance conversation with a man who said he was a camera-man for the Pathe Film Company. This man declared that he and his assistant were in Centralia on November 11, 1919; that they had set up their camera opposite the industrial hall; and that they made pictures of the raid, pictures which would have shown soldiers rushing the hall and soldiers dropping who were shot while breaking into the hall.

But immediately after the raid, the Pathe man told Bland, he and his assistant were put into jail and held six hours, and their

Six of the jurors who tried the case have admitted under oath that they were terrorized into convicting the accused men; and declare that they now believe them innocent. Yet no action by the courts on the strength of the jurors’ confessions is possible. Under the laws of Washington, the time is long past when any new evidence can affect the Centralia verdict. Only Governor Louis Hart has authority to act; he could commute the sentences of the prisoners and set them free by a stroke of his pen.

Hart knows the facts. But he ignores them. He is a stubborn man, made governor by big business, principally by the lumber interests, and serving his sponsors consistently. When the prosecution’s evidence-giving in the Centralia trial had grown weak, when it had utilized most of its repertoire of spectacular tricks to assail the integrity of the men on trial, it asked Governor Hart to send troops. Hart sent them; neither trial judge nor sheriff knew of the call—and there had been no disorder, nor any indication of such.

Years of Struggle in the Lumber Woods

Centralia’s tragedy was the culmination of years of bitter struggle in the Puget Sound logging country—a struggle of the workers to obtain adequate rate wages and decent working conditions. Their fight was against the big lumber monopolists, a small group of capitalists who had obtained incredibly rich timber holdings from the government for a song. These magnates exploited the workers to the limit. Food in the logging camps was poor. Men had to carry their own blankets, which got lousy because there were no facilities for washing them; they slept in crowded bunk-houses where sweat-saturated garments steamed in stove-heat and permeated the air. There were no baths, and toilets were unsanitary. Working days were long—ten, eleven, twelve hours... Rain falls six months in every

twelve in the Puget Sound region. Much of the time the loggers were pushing through wet brush. Their foremen drove them hard. And the work was dangerous, many men being killed by falling trees and by saws or chains breaking.

Usually the logger was a single man. The conditions of his work ordinarily precluded his marrying and settling in a home. Necessarily he was a migrant; as the trees were cut down in one locality he moved on to another. And almost always the job was far from civilization. When the season's work was done and the logger, with his wages in pocket, went to the nearest sizable town, harpies and vultures lay in wait for him. Drink and games and women offered allurements, and often when the tired and lonely pilgrim from the camps woke up his money was gone, his head ached, and he wondered how he got into the alley.

He was the victim, too, of the job shark, the dishonest employment agency. To get a job he was compelled to pay a fee; then like as not, after he worked a few days, he would be fired without cause, and another worker would be sent to take his place; that man also would be fired in a few days. And each time the job shark would divide the fee with the camp foreman... There was a hospital graft in most of the logging camps. Each logger was required to pay \$1 or \$1.25 a month, for which he was given a hospital ticket. This ticket specified a list of diseases for which no treatment would be given, and this list included most of the diseases a lumberjack was likely to get. If, however, he did go to a company hospital for treatment, he was usually given incompetent attention, these hospitals for the most part being poorly equipped, cheaply run, and not even kept in a sanitary condition. Often a man left the hospital permanently crippled because of surgical blunders there.

He was a man's man and a husky, the lumberjack; he had to be muscular to survive; he lived his days out-of-doors and he had the independent spirit which characterizes men on the

jury room has been made public, but enough has come out to show the tremendous psychological pressure which weighed against those jurors. They were farmers and wage-workers and small business men, and they knew the power of the lumber interests to break them... Afterward, when the hysteria had died down, the six got their courage back.

Presence of Troops Big Factor

F. V. Johnson, construction worker, was next to sign an affidavit. On May 29, he stated that "if the jury had been permitted to consider what I have since learned was a premeditated attack upon the hall, the jury would never have returned a verdict of guilty. It is my firm belief that the men are not guilty of murder in any degree; that Warren Grimm was killed while advancing upon and engaged in an attack upon the I.W.W. hall." Johnson said that "one of the most determining elements in securing conviction of the seven defendants was the bringing in of a large number of soldiers a few days before the conclusion of the trial; that these men were camped close to the court house and the jury was paraded in sight of them; that these soldiers were brought in to protect the jury, as the jury was led to believe; that we were informed that a thousand or more I.W.W. were in hiding in the woods near the town; that this tended to create a feeling in the minds of the jurors that the I.W.W. organization was composed of outlaws and that therefore the organization was on trial as much as the individuals. ... I am making this affidavit because I want to see justice done, and it is my belief that justice is not obtained through lawless attacks on peaceful citizens."

On June 1, Juror Carl O. Hulten, farmer, signed a sworn statement acknowledging that the affidavits of Sweitzer, Inmon, Torpen and Johnson "coincide with my views of said trial" and expressing his belief that "the defendants did not have a fair

Jurors Admit They Were Terrorized

They declared they had believed "that in the event of a hung jury, a new jury would have been called and in the face of the hysteria that then existed, innocent men might have been hung; that rather than have this happen these affiants believed it was better to have a second degree verdict against seven defendants and acquit two, thus leaving the two free to work for the release of the others and leaving opportunity to spread the truth; that in the event of another trial and these affiants were to sit as jurors in this case, and were permitted to receive in evidence what they now know, their verdict ... would be 'not guilty.'"

In an interview, Inmon added that one juror "was afraid of his life... I remember when we ... got first sight of the soldiers... There were men in that courtroom you could'a knocked their eyes off with a pitchfork and never touched their noses. 'My God!' one of them said to me, 'they're here to keep us from being shot.'"

E. E. Torpen, retired farmer, in a sworn statement, declared that "when the jury retired ... a ballot was taken and it was unanimous in favor of acquitting the defendants... The jury finally decided on the verdict as rendered because of the understanding the jurors had with one another that they would recommend extreme leniency to the court in rendering his sentence ... and this was agreed to by all of the jurors... I verily believe also that if these men had not been affiliated with the I.W.W. they would never have been convicted."

But after that first ballot calling for acquittal, the jurors began to discuss what it would mean to everybody concerned if they freed the defendants. Around the corner were the troops, drilling in the streets when the jurors went to meals. Out in the courtroom were the stern-faced Legionaires. And Sellers remembered that he was patriotic, and had a duty to perform regardless of the evidence... Only a part of what happened in the

frontiers. And the time came when he rebelled against these injustices.

Sawmill Workers Long Exploited

Among the sawmill workers conditions were different. Many of the mills were situated in towns, so that the employees were able to live in homes, mostly rented houses. And a goodly percentage of the mill workers were married. Because they had families to think about, they were easier to control than the loggers; less liable to organize or strike. Silently for a long time they put up with what was dealt to them. Wages were low; accidents were many, fingers and arms being lopped off by machinery because of the speed-up system and lack of safety devices; and asthma and tuberculosis were prevalent, from the breathing of wood-dust.

Repeated attempts were made to unionize labor in the Puget Sound forests, but all these attempts failed—until the Industrial Workers of the World entered that field. The I.W.W. was born in 1905 at Chicago. At that time a good many lumber workers were members of the Western Lumber Union. Promptly the affiliated with the I.W.W. and began a series of strikes at scattered points. Slowly here and there they forced a change for the better in logging camps and sawmills.

Criticism of conditions in the basic industries came to a head in a great free speech fight in Spokane in 1909. Spurred by local business interests, the municipal and county authorities sought to drive out the industrial unionists. Casual workers by hundreds poured in to prove their Constitutional right to speak. Time after time they filled the jails, eighteen hundred being arrested. Their trials continued for months. They won.

But the strikes and resultant improvements in the industrial situation, for several years, were sporadic. There were big gaps in labor's lines. In 1912 a move was made to close these gaps.

Locals of the I.W.W. in various communities in the Northwest were consolidated into a single industrial union, combining loggers and sawmill men.

A.F. of L. Fails to Organize Woodsmen

One year later the American Federation of Labor sought to organize lumber workers in the Puget Sound country, but failed. The A.F. of L. is split into innumerable groups, or crafts, which act independently of one another. When one of these crafts has a grievance and quits work, the other crafts in the same industry keep on working and thus aid the employers to break the strike. Witness the 1922 railroad strike. But the I.W.W. is based on the idea of One Big Union. When any group of workers in a given industry has reason to strike, every member of that industrial union lays down his tools, and all operations are tied up.

And throughout all these years of struggle the I.W.W. has been armed with incontrovertible facts, which are more potent and obviously more dangerous to the prevailing economic system than any other force which might be turned against it. Unremittingly the industrial unionists have hurled embarrassing questions at big timberland owners, asking: "How did you get it?" For vast forest tracts had passed into private hands, either as a gift from the government or at a cost of \$1.25 an acre. In 1911 the Northern Pacific Railway Company, the Weyerhaeuser Timber Company, and the Southern Pacific Railway Company owned 238 billion feet, or nearly 11 per cent of all our privately owned timber.

There was trouble in 1912 at Aberdeen, a strategic lumber center on Gray's Harbor, 15 miles from the Pacific Ocean. Workers in the sawmills struck for a \$2.50 daily wage. Quickly police stepped in, broke up the picket lines, jailed pickets by scores. Strikers' wives, with babies in arms, were knocked

"I'll Hang Every One of Them."

One juror was known to have been inimical to the defense from the beginning. This was Harry Sellers, a huge, flabby telephone company employee. On the day that Judge Wilson sentenced the defendants, Attorney Vanderveer presented an affidavit from a woman who declared she had heard Sellers say: "If I get on that jury I'll hang every goddamned one of them. For when they kill soldiers they kill your best friends." But this affidavit made no impression on the court, and no attention was paid to the jury's plea for leniency.

So seven of the defendants were sent to prison, and Roberts to an insane asylum, from which he was later removed to the penitentiary. The defense carried its case to the supreme court, and lost again. That was in 1921.

But as months passed, some of the jurors became troubled by conscience, and finally six of them signed affidavits expressing belief that all the defendants were innocent. These affidavits revealed that most of the jurors were terrorized into returning a verdict of guilty; they had feared that in the event of a disagreement, "innocent men might have been hung."

Jurors W. E. Inmon and E. E. Sweitzer were first to come forward. Inmon was a donkey engineman and Sweitzer a farmer. On May 15, 1922, they took oath that during consideration of the case, *Juror Harry Sellers stated in substance: "Every one of them is guilty and ought to be hanged no matter what the evidence shows."* Inmon and Sweitzer averred now that "the evidence showed, as affiants verily believe, that all the defendants were innocent ... and that not one of said defendants ... killed, injured, wounded or harmed any one."

Court Ignores Evidence About Mob Leader

Judge Wilson declared that Vanderveer must show a direct connection between Warren Grimm, the slain parader, and an overt act in the tragedy, before he could have a witness explain why the I.W.W. expected violence. "That is not the law," replied Vanderveer. "The law says that to prove self-defense we need only show substantial reasons for apprehension. If the defendants had reason to believe that they were to be attacked by a crowd, including Grimm, they had the right to prepare to defend themselves."

The court's ruling was made in the face of a preponderance of testimony showing that Grimm, or a man closely answering his description, was close to the I.W.W. hall, even in the very doorway, and that during the raid this man was wounded in the abdomen. Grimm was the only man wounded in this manner.

When Elmer Stuart Smith, defendant, took the witness stand, he was prohibited by the court from answering these questions put by Vanderveer: "Did you appeal to the governor for protection against the raids?" ... "When did you appeal" ... "Did the governor respond to the appeal?"

During the trial Vanderveer found it necessary to ask for a warrant for a Mrs. Carpenter of Centralia, alleging that she had attempted to tamper with a defense witness. Helen Martini, 13, declared that Mrs. Carpenter had asked her if she couldn't forget some of the things she intended to testify. The woman admitted to Vanderveer that she had done this, giving the excuse that Helen was a Campfire girl and that she thought "it would be better if some things could be forgotten." Helen Martini was a vital witness. She testified that she saw the parade from a rear window of her home, and corroborated the statements of Jay and Ray Cooke that there had been a long break in the paraders' ranks just before the shooting.

down by water from fire-hose. Strikers were clubbed, some being maimed for life. An armed mob of business men raided homes and boarding houses, dragged strikers out, herded 150 of them into box-cars at Hoquiam (a nearby town), sealed the car-doors, and was about to deport the prisoners to the Oregon cattle-plains when the mayor stopped this illegal proceeding. And finally the strikers won, and the I.W.W. gained in numbers.

Everett, in 1916, was the next scene of open conflict. This is a drab city reared amid the stumpage of forest land cleared by John D. Rockefeller and some of his allies. It is on Puget Sound, 30 miles north of Seattle. Jobless men, arrested as vagrants, built its streets... Wage-cuts had followed an industrial depression. In the spring of 1915 the Everett shingle-weavers struck against a pay-reduction. Strike-breakers, gun-men, clubs, injunctions and promises defeated them, and they returned to work with a promise that wages would be raised as soon as the shingle market became normal again.

Everett Employers Break Wage Promise

But a year later shingle prices climbed higher than in years, and there was no raise. The International Shingle Weavers' Union, those sparse in ranks, made a bold play. It demanded restoration of the 1915 wage scale throughout its whole jurisdiction by May 1. Most mills in the Northwest capitulated. But in Everett all employers except one repudiated their promise. Strike-breakers and thugs were brought in, and pickets were manhandled.

Then the Industrial Workers of the World moved to organize the loggers and sawmill men of the Northwest on a gigantic scale. Five hundred delegates met in Seattle and formulated plans. James Rowan was sent to Everett to test the sentiment for industrial unionism. Rowan was a logger, had been long in the struggle, and was a competent speaker. But Sheriff Donald

McRae arbitrarily barred free speech. Elected by union labor, McRae had betrayed the workers. He usurped the authority of the city police chief, and led repeated raids against the I.W.W., deporting many unionists. Invariably McRae was drunk.

Sheriff and Mob Brutalize Industrialists

For several years street speakers had addressed audiences on Wetmore Avenue near Hewitt Avenue. Wetmore was a side street, Hewitt a main thoroughfare. Hastily an ordinance forbidding speeches there was drafted, and the mayor signed it without putting the measure to a reading before the council, so obviously it was invalid. On October 30, forty-one I.W.W. members came from Seattle to test this "ordinance." McRae and 200 special deputies loaded them into auto trucks and carried them to a lonely spot in the country. In a cold rain the captives were compelled to run the gauntlet between two lines of deputies, who rained blows upon their heads with pick-handles, gun-butts and blackjacks. At the end of this gauntlet the prisoners stumbled onto the sharp blades of a railway cattle guard. One mobber was a physician named Allison; with a club he dislocated one victim's shoulder. Sheriff McRae broke the bridge of a man's nose.

Yet this brutality did not stop the spread of industrial union sentiment. Immediately a free speech committee announced a meeting to be held at Wetmore and Hewitt Avenues on Sunday, November 5... On that day the passenger steamer Verona left Seattle with 250 persons on board, mostly I.W.W. members. Others followed on the steamer Calista. Word of their departure had been phoned to Everett... All mill whistles there blew at one o'clock and a multitude of business men deputized for such an occasion hurried to the Commercial Club, armed themselves with shotguns and with rifles belonging to the U.S. Naval

ingly he was trying to set up an alibi for McCleary. But the witness didn't know. McCleary himself testified that he had picked up "an old piece of rope" and used it in a playful tug-of-war with another parader.

T. W. Siddle, railroad brakeman, and his wife watched the parade move through the business section toward the I.W.W. hall. McCleary and Thompson both carried ropes and McCleary still had a rope when he came back after the shooting, Siddle testified. Subsequently Siddle saw a big blood spot on the sidewalk in front of the hall. Three other witnesses also declared they saw McCleary carrying a rope.

Thomas Meaden, tailor, testified that he was standing near the I.W.W. building, and heard Lieutenant Cormier, commander of the marching soldiers, order the column to halt and face the hall. "Then came cries of 'Let's go!' 'Come on!' and 'Let's get 'em!'" he stated. "At first they trotted in the advance on the building. Then they charged. There were about 20 of them in the advance guard. These were followed by the whole body of troops. I saw them reach the doorway. There was a crash of glass and wood as they battered down the door. I went toward the hall. I recall hearing then the shooting from the hall. When I approached nearer I saw a wounded man lying on the sidewalk just at the entrance to the hall. This was Arthur McElfresh."

Meaden's testimony was corroborated by Forrest Campbell, candy maker. Campbell said: "I saw Cormier stop the parade and almost at once a group rushed the hall. Two or three men were in the lead. They were running. I heard the glass crash and the door swing open. I saw McElfresh lying on the sidewalk in front of the place." Campbell said he heard men shouting: "Let's go!" and "Who's going to lead us?" just as the rush started. Later, Campbell said, he was taken to the American Legion headquarters and grilled for six hours. His statements then, it was shown, were completely in accord with his testimony at the trial.

ing this point; for it insisted on giving weight and credibility to a "confession" of Loren Roberts, the boy whom the defense contended was made insane by the mob; in that statement Roberts declared specifically that the man who fired from the Avalon hotel was Davis. Alienists were summoned by the prosecution to show that Roberts was sane during the trial, but the jury found that the boy was insane and irresponsible.

Witnesses for the prosecution asserted that Ben Casagrande and Earl Watts, paraders, fell wounded around the corner from the I.W.W. hall. But certain established facts tend to refute this testimony—the fact that bloodstains were found on the sidewalk in front of the hall; that Casagrande and Watts were shot by hard-nosed bullets which went clear through their bodies; and that the only hard-nosed bullets found by the prosecution's own witnesses were lodged in buildings opposite the front of the hall. One may judge from these circumstances whether these men were shot by bullets fired by Wesley Everest, who was stationed inside the hall and who had the only gun which used hard-nosed bullets, or whether they were shot around the corner.

Two Men Carry Ropes in the Parade

Despite the barring of the mass of testimony offered by the defense to prove a carefully formulated plan for attack on the I.W.W. hall, Attorney Vanderveer did succeed in showing by various witnesses that two prominent citizens of Centralia carried ropes in the Armistice Day parade. These were Postmaster T. H. McCleary and the Rev. H. W. Thompson. When the state employers' association had wanted an extinct hanging law in Washington revived a little while before, Thompson lectured in many communities in behalf of that law. Prosecutor Abel asked one witness who had testified about the ropes if she knew "whether Mr. McCleary owned a cow and a calf." Seem-

Militia, and proceeded to the city dock. They outnumbered the incoming I.W.W. members five to one.

When the Verona touched the dock, Sheriff McRae jerked his revolver out of its holster and yelled: "You can't land here!"

"The hell we can't!" cried somebody on the boat.

There was a shot from the deputies, then a volley, and more volleys. Eleven I.W.W. members were slain; six of these fell wounded into the water or were shot while trying to swim to safety, and their bodies were carried out to sea; and many on the boat were wounded. Two deputies were killed.

Eleven I.W.W. Murdered; Nobody Punished

None of the business men was arrested, but 74 I.W.W. members were jailed, charged with murdering Deputy Sheriff Jefferson Beard. After four months, Thomas H. Tracy was tried in Seattle and was promptly acquitted. It was shown that Beard was killed by cross-fire from a Commercial Club member who was ambushed at another point in the harbor. Cases against the other 73 accused industrialists were then dropped, and all were freed.

That was in the spring of 1917. The war came, and lumber prices soared. Wages of loggers in the Northwest were down, the working day was ten or more hours, living conditions in many camps were growing worse. Far and wide the I.W.W. had been pushing organization. In June a strike was called, log production stopped, and presently the sawmills had to shut down for lack of raw material. Demands of the strikers included the eight-hour day; clean bedding, supplied by the employer; shower-baths; laundry facilities; and decent food.

Loudly the employers set up the cry that the strikers were obstructing the war. Two investigations were begun. President Wilson appointed a mediation commission headed by Secretary of Labor William B. Wilson, with Felix Frankfurter as

counsel. Also the President appointed Carleton H. Parker of the University of Washington faculty to report on conditions in the lumber industry of the Northwest. Parker and several fellow-instructors went into the woods as lumberjacks, and made an intensive study. Parker reported by telegraph that all the strikers' demands were justified. Later the mediation commission backed up that report, calling the eight-hour day indispensable, and criticising the blind policy of many employers in opposing it... President Wilson telegraphed to the Lumbermen's Protective Association urging that its members concede the strikers' demands—as a patriotic measure. But the Association, which had tried to induce the loggers to continue production—as a patriotic measure—refused to grant this request.

Exile, Torture and Death for Unionists

Weeks went by, with no lumber production in Washington, Idaho, Montana, or Oregon. Seventy thousand workers were idle. Frequently the press asserted that the strike had been broken, but these reports were baseless. Attempts were made to bring in strike-breakers, but the union picket-lines were too strong. Then stories were published alleging that the strike was inspired by German agents and financed by German gold. Mobs were stirred to action, industrial halls raided, strikers beaten and deported from various towns, and hundreds of I.W.W. members were arrested without warrants and never tried. One striker was burned to death in a wooden jail in Troy, Montana. At Yakima, Sedro Woolley, and other points in Washington, unionists were stripped naked, flayed with rope ends and tarred and feathered. One was tortured and hanged at South Montesano.

Meanwhile the country was in the grip of war hysteria, and the deluge was turned against the I.W.W. All over the land men were jailed on the slightest pretext, tarred and feathered,

Eugene Barnett was accused of firing from a window of the Avalon hotel, some 300 feet south on the other side of the street from the hall, the shot that killed Grimm. Elsie Hornbeck, bookkeeper in a garage opposite the Avalon, told the jury she saw a thin-faced man in the hotel window on Armistice Day, shortly before the shooting; and after many helpless pauses and appealing glances at Prosecutor Abel, she identified Barnett as that man. She had sworn that she had never seen the man in the window from that wild day till she saw Barnett in court three months later; and made it appear that she was able to recognize Barnett solely because of the vivid impression his face made upon her memory on November 11. But in cross examination, Attorney Vanderveer trapped her into admitting that she had twice been shown photographs of Barnett by the prosecution... And Barnett was not a thin-faced man, as she had testified. His face was oval in shape, as photographs reveal, both in November and during the trial. That is manifest even in a picture made of him after he had been in the hands of the mob for days.

James McAllister and his wife, proprietors of the Roderick Hotel, swore that Barnett was in the lobby of the hotel, only a few feet from the two of them, all during the rioting; and that he was unarmed. Other witnesses testified that he lingered in town after the shooting, and later in the day rode his horse ten miles to his home—at an easy gait. He was observed by numerous persons along the way, being easily recognized because he wore a big black hat and cowboy chaps, a costume in which he had previously and frequently been seen by many acquaintances... Mrs. McAllister was taken prisoner by the mob on Armistice Day and held in a rat-infested jail 22 days, incommunicado.

Grimm was shot by an I.W.W., the defense admitted, but not by any of those on trial. The fatal bullet was fired from a 38-55 rifle, according to medical testimony for the prosecution. And such a gun was owned by John Doe Davis, who escaped in the confusion of the riot. The state itself was instrumental in prov-

reached the reviewing stand, to give the "eyes right" salute—a quick turning of the head. *They never came to any reviewing stand, Smith said, and evidently there wasn't any.* Along the march north from town, another marcher named Shields or Scales said to Smith: "You'll see lots of excitement after we turn to come back."

Later a man who had been pointed out to Smith as Lieutenant Grimm came along the line, Smith declared, and one of the marchers called out: "What about that reviewing stand?"... "We'll have eyes right when we get there," said Grimm... "Will there be anything doing when we start back?" some other marcher asked Grimm... "Sure there will," Grimm replied, according to Smith.

"While coming back," Smith declared, "Herman Gibbons, another marcher, said to me: 'We're going to give the Wobbly hall eyes right as we go by.' At the Wobbly hall this command was given. I saw the men break ranks, leap out, and run toward the hall. I saw them kick in the door. Then shots came."

"I Offered to Lead a Raid—"

But the strongest piece of testimony for the defense was given by Dr. Frank Bickford, member of the American Legion and marcher in the parade. At the trial he repeated the testimony he gave at the coroner's inquest: "When the parade stopped in front of the I.W.W. hall, I offered to lead a raid if enough would follow. But others pushed ahead of me, forced open the door, and then the shot came from inside."

No effort was made by the prosecution to shake Dr. Bickford's testimony. It let him go with practically no cross-examination; and neither of the special prosecutors, Abel nor Cunningham, made any reference to the Bickford testimony in his closing statement.

beaten, and lynched. In Bisbee, Arizona, 1,186 striking copper miners, mostly I.W.W.'s, were rounded up by the sheriff and many armed deputies, loaded into cattle cars, and were abandoned in the center of the New Mexico desert in July. Frank Little of the I.W.W. general executive board, lying in bed with a broken leg in Butte, Montana, was seized by a party of business men in the night, dragged behind an automobile through the streets, unsexed, and hanged to a railway trestle.

In Chicago 101 I.W.W. members, including most of the organization's officers, were tried before Judge Landis on charges of sabotage, destruction of property, and obstructing the war through speeches or writing. Many of the defendants came from the Northwest lumber woods. The five-months trial was a mob's holiday. All accused were convicted, most of them being imprisoned for long terms. At Kansas City, Kansas, another group was tried on similar charges and convicted. Subsequently the appeals courts in both cases threw out as unproven the sabotage and property destruction counts.

"Our 'conspiracy' to oppose the war," said 52 of the Chicago defendants in a letter from prison to President Harding, "consisted in pointing out the economic causes of all wars and in showing that unemployment, reaction and misery invariably follow in their wake. We tried to show that war, in spite of all pretense about its noble purposes and beneficial effects, usually results in making the rich richer and the poor poorer."

Five Die in Jail While Awaiting Trial

While awaiting trial on kindred charges in Sacramento, California, 53 I.W.W. members were held for 64 days and nights in a single jail cell measuring 21 by 21 feet. There wasn't room enough for all to lie down at once; they had to take turns sleeping, on a damp concrete floor. It was winter, and each man had only one cotton blanket. Food was bad; sanitary conditions

filthy. Five died, of tuberculosis or influenza. The survivors were all convicted.

By autumn the striking loggers in the Northwest were low in funds. So they instituted what they call the job-strike. They returned to work. "Employers victorious," cried the newspapers. But this announcement was premature. Back on the Job, the unionists resorted to a slow-down process which was heart-breaking to the employers in the face of opportunity for huge war-profits. Every returned striker worked as if he were new to the woods. By going back to their jobs, the I.W.W. members could keep strikebreakers away, and the employers would have to feed them. After working a few days on a ten-hour schedule, a crew would stop work on a certain day at the end of eight hours. They would all be fired, would draw their pay, then proceed to another camp and repeat the process. This went on all over the Northwest, for six months.

Confronted by a situation they could not master, the allied lumber employers finally gave in to the strikers. Drawing the mantle of virtue about themselves, they announced on March 1, 1918, that they had decided voluntarily to grant all the demands of the strikers—as a patriotic measure.

But persecution of union workers kept on throughout the war, and afterward, with the I.W.W. bearing the brunt of the attack... Strangely, one may think, the industrialists in the Northwestern woods did not strike back at those who injured them. They did not lack courage, as they had often demonstrated. But the I.W.W. organization had long counseled its members to avoid violence as a weapon, because it invariably brought down the wrath of the enemy all the harder. So it was customary for the loggers to leave their halls to the mobs when they got word of an intended raid. Centralia, however, was to furnish an exception.

Among those who led the employers' fight against the 1917 loggers' strike was F. B. Hubbard, head of the Eastern Railway and Lumber Company, which operated a sawmill in Centralia.

march by saying he had fallen back to remind the military sections to salute "the old soldiers in the reviewing stand," and later rejoined him at the head of the service men. He swore that Grimm was shot while facing southeast and while his back was toward the hall.

"Something seemed to jar him," Van Gilder testified. "He turned very pale. I said, 'Are you hit?' and he said, 'Yes.' I told him to go to the hospital and get dressed. He started across the street and when he had gone a few paces he bent over, his hands on his stomach, but went across."

In summing up the case, Attorney Vanderveer argued that Van Gilder's testimony was open to question on this point: that Van Gilder, a soldier, unhurt, did not even offer to help his mortally stricken comrade to safety. Any normal man in such a circumstance would have aided his friend, Vanderveer contended. If Van Gilder is to be accepted as normal, then one must conclude that Grimm wasn't at Van Gilder's side when the former was shot, but that he was where Bray and Cooke testified they saw him—in the doorway of the I.W.W. hall. Evidence concerning the fatal bullet, which will be detailed farther on, strongly supports this belief. Other defense witnesses declared they saw a large man answering Grimm's description coming from the direction of the hall door; he was holding both hands over his abdomen; they sighted him at several points between the hall entrance and the street corner.

But There Was No Reviewing Stand

Van Gilder had said that Grimm had dropped back to remind the marchers to salute the old soldiers *in the reviewing stand*. Joseph Smith of Chehalis, an overseas veteran who participated in the march, gave vital testimony for the defense on this point. While the parade was being formed, he said, the commander of the Chehalis division instructed his men to be ready, when they

concerning any utterance or action by Grimm in connection with the carrying out of the plan to raid the I.W.W. hall, on the ground that some special physical movement of the man must be shown a moment before the shooting actually started. It was not sufficient to show that Grimm was close to the hall and had fallen out of the parade ranks.

Two Saw Grimm in Doorway of Hall

Two defense witnesses testified that Grimm was in the very doorway of the industrial hall just before the shots were fired from inside. These were Guy Bray, 16, and Jay Cooke, 41. Bray is related by marriage to Lieut. Frank Van Gilder, second in command in the parade. Shortly before the procession started, Bray said, he saw Van Gilder walking with a large man in uniform. Bray asked who the man was, and Van Gilder said it was Warren Grimm. The witness described the parade. As the ex-service men halted, he declared, he saw two men break from the rear ranks and rush toward the hall. They kicked in the door, he said, and then the shooting began. "Van Gilder and the large man he had said was Grimm were then five or ten feet north of the hall door," Bray said. "I saw the large man put both hands to his stomach, and double up."

Jay Cooke testified similarly with regard to Grimm's presence in the doorway of the hall. As they left the courtroom after testifying, both Cooke and Bray were arrested on charges of perjury, and efforts were made to break down Bray's testimony by means of the third degree. But obviously these arrests were made simply for psychological effect. The two witnesses were never tried for perjury, the cases against them being dismissed after the trial.

Testimony by Lieutenant Van Gilder for the prosecution placed Grimm half a block away from the industrial hall. Van Gilder explained Grimm's act of dropping out of the line of

Another was a lumber trust attorney, W. H. Abel of Montesano, who wore a deputy sheriff's badge and used court injunctions against the strikers.

Memorial Day Parade Raids One Hall

There was a Red Cross parade in Centralia on Memorial Day, 1918. The I.W.W. then occupied a two-story gray wooden building on a side street. Hubbard led the tail-end of the parade in a raid on that hall. Lieut. Warren Grimm, who had been guarding army supplies in Vladivostok, was present. He was seen "waving two American flags and howling like a dervish." The raiders went through the hall "like a swarm of rats", dragged the I.W.W. members out, lifted them by the ears onto motor trucks, sped with their captives to the next county, dumped them out, and warned them not to come back. Hubbard appropriated a writing desk from the hall. For months the gray building, with all its windows broken, remained unoccupied, the I.W.W. not attempting to re-establish a meeting house, but continuing organization work quietly in the woods.

Hubbard was then president of the Employers' Association of Washington. That organization, on April 30, 1919, issued a confidential bulletin to its members from its headquarters in Seattle saying: "Keep business out of the control of radicals and the I.W.W. ... Suppress the agitators... Hang the Bolsheviks." On May 31 another bulletin: "Put the I.W.W. in jail."

Blind Newspaper Seller Is Deported

For a year after the 1918 raid things were quiet in Centralia. Then in June, 1919, Blind Tom Lassiter, a man who sold I.W.W. and other labor newspapers, came back at night from a carnival to his little drygoods-box home to find that all his possessions had been burned by a mob. On the door was a placard: "Get out of town and stay out." Lassiter bought another cot and cooking

utensils, replenished his newspaper stock, and stayed. Several days later, all of his new belongings were burned. Still Lassiter stood his ground. Finally, some local real estate owners seized the blind man in the center of town in broad daylight, threw him into an automobile, journeyed to another county, dumped Lassiter into a ditch, and warned him never to return. Charges against the kidnappers were filed with County Prosecutor Herman Allen by Elmer Stuart Smith, a young attorney who had incurred enmity by handling claims for workers against the lumber interests. Allen refused to act.

That summer the I.W.W. opened a new hall, acquiring two-story quarters on Tower Avenue and occupying half of a building which housed the Roderick Hotel, conducted by Mr. and Mrs. James McAllister. Also the Citizens' Protective League of Lewis County was born, with George F. Russell, secretary of the state employers' association, presiding at the initial meeting. This league was designed "to cope with the labor situation." F. B. Hubbard was made chairman and empowered to perfect his own organization.

Warren Grimm, who was a lawyer, made a speech at a Labor Day picnic, posing as an authority on Bolshevism because of his service in Siberia. He cautioned his hearers to beware of "the American Bolsheviki—the Industrial Workers of the World." Later Elmer Smith happened to go to Grimm's office on business. Grimm asked what Smith thought of his speech. Smith condemned it, assailing the deportation of Lassiter and "disgraceful Americanism." Free speech, he contended, was a fundamental right of all citizens.

"I can't agree with you," said Grimm. "That's the proper way to treat such a fellow."

On October 19 the Centralia Daily Hub published a news story headed: "Employers Called to Discuss Handling of 'Wobblly' Problem." All employers were urged to attend a meeting to be held at the Elks Club next night. The Hub mentioned that un-

That the county prosecutor and the police chief informed the meeting that the I.W.W. had committed no violation of law and could not lawfully be banished.

That F. B. Hubbard then declared: "This is a damn outrage. If I were chief of police I'd have the Wobblies out of here within 24 hours."

That William Scales, chairman of the meeting, said that while he did not favor raiding the I.W.W. hall, he was certain that no American jury would convict anybody who might raid it.

That there had been an attack on a hall previously occupied by the I.W.W. in Centralia, this attack being led by F. B. Hubbard.

That on this occasion the raiders dragged out the industrial unionists, lifted them by the ears onto motor trucks, and transported them to the next county, warning them never to come back.

That Blind Tom Lassiter suffered the loss of his news-stand and all his possessions by burning at the hands of a mob; and that Lassiter subsequently was kidnapped by business men on the main street of Centralia in daylight, thrown into an automobile, and dumped into a ditch in the next county.

That the I.W.W. had been warned that their hall would be raided on Armistice Day, asked for police protection, and were denied it.

That when they heard of the plan, the I.W.W. issued 1,000 handbills, appealing to law-abiding citizens of Centralia for a square deal; and that these handbills were carried to every house in town.

Four copies of newspapers which told of meetings of business men who were planning to drive the I.W.W. from town were excluded by the court.

Judge Wilson took the curious position that the defense must first show an overt act by Warren Grimm before he would permit introduction of any evidence tending to show conspiracy by him and his fellow-marchers. He refused to admit testimony

and at other points?... 2. Did Eugene Barnett fire the shot which killed Warren Grimm?

Right of Self-Defense Is Clear

The prosecutors contended that the industrialists had fired in cold blood upon the parade in keeping with a preconceived plan. The defense denied this, declaring that the I.W.W. members simply defended themselves against attack by superior numbers; that under the law they had full right to prepare for such defense, and to use guns if they had reason to fear violence... Some of the industrialists awaited the expected mob-attack from the vantage point of windows in the Arnold and Avalon hotels near by on the opposite side of the street; others were on Seminary Hill, a thousand feet away. Bert Bland took the witness stand and frankly admitted that he was on the hill, and that he fired a rifle, but declared that he withheld his fire until he heard the shouts of the mob and the shots in the vicinity of the hall. In answer to criticism from the prosecutors, the defense cited various court decisions holding that a person having reason to fear attack from others feloniously inclined was not bound to remain upon his own premises and thus risk losing his life, but was privileged to defend those premises from a safer location outside.

Judge Wilson permitted the prosecution to introduce all evidence which tended to support the theory that the I.W.W. had conspired to fire upon innocent passing soldiers. But he refused to let the defense introduce any evidence which was offered to show that many Centralia business men had conspired to raid the industrial hall on Armistice Day. He prohibited the defense from submitting to the jury evidence of the following facts:

That 100 Centralia business men met in the Elks Club on October 20, 1919, and laid plans to drive the I.W.W. out of town.

til lately the I.W.W. had had no meeting hall in Centralia since the raiding of the old hall in 1918.

Next evening one hundred business men gathered at the Elks Club. Their chairman was William Scales, local commander of the American Legion. F. B. Hubbard was the principal speaker. He denounced the I.W.W. and declared it should be driven out of town. County Attorney Allen and Police Chief Hughes then informed the audience that the I.W.W. could not legally be evicted, as it had violated no law. Hubbard grew wrathful. "This is a damned outrage!" he cried. "If I were chief of police I'd have the Wobblies out of here within twenty-four hours!"

Hubbard Appoints Secret Committee

Chairman Scales said: "I'm not in favor of raiding the I.W.W. hall myself, but I am certain that if anybody did raid it, no jury in the land would ever convict them." Scales next announced that he would appoint a committee to deal with the situation, "its inner workings to be secret." But it was Hubbard who appointed the committee. Evidence in the hands of the Centralia defense indicates that this committee included Warren Grimm, Arthur McElfresh, Lieut. B. S. Cormier, and others who were active in the subsequent raid. One of those at that meeting was a switchman named Henry, a railway brotherhood member. He was asked to aid in the anti-I.W.W. movement, but declined, whereupon Hubbard called him a "damned skunk." Henry passed the word along to some of the I.W.W. members. And Police Chief Hughes told William Merriam, member of the Lewis County Trades Council, that the business men were preparing to raid the industrial hall and drive the "Wobblies" out of town. The trades council discussed the matter at a meeting; Harry Smith, brother of Elmer Smith, the attorney, was at this meeting. He told Elmer about it.

On October 31, the Employers Association of Washington issued a bulletin saying: "Jail the radicals and deport them... Since the Armistice these radicals have started again. *Only two communities in Washington allow I.W.W. headquarters.*"

Protection Asked of Police and Public

Hearing of the raid plan, the I.W.W. secretary, Britt Smith, appealed to the police for protection. So did Mrs. McAllister, owner of the building in which the hall was located. Chief Hughes said he could promise nothing... When the industrialists learned on November 4 that there was to be a parade on Armistice Day and that the route would be several blocks longer than usual, so that the procession would pass the I.W.W. hall, Britt Smith drafted text for a leaflet headed: "TO THE CITIZENS OF CENTRALIA WE MUST APPEAL." Approved at an I.W.W. meeting, 1,000 copies of this leaflet were printed, and a copy was left at practically every home in Centralia.

Simply it told of the preparations to raid the industrial hall, and asked the public for a square deal. The circular said: "The profiteering class of Centralia have of late been waving the flag of our country in an endeavor to incite the lawless element of our city to raid our hall and club us out of town... They have inspired editorials in the Hub, falsely and viciously attacking the I.W.W., hoping to gain public approval for such revolting criminality. These profiteers are holding numerous secret meetings to that end, and covertly inviting returned service men to do their bidding... They say we are a menace; and we are a menace to all mobocrats and pilfering thieves. Never did the I.W.W. burn public or private halls, kidnap their fellow citizens, destroy their property, club their fellows out of town, bootleg, or act in any way as law-breakers... Our only crime is solidarity, loyalty to the working class, and justice to the oppressed."

membership not to defend any I.W.W. member, no matter what charge was placed against him. This was a clear violation of the oath which every lawyer takes when admitted to the bar... Immediately after the Centralia tragedy, Attorney General L. L. Thompson ordered the arrest of all I.W.W. members found anywhere in the commonwealth. Eight hundred were thrown into jail. Only three attorneys in Washington dared defend I.W.W. cases. George F. Vanderveer of Seattle, former county prosecutor there, was retained in behalf of the Centralia men. He had been one of counsel for the defense in the Everett trial. Tied up with other cases, he could not take up the Centralia fight until two days before the date of trial. Meanwhile the prosecution, with unbounded resources, had two and a half months for preparation.

Six attorneys went into court for the prosecution. Herman Allen, prosecutor for Lewis county, was pushed aside, and the legal attack was led by W. H. Abel, previously mentioned as fighting the 1917 strike, and by C. D. Cunningham of Centralia, attorney for F. B. Hubbard. Each was retained on a \$5,000 contract from Lewis county.

Many members of the American Legion were brought to Montesano, and were detailed to sit in the courtroom. Fifty or more were in constant attendance at the trial, their eyes almost continually fixed on the jurors. These Legionnaires were paid \$4 a day and expenses for this service, and were lodged in the city hall. Most of them bore side-arms. That the prosecution had a hand in arranging for the Legionnaires' presence is evidenced by a telegram sent by Prosecutor Cunningham to Representative Albert Johnson at Washington, D.C.: "Ex-service men desire to wear uniforms at I.W.W. trial at Montesano. Is there any federal law to prohibit?" Johnson answered that "former soldiers have clear legal right to wear uniforms at I.W.W. trial."

There were two outstanding issues in the case: 1. Which side was the aggressor—the ex-service men in the Armistice Day parade, or the I.W.W. members who were stationed in their hall

as unpremeditated murder. If there was no premeditation there could not have been a conspiracy.

And with that verdict was a special plea from the whole jury saying: "We, the undersigned jurors, respectfully petition the court to extend leniency to the defendants whose names appear on the attached verdict." ... Yet when Judge Wilson had the seven convicted defendants before him again on April 5 he dealt to them the highest sentence possible under the law—25 to 40 years in prison. Questioned about the case later that day, Judge Wilson admitted that the verdict was a contradiction of the charge. "But," he said to a newspaper man who had raised the question, "you've been around trials enough to know that lawyers don't always know the law, and even judges don't always know it."

Montesano, seat of Gray's Harbor county, was chosen as the trial-scene after the defense had asked for a change of venue because of high emotional tension and bitter prejudice existing in Lewis county, in which Centralia is situated. But as the weeks went on, the lumber interests carried their anti-I.W.W. propaganda into every corner of Gray's Harbor county, and the defense demanded a second change of venue. On January 3, 1920, Judge Wilson admitted that a fair trial of the case could not be had in Montesano, and indicated that he would grant the requested change. Five days later, he reversed his attitude and decreed that Montesano must be the scene of trial.

Judge Delivers Eulogy of Slain Men

From the first, the odds were heavily against the defense. Judge Wilson was obviously prejudiced. He had delivered a eulogy of the slain paraders at an Elks memorial service on December 7 in the very hall where the business men of Centralia had met to devise ways and means to drive the I.W.W. out of town... The Lewis County Bar Association had pledged its

Consulting Attorney Elmer Smith, the I.W.W. members were informed that they had a right under the law to defend their headquarters (which was also the home of Britt Smith). They had a legal right to use force if necessary to defend themselves or their fellows against superior numbers coming ostensibly to do violence against them. And under the law they were not required to remain on the premises that were to be attacked. This principle is well established in the court decisions of many states.

Armistice Day came, and the parade. The I.W.W. were prepared. Some waited within the hall; others stationed themselves at points outside. The parade marched past the I.W.W. hall to the end of the route, then countermarched and returned. As the final section, comprising Centralia ex-soldiers, came abreast of the hall, a command was given to halt. Then the ex-service men broke ranks and the attack was on. But the mob was met by shots from the hall. Warren Grimm was fatally wounded in the doorway, and Arthur McElfresh and Ben Casagrande close by.

Marcher Admits Soldiers Attacked First

Two days later, at the coroner's inquest, Dr. Frank Bickford, member of the American Legion and one of the marchers, testified: *"When the parade stopped in front of the I.W.W. hall I offered to lead a raid if enough would follow. But others pushed ahead of me, forced open the door, and then the shots came from inside."*

Into and through the hall the mob swarmed. Some of the I.W.W. members were taken prisoners inside, some escaped via the rear. Wesley Everest, I.W.W. railroad man and ex-soldier, was pursued by the raiders. He fired back at them, and killed Dale Hubbard, nephew of the man who had instigated the attack. When Everest was captured, the mob strung him up twice. Repeatedly he was bayoneted, finger-nails tore strips of his

flesh from the eyes downward, he was unsexed with a razor, and then his bleeding mutilated body was thrown into a jail cell within sight of the other I.W.W. prisoners. That night he was dragged behind an automobile a mile and a half and hanged from the Chehalis river bridge.

Coroner David Livingstone reported to an Elks meeting that Everest "broke out of jail, went to the bridge, and jumped off with a rope around his neck. Finding the rope too short he climbed back and fastened on a longer one; jumped off again, broke his neck, and then shot himself full of holes."

Mob Controls Town for Nine Days

That night and for several days there was a manhunt for miles around. The mob controlled the town; it took scores of citizens into custody, and grilled them; searched the homes of everybody suspected of sympathizing with the union labor, without warrants; banished the Associated Press correspondent; and censored all news. For nine days and nights it put the I.W.W. prisoners through the third degree. James McNerney, who had been under fire at Everett, was taken out of jail with a rope around his neck, and the rope's end was put over a telephone pole and drawn up until McNerney's face became livid. The mob demanded a confession from him. McNerney told them to go to hell. "Guess we've got the wrong man," said the crowd, and took him back to jail... Beneath Loren Roberts' cell window voices would sound: "Well, we got that guy Everest; we'll get Roberts next if he don't come clean." Roberts was made insane by this mental torture. For nine days Mike Sheehan had no more than 15 minutes' sleep. Tom Morgan was broken to the point where he consented to testify against his fellow-members. Morgan was held in Jail several months, and when released left for parts unknown.

Eleven men were tried on a charge of having conspired to commit murder in the first degree, and for the slaying of Warren Grimm in carrying out the alleged conspiracy. Ten of these were members of the Industrial Workers of the World and the eleventh was their attorney, Elmer Smith, who had advised them that they had a right to defend themselves, even with guns, against superior numbers.

The trial was staged at Montesano, 40 miles northwest of Centralia, and extended from January 25 to March 13 in 1920. Judge John M. Wilson of the Superior Court presided. When the prosecution concluded its presentation of evidence, the court released Bert Faulkner, finding no case had been made against him. On March 12 the jurors retired to deliberate, remained out 20 hours, and then returned a verdict which Judge Wilson rejected as unacceptable under the law.

They had acquitted Elmer Smith and Mike Sheehan, had declared Loren Roberts insane, adjudged Eugene Barnett and John Lamb guilty of murder in the third degree, and found the others guilty of murder in the second degree. There is no such crime as third degree murder in the state of Washington, so the jurors were sent out to reconsider. Two hours later they brought in a revised verdict in which Attorney Smith and Sheehan were acquitted, Roberts was found insane, and the following were declared guilty of second degree murder: Eugene Barnett, John Lamb, Britt Smith, Bert Bland, Commodore Bland, Ray Becker, and James McNerney.

Verdict Is Contradiction of Charge

The verdict was in keeping with the court's instructions, but it was a direct contradiction of the charge against the defendants. They had been accused of conspiracy to commit murder in the first degree and the carrying out of such a conspiracy. But second degree murder is defined by Washington statutes