1. NAME AND LOCATION OF PROPERTY

Historic Name: Jefferson County Courthouse

Other Name/Site Number: Jefferson County Court House

Street and Number (if applicable)**:** 100 E. Washington Street

City/Town: Charles Town **County:** Jefferson **State:** WV

Designated a National Historic Landmark by the Secretary of the Interior, December 11, 2023

2. SIGNIFICANCE DATA

NHL Criteria: 1

NHL Criteria Exceptions: N/A

NHL Theme(s): V. Developing the American Economy
4. workers and work culture
5. labor organizations and protests

Period(s) of Significance: April 25–September 16, 1922

Significant Person(s) (only Criterion 2)**:** N/A

Cultural Affiliation (only Criterion 6)**:** N/A

Designer/Creator/Architect/Builder: *1872 Courthouse*:
Messrs. Phillips and Cockrill, carpenters
Jacob Tutwiler, brick and stone mason
1910 Addition:
A.B. Mullett & Co., architect

Historic Contexts: "Extractive Labor in the United States," *Labor History in the United States Theme Study*

Paperwork Reduction Act Statement. We are collecting this information under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467) and 36 CFR part 65. Your response is required to obtain or retain a benefit. We will use the information you provide to evaluate properties nominated as National Historic Landmarks. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1024-0276.

Estimated Burden Statement. Public reporting burden is 2 hours for an initial inquiry letter and 344 hours for NPS Form 10-934 (per response), including the time it takes to read, gather and maintain data, review instructions and complete the letter/form. Direct comments regarding this burden estimate, or any aspects of this form, to the Information Collection Clearance Officer, National Park Service, 12201 Sunrise Valley Drive, Mail Stop 242, Reston, VA 20192. Please do not send your form to this address.

3. WITHHOLDING SENSITIVE INFORMATION

Does this nomination contain sensitive information that should be withheld under Section 304 of the National Historic Preservation Act?

___ Yes

_X_ No

4. GEOGRAPHICAL DATA

1. Acreage of Property: Less than one acre

2. Use either Latitude/Longitude Coordinates or the UTM system:

Latitude/Longitude Coordinates (enter coordinates to 6 decimal places)**:**
Datum if other than WGS84:

Latitude: 39.289414 **Longitude:** -77.859845

OR

UTM References:

Zone **Easting** **Northing**

3. Verbal Boundary Description:
The boundary is the building footprint for the 1872 courthouse and its 1910 addition excluding the two-story glass hyphen (2007) between the 1910 addition and the 1918 Jefferson County Jail building. The courthouse with its addition, and the open space between the front of the courthouse and East Washington Street, are included within tax parcel number 48.1, as shown on Jefferson County tax map 2B for Charles Town Corporation, District 3.

4. Boundary Justification:
The boundary includes the property historically known as the Jefferson County Courthouse, and its 1910 addition, that maintains historic integrity. Although the Jefferson County Jail was constructed in 1918, prior to the period of significance, the jail and the 1910 courthouse addition were not connected during the miners' trials. Therefore, the boundary runs between the 1910 addition and the glass hyphen constructed in 2007 to connect the courthouse addition and the Jefferson County Jail.

5. SIGNIFICANCE STATEMENT AND DISCUSSION

INTRODUCTION: SUMMARY STATEMENT OF SIGNIFICANCE

The Jefferson County Courthouse has exceptional national significance under National Historic Landmark Criterion 1 as a property that outstandingly illustrates the critical role the legal system played in the final chapter of the West Virginia mine wars (1912–1922) and the culmination of the Battle of Blair Mountain (1921) that involved thousands of union miners in the largest armed uprising in American labor history. At this courthouse in 1922, two treason trials of pro-union coal miners prosecuted by a private coal-mining company spawned a national debate over the use of the charge of treason as a tool against labor organizing. The trials laid bare how private interests and the state manipulated the legal system during capital-labor conflicts to defend only the rights of property. The trials caught the attention of the public as well as national union leaders and civil liberties advocates who feared that a guilty verdict would deal a heavy blow to the struggling labor movement, spread anti-union tactics to industries beyond West Virginia, and have a chilling effect on the rights of free speech for labor organizers. While ultimately the United Mine Workers of America's worst fears were not realized, the labor unrest, violence, and ensuing costly legal battle took a significant toll on the union, contributing to its decline in the 1920s. As the first and only treason trials connected to the labor movement, this pivotal event in the history of the United Mine Workers of America (UMW) generated national awareness of the hardships miners endured in their struggles to unionize and ended a decade-long era of violent labor strife.

The period of significance for the Jefferson County Courthouse extends from April 25, 1922, when the first treason trial began, and ends September 16, 1922, with the close of the second treason trial.

Synopsis

During the winter of 1922, in the aftermath of the clashes that came to be known as the Battle of Blair Mountain, several southern West Virginia coal companies strategized with the state to indict over five hundred members of the UMW and union sympathizers on charges of treason against the state of West Virginia along with charges of murder, accessory to murder, and conspiracy to commit murder. Ultimately, only a few miners were brought to trial with mixed conviction results, and only two served any jail time. The criminal charges stemmed from the miners' participation in the March on Logan County. At the end of August 1921, thousands of miners joined the sixty-mile march to rid Logan County of its notoriously anti-union sheriff Don Chafin, release miners held in jail, and forcibly put an end to the martial law that reigned over the county. In early September 1921, the march culminated in violent clashes between the miners and supporters of coal operators on Blair Mountain located on the border of Logan and Mingo counties. The Battle of Blair Mountain constituted the largest pitched battle in the history of the labor movement in the United States and became the largest uprising on U.S. soil since the Civil War. The march was the culmination of a series of violent strikes and other forms of direct action in the coal region of West Virginia that dated back to 1912. Cumulatively referred to as the West Virginia mine wars, the events terminated with the Battle of Blair Mountain, a battle that only ended after President Harding called in the army to forcibly suppress the uprising if necessary. While Blair Mountain marked the end to open violence, the treason trials were the last gasp in the long effort to unionize the coal fields that had been the primary impetus for the mine wars. Rather than marking the beginning of a new chapter in the history of organizing miners, the trials marked a watershed moment: the end of a key era in the long history of miners' efforts to organize.

The men and women who participated in this uprising were responding to the brutal conditions that miners and their families in three southern counties of the state—Logan, Mingo, and McDowell—had been enduring; conditions of which state and local officials were fully aware and often complicit in enforcing. Because of the politically charged atmosphere in those coal-mining counties, the first trials that resulted from the indictments were moved to the Jefferson County Courthouse located in Charles Town in the state's northeastern largely agrarian region. Extensive national newspaper coverage of the initial trials revealed the lengths to which coal operators and state officials had gone to prevent miners from joining the UMW. While individual men stood on trial for their actions on Blair Mountain, the trials marked the ultimate battle for the UMW's right to operate in the state of West Virginia, and the trials' outcomes reverberated with labor organizers across the nation. Through the early decades of the twentieth century, the labor movement was struggling to survive amid an economic recession, and union sympathizers believed that a guilty verdict in the treason trials would potentially stymy labor activism. If workers fighting for their rights could be found guilty of treason against the state of West Virginia, a similar fate could befall workers anywhere. The Jefferson County Courthouse, therefore, is singular in its ability to illustrate the ultimate end of the West Virginia mine wars, a critically important series of events in American labor history.

Remarkably, this was not the first time the Jefferson County Courthouse garnered national attention for a treason trial. In 1859 it served as the setting for John Brown's treason trial in the aftermath of the ill-fated raid on Harpers Ferry. The 1837 courthouse building where Brown's trial took place was heavily damaged in the Civil War and substantially rebuilt between 1871 and 1872. The brick walls and Tuscan columns were heightened to form the current three-bay, two-story, red brick temple-front building and the interior was entirely reconstructed with a new layout and a large courtroom on the second floor. While some portions of the original exterior walls remained, the interior design and layout all date to this rebuilding campaign. It is this version of the courthouse where the 1922 trials took place, and which remains intact. The two-story courtroom still includes its original 1872 layout, gallery, coved ceiling, arched beams, and an elaborate plaster and wood rose medallion from which hangs a 60-light chandelier installed in 1879. Here in the second-floor courtroom of the 1872 courthouse, during the spring and summer of 1922, the treason trials of coal miners and union activists William Blizzard and Walter Allen, like that of John Brown, captured the attention of the nation.

To adequately explain the significance of the Jefferson County Courthouse in American labor history, this nomination begins with a brief overview of the rise of coal mining in West Virginia and the UMW. It then outlines the opening of the West Virginia mine wars beginning with the Paint Creek-Cabin Creek strike of 1912–1913 in Kanawha County where miners demanded union recognition. The next major period discussed is the Mingo County Strike of 1919–1920, a struggle in which a shootout in the town of Matewan known as the Matewan Massacre (May 19, 1920) preceded the March on Logan and the Battle of Blair Mountain. The miners' strike in Mingo is situated in the context of a larger post-First World War wave of labor strikes that spread across the United States. The context then moves into the period of the treason trials, concluding with the final trial in the late summer of 1922.

PROVIDE RELEVANT PROPERTY-SPECIFIC HISTORY, HISTORICAL CONTEXT, AND THEMES. JUSTIFY CRITERIA, EXCEPTIONS, AND PERIODS OF SIGNIFICANCE LISTED IN SECTION 2.

National Background[1]

Coal mining, like other forms of extractive labor, is difficult and dangerous work. Occupational hazards, economic instability, and oppressive managerial conditions led miners to begin what would prove to be a long and arduous struggle to unionize in 1849.[2] The first attempts at organizing emerged in the anthracite coal fields of northern Pennsylvania, a region marked by its own series of mine "wars" that pitted workers against industrialists during the second half of the nineteenth century. By the end of the century, as coal secured its place as the premier fuel for American industries like steel manufacturing, miners began to organize on an industry-wide basis. Inspired by the political activism of the Greenback Labor Party of the 1870s and the Knights of Labor in the 1880s, miners gathered in Columbus, Ohio in 1890 and formed the UMW.[3] The purpose of the union was to defend workers' rights; secure the right to unionize; and improve wages and working conditions through collective bargaining. To be effective, miners recognized that they needed to form a national union rather than focus on local or regional organizing. According to authors of the National Park Service's National Historic Landmarks Theme Study *Labor History in the United States*, "Organizing on a broadly inclusive industrial basis was necessary in a time of craft dilution and peril."[4] Three months after the founding of the union, miners met in Wheeling, West Virginia to form UMW District 17, which covered much of the state, "and immediately launched what became an extraordinary struggle of more than 40 years to unionize the state's coal mines," historian Jerry Bruce Thomas explains.[5] While the UMW began with miners from umbrella labor organizations like the Knights of Labor, the UMW soon became affiliated with the American Federation of Labor (AFL), a federation of craft-based labor unions.

Although the industry developed across the United States—from the industrial northern Midwest, to the Deep South, to the mountains of the West, mining is regional in nature. Furthermore, according to historian John Alexander Williams, "Coal mining is a distinctive branch of a distinctive industry."[6] Unlike other industries like manufacturing wherein factories could be constructed anywhere near a power source, extractive labor is tied to place, and the different sectors of the mining industry have been shaped by conditions relating to specific geographical, climate, and social factors, as well as the nature of work. Even within coal mining, there are clear differences between the extraction of soft, bituminous coal that is found in West Virginia and hard, anthracite coal in Pennsylvania. At the same time, miners across the country shared similar labor grievances and pushed to unionize the industry as a whole. During this struggle that spanned the nineteenth and twentieth centuries, Appalachia, and specifically West Virginia, became infamous for the struggles of miners and their families. The tribulations of miners in the Mountain State became national news during the years of the West Virginia mine

[1] The authors of this nomination thank the staff of the National Capital Area, Region 1, National Park Service (NPS) office for their research and editorial assistance on this nomination.

[2] Alan Derickson and Rachel Donaldson, "Extractive Labor in the United States" in *Labor History in the United States Theme Study*, National Register of Historic Places Multiple Property Documentation Form (rev., 2016), 10.

[3] John Alexander Williams, *Appalachia: A History* (Chapel Hill: University of North Carolina Press, 2002), 263. Miners formed other unions as well, including the militant Western Federation of Miners (1893), but this nomination focuses on the UMW, which was at the forefront of the West Virginia mine wars.

[4] Derickson and Donaldson, "Extractive Labor in the United States," 12.

[5] Jerry Bruce Thomas, "United Mine Workers of America," *The West Virginia Encyclopedia*, https://www.wvencyclopedia.org/articles/835.

[6] Williams, *Appalachia*, 259.

wars. While the mine wars stemmed from local conditions, it is important to recognize that these battles "were part of a nation-wide struggle miners experienced in their attempts to organize."[7] The story of miners' struggles in West Virginia is critical in the history of organizing efforts among extractive laborers in the United States.

Coal Mining in West Virginia

According to labor historian James Green, during the 1920s, because of the attention that the mine wars received in the national media, "no group of American workers attracted more sympathy from reformers than West Virginia's coal miners." Organizers from the fledging American Civil Liberties Union, famous writers like James M. Cain,[8] and senators from states including Indiana and California made the struggles in the West Virginia coal fields national news. Green further argues, "no other strike generated an armed insurrection on the scale of the miners' march in 1921, and no other strike provoked a national crisis that so closely resembled a civil war."[9] The ensuing legal battles of 1922 serve as a coda for the decade of unrest and obstruction of civil liberties in the coal fields and towns of southern West Virginia. Why the miners marched and what was at stake in the subsequent treason trials must be understood within the nature of mining operations in the state and the events that led up to the explosive culmination of the mine wars.

Coal mining operations first began in the region of Virginia that would become West Virginia in the mid-nineteenth century. By 1840, mines operated in eight counties.[10] Coal production in the region would expand precipitously by the end of the nineteenth century due to the industrial demand for coal. By the second decade of the twentieth century, the country essentially ran on coal. Coal powered industry, railroads, and streetcars, while also heating many homes and businesses. The indispensability of coal led many to assume that the men and boys that produced this product were doing well, considering how much revenue coal mining generated. But the industry was disorganized, decentralized, and often ruled by boom-and-bust cycles; and while coal was an "essential commodity," there was a lot of it, and many of the industrial states where demand for coal was the highest (the Midwest and Northeast) also had their own coal mining regions. Therefore, the coal produced in West Virginia was not in high demand because many industries in these regions could either mine their own or import it more cheaply from Canada.[11]

The one advantage that the coal companies in West Virginia had was that the kind of coal extracted there was soft, bituminous coal, often of the "smokeless" variety. Smokeless coal was especially prized for use in steel furnaces, to power naval ships, and as a close substitute for anthracite coal in home cooking and heating. Yet, despite this demand, the state's coal industry was continuously plagued by strong price competition along with price fluctuations and an over-dependence on railroads that gave a preferential rate to non-union coal operators. Furthermore, not all the mines produced the more profitable smokeless variety of bituminous coal; the Thacker

[7] John W. Bond, "Matewan Historic District," National Historic Landmark Nomination (National Park Service, 1996), 9.

[8] James M. Cain was a renowned journalist and author, known mostly for his early books, *The Postman Always Rings Twice* and *Doubly Indemnity*.

[9] James Green, *The Devil is Here in These Hills: West Virginia's Coal Miners and Their Battle for Freedom* (New York: Grove Press, 2015), 7–8.

[10] James T. Laing, "The Early Development of the Coal Industry in the Western Counties of Virginia, 1800–1865," *Virginia History Journal* 27, no. 2 (January 1966), http://www.wvculture.org/history/journal_wvh/wvh27-2.html.

[11] John Williams, introduction to *Thunder in the Mountains: The West Virginia Mine War, 1920–21*, by Lon Savage (Pittsburgh: University of Pittsburgh Press, 1990), ix–xi.

coal field in Mingo country, for instance, produced a lower quality of coal than some of the surrounding fields, and thus was in a constant state of struggle to survive.[12]

While mining companies competed for economic survival, the miners themselves struggled to survive in an industry marked by a high fatality rate. Like many industrial jobs during the late nineteenth and early twentieth centuries, mining was dangerous work. During the early twentieth century, an average of 1,160 miners died from roof collapses, explosions, and fires every year. Large-scale disasters also occurred with some frequency. The mine safety laws in West Virginia were the weakest in the country, and what laws did exist had few if any provisions to ensure their enforcement. In that state's Red Ash mine alone, explosions in 1900 and again in 1905, caused by managers failing to follow safety precautions, killed 59 men and boys. Despite the public outcry that these disasters engendered, the state legislature refused to pass new safety regulations. In 1901, the governor was even quoted as musing that "It is but the natural course of mining events that men should be injured and killed by accidents."[13] Yet, according to labor organizers, some of these would have been preventable had managers been held to some degree of safety accountability.

While most mining operations faced similar problems as those in West Virginia, a key distinction in this state was the peculiar relationship between the mines and railroads. Unlike Midwestern states, West Virginia had not industrialized by the late nineteenth century. It took the introduction and expansion of railroads from the 1870s to 1910s to enable the large-scale shipping of coal out of the mines and to bring an influx of coal miners to the region. Once railroads opened the region and coal operations became established, the settling of mountainous southern West Virginia on a large scale became possible. The first step coal companies took was to erect coal camps, which they followed with constructing communities for workers and their families in what had been a sparsely populated, remote, and rural region.[14] This process led to a defining feature of the West Virginia coal region: the company town.

According to a federal study from 1924, 80 percent of West Virginia miners lived in company towns, whereas in other coal regions like Indiana and Illinois, only 9 percent lived in company-owned towns. This again had to do with the fact that West Virginia was only recently industrialized. Coal companies created towns from whole cloth in order to recruit a stable workforce, and the degree of control coal operators had over the miners and their families in these company towns was exponentially higher than in other coal regions. Unlike in other mining areas, in the West Virginia coal towns "mine owners and miners confronted one another not only as employers and workers, but as landlords and tenants and as the purveyors and consumers of goods and services. This compounded the social tensions arising out of economics and labor relations."[15]

In company towns, the coal operators controlled every facet of life. In addition to owning the homes, schools, churches, and such, operators controlled all land except for any creeks or railroad tracks. This meant that these men were able to control not only all that happened inside their towns, but also all entryways and exits to and from the town. A key symbol of the power operators had was the company store, the only place where miners and their families could purchase necessary goods. Prices in company stores were often higher than in independent towns. In remote company towns, store prices were 5 to 12 percent higher than towns with

[12] Kazuko Uchimura, "Coal Operators and Market Competition: The Case of West Virginia's Smokeless Coalfields and the Fairmont Field, 1853-1933," *West Virginia History* 4, no. 2 (2010): 64, 59; Rebecca J. Bailey, *Matewan Before the Massacre: Politics, Coal, and the Roots of Conflict in a West Virginia Mining Community* (Morgantown: West Virginia University Press, 2008), 38–39; Williams, *Appalachia: A History*, 252–58.

[13] Green, *The Devil is Here in These Hills*, 64–65.

[14] Kazuko, "Coal Operators and Market Competition," 64–65.

[15] Williams, introduction to *Thunder in the Mountains*, xv.

independent stores located nearby. Operators used price gouging to make up for lost profits when the price of coal dropped. They also often paid miners in scrip—money that was not legal tender and was only redeemable at the company store. Initially, operators claimed to pay wages in scrip to help miners purchase the things they needed if they did not have cash on hand. However, the exploitative nature of the system was revealed when operators would not purchase the scrip back at face value if a miner decided to leave the town. If miners needed real cash, they would have to resort to sell the scrip at a loss to local traders.[16]

Beyond the company store, the major grievance miners and their families had about life in company towns related to how local law enforcement operated. In reality, deputy sheriffs were private guards that the operators hired to protect the operators' property, a job that often entailed spying on miners and anyone who came into the town to root out potential "agitators" such as labor organizers. Violence and political repression were something that had been present in the mines, but it became especially severe after operators began hiring guards from the notorious Baldwin-Felts agency specifically to thwart attempts at unionization. By 1910, according to historian David Corbin, the presence of Baldwin-Felts guards was reported in almost every company town in southern West Virginia. Tom Felts, the head of the agency, viewed their work as "protect[ing] the operators against organized labor." To execute this charge, the guards suppressed free speech and free assembly by enforcing a policy that prevented groups of more than three miners from gathering at night for fear that talk could turn to unionism. Baldwin-Felts guards also became nationally notorious for their brutal attacks on union organizers. In West Virginia, their work was not restricted to organizers; if a worker was suspected of having union sympathies, he could be beaten and cast out of town along with his family.[17]

Despite the problematic nature of working in the coal fields of southern West Virginia, through the late nineteenth through early twentieth centuries, coal operators did manage to attract a diverse pool of laborers from both within and outside the region. One group that established a firm foothold in the industry was African American miners. "Central Appalachia attracted more [B]lacks than any other coal region in the nation," according to historian Ronald Lewis. Of all the states that the bituminous coal fields traversed, the one that attracted the highest number of Black migrants was West Virginia; by 1920, 69 percent of African Americans who lived and labored in the coal towns of central Appalachia did so in West Virginia.[18] Prior to the First World War, most Black migrants to West Virginia came from nearby states, namely Virginia, Kentucky, and Tennessee. After the war, migrants increasingly came from states in the Deep South, including Alabama (which had a strong mining industry), Mississippi, and Georgia. In all, the Black population of West Virginia increased from 25,800 in 1880 to almost 115,000 by 1930. From the 1890s through the early twentieth century, Black miners constituted over 20 percent of the mining labor force in the coalfields of West Virginia.[19]

The primary attraction for Black migrants to the mines of Appalachia was economic. "At a time when most industrial firms in the nation excluded [B]lack workers from employment," historian Joe Trotter writes, "both the railroad and coal industries hired large numbers of African Americans to open up the bituminous coal fields of southern Appalachia."[20] Beyond the lure of jobs, another reason so many Black migrants moved to West Virginia in particular centered on the potential for economic and political opportunities that did not exist in the

[16] Green, *The Devil is Here in These Hills*, 21–28.

[17] Ibid., 22; David Alan Corbin, *Life, Work, and Rebellion in the Coal Fields: The Southern West Virginia Miners 1880–1922* (Urbana: University of Illinois Press, 1981), 50–52.

[18] Ronald L. Lewis, Black Coal Miners in America: Race, Class, and Community Conflict, 1780-1980 (Lexington: University of Kentucky Press, 1987), xi.

[19] Joe William Trotter, Jr., "The Dynamics of Race and Ethnicity in the US Coal Industry," International Review of Social History, vol. 60 (2015): 156-57.

[20] Trotter, "Dynamics of Race and Ethnicity in the US Coal Industry," 156.

lower South, or even in the other coal states of central Appalachia. While neighboring states began passing Jim Crow laws in the early 1900s that mirrored those of the Deep South, West Virginia overall did not, Lewis argues. In the fields of West Virginia, Black miners "found ready employment at equal pay for equal work throughout these fields."[21] Black miners and their families experienced racism in varying forms, but greater educational opportunities, a general lack of discrimination in voting laws, and lower rates of racial terrorism in the form of lynching all made West Virginia a better alternative to other southern states. Over time, Black miners and their families developed communities of their own within the coal towns and actively participated in the unionization of miners "when and where" they could.[22] The level of interracial solidarity in the UMW varied by location and shifted over time depending on the circumstances and type of opposition the union faced. Although statistics on Black membership in UMW Local 17 of West Virginia have not been located, the high percentage of Black miners in the coal fields of West Virginia coupled with the fact that, as Joe Trotter argues, they "encountered…a measured equality in southern West Virginia," suggests that Black miners formed an important constituency in the UMW in West Virginia.[23]

THE WEST VIRGINIA MINE WARS, 1912–1922

The UMW in West Virginia

The UMW first turned its attention to West Virginia during a strike in 1895 in the Pocahontas Field located in Mercer and McDowell Counties along with Tazewell County, Virginia. Although workers in these mines initiated the strike without the aid of the union, the UMW dispatched officials to observe the situation. The strike ultimately ended in failure, but it succeeded in drawing the union's attention to West Virginia. This attention became even more critical in 1897, when the UMW won a strike in the northern coal fields but failed to organize the mines of West Virginia. The same happened again during a UMW-led national coal strike in 1902. The resistance that coal operators put up was formidable. Reflecting on the operators' stance on unionism in 1921, Winthrop D. Lane, a writer for the *New York Evening Post*, wrote that "violence has been a traditional weapon in the conflict over unionism in the West Virginia coal fields. We saw that the operators gave the first occasion for its use by employing police and armed guards in their fight against the United Mine Workers of America."[24] Despite the violence leveled against them, eight thousand miners in the Kanawha fields rose up to challenge their living and working conditions in the strike of 1902. This level of solidarity would prove crucial ten years later, when the mine wars officially began.

Organizing West Virginia miners in the early twentieth century became vital to the UMW because of the pay discrepancies between unionized and non-unionized miners. The union had been able to win some concessions in coal fields in Pennsylvania, including a pay increase, but the higher cost of labor now meant a higher price for the coal coming from these fields. The un-organized fields in West Virginia posed a threat to this gain because they could undercut the prices of the northern fields; lower wages translated to lower prices for their coal. In fact, West Virginian operators fiercely resisted unionization precisely because they relied on low labor costs to gain an edge in a fiercely competitive market and thus sell their product at a lower cost. Operators in the

[21] Lewis, *Black Coal Miners in America*, xii. West Virginia, however, did have a clause mandating segregated schools in the state constitution (1872-1994).
[22] Trotter, "The Dynamics of Race and Ethnicity in the US Coal Industry," 147.
[23] Ibid.
[24] Winthrop D. Lane, *Civil War in West Virginia* (B. W.Huebsch, 1921, reprinted New York: Arno Press, 1969), 105.

northern states also recognized this, and the West Virginian operators' steadfast refusal to allow the union into their field raised the ire of their northern counterparts.[25]

Paint Creek-Cabin Creek Strike, 1912–1913

Despite the suppression of anything connected to unionism, miners in West Virginia's southern fields did continue efforts to organize. Efforts that had been brewing since the 1890s exploded in 1912 in the Kanawha and New River coal fields. When operators in the Paint Creek Valley in Kanawha County steadfastly refused to grant union workers a modest pay raise that was on par with what other regional companies had given to their employees, thousands of nonunion miners went on strike. Soon, 7,500 nonunion miners in nearby Cabin Creek joined them, spurred by the oppressive rule of the coal operators. The strike that ensued followed the typical pattern of a work stoppage, but when company guards started forcibly evicting mining families from company-owned homes, the miners fought back. The fighting then spread to Cabin Creek, and the Paint Creek-Cabin Creek Strike of 1912 turned into a thirteen-month long struggle that was then one of the country's "longest and deadliest labor conflicts," resulting in the death of twelve strikers and thirteen company men. Importantly, as David Corbin noted, it was a struggle that brought together to a degree White, Black, and immigrant miners to gain union recognition and served as the inspiration for Ralph Chaplin's 1915 famous union anthem "Solidarity Forever."[26]

While the UMW had not initiated the strike, in their eagerness to make inroads to the region, they lent their full support to the striking miners. To assist the strikers, the union sent both renowned organizer Mary "Mother" Jones and their vice president Frank Hayes to the region. The coal operators responded by recruiting strikebreakers from the South and New York and hiring three hundred Baldwin-Felts detectives to bust the strike. The guards constructed iron and concrete forts outfitted with machine guns throughout the striking area. They continued to evict mining families from company housing, destroying $40,000 worth of striking families' furniture in the process. The guards assumed the operators' control over the entire terrain of company towns, preventing strikers from using bridges across mountain streams or leaving on trains traveling through the area and beating those who attempted to board. They also murdered miners on a whim.[27] Perhaps the most infamous example of the violence they employed was the nighttime ride of the "Bull Moose Special."

The "Bull Moose Special" was a train car, the sides of which were covered with iron plating with machine guns installed inside. On the night of February 7, 1913, coal operator Quinn Martin, along with Kanawha sheriff Bonner Hill, turned off the lights and drove the train through Holly Grove, a tent colony the UMW had established for striking miners and their families, firing into the homes and tents. An Italian miner, Francis Francesco Estep, was shot in the face and killed while trying to protect his pregnant wife. Even though several miners had died during the violent strike, Estep's murder enraged the striking miners. The news of the train the

[25] Kazuko, "Coal Operators and Market Competition," 59, 65–70; Green, *The Devil is Here in These Hills*, 20.

[26] Green, *The Devil is Here in These Hills*, 4–5; Corbin, *Life, Work, and Rebellion in the Coal Fields*, 87. The question of how inclusive the UMW was has been contentious within American labor history dating back to the late 1980s. In 1968, historian Herbert Gutman argued in his article "The Negro and the United Mine Workers of America, The Career and Letters of Richard L. Davis and Something of Their Meaning: 1890-1900," in *The Negro and the American Labor Movement*, ed. Julius Jacobson (Garden City, NY: Anchor Books, 1968), 49–127 that the UMW during the early twentieth century practiced a remarkable degree of interracial solidarity, an argument that labor historian Herbert Hill sharply rebutted in his article, "Myth-Making as Labor History: Herbert Gutman and the United Mine Workers of America," *International Journal of Politics, Culture, and Society* 2, no. 2 (1988): 132-200. More contemporary historians, including Daniel Letwin in his book *The Challenge of Interracial Unionism: Alabama Coal Miners, 1878-1921* (Chapel Hill: University of North Carolina Press, 1998), argue that the situation on the ground was more nuanced.

[27] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 87–88; Roger Fagge, "'Citizens of This Great Republic': Politics and the West Virginia Miners, 1900–1922," *International Review of Social History* 40, no. 1 (1995): 31–32.

following day made national headlines, enraging one merchant to the point where he sent "several cases of Smithfield rifles and ten thousand rounds of ammunition to the strikers." Public intellectual Walter Lipmann wrote of the affair in the *New Republic*, citing it as the reason why workers should use guerilla tactics in the war industrialists were waging against unionism.[28]

Meanwhile, the long struggle was draining funds from the UMW, pushing it to the verge of bankruptcy. The increasing disillusionment with the strike made union leaders more willing to bargain with the operators; however, they would face strong resistance from the strikers and their unofficial leader Frank Keeney, a miner from the region who had become the de facto head of the strike two months into it. When the UMW officials' support began to wane, Keeney and others turned to the Socialist Party for help. At this point the strike had become a "life-or-death struggle," and the Socialists responded by taking a similar stance as Lipmann and encouraging the miners to meet violence with violence if necessary. Miners joined the National Rifle Association so that they could buy government surplus weapons at low costs; Baldwin-Felts guards became the most frequent targets. Women also often participated in the "militant solidarity." They tore up train tracks to prevent the Bull Moose from returning to the valley, beat strikebreakers with broomsticks, and joined in gun battles. The fighting paused when the governor declared martial law, sending the state militia into the region. While miners initially welcomed the militia, believing that they would restore peace, their view quickly changed when it became clear the militia was there solely to break the strike.[29]

In no other place and at no other time in U.S. history had martial law been executed on the scale that it was in West Virginia from 1912 to 1913. Without warrants, the soldiers arrested two hundred strikers and strike leaders (including Mother Jones), imprisoned them, and tried them before military tribunals for inciting violence even though civil courts were still in session. The treatment was unilateral; the guards and coal operators faced no consequences for their roles in the violence. Governor William Glasscock's use of, and this particular execution of, martial law was condemned across the country. While martial law caused a lull in the fighting during the winter of 1912-1913, it did not end the strike. The miners were ready to resume fighting in the spring, but in April of 1913, UMW leaders met with the governor and coal operators to work out an end to the strike. They produced a list of terms with which the operators agreed. However, the terms did not include the miners' two key demands—union recognition and an end to the use of mine guards—so the rank-and-file miners refused to comply. Thus, the strike continued.[30]

Meanwhile, Governor Henry Hatfield, recently elected to office in the midst of the strike, extended martial law beyond the strike zone and tested the limits of what the public would accept. When the governor dispatched state militiamen to destroy the presses and arrest the editors of two Socialist newspapers in Huntington and Charleston that had advocated a continuation of the strike, the U.S. Senate entered the fray to investigate the conditions in the strike region. While much of the Senate initially opposed Indiana Senator John Kern's resolution calling for an investigation into the state's actions, the governor's suppression of the newspapers convinced enough senators to pass Kern's resolution in 1913. Following the months-long hearings, Senate investigators issued a report in which they blamed the coal operators and military figures for suspending due process of law that effectively denied the miners' civil liberties and concluded that the state's actions had violated the U.S. Constitution as well as the state's own constitution.[31]

[28] Green, *The Devil is Here in These Hills*, 135.
[29] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 90–92.
[30] Ibid., 95-97.
[31] Ibid., 98.

In defiance of the UMW, which had negotiated the unacceptable deal with coal operators, the striking miners claimed that the union did not represent them. The Senate investigation continued to reveal the governor's abuse of martial law, preventing him from re-instating it. Faced with this impasse, Hatfield forced a settlement in which miners won the rights to a nine-hour workday, to shop in independent stores, and to elect their own checkweighmen.[32] It also ensured that there would be no discrimination against striking miners in returning to their jobs. However, it still did not address the miners' two key demands: ending the mine guard system and establishing their right to organize. Despite these major losses, Corbin argues, "the victory involved more than the winning of strike demands. It identified and solidified class lines, showed the miners the power of collective action, and taught them that unity could work." Another outcome of the strike was that it convinced workers of the utility of violence as a tool in striking, taking a page from the operators' handbook of strike resistance.[33]

The Paint Creek-Cabin Creek strike had another significant outcome in terms of union leadership in West Virginia. Because they felt betrayed by union leaders at the national level for their original negotiations with the operators, the miners of southern West Virginia learned to "rely more heavily on the cadre of rank-and-file leaders who, sharing their experiences, had led the way to victory"—men like Keeney, Frank Mooney, and Bill Blizzard, all local miners who became labor leaders. Throwing out the conservative officials who had been in office, the miners overwhelmingly elected Keeney as president of West Virginia's UMW District 17 and Mooney as the local's secretary-treasurer in 1917.[34]

The stakes of the Paint Creek strike were so high that Samuel Gompers, president of the AFL, made the claim that the strike was a victory, not just for the UMW, but for all organized labor in the country. However, this was not the end of the struggle. The miners' strongest grievance was against the employment of the Baldwin-Felts guards, and Hatfield's settlement did nothing to fix this. After the strike, the West Virginia legislature passed a bill that, on the face of it, prohibited the use of privately funded guards to act as law enforcers. Gompers believed that the law would open all of West Virginia to industrial unions, but the law had no penalty for failure to comply, such that the operators continued to use private guards until 1933. Arthur Gleason, a contemporary observer of the mine wars, articulated this as the miners' primary grievance in his article, "Private Ownership of Public Officials": "The coal operators maintain on their payrolls public officials who preserve order…guards who keep union men out of the county. It is this exercise of public power under private pay which is one of the fundamental causes and is the most lively occasion of the bad blood between owners and workers." Even in non-company towns operators continued to maintain ultimate control by paying off deputy sheriffs appointed by the county court.[35] In Logan County, coal operators hired from within, paying county sheriff Don Chafin and his deputies directly for their services. Chafin alone received a monthly sum of $2,725 from the Logan County Coal Operators' Association. While the Paint Creek-Cabin Creek strike gained national attention, the events would pale in comparison to the events in the coal counties of Logan, Mingo, and McDowell in the aftermath of the First World War.[36]

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[32] Checkweighmen determined how much coal each miner had dug at the end of a shift. Because miners' wages were based on the tonnage of coal they produced, checkweighmen had a great deal of power. Miners often complained that company-selected checkweighmen would cheat them by crediting them for less coal than they had actually produced.

[33] Roger Fagge, "Eugene V. Debs in West Virginia, 1913: A Reappraisal," *West Virginia History Journal*, 52 (1993), West Virginia Archives and History, http://www.wvculture.org/history/journal_wvh/wvh52-1.html; Corbin, *Life, Work, and Rebellion in the Coal Fields*, 98, 100.

[34] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 100.

[35] Arthur Gleason, "Private Ownership of Public Officials," *The Nation* 110, no. 2865 (May 29, 1920): 724-25; Jerome Davis, "Human Rights and Coal," *The Journal of Social Forces* 3, no. 1 (1924): 103.

[36] Green, *The Devil is Here in These Hills*, 154; Corbin, *Life, Work, and Rebellion in the Coal Fields*, 115.

From the First World War to the War in Mingo County, 1917–1921

The reform fervor that marked the Progressive Era during the first two decades of the twentieth century did not bypass the coal fields of West Virginia. Middle-class progressive citizens and politicians pushed to curb some of the worst abuses in the coal industry. During the height of the Paint Creek-Cabin Creek strike, as news spread of the abuses directed against miners and their families, citizens and politicians expressed their concerns to Governor Glasscock. Some feared that if the mainstream political parties did not provide some relief, the workers would turn towards more "radical" options like the Socialist Party. After the tribulations of the strike, miners did benefit from the reforms that marked this era. For instance, the UMW grew by leaps and bounds during the prewar years when the federal government began to reform labor conditions, gains that continued to grow during the war. Coal was in such high demand after the U.S. entered the war that the federal government "assumed virtual control of the coal industry," according to James Green, and essentially forced operators to cease their ardent resistance to the miners' union.[37]

With a federal check on the coal operators, the numbers of miners who joined the UMW during the World War I era exploded. District 17 grew from 7,000 members in 1917 to 50,000 by the end of the war. One characteristic of the West Virginia union that helped in this growth was its status as one of few interracial unions. The two locals in the West Virginia coal region, Districts 17 and 29, welcomed Black miners, who made up about one quarter of the coal-mining workforce in southern West Virginia in 1910. Beyond simply becoming members of the union's rank and file, Black coal miners served in leadership roles on the executive boards of the two districts, held other local office positions, attended national biennial meetings as official delegates, and operated as district organizers. This level of social inclusion would prove critical for the miners' uprising in Mingo County.[38]

The war proved to be a boon to the coal industry, but that level of demand was not sustainable in peacetime—a problem that plagued many sectors of American industry. After the war, a recession lasting from 1920 through 1921 gripped the nation, with the coal industry hit especially hard. In a piece of investigative journalism on the coal industry in West Virginia, journalist James M. Cain observed that 1921 was one of the worst years for coal across the United States. Production in the union fields declined sharply during October and continued to fall, whereas the production in nonunion fields remained relatively steady. This was because the nonunion mines were some of the only ones that could afford to run, since they had cut wages to do so. As such, they supplied much of the coal produced. Union fields could not keep up; union workers had higher wages but could not find work, "and the net result is that not only the union itself, but unionism as an idea, an economic scheme, is getting the blame for this condition…The union is literally on the defensive for its very existence." Coal operators were making the argument that the higher production in nonunion fields was evidence that they were better organized, and thus "that the solution of the problem lies in putting the whole country on a nonunion basis." But, to some, to do so would be a step back to the "Dark Ages" for the industry.[39]

In many respects, the miners' actions in the coal fields of West Virginia in the years immediately following the

[37] Green, *The Devil is Here in These Hills*, 5, 92; Fagge, "'Citizens of this Great Republic,'" 36; Hoyt N. Wheeler, "Mountaineer Mine Wars: An Analysis of the West Virginia Mine Wars of 1912–1913 and 1920–1921," *The Business History Review* 50, no. 1 (1976): 79.

[38] Carl R. Weinberg, "Mining, Coal," in *Encyclopedia of U.S. Labor and Working-Class History*, ed. Eric Arnesen (New York: Rutledge, 2007), 2:905; Joe William Trotter, *Coal, Class, and Color: Blacks in Southern West Virginia 1915–32* (Urbana: University of Illinois Press, 1990), 111.

[39] James M. Cain, "The Battle Ground of Coal," *The Atlantic Monthly* (October 1922) in *The West Virginia Mine Wars: An Anthology*, ed. David Corbin (Charleston, WV: Appalachian Editions, 1990), 157–58.

armistice mirrored a new working-class militancy that was erupting across the country, and even around the world. The year 1919, according to *The Nation*, witnessed an "unprecedented revolt of the rank and file," as a wave of strikes flooded over the United States.[40] Beginning with 35,000 shipyard workers in Seattle that January, workers—with and without union support—walked off the job or formed new unions to improve their conditions. In the textile mills of New England and the mid-Atlantic, over 120,000 struck for an eight-hour day. A railroad switchmen's strike that began in Chicago soon spread to New York City, San Francisco, Los Angeles, Memphis, St. Louis, Kansas City, Omaha, and Detroit, with workers in each city responding to different grievances. Farm workers in Hawaii formed the Federation of Japanese Labor and the Filipino Labor Union, going on strike the following year. Oil workers in Texas, police in Boston, miners in Minnesota, Kansas, and Illinois all walked off their jobs. Perhaps the largest industrial revolt of the era was the great Steel Strike, in which 350,000 workers in Pennsylvania, Ohio, and New York forced the AFL to sanction a strike in that industry.[41] Of all these strikes, the participants in the Great Steel Strike of 1919, as it became known, had the most in common with the miners in West Virginia.

The militancy of coal miners and steel workers in the postwar era is largely attributed to the circumstances of the wartime era. Both industries grew tremendously in scale and economic importance after the turn of the century, becoming critical when the U.S. entered the war. Immigration ground to a halt during the war; without the flow of new immigrant workers, the industrial economy was plagued by a labor shortage. Without the presence of surplus labor used to keep workers from striking and with the introduction of wartime government boards stipulating prices and quotas for production, employers could not withstand long strikes. For the first time, workers now had leveraging power and they used it, often disregarding calls for unity in war. In response, employers and the federal government made a *de facto* deal with the AFL, the "safe, sane, and conservative" umbrella labor union, according to historian Jeremy Brecher, granting them the right to organize without fear of firings wherever the government had jurisdiction as long as they actively discouraged strikes. As a result, membership in AFL unions like the UMW skyrocketed during the war.[42]

Despite the AFL's conservative nature, a sense of militancy grew among workers, even those within AFL unions. This was because as the wartime rhetoric emphasized their importance to the country and the "battle for democracy," employers did not extend the "fruits of democracy" during, or especially after, the war. Wages did rise during the war years, but not nearly as much as was necessary to keep workers and their family's solvent. Inflation doubled the cost of living from 1915 through the end of 1919. Furthermore, the "return to normalcy" after the war meant that employers attempted to bring wages back down to prewar levels. At the same time, the federal government ended wartime price controls and allowed corporate leaders to resume union-busting strategies. This not only explains why workers took it upon themselves to strike in the postwar era, but also the ferocity with which antiunion state and local governments fought back. In western Pennsylvania, the heart of the 1919 Great Steel Strike, for example, Sheriff William S. Haddock initiated a "reign of terror," deputizing 5,000 strikebreakers for U.S. Steel to execute orders forbidding indoor and outdoor union meetings. Even the federal government became involved, with Attorney General A. Mitchell Palmer ordering immigrant workers to be rounded up and deported. Beatings, arrests, and the general suppression of civil liberties became the norm in the strike zone.[43]

[40] Jeremy Brecher, *Strike!* (Oakland, CA: PM Press, rev. ed. 2014), 101.

[41] Most of these actions faced reprisals, sometimes of extreme violence. When African American sharecroppers in Philips County, Arkansas joined the Progressive Farmers and Household Union of America, mobs of White vigilantes—with the assistance of National Guardsmen—went on a murderous rampage in what became known as the Elaine Massacre.

[42] Brecher, *Strike!*, 102–103.

[43] Brecher, *Strike!*, 117–129.

The strikes that miners resumed in the coal fields of West Virginia in 1920—and the reprisals they faced—bore many similarities to those of other workers during this era, particularly steel workers. "What *was* exceptional," according to historian John Williams, "was the ferocity of the struggle and the character of the violence that ensued."[44] During the spring and summer of 1920, Frank Keeney and organizers at District 17 renewed their efforts to organize miners in the southern nonunion coalfields and succeeded in getting 85 percent of the workforce to sign the union pledge. Although the racial makeup of the organizing miners is unknown, the author of an article about the strike in the Black, socialist, pro-labor magazine *The Messenger* noted, "It is reported that one-third of the miners on strike in West Virginia, are Negroes, a fine and praiseworthy evidence of class consciousness."[45] The operators as a whole refused to recognize the union, but the Red Jacket mine superintendent took it a step further by forcing miners to sign anti-union (yellow dog) contracts that May, a move that other operators followed. Those who refused were fired, and operators again employed Baldwin-Felts guards to evict the families from company housing. The sheriff of Mingo County, G. T. Blankenship, remembering that this was what had set off the violence during the Paint Creek-Cabin Creek strike, tried to intervene by arresting the guards, including Tom Felts, for executing illegal evictions. With the law and the sheriff on their side, miners continued to organize, primarily in protest of the continuation of the mine guard system.[46]

In the wake of their evictions from company houses, many strikers' families relocated to a tent colony near Lick Creek. They struggled tremendously throughout the winter, living on frozen ground with children dying of pneumonia. According to Green they continued the fight despite these conditions because the stakes were so high for the potential of unionizing the miners throughout the region. Perhaps because of these conditions, the strike in Mingo County was again covered in the national media, with public opinion being decidedly against the coal operators and state officials. In the midst of the strike, Ephraim Morgan was elected as the new governor of West Virginia. Despite the change in leadership, the status quo of the state government catering to coal interests continued; coal companies secured Morgan's support by contributing $750,000 towards his campaign.[47]

Matewan Massacre and Murder, May - August 1920

One of the most famous events of this period was a shoot-out in the independent town of Matewan in Mingo County between several Baldwin-Felts guards, the local sheriff Sid Hatfield, and some townspeople that occurred on May 19. The incident stemmed from the fact that the guards began the process of evicting families from company housing (destroying their furniture in the process) without legal authority. When Hatfield and the mayor of Matewan, Cable Testerman, asked them to produce warrants, the detectives falsely claimed they had a court order allowing them to execute the evictions. When the detectives returned to Matewan later that day, the tensions boiled over between Hatfield and Felts, each claiming they had a right to arrest the other.[48] The verbal altercation turned violent when someone began shooting. By the end of the shootout, Testerman, seven Baldwin-Felts guards (including Albert and Lee Felts, brothers of agency head Tom Felts), and two other townspeople were dead in an event that led to the county's moniker, "bloody Mingo."

The Matewan Massacre, as it became known, only added fuel to the fire of the regional labor struggle; by that

[44] Williams, introduction to *Thunder in the Mountains*, xv.
[45] "West Virginia Miners," *The Messenger*, vol. 3, no. 5 (October 1921): 259.
[46] Green, *The Devil is Here in These Hills*, 217–20; Peter Graham Fish, "Red Jacket Revisited: The Case That Unraveled John J. Parker's Supreme Court Appointment," *Law and History Review* 5, no. 1 (Spring, 1987): 59–60.
[47] Green, *The Devil is Here in These Hills*, 229; Corbin, *Life, Work, and Rebellion in the Coal Fields*, 211–12.
[48] Bond, "Matewan Historic District," 14–15.

July, over 90 percent of miners in Mingo County had pledged the union oath. The energy in Mingo led the UMW to pledge the necessary resources that Keeney and Mooney needed to organize these workers and support the strike. Meanwhile, the violence had escalated to such an extent that Governor Morgan declared that there was unrest in Mingo and again declared martial law, taking power away from the local sheriff and giving it to the state police. Free speech and free assembly were suppressed, and the police had the authority to arrest anyone on any suspicion and hold them in jail. In a contrast to the strike of 1912, Governor Morgan did leave local courts in session, an action that Green argues was "no more than a fig leaf to cover up the action of a military regime" that controlled Mingo County, for the restrictions of martial law applied only to striking miners. Operators received a substantial legal victory when a U.S. District Court judge issued a sweeping injunction that essentially barred the union from operating or recruiting anywhere near company property. The Red Jacket injunction was such that it effectively banned the union from the strike zone; its severity caught the attention of Roger Baldwin, head of the nascent American Civil Liberties Union (ACLU). Baldwin discussed the possibility of filing a test case, but Albert DeSilver, also of the fledging ACLU, argued that the miners ought to simply violate the injunction and fill the jails—a proposal that Keeney seriously considered. In the meantime, the violence continued.[49]

During one gun battle on June 5, near the tent colony of Lick Creek, James A. Bowles, a state trooper, killed Arthur Breedlove, a well-known miner, as he was attempting to surrender his gun. After the skirmish had ended, Captain Brockus of the state troopers ordered the state troopers to break up the tent colony—and they did, shredding tents, breaking furniture, and arresting 56 miners. The raid on the tent colony and the murder of Breedlove made national news and riled the union miners even further. Once again, members of Congress began to investigate the events in West Virginia. Senator Hiram Johnson of California had called for a governmental inquiry into Morgan's use of martial law, but only a few senators supported him until the raid and murder of Breedlove prompted more to join his cause. On July 14, 1921, the Committee on Education and Labor began a series of hearings in which Hatfield, Keeney, and Mooney, along with C. E. Lively (a double agent who spied for the Baldwin-Felts guards) and Brockus, all testified.[50]

In response to the scrutiny, Morgan received a state supreme court decision nullifying his use of martial law during peacetime. He then issued a new proclamation that entrusted a hundred local residents who had been enrolled in a new unit of the National Guard with the power to "arrest miners for any kind of violation of martial law and to hold them without charges, without access to legal counsel, and without the possibility of bail." This action infuriated civil liberties advocates like Roger Baldwin with the ACLU. While Baldwin worked to increase public outcry against the actions of state officials and coal operators in West Virginia, it took a series of New York *Evening Pos*t articles by journalist Winthrop D. Lane, who investigated the conditions of the strike in Mingo, to capture the public's attention in 1921.[51]

August proved to be another critical month during the Mingo County strike. After the shootout in Matewan, Sheriff Sid Hatfield and Deputy Sheriff Ed Chambers were brought to trial for their roles in the affair. Hatfield was very popular among miners because he had been one himself and was sympathetic to their plight,[52] and his stance against the hated Baldwin-Felts guards only increased his stature. On August 1, while walking on the steps of the McDowell County Courthouse with their wives, C. E. Lively and another Baldwin-Felts guard shot Hatfield and Chambers to death in full view of anyone in the general vicinity. The incident became another

[49] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 199–202; Green, *The Devil is Here in These Hills*, 217–20.
[50] Bond, "Matewan Historic District," 21.
[51] Green, *The Devil is Here in These Hills*, 231–40.
[52] Bond, "Matewan Historic District," 13.

rallying cry for angry miners. In the meantime, at a mass meeting on August 7, the union miners crafted a list of demands to the governor in which they articulated what was wrong with the status quo and presented their demands to fix it. Again, these demands were not radical; rather they issued the same demands as they had issued during the Paint Creek-Cabin Creek strike, while also reiterating that the rule of law was nonexistent in the southern counties. The demands explicitly stated, "Whereas it is known of all men that the enforcement of laws is not now in the hands of the Elected Officers of the people in said mining districts," before listing the various rights listed in the Bill of Rights that were being suppressed. The three-page statement concluded by summarizing the state of affairs in the coal region of West Virginia:

> Resolved, That we cannot rule the mountain commonwealth by brute force. There can never be industrial peace in West Virginia so long as the great corporations and landholding companies who are not interested in West Virginia's tomorrow attempt to rule with the iron rod through private detective agencies and privately-paid deputy sheriffs, who subvert the power that is justly lodged in the hands of the officers elected by a government of the people—by the people—for the people.[53]

But on August 17, Morgan issued a statement in which he steadfastly refused to lift martial law, release any of the union miners from Mingo jail, or even comment on the murders of Hatfield and Chambers, let alone take any action against the Baldwin-Felts guards. He then publicly "absolve[d] the mine owners, the state troopers, and the private guards of any wrongdoing," but never addressed the murders of Hatfield and Chambers.[54]

The March on Logan, August 1921

The two men tried for treason at the Jefferson County Courthouse went on trial because of their alleged involvement in the March on Logan County in August 1921. While multiple UMW members faced charges stemming from the events of this march, no other trials captured national media attention as did the ones for the charges of treason against the state of West Virginia. Although the legal proceedings focused on the events of the march itself, the proceedings shed considerable light on the ways in which the state denied striking miners due process of law during the strike in Mingo County.

Shortly after the Governor made his announcement regarding his intentions to maintain martial law in Mingo County, union miners started to gather in the small town of Marmet, eight miles south of Charleston. Collectively they decided to march into Mingo County, over seventy-five miles away. While the murders of Hatfield and Chambers, coupled with the fact that C. E. Lively remained free on bail, were a key impetus for the miners to organize, the purpose of the march was to forcibly free striking miners who had been arrested under the martial law imposed on Mingo. They would first go to Logan County with the intention of killing Sheriff Don Chafin and blowing up the county courthouse. The goal was to end the mine guard system once and for all and to unionize the southern counties.

As they traveled, sympathizers from Boone, Raleigh, Fayette, Mingo, McDowell, and Logan Counties joined the approximately 15,000-member "citizen's army." One noteworthy aspect of the march was the diversity of the marchers. Approximately 2,000 African Americans, primarily men who worked in the Kanawha-New River Field, participated. As the march advanced, Black miners from Mingo, Logan, and McDowell came to support

[53] "Resolutions Adopted at a Mass Meeting Held by Citizens of West Virginia, on the Capitol Grounds, Charleston, Sunday, August 7, 1921, relating to the Industrial Disturbances in Mingo County, and Dealing with Ways and Means to Establish Peace in that Coal Field," 3, William Blizzard Collection, West Virginia State Archives, Charleston, West Virginia.

[54] Green, *The Devil is Here in These Hills*, 253–56.

it as well. Pro-union Black miners had many reasons to join the march, as they often were subject to the worst abuses of the miner guards.[55] While many marchers came from the region, a sizable portion were newcomers to both West Virginia and the country as a whole: immigrant miners from Ireland, Wales, Greece, Italy, and Eastern European countries. A small number of women also participated, serving as nurses for injured marchers. They identified their role by wearing the number of the local union on their caps where a red cross would have been. "It was," John Williams explains, "one of the union's great achievements to have forged a degree of unity among a heterogeneous working population thrown together only recently and under adverse circumstances." A White miner who participated described the march and the miners in the southern counties as "a darn solid mass of different colors and tribes, blended together, woven, bound, interlocked, tongued and grooved and glued together as one body."[56] The march represented a singular moment in American labor history for its racial and ethnic diversity, the degree of militancy, and the scale of militant organization among the participants.

Throughout the trek, marchers alternately displayed a respect for and a flagrant dismissal of the law. While some did rob company stores along the way, the marchers also purchased the goods they needed from independent stores. At the beginning of the journey, marchers procured 1,200 dozen loaves of bread, all that was available in Charleston, to send along the route. According to Lon Savage, when miners found passenger trains filled, they "commandeered a freight train at gunpoint and rode it into the Cabin Creek Junction, carefully giving their tickets to the yardmaster."[57] Their actions may seem contradictory, but this was largely because this march was without precedent. James Green explains, "American workers had been organizing unions, demanding their liberty, and invoking the virtue of solidarity for nearly a century, but the nation had never witnessed such a large body of workingmen undertaking a militant action on such a scale… By August 25th it had become the largest insurrection the country had experienced since the Civil War."[58]

After the meeting in Marmet, Frank Keeney gave an interview with the *New York Times* stating that he had "wash[ed his] hands of the whole affair." Throughout the march, Keeney and Mooney maintained that it was a leaderless, spontaneous affair, but District 17 was in fact very much involved. At the helm of the march was Bill Blizzard, President of Sub-District No. 2. Blizzard came from a family that was heavily involved in the state's mining struggles. His father was a blacklisted member of the UMW and his mother led the group of women who destroyed the train tracks to prevent the Bull Moose Special from making a return run during the Paint Creek-Cabin Creek strike.[59] While Blizzard may have been a leader, the marchers acted with their own precision and discipline, according to Howard Lee, former attorney general of West Virginia.[60]

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[55] Testimony of George Echols, September 18, 1921, in Corbin, *West Virginia Mine Wars*, 104–05; Green, *The Devil is Here in These Hills*, 253–56. George Echols, a miner who lost his job because of joining the union, explained to Senator Kenyon who visited the Lick Creek tent colony to investigate the events that catalyzed the march, that he remembered "the time when I was a slave, and I felt just like we do now." He continued by testifying, "The United Workmen of America have privileges which are guaranteed by the United States, and we have rights to protect us, both the black and the white," but that the mine guard system essentially negated those rights.

[56] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 217–19, Williams, introduction to *Thunder in the Mountains*, xv; Trotter, *Coal, Class, and Color,* 112–13.

[57] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 217–19; Lon Savage, *Thunder in the Mountains: The West Virginia Mine War, 1920-21* (Pittsburgh: University of Pittsburgh Press, 1990), 6, 9.

[58] Green, *The Devil is Here in These Hills*, 262.

[59] Ibid., 253–56, 261. Historian C. Belmont Keeney describes Blizzard as "one of West Virginia's most influential and controversial labor leaders of the 20th century." C. Belmont Keeney, "Bill Blizzard," e-WV: The West Virginia Encyclopedia. 26 September 2012, https://www.wvencyclopedia.org/articles/545.

[60] Howard B. Lee, *Bloodletting in Appalachia: The Story of West Virginia's Four Major Mine Wars and Other Thrilling Incidents of Its Coal Fields* (Morgantown: West Virginia University, 1969), 98.

The Battle of Blair Mountain, August - September 1921

Governor Morgan knew that the bloodshed would be heavy if the miners' army was able to march into Logan, but the state police had been dispatched to Mingo County, and the National Guard was under the control of the army, so he petitioned the government to send in federal troops. When the secretary of war declined his request, he went to Sheriff Chafin to have him assemble a "home guard" to repel the marchers. People who volunteered for Chafin's army included the middle-class of the region such as teachers, shopkeepers, and other white-collar workers who supported progressive-era labor reforms to stop the "worst abuses" in the industry but were leery of the labor militancy of the post-World War I era, particularly when supported by "radical" groups like the Socialist party. Along with collecting volunteers, Chafin began amassing a massive arsenal that included machine guns and even planes capable of carrying bombs.[61]

By the end of August, the miners encamped in the town of Blair, just below Blair Mountain, a long ridgeline that they would need to cross to reach Logan County. Chafin's army took up its own positions along the ridgeline: it was here that the two forces would come face-to-face. During the night of August 30th, John Wilburn, a minister, and part-time miner, led a group of seventy miners—including two of his sons—up the mountain. During a dawn patrol, Wilburn and four other men encountered three deputy sheriffs of Chafin's army including John Gore, an infamous mine guard in Logan County. In the gun battle that ensued, the miners shot and wounded the deputy sheriff. Gore then shot and killed Eli Kemp, a miner, before Wilburn shot Gore in the head, ensuring that he was dead. This marked the beginning of the Battle of Blair Mountain. For the next three days, the "gunfire seemed relentless" as the two sides battled with gatling guns, rifles, and other firearms along the ridge of Blair Mountain. During the second day of fighting, Chafin's army followed his orders and dropped two nausea-inducing gas bombs and two bombs filled with powder, nuts, and bolts from airplanes on the encamped miners. As James Green describes it, "Something extraordinary happened on Spruce Fork Ridge that day: American citizens were being subjected to aerial bombardment on their own soil."[62]

After several days of heavy fighting along the mountain ridge, the miners were ready to descend when the federal government stepped in, dispatching "2,500 federal troops, 14 bombing planes, gas and percussion bombs, and machine guns to the area," effectively ending the miners' march before they could descend on Logan. The miners surrendered to the federal troops because they were not rebelling "against constituted authority," only the local and state governments that catered exclusively to mining interests to the point of denying citizens their constitutional rights. In fact, miners viewed the intervention of the military as a victory, seeing it as a signal that the rule of law would return to the region, even though they failed to free the jailed miners or rid the county of its sheriff.[63] The fighting of the West Virginia mine wars officially ended on September 4, 1921. According to the West Virginia State Archives, "Blair Mountain stands as a powerful symbol for workers to this day… For many years, the story of the march was communicated by word of mouth as an inspiration to union activists. It serves as a vivid reminder of the deadly violence so often associated with labor-management disputes. The mine wars also demonstrate the inability of the state and federal governments to defuse the situations short of armed intervention."[64] Due to the size, length, and violence involved, the legacy of this short battle has loomed large in American labor history.

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[61] Williams, introduction to *Thunder in the Mountains*, xiv; Green, *The Devil is Here in These Hills*, 266, 278.

[62] Green, *The Devil is Here in These Hills*, 278.

[63] Corbin, *Life, Work, and Rebellion in the Coal Fields*, 224, 236; Green, *The Devil is Here in These Hills*, 279; Robert Shogan, *The Battle of Blair Mountain: The Story of America's Largest Labor Uprising* (New York: Basic Books, 2006), 192–203.

[64] "West Virginia's Mine Wars," West Virginia State Archives, http://www.wvculture.org/history/archives/minewars.html, accessed October 3, 2019.

THE TREASON TRIALS

While many historical accounts of the West Virginia mine wars cite the battle of Blair Mountain as the end of the mine wars, this event did not mark the end of the miners' fight. Rather, the final battle of the mine wars was fought in a courtroom in eastern, agrarian Jefferson County. The proceedings commenced with William Blizzard's treason trial, which began on April 24th, and ended in an acquittal on May 25th. Following this were the trials of J. W. Wilburn and his son John Wilburn on charges of murder, both of which ended in guilty verdicts. The final trial at the Jefferson County Courthouse was the treason trial of Walter Allen in August, which also ended in a guilty verdict. Heavily covered by major newspapers, with articles and editorials syndicated around the country, the trials—especially Blizzard's case—sparked a national conversation on the efficacy and constitutionality of the coal operators' efforts to thwart unionization.

In the aftermath of the march, Governor Morgan sought federal charges against the union miners. The federal government declined to bring charges, instead choosing to continue the Senate investigation into the conditions of the coal region. When federal charges failed to materialize, Morgan ensured that the state of West Virginia would take up the mantle of prosecuting the marchers. During the winter and spring of 1922, over five hundred miners were indicted on charges of murder, conspiracy to commit murder, accessory to murder, and treason against the state.[65] The last of these charges was designed, according to James Green, to undercut the miners' message of being patriotic citizens and paint them instead as radical revolutionaries.[66] The bulk of the arrests occurred in Kanawha, Boone, Raleigh, and Fayette Counties, with the accused sent to Logan County. The Logan jail soon filled to capacity, and as other counties declined to open their jails, Logan officials released hundreds with the promise to appear in court. Seventy-five of the more renowned participants were held without bail in the Logan County jail until their trial.[67] The *Seattle Star*, one of the numerous newspapers covering the trials, listed each of the indictments: intending to invade Logan and Mingo Counties to wage warfare against the citizens therein; to overthrow the martial law that the Governor had declared; to forcibly free the miners held in prison for violating martial law; to take over the counties and prevent the rule of law; to nullify martial law in Mingo County; and to release the imprisoned miners in Mingo County. The treason charges were based on the state's statute, the "Red Men's Act"; the murder charges were based on the deaths of mine guard John Gore and other officers killed on Blair Mountain.[68]

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[65] Because the court records are silent on the race of the miners indicted by the state, it is not known how many Black miners were indicted. As previously mentioned, the Black, socialist, pro-labor magazine *The Messenger* noted the involvement of African American miners in the strikes and march. In June 1922, the same publication reported that "At Charlestown [sic], where John Brown, … was tried for treason, white and black miners today are being tried for treason because they cried out against wage slavery." Thus, it is likely that there were Black miners indicted. *The Messenger*, Vol. 4 No. 6 (June 1922), 426.

[66] Green, *The Devil is Here in these Hills*, 291.

[67] Lee, *Bloodletting in Appalachia*, 104–05.

[68] "West Virginia's Treason Trials," *Seattle Star*, May 16, 1922; "500 Miners Face Treason Charge," *The New York Times*, April 23, 1922. "The Red Men's Act" under Article 6: Crimes Against The Peace, holds that any group of two or more persons "combine or conspire together for the purpose of inflicting any punishment or bodily injury upon any other person or persons, or for the purpose of destroying, injuring, defacing, or taking and carrying away any property, real or personal, not their own, every such person, whether he has done any act in pursuance of such combination or conspiracy or not, shall be guilty of a misdemeanor." However, if any property is destroyed or anyone is injured in the process then the crime becomes a felony; and if anyone is killed as a result, then "every person engaged in the commission thereof shall be guilty of murder of the first degree, and, upon conviction thereof, punished as in other cases of murder of the first degree" (§61-6-7). Conspiracy to inflict injury to persons or property; infliction of injury or death in pursuance thereof; penalties, Article 6. Crimes Against the Peace, Chapter 61. Crimes and Their Punishment, West Virginia Code, http://www.wvlegislature.gov/WVCODE/ChapterEntire.cfm?chap=61&art=6&section=7.

While there were multiple indictments, the charge that received the most attention was that of treason against the state of West Virginia, which was leveled against twenty members of District 17. The stakes of these trials were high, not just for the workers in the state, but also, as Corbin argues, for the struggling labor movement as a whole: "If laboring men and women could be on trial and executed for attempting to abolish a brutal, anti-union regime (even in a state like West Virginia at the time) the entire labor movement could well have collapsed." A writer for the *Brooklyn Daily Times* informed its readers of these stakes at the outset of the trials: "[B]eneath the murder and treason charges is a fight of broader consequences to this State and to the Nation as a whole. It is a life and death struggle between capital and unionism." The key fear among labor leaders was that if the prosecution prevailed, the anti-union tactics revealed by these trials would be legitimized and could spread to other industries in regions far beyond the borders of West Virginia.[69]

The trials were initially to be held in the coal region but were moved to Jefferson County—over 250 miles away by train—in the attempt to secure an impartial jury. From the outset, the trials for treason appeared to be on shaky legal ground. Believing that the charges were "improper," the prosecutor for Jefferson County, John T. Porterfield, recused himself and declared that the trials were "a waste of scarce resources and mean-spirited vendettas."[70] Into his place stepped C.W. Osenton and A. M. Belcher, referred to as the "Coal Dust Twins" by the miners, to lead the prosecution. Belcher had previously been a lawyer for the UMW and participated in the military-court trials during the Paint Creek-Cabin Creek strike but had since joined the coal operators' side. Thomas Townsend, a lawyer for the UMW, led the defense team along with Harold Houston. While the accused sat in jail, Houston went to work raising funds for their legal defense. This effort began well before the indictments were issued. During the march on Logan, Frank Mooney helped to establish the Mingo County Defense League. Many responded to the national, and global, call for donations to the "Miners Defense Fund," and soon the fund amassed over $50,000.[71]

The funding of both the defense and the prosecution are one historically significant aspect of these trials, illustrating the wider issues that undergirded the mine wars. The money raised on behalf of the accused miners showed the support they received from the labor movement, even among industries wholly unconnected to coal mining.[72] While organized labor paid for the legal defense of the accused miners, the coal operators supplied the immediate funding for the prosecution (although they would later bill the state for $125,000 in legal fees). For the duration of the trials, according to Richard Lunt, the prosecuting attorney for Jefferson County and the state attorney general did not participate. As such, in the eyes of many observers, the state was once again abdicating its responsibilities to the coal barons.[73]

Shortly before the trials began, the small county seat of Charles Town became flooded with people connected to the proceedings. The accused miners and their families arrived accompanied by a swarm of reporters, many of whom were quick to pick up on the fact that these treason trials were taking place at the same site as John Brown's treason trial of 1859. The day before the trials began, the *New York Times*, which covered the first trial extensively, noted, "In the same Court House that witnessed the trial and conviction of John Brown, more than

[69] Corbin, *West Virginia Mine Wars*, 135; "200 Miners Put on Trial in War Against Capital," *The Brooklyn Daily Times*, April 24, 1922.

[70] Shogan, *The Battle of Blair Mountain*, 216.

[71] Lee, *Bloodletting in Appalachia*, 104; Corbin, *Life, Work, and Rebellion in the Coal Fields*, 106; Fred Mooney, *Struggle in the Coal Fields: The Autobiography of Fred Mooney*, J. W. Hess, ed. (Morgantown: West Virginia University Press, 1969), 119; Shogan, *The Battle of Blair Mountain*, 214.

[72] According to Fred Mooney, the United Garment Workers donated $1,000 to the Miners Defense Fund. Mooney, *Struggle in the Coal Fields*, 119.

[73] Richard D. Lunt, *Law and Order vs. The Miners: West Virginia, 1907–1933* (Hamden, CT: Archon Books, 1979), 159.

500 officials and members of United Mine Workers of America will go on trial tomorrow at Charles Town, W. Va. on charges of murder and treason growing out of the war that has been raging in the coal fields for many years." After describing the leading defendants (including Frank Keeney, Fred Mooney, and William Blizzard), the article describes the events that led to these legal proceedings, framing them in such a manner as to impart their significance to the reading audience: "A considerable part of the men in the 'army' which fought its way through the mountain wilderness has assembled in peaceful garb in the county seat…on the rolling hills of Jefferson County for the trial which the union miners expect will be the greatest legal contest ever staged over the principles of unionism and its ramifications." Estimates placed the number of witnesses as exceeding two thousand. Because of the small size of the courthouse, few if any spectators would be permitted to observe the proceedings, and not even all the defendants could be there simultaneously.[74]

At least one source reported that Black miners were among those indicted by the state,[75] thus it is possible that some traveled to Charles Town as defendants or to observe the trials and their outcome. To date, no records of those in attendance have been identified, however, a group portrait (Historic Image 2) of United Mine Workers leaders and lawyers posed in front of the courthouse during the trials shows three well-dressed African American men standing in the background, suggesting that Blacks attended the trials, at least to observe. While no evidence that the courthouse was formally segregated by ordinance has come to light, it was common practice to set aside a section of the courtroom where African Americans would sit, often in the galleries.[76]

The sheer number of defendants and witnesses presented a problem for the small town: where to house everyone. The UMW leased the Palm Hotel and the Charlestown Inn, while the prosecution leased the Jefferson Hotel and other facilities in nearby Harpers Ferry. The UMW had planned to erect a tent colony if needed to house the accused, their families, and witnesses; but the hospitality the town showed towards them made that unnecessary. Several articles noted the welcome that the miners received; not only did residents open their homes to them, but also, as the *Times* recounted, "the whole town is turning out to see that all are comfortably provided for and arrangements are being made to care for the wives and children of the defendants, many of whom are in dire circumstances." On the first Sunday of the trials, several of the town's clergymen specifically invited "several hundred of the defendants and their friends" to attend local services. Another display revealing where local sympathies tended to lie, at least initially, was when residents held a baseball game to benefit the local hospital and invited Blizzard—while he was on trial—along with eight other defendants to play. According to the *New York Tribune*, "All the defendants attended by invitation, but the presence of the prosecutions' witnesses was not requested." The "away" team of miners won the game.[77]

The First Treason Trial: Bill Blizzard, April 24–May 25

The counsel for the defense demanded separate trials for each of the accused, which was a right legally guaranteed. Although the prosecution protested that proceedings would take "fifty years" were each defendant to be tried, the motion was granted for the defense. The first to be tried was Bill Blizzard, charged with treason

[74] "500 Miners Face Treason Charge," *The New York Times*, April 23, 1922; "West Virginia Town Draws Thousands for Miners' Trial," *The New York Times*, April 24, 1922; "West Virginia Treason Trial," *Evening Star* (Washington, D.C.), May 5, 1922. Brown was tried in the existing courthouse that was largely rebuilt after the Civil War and has since lost physical integrity for its association with that trial.

[75] "At Charlestown [sic], where John Brown, … was tried for treason, white and black miners today are being tried for treason because they cried out against wage slavery." *The Messenger*, Vol. 4, No. 6 (June 1922), 426.

[76] Electronic mail correspondence with John Demer of the Jefferson County Historic Landmarks Commission, January 13, 2022.

[77] "500 Miners Face Treason Charge," *The New York Times*, April 23, 1922; "West Virginia Town Draws Thousands for Miners' Trial," *The New York Times*, April 24, 1922; "If this Be Treason, Make the Most of It," *New York Tribune*, May 14, 1922.

against the state.[78] On April 24, the first day of the trial, the *New York Times* laid out the scene and the stakes of this event:

> Not since the days of 1859 when John Brown and his men were tried here for the insurrection at Harpers Ferry has the seat of Jefferson County witnessed such stirring scenes as those of today… The trial on which nation-wide interest is centered because of its importance in relation to organized labor and coal strife is expected to reveal many heretofore unknown facts concerning the armed march of last year.

While this trial was that of one defendant, the *Times* aptly recognized that the implications of the legal proceedings were far more consequential, observing, "Counsel for both prosecution and defense were busy today preparing for the unique trial, which is expected to develop into an unprecedented legal contest over the principles and rights of unionism."[79] The *Brooklyn Daily Times* had placed the trials in more starkly political terms and underscored their significance by quoting the defense's opening statement: "These trials [center on] the question of whether the worker shall be a beast of burden or a human being. There is no place in America for privately-owned government, the government here must be of the people."[80] The historical significance of the trial was clear even to contemporary observers.

At the beginning of Blizzard's trial, the defense attempted to have all the cases dismissed because the indictments did not include the word "felonious" and thus were far too general in their language. While the defense lawyers lost that motion, the next day they succeeded in winning a motion that forced the prosecution to specifically reveal the evidence it had against Blizzard. Furthermore, according to the *New York Times*, the judge warned the prosecution that they would lose "unless they could more correctly identify the local union officials alleged to have aided Blizzard and his co-conspirators in financing the miners' army to 'levy war against the state.'"[81] This latter issue was particularly important because the prosecution had the burden of proving that the miners engaged in acts of war against the state. Based on the wording of the state constitution, which is modeled on the federal constitution, to be found guilty of treason, the defendant must have been involved in an "actual levying of war."[82]

National Media Attention

The sheer amount of media attention to the treason trials, particularly Bill Blizzard's trial, turned these regional issues into a national conversation. Media coverage was most extensive in Pennsylvania, as papers from cities and towns like Altoona, Allentown, Scranton, Indiana, Lebanon, Wilkes-Barre, and New Castle covered the trial daily. The *Scranton Republican* was the most comprehensive in its reporting. Several papers in New York City also kept their readers apprised of the trials, with the *Brooklyn Citizen* and the *New York Times* covering the daily events, reporting on who testified and the key details of each testimony.

Reactions among these outlets varied to a degree. In an article providing an overview of the newspaper coverage of Blizzard's trial, the *Literary Digest* summarized the key perspectives. According to their assessment, the *New York Times* generally supported the state with such rhetorical questions as "Can a labor

[78] Lee, *Bloodletting in Appalachia*, 109–11.
[79] "West Virginia Town Draws Thousands for Miners' Trial," *The New York Times*, April 24, 1922.
[80] "200 Miners Put on Trial in War Against Capital," *The Brooklyn Daily Times*, April 24, 1922.
[81] "Lewis Hears Miners Win Point in Trial," *The New York Times*, April 27, 1922.
[82] James G. Randall, "The Miners and the Law of Treason," *The North American Review* 26, no. 802 (September 1922): 312–13. This article, written at the end of Blizzard's trial, provides insight into the history of treason in the American legal system at the time, and the difficulty in obtaining convictions.

organization be a law unto itself?" Others, however, almost wholly supported the miners, given the state of local conditions. The *Newark News* wrote, "Participants in an armed rebellion should face punishment" but "those who marched claimed the desire to liberate 'the slaves of the non-union coal regions' from a rule which has no place in free America." The writer continues to speculate whether the march would have even happened "had there not been reasonable ground that the state government was allied with coal operators." The *Norfolk Virginian* also cast doubt on the charges of treason: "No one believes that even the guiltiest parties were guilty of intent to overthrow the state." The *New York Evening Post* agreed: "Treason to a state is hard to conceive at best, and infinitely hard in the case of a state with the notorious recent history of West Virginia." The *New York Evening World* and the *New York Evening Mail* expressed similar views, with the latter commenting that if the marchers were violent, they should be punished for this; if they were guilty of conspiracy to commit a crime, they should be punished for that, but "neither conspiracy nor violence is, however, treason."[83]

Almost all the newspapers concurred that the charge of *treason* was a major overstep. The author of another review of media coverage in the *Literary Digest* wrote that even writers for the conservative *New York Times* opposed the treason charges, citing that the government of West Virginia had basically abdicated its responsibility to the coal operators: "Logan County can scarcely be said to have been under the rule of law or to have had a republican form of government. Private war was answered by private war."[84] In an editorial sympathetic to the miners, a writer for *The Evening World* concluded,

> It is surprising the mine owners attempted to press so absurd a charge unless, as *The Evening World* suggested at the opening of the [Blizzard] trial, the object was to intensify the feelings of hate in the district and the likelihood of more civil war and the denial of constitutional rights. If this was the object, it may have succeeded in West Virginia, but it has failed in the nation at large, where the demand is growing for the restitution of a republican form of government in the nonunion coal fields.[85]

Perhaps the author of a full-page article on the trials in the *New York Tribune* summarized the views of many media outlets the best by claiming to have come into the trials as an unbiased observer but having "left Charleston [sic] nine days later, completely convinced that not only was the 'March on Logan and Mingo' not directed against the sovereignty of the state, but that it actually was on behalf of it—to get the state to try the experiment of going into the sovereignty business on its own hook and compete a bit with the super-sovereignty established by the coal operators."[86] If the indictments and trials were designed to undercut the message of the miners, in the eyes of American journalists, the state had failed miserably.

Understandably, much of the press emphasized the significance of the treason trials for the labor movement. The UMW had the most at stake in the outcomes of the trials, as evidenced by the presence of John Lewis, the president of the UMW, who attended Blizzard's trial and sat at the defense table rather than in the audience.[87] By that September, in the midst of the trials, the executive council of the AFL crafted a formal denunciation of

[83] All quoted in "West Virginia's Treason Trials," *Literary Digest*, May 13, 1922, in Corbin, *West Virginia Mine Wars*, 137–38. Criticism of the treason charges mirrored those arising from an earlier 1892 Homestead Steel Strike in Pennsylvania in which 33 members of the "Advisory Committee" were charged with treason following a bloody confrontation between steel workers and company guards. Unlike the charges against the coal miners, the Homestead treason cases never went to trial. James Willard Hurst, *The Law of Treason in the United States: Collected Essays* (Westport, CT: Greenwood Publishing, 1971), Appendix I, https://www.constitution.org/cmt/jwh/jwh_treason_apn.htm.

[84] "West Virginia's Treason Trials," *Literary Digest*, June 22, 1922, in Corbin, *West Virginia Mine Wars*, 140.

[85] "A Charge that Failed," *The Evening World* (New York City), May 29, 1922: 14.

[86] "If this Be Treason, Make the Most of It," *New York Tribune*, May 14, 1922.

[87] Lunt, *Law and Order vs. The Miners*, 159.

the legal proceedings and formally adopted a series of resolutions, the first of which stated, "We condemn and denounce the industrial feudalism which, represented by the coal-producing interests of West Virginia, masquerades behind the prosecution of officials and members of District 17 of the UMW in the so-call 'treason trials' currently in progress at Charleston [sic] W. Va." They also characterized the coal-funded prosecution as an attempt to eradicate the UMW and all unions "and to tighten the grip of this entrenched feudalism in control and domination of government in that state," and they reaffirmed their support for the leaders and members of District 17.[88]

While issues surrounding the suppression of labor organizing were at the forefront of the trials, there was another major issue at stake: the gross violation of miners' civil liberties under martial law. This was the issue that caught the attention of members of Congress and leading civil liberties activists. Civil liberties advocate Roger Baldwin, one of the founders of the American Civil Liberties Union (ACLU), first became involved in the West Virginia miners' struggles during the outset of the Mingo strike and continued his efforts to raise awareness of the denial of civil liberties in the coal fields during the legal aftermath of the march. The federal suppression of civil liberties during the First World War through the Espionage and Sedition Acts was the primary catalyst in the formation of the National Civil Liberties Bureau, the precursor to the ACLU. After the Bureau morphed into the ACLU in 1920, the state suppression of civil liberties during the strike in Mingo County became one of the organization's first causes. As the state of West Virginia prepared for the treason trials during the winter of 1922, Baldwin petitioned federal district attorneys to investigate the state's violations of the miners' civil liberties.[89]

Propaganda on Both Sides

Given the notoriety of the charges, both the prosecution and the defense attempted to curry public favor. The better-funded prosecution even hired popular evangelist Billy Sunday to travel around Logan County preaching against the miners charged with treason.[90] Aside from Sunday's tour, both sides focused their attention on Jefferson County, initiating intense propaganda campaigns designed to influence prospective jurors. Copying voting lists, the sides bombarded residents with incendiary literature and other means of disparaging the opposition. According to one account, the UMW dispatched organizers, disguised as travelling salesmen, to go door-to-door and talk about the brutality of the coal operators and mine guards in Logan County under the guise of selling books or sewing machines. The propaganda campaigns worked, dividing the residents into pro-and-anti-union camps, but the patrolling of "heavily armed" state police helped maintain the peace.[91]

Media coverage and propaganda campaigns aside, the trials rested on the legal merits of the prosecution's indictments. Because the first trial pertained to the charge of treason, Blizzard's case would set the standard for the rest of the proceedings for those accused on this charge. By most accounts, Blizzard was the leader of the march. Boden Sparks, a writer for *Leslie's Journal*, even went so far as to claim, "If there is a king in Boone County I should say it was Bill Blizzard."[92] But the question in dispute at his trial was whether he was at the helm when the marchers reached Blair Mountain. Throughout the trial, witnesses for the prosecution and defense presented conflicting testimony. The myriad accounts led one commentator to declare, "The general

[88] Gilman Parker, "Labor Denounced 'Feudalism' of W. Va. Coal Barons and Treason Trials," *New York Tribune*, September 15, 1922; "Denounces 'Treason' Trials," *The New York Times*, September 15, 1922.
[89] Green, *The Devil is Here in These Hills*, 293.
[90] Ibid., 294.
[91] Lee, *Bloodletting in Appalachia*, 107–08.
[92] Boden Sparks, "Jack Dalton vs. Bill Blizzard: In These Two Leaders are Personified Conflicting Ideals," *Leslie's Weekly*, in Corbin, *West Virginia Mine Wars*, 135.

public is more mystified than ever as to the facts of this great labor conflict…Viewed from any angle, it is an ugly mess."[93] Some miners who had turned state's witnesses against their compatriots testified that Blizzard was commanding the miners' army during the entire march and the battle on Blair Mountain. Witnesses for the defense, however, claimed to have seen Blizzard in Charleston during the march, while others said that Blizzard helped to broker the marchers' surrender after the army interceded. The defense's star witness was an infantry captain who stated that he never heard any miners talk of going to war against the government; rather, they sought to "protect the women and children" from Chafin's deputies in Logan County.[94]

The trial, which lasted for over four weeks, ended in acquittal. After the verdict came down on May 25, miners and local sympathizers celebrated in Charles Town. Later that day, sympathizers in Charleston feted Blizzard with a parade in which he was the guest of honor.[95] Rather than simply exonerate Blizzard, some contemporary observers claimed that verdict had deeper implications, as a writer for the *Duluth Herald* commented, "In a large measure the state of West Virginia was on trial in the Blizzard case and the verdict of acquittal as to Blizzard was equivalent to a verdict of 'guilty' against the state."[96] But rather than retreat in defeat, the operators doubled down on their efforts to spread anti-union propaganda through the town. The operators' propagandists "painted the miners' union as an ogreish institution, headed by criminals, that was responsible for the high prices the public was then paying for coal," according to Howard Lee. Apparently, the campaign was successful, for local opinion began to turn against the miners and their union.[97]

The second and third trials at the Jefferson County Courthouse in the summer of 1922 were of J. W. Wilburn and his son John Wilburn, charged with the murder of former mine guard John Gore. Both were found guilty and sentenced to eleven years in prison but paroled in 1925. In August, the next and final trial heard at this courthouse was the treason trial of Walter Allen, head of the Dry Branch UMW local who had led hundreds of miners from Raleigh County. In Blizzard's treason case, Judge Wood had instructed the jury that unlawful assembly, even it if resulted in violence, did not constitute treason if the participants were not conspiring "to levy war against the state." This time, however, Wood paved the way for a guilty verdict by instructing the jury that all the prosecution had to do was to prove that Allen was present at the march. Two witnesses—the minimum number of witnesses required for a treason charge—testified that they had seen him with the marchers in Logan County. After deliberating for forty-eight minutes, the jury found Allen guilty of treason and recommended a prison sentence of ten years. James M. Cain, who had been covering the trial for *The Baltimore Sun*, wrote a scathing report stating that, "By a jury of his peers packed against him and bearing instructions virtually proclaiming his guilt; on the flimsiest sort of evidence and with not the ghost of a chance at a fair trial from start to finish, Walter Allen, union miner, has been solemnly adjudged to be a traitor to that section of coal operators' real estate known as the sovereign state of West Virginia."[98] The defense immediately petitioned for a retrial because during the trial or immediately afterwards, three witnesses for the prosecution were appointed as deputy sheriffs of Logan County and thus were paid by the funds that the coal operators doled out to Chafin

[93] Frederick J. Haskin, "Labor War in West Virginia," *Richmond Palladium* (Richmond, Indiana), June 8, 1922, syndicated in the *Topeka State Journal*, the *Great Falls Tribune* (Great Falls, Montana), the *Perth Amboy Evening News*, and the *Albuquerque Morning Journal*.

[94] Green, *The Devil is Here in These Hills*, 295–97; According to one newspaper account, Brigadier General Harry H. Bandholtz, a decorated general who had served in the First World War and was dispatched to end the miners' march, testified that Blizzard was with him on an "automobile inspection trip," directly contradicting the prosecution's contention that he led the march, but this account is not corroborated in other sources. "West Virginia 'Treason,'" *The Labor World* (Duluth, MN), June 3, 1922.

[95] Green, *The Devil is Here in These Hills*, 298.

[96] "Treason and Reason," *Literary Digest* (June 22, 1922), in Corbin, *West Virginia Mine Wars*, 140.

[97] Lee, *Bloodletting in Appalachia*, 109–11.

[98] Green, *The Devil is Here in These Hills*, 296, 299–300.

and his deputies. While Judge Woods denied this motion, he did allow Allen to be released on bail while waiting for his appeal, during which time he fled the state and was never found, a move that forced the union to pay his bond of $10,000.[99]

Change of Venue: Morgan, Greenbrier, and Fayette Counties

The next trial scheduled was Frank Keeney's treason trial. However, by the time that Keeney was brought to trial, the prosecution's propaganda campaign, coupled with the notoriety of the past convictions, made it highly unlikely that an unbiased jury could be assembled. Siding with the defense in their motion that the political climate had become irrevocably hostile towards Keeney, the presiding judge ordered a change of venue to the Morgan County Courthouse. While agreeing with the defense on this point, the court rejected their other motion to end the coal operators' financing of the prosecution. Incidentally, according to the *Connecticut Labor News*, this motion revealed "in a court of record the activities of the coal interests in using the prosecuting power of the state to fight the miners' union." According to the record, coal operators directly funneled $32,000 into the trials at the Jefferson County Courthouse; it is speculated that they spent around $150,000 to $200,000 indirectly. In petitioning the court to end this practice, Keeney contended "that his prosecution is essentially 'private persecution.'"[100]

Public opinion in Morgan County, according to Howard Lee, favored Keeney, and his indictment was dismissed. Subsequently, the following trials were held in the Greenbrier County Courthouse, another county in the agricultural region of the state. Blizzard was again the first defendant to appear before that court on a charge of accessory to murder of George Muncy, a mine guard in Logan County who was killed before the miners' ascent on Blair Mountain; his case commenced on June 18, 1923. However, this trial was tainted with corruption almost from the start. Two witnesses for the prosecution were killed before they could testify, and G. C. Hickey, a union supporter, bribed a jurist to side with the defense. After the bribery scandal came to light, the trials relocated again to Fayette County—a surprise move because this was a coal-producing county where hundreds of miners had joined the march (many of whom were under indictment), and public sentiment strongly favored the defendants. While waiting to resume Blizzard's trial, the state proceeded with the next trial against Keeney, this one on the charge of accessory to murder. His acquittal led the prosecution to dismiss all the remaining treason indictments. In the end, the trials lasted over two years, costing the state upwards of one million dollars in court costs alone.[101]

Aftermath

While the leaders of UMW Local 17 did not face any convictions for the march, and no other miners served jail time aside from the Wilburns, the trials proved devastating to the UMW in West Virginia. Between the costs of the trials and the forfeiture of Allen's bond, the District 17 treasury was all but depleted, a situation that was especially problematic as many miners and their families remained on strike and living in the Lick Creek tent colony. To compound matters, the UMW cut off funds to District 17 after the trials, and Keeney was forced to end the two-year strike. Furthermore, while he had stood by them during the trials, John Lewis later excoriated Keeney and other officials of District 17 for losing members and funds as well as for a series of wildcat (non-union sanctioned) strikes in the region. Faced with mounting pressure, Keeney, Mooney, and other district

[99] Lunt, *Law and Order vs. The Miners*, 161–62.
[100] "Crushing Blow Dealt to Mine Owners in West Virginia 'Treason' Case," *Connecticut Labor News*, November 10, 1922: 8.
[101] Lee, *Bloodletting in Appalachia*, 110–14; Green, *The Devil is Here in These Hills*, 300.

officers resigned their positions, and District 17 went into receivership.[102] The events on Blair Mountain helped to shine a national spotlight on the miners of West Virginia, but the legal cost resulting from the week-long battle directly led to the end of the ten-year war they fought to secure their basic rights as workers and as citizens. Three years after the trial, John Lewis used Logan County to describe conditions under which non-union coal is mined.

> What has been happening in Logan County, West Virginia, has occurred in varying degree throughout the great Non-union regions, which at present are sending coal mined in such an environment to the industrial centers of the nation…. The tales of outrage and tyranny that come from the Non-union coal fields have weakened respect for government everywhere.[103]

In many respects, the hardships the miners faced in West Virginia reflected in the decline of organized labor more generally in the postwar era. The economic slump that followed on the heels of the boom of the war years affected industries in almost every sector of the economy. As industrialists pushed for open shops, courts supported anti-union injunctions, and wages dropped below even pre-war levels, organized labor suffered enormous setbacks. From 1920 to 1923, the AFL lost almost 25 percent of its total membership.[104] The trials of the West Virginia miners occurred in the midst of the struggling labor movement, which explains why so much attention was affixed to them; although the March on Logan and the Battle of Blair Mountain were regional conflicts, they symbolized the fight for the right of unions to exist in the United States. While the miners may have won the legal battle, they ultimately lost the war, as the union closed shop in West Virginia in the aftermath of the trials.

On the one hand, living conditions in the coal towns improved after the trials as operators adopted policies of "welfare capitalism" that entailed investing in infrastructure improvements, recreational centers, and social programs—responses to the negative publicity brought to light during the mine wars and ensuing trials. On the other hand, without the union, families continued to be evicted at whim from company-controlled spaces and wages decreased as the decade wore on, especially in the years leading up to the Great Depression. Indeed, it would take the economic crisis of the Depression, and the labor-friendly policies of the New Deal, to break the operators' anti-union resolve. In 1933 the UMW came back into the West Virginia coal fields—even in Logan County.[105]

Conclusion

In reflecting on the end of the Battle of Blair Mountain, James Green writes, "By dusk…the largest working-class uprising in the nation's history came to a peaceful end."[106] Numerous labor historians have similarly argued that the West Virginia mine wars, specifically the events from 1919 to 1921, were a critical chapter in the history of the labor movement in the United States. Historian James Alexander Williams refers to events of the Mingo County strike as "some of the most dramatic episodes in American labor history." Furthermore, the

[102] Green, *The Devil is Here in These Hills*, 301-07.

[103] John L. Lewis, *The Miners' Fight for American Standards* (Indianapolis: The Bell Publishing Company, 1925), 184, 188. Lewis also notes a suit filed in December 1924 by the Attorney General of West Virginia against Sheriff Chafin and local county officials to prevent them from appointing deputy sheriffs to serve as watchmen for private entities. Lewis goes on to describe this as "a belated effort by the State of West Virginia to assert some semblance of sovereignty in a region, which for many years had been in successful rebellion against every principle of American government and law." Ibid., 182–83.

[104] Shogan, *The Battle of Blair Mountain*, 219.

[105] Green, *The Devil is Here in These Hills,* 308–31.

[106] Green, *The Devil is Here in These Hills*, 282; Williams, *Appalachia*, 270, 272.

Battle of Blair Mountain stands as a particularly critical moment in the labor movement, as it was the largest armed uprising not only in labor history, but also in the history of the U.S. after the Civil War.

As significant as it was, the termination of the Battle of Blair Mountain did not mark the end of the miners' troubles, for immediately after the fighting stopped, their legal fight began—a fight that again held the nation's attention. Williams places the post-Blair legal struggles on par with the physical fight, observing, "The aftermath of the Logan march was scarcely less remarkable."[107] Legal issues had been part and parcel of the mine wars from the beginning, as miners fought against injunctions denying free speech and the employment of martial law to negate civil law in the coal region. As historian Rachel Batch explains in her assessment of the mine war between 1920 and 1921, "The mine war represents another case of the manipulation of legal systems by owners of capital during capital-labor conflicts."[108] More specifically, the trials that resulted from the Battle of Blair Mountain inflicted a "devastating blow on the UMW in West Virginia," according to Robert Shogan, by draining their limited resources and leading to the closure of District 17.[109] The *Labor History in the United States Theme Study* presents the conclusion that the ultimate defeat of District 17 in the aftermath of the trials "contributed to the larger defeat of mining unionism in the expanding area of coal production south of the Ohio River in the years after World War I."[110] It was a blow that truly marked the end of a key era of labor organizing in the West Virginia fields.

Comparison of Properties

The following properties are associated with the West Virginia mine wars, specifically the events from 1920 to 1923 that led to the treason trials held at the Jefferson County Courthouse and subsequent legal battles.

Matewan Historic District, Matewan, WV (NHL, 1997): On May 19, 1920, a shootout occurred in the independent town of Matewan between several Baldwin-Felts guards, the local sheriff Sid Hatfield, and some townspeople. The shooting resulted in the deaths of the mayor, seven Baldwin-Felts guards (including Albert and Lee Felts, brothers of agency head Tom Felts), and two other townspeople. This was a critical event in the chronology of the mine wars and led to the county becoming known as "bloody Mingo." Although this property is recognized for its historical role in the unionization of miners in West Virginia, it does not illustrate the important legal aspects of this struggle.

McDowell County Courthouse, Welch, WV (National Register (NR), 1979): The McDowell County Courthouse was the site of the assassinations of Sid Hatfield and Ed Chambers by C. E. Lively and another Baldwin-Felts guard on August 1, 1921, that served as a catalyst for the March on Logan. The current McDowell County Courthouse was constructed between 1922 and 1923, one year after the murders and therefore is excluded from consideration.

Don Chafin's House, Logan, WV (NR, 1994): This was the residence of Don Chafin, the sheriff of Logan County, whose brutal reign over the coal miners was a major factor that led to the 1921 March on Logan. This property does not directly illustrate the important legal aspects of the coal miners' unionization struggle.

[107] Williams, *Appalachia*, 271.
[108] Rachel Batch, "West Virginia Mine War (1920–1921)," in *Encyclopedia of U.S. Labor and Working Class-History,* ed. Eric Arnesen (New York: Routledge, 2007) 3:1498–1500.
[109] Shogan, *The Battle of Blair Mountain*, 218.
[110] Derickson and Donaldson, "Extractive Labor in the United States," 108.

Blair Mountain Battlefield, Logan County, WV (NR, 2009, 2016): This is the site of the final battle of the West Virginia mine wars in September 1921. Although the events of this battle on the border of Logan County were the impetus for the treason and murder trials held at the Jefferson County Courthouse, this property does not directly illustrate the important legal aspects of the coal miners' unionization struggle.

Morgan County Courthouse, Berkeley Springs, WV*:* Because of the propaganda campaigns that the coal operators continued to mount against the miners, public opinion in Jefferson County had turned decidedly against the defendants after Allen's trial. This prompted the judge to grant a change of venue for subsequent trials. The trials were first moved to Morgan County, where the indictment against Keeney for treason was dismissed. This courthouse burned in 2006 and was rebuilt with a new design.

Greenbrier County Courthouse, Lewisburg, WV (NR, 1973): In another attempt to assemble an unbiased jury, the remaining trials were moved to the Greenbrier County Courthouse. Bill Blizzard was tried on murder charges for the death of George Muncy, a mine guard who was killed during the Battle of Blair Mountain. A bribery scandal during this trial led to another change of venue to Fayette County. This trial did not receive the high degree of national attention as did Blizzard's treason trial.

Fayette County Courthouse, Fayetteville, WV (NR, 1978): This was the final location of the trials. While the previous trials were held in the agricultural region of the state, this marked a move back to the coal region, where hundreds of miners who had participated in the march lived. The state proceeded against Keeney on the charge of accessory to murder. His acquittal led to the dismissal of all remaining indictments relating to the March on Logan. Although this courthouse is associated with the dismissal of the remaining indictments, it does not hold the same association with the treason trial as the Jefferson County Courthouse that generated mass media attention and raised questions of civil liberties.

6. PROPERTY DESCRIPTION AND STATEMENT OF INTEGRITY

Ownership of Property	Category of Property
Private:	Building(s): x
Public-Local: x	District:
Public-State:	Site:
Public-Federal:	Structure:
	Object:

Number of Resources within Boundary of Property:

Contributing	Noncontributing
Buildings: 1	Buildings:
Sites:	Sites:
Structures:	Structures:
Objects:	Objects:
Total: 1	Total:

PROVIDE PRESENT AND PAST PHYSICAL DESCRIPTIONS OF PROPERTY[111]
(Please see specific guidance for type of resource[s] being nominated)

The Jefferson County Courthouse is prominently located in the center of downtown Charles Town on the northeast corner of North George and East Washington Streets surrounded by largely turn-of-the-twentieth-century commercial and governmental buildings. The courthouse sits a few yards back from East Washington Street, separated from the street by an iron fence set in stone. Originally constructed in 1837, the courthouse was largely rebuilt between 1871 and 1872 after it was heavily damaged by shell fire during the Civil War. The original brick walls and Tuscan columns were heightened to form the current three-bay, two-story, red brick, temple-front building, and the interior was entirely reconstructed with a new layout and a large courtroom on the second floor. The exterior of the rebuilt courthouse has a Greek Revival appearance with a full entablature, pedimented front gable, and two-story colonnaded portico. This adaptation of a Classical form for public buildings in the United States originated at the Virginia State Capitol designed by Thomas Jefferson, here the county namesake. A standing-seam metal roof is topped by a domed clock tower. The well-preserved second floor, two-story courtroom—where the miners' trials took place—includes its original layout, gallery, coved ceiling, arched beams, and an elaborate plaster and wood rose medallion from which hangs a 60-light chandelier installed in 1879. The chandelier originally used oil kerosene and was later electrified. An addition to the north (rear) side of the courthouse, built slightly lower and narrower than the 1872 building, was built in 1910. Overall, the courthouse exhibits a high degree in all seven aspects of integrity.

Exterior 1872 Courthouse

The courthouse is a three-bay, two-story, red brick, front-gable building with a stone foundation, brick walls

[111] This description is based on field observations and two documents: David A. Kemnitzer, "Jefferson County Courthouse, Historic Structure Report," November 15, 2010; and West Virginia Courthouse Facilities Improvement Authority, "Jefferson County Courthouse Facility Assessment," 2012.

and a standing seam metal roof painted to look like patinated copper. At the front center of the roof is a square-base clock tower featuring classicizing details. Each side of the tower has a clock face set within arched louvers and partial returns supported by engaged square pilasters. The entablature at the edge of the main has a cornice, decorative brackets, a wide frieze, and an architrave. All the windows are historic, wood, double-hung, and covered with storm windows. Most of the windows on the first floor have triangular pediments while those on the second floor are topped with entablatures. All the windows are six-over-six except for three small four-over-four windows, with lintel sills, located on the addition.

The south (front) entrance features a Greek Revival portico comprised of a full-height pedimented entry porch supported by brick Tuscan columns that are finished in white stucco. Fluted cast iron "boots" installed in 1885 wrap the base of each column. The pediment has metal siding, decorative brackets, and a round louver with a half-round decorative hood and straight sill. Beyond the full-façade porch, the three-bay façade has centered first and second floor double doors with flanking windows. The massive double, wood-paneled entry door is topped with a four-light transom and a triangular pediment. Above the entrance, a small metal balcony extends from a smaller second floor double door with a three-light transom and a flat hood. Full-height, stuccoed pilasters extend slightly from the east and west ends of the façade.

On the north (rear) elevation, the 1910 addition obscures all but the top of the 1872 brick gable end which displays the same design as the front gable except, instead of a closed pediment, the gable ends in cornice returns. An interior brick chimney extends from the northwest corner of the roof of the main 1872 courthouse.

The three-bay west side (facing N. George Street) contains a row of three single windows on both the first and second stories. The first-story window openings contain six-over-six double-hung wood sash and are crowned by substantial pedimented window hoods supported on molded wood brackets. The second-story windows consist of the same sash, but each is capped by bracketed, horizontal cornices rather than the pediments. Under the middle bay on the west elevation is a ground-level basement entrance.

The asymmetrical east side (facing parking lot) is five bays wide. There are three large windows on the first and second stories. On the first story, the three large windows are asymmetrically arranged, while the upper level windows are evenly spaced across the elevation. On the first story, two of the three large windows align with the evenly spaced windows above. An additional large window appears just south of the 1872 courthouse's northeast corner. It is set close to the next window to the south. In addition, a much smaller window occupies the space between the close-set large windows and the central large window. All windows on this elevation contain six-over-six double-hung sash. The large windows have the same pedimented and corniced hoods seen on the west elevation. The small window has a simple painted stone sill and lintel. A fire escape with a metal door cut into the second story wall has been added to the northernmost end, and it is unclear if the door replaced an original window.

Exterior 1910 Addition

The 1910 brick addition features the same roof and entablature design as the original courthouse, although on a different scale and executed in different materials. The frieze is not as deep, and the pediments, brackets, and cornice are made of formed sheet metal rather than wood. The wing is three bays deep, and its size and window treatment clearly differentiate it from the 1871 building. The addition is slightly shorter and narrower than the original courthouse, the second-floor windows are shorter, and unlike the windows in the courthouse, the first-story windows are elongated to include three-light transoms above the six-over-six sash.

The south elevation of the 1910 addition is attached to the north elevation of the 1872 building.

The brick gable north end is partially obscured by a two-story glass hyphen, built in 2007, that connects the addition to the Jefferson County Jail (1918). A pair of second-story windows and a single, bricked-in window appear on the north elevation, and a circular window pierces the gable.

The 1910 addition's west side, facing N. George Street, contains three window bays and an entrance bay at the first story and six window bays above. Two of the first-floor windows are bricked-in but their pedimented window hoods remain in place. At the second story, two smaller windows appear near the center of the west elevation. All windows contain wood six-over-six double-hung sash except the two small, upper-story windows which hold four-over-four wood double-hung sash. The entrance is located on the southern end of this elevation and contains a single panel-and-light wood door surmounted by the same pediment that adorns the first-story windows. The entrance is reached via a stairway of slate pavers on fieldstone risers with a black metal railing.

The east elevation (facing the parking lot) contains three evenly spaced and vertically aligned windows on the first and second stories, all of which are capped by pedimented hoods (first story) or horizontal cornices (second story). At the upper level there is an additional smaller window set at the southern end. Each of the large windows matches the form, materials, and decorations that appear on the west elevation. The small window maintains a flat, unadorned lintel.

Interior 1872 Courthouse

This interior description focuses on two areas, the foyer and the second-floor courtroom, that were accessible or visible to the public attending the miners' trials in 1922. On the first floor, the entry foyer leads to a wide corridor flanked by private offices and a small courtroom not associated with the miners' trials. The foyer and corridor have wood flooring, period pendant lighting, high plaster ceilings, plaster walls, tall molded baseboards, wide painted door trim, and panel-and-light wood doors surmounted by three-light transoms. Attendees to the trial accessed the second-floor courtroom just inside the front door via one of two stairways, one set at the west end of the foyer and the other on the east end. Each dogleg stairway has one landing between the first and second floors. The stairs feature a curved wooden handrail, a hefty turned newel post and turned balusters. Post-1922 elements inside the front door include an elevator inserted next to the west stairway and a doorway on the east wall leading to a hyphen that connects to the adjacent building.

On the second floor, a landing area between the two stairs leads to double doors that access the second-floor main courtroom. A pair of tall, paneled doors surmounted by a transom on the south wall of the landing open onto a shallow balcony set above the main entrance. The walls of the landing area are plastered and the floors are wood. The tall wood four-panel courtroom entrance doors are recent replacements but appear to match the original.

The second-floor courtroom's intact floor plan includes public seating arrayed across six-step risers along the south wall. The public seating area is split by an entrance aisle from the second-floor landing and is entered through a vestibule. Solid paneled and beadboard wood knee walls protect either side of each seating area. Side aisles flank the two public seating areas on the east and west walls of the courtroom. Each terminates at a tall, four-panel wood door that accessed accessory spaces behind the courtroom's southern wall. Defendant and plaintiff seating is located in a central area enclosed on three sides by a decorative wood railing with turned newel posts and balusters and a stained, molded railing. (The railing matches the main staircases' railing configuration). A jury box, the judge's bench, and an area for court reporters and other officials occupies a

raised platform that runs across the room's northern wall. A gallery with two shallow risers overlooks the main floor from the south side.

Long, Windsor-style, wood benches provide public seating on the risers that flank the entrance aisle. The jury box is located in the northeast corner and consists of three rows of fixed-in-place, Windsor-style, wooden swivel chairs set on a three-step riser. The box is defined on the south by a low paneled wood wall surmounted by a decorative mesh wrought-iron railing. The same iron railing caps the low paneled wood wall that defines the northwest corner of the room where a similar three-step riser contains long benches like those in the public seating area.

The judge's bench occupies the central north wall of the room and sits on a dais that is one step higher than the highest jury box riser. The dais is defined by a turned wood balustrade that runs nearly from the east to west walls with breaks for access the judge's desk. Two deeply recessed paneled doors flank the judge's desk on the courtroom's north wall. Historic photographs show that the current four-panel doors replaced a set of five-panel doors in these locations. A variety of wooden chairs and desks occupy the courtroom. Based on historic photographs, the courtroom design, layout, and furnishings appear largely to be the same as those in use during the 1922 trial.

Adding to the room's expansive and refined character are the tall entry doors, two-story, wood-trimmed windows, and a vast coved ceiling. Arched ribbing that terminates at the base of the cove is accentuated by paired foliate modillions set below a continuous molded cornice. At the center of the ceiling is the dominant feature of the room, an ornate plaster hexagram molding comprised of elegant floral scroll moldings from which hangs a simple round 60-light chandelier. Originally gas-lit through candle-shaped fixtures still visible on the top of its circular rod, the chandelier was electrified, prior to the 1922 trial, through the glass fixtures visible on the underside of the rod.

Integrity

The courthouse, as illustrated through historic images and period descriptions, maintains a high degree of integrity of location, design, materials, workmanship, feeling, and association. Furthermore, it retains its surroundings within a turn-of-the century small town setting characterized by two- to three-story brick buildings as described in the Downtown Charles Town Historic District NR nomination.[112] Otherwise, minor modifications to the courthouse's materials and design including the addition of elevators, the replacement of the wood courtroom doors in their historic design, the addition of a fire escape, and a later interior doorway to the addition on the east side of the front façade. These changes have only minor impacts on the ability for the courthouse to convey its historical significance. Lastly, the two-story glass hyphen added in 2007 between the 1910 addition and the 1918 Jefferson County Jail removed openings from the addition but was sensitively done and unobtrusive. Indeed, the meticulous preservation of the courtroom allows one to easily envision the time of the miners' trials.

[112] Paula S. Reed, "Downtown Charles Town Historic District," National Register of Historic Places Inventory – Nomination Form (National Park Service, February 21, 1997).

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Previous documentation on file (NPS):

_X_ Previously listed in the National Register (fill in 1 through 6 below)
__ Not previously listed in the National Register (fill in **only** 4, 5, and 6 below)

1. NR #: 73001910
2. Date of listing: July 10, 1973
3. Level of significance:
4. Applicable National Register Criteria: A_X B__ C__ D__
5. Criteria Considerations (Exceptions): A__ B__ C__ D__ E__ F__ G__
6. Areas of Significance: Social History

__ Previously Determined Eligible for the National Register: Date of determination:
__ Designated a National Historic Landmark: Date of designation:
_X_ Recorded by Historic American Buildings Survey: HABS No. WV-21-4
__ Recorded by Historic American Engineering Record: HAER No.
__ Recorded by Historic American Landscapes Survey: HALS No.

Location of additional data:

State Historic Preservation Office:
Other State Agency:
Federal Agency:
Local Government:
University:

Other (Specify Repository):

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Figures



Figure 1. Aerial image of courthouse at 100 E. Washington Street showing location (Latitude: 39.289414, Longitude: -77.859845). Source: Google Earth.





Figure 2. Map showing NHL boundary marked with dashed line. Source: Jefferson County, West Virginia, tax map viewer, 2014.



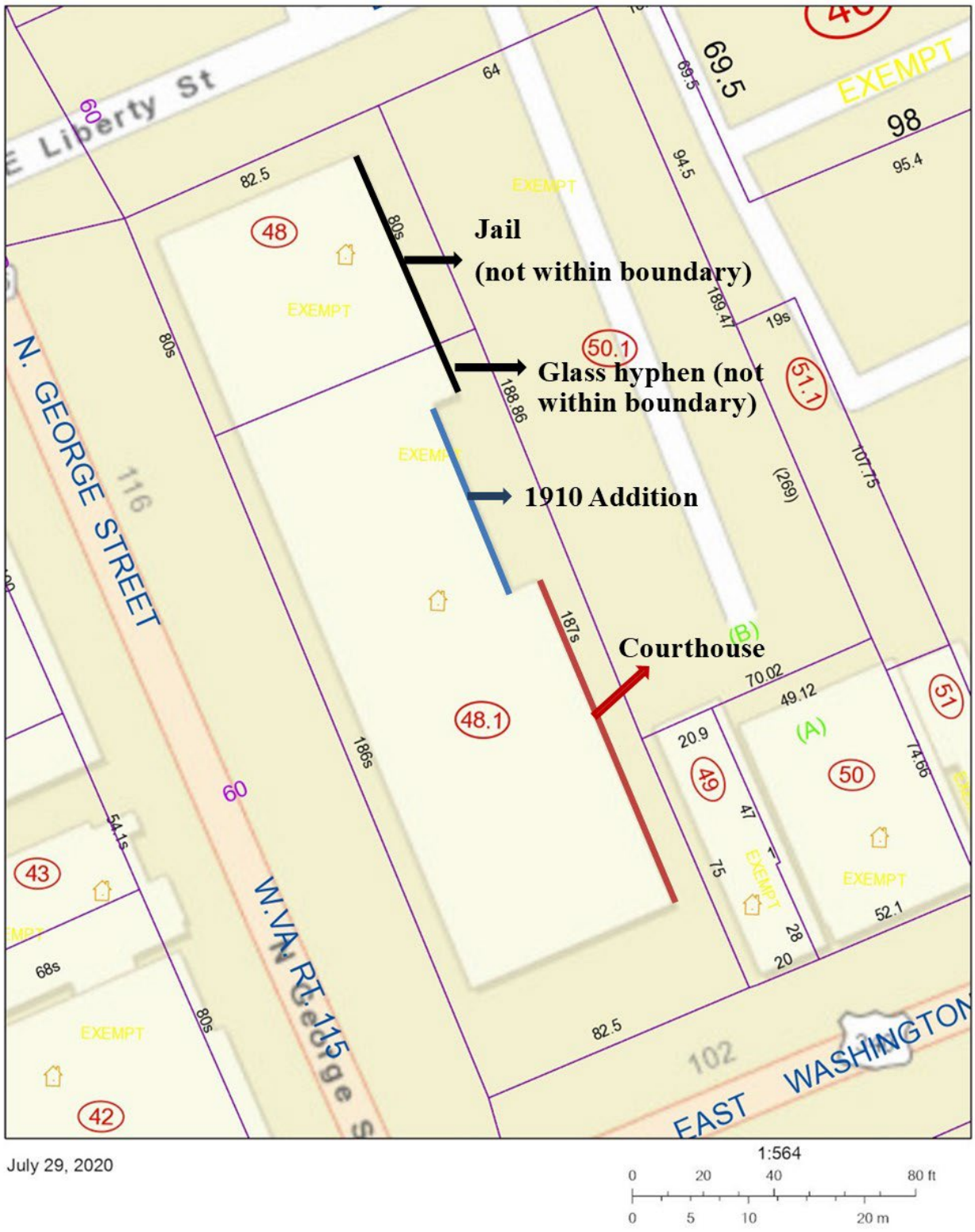
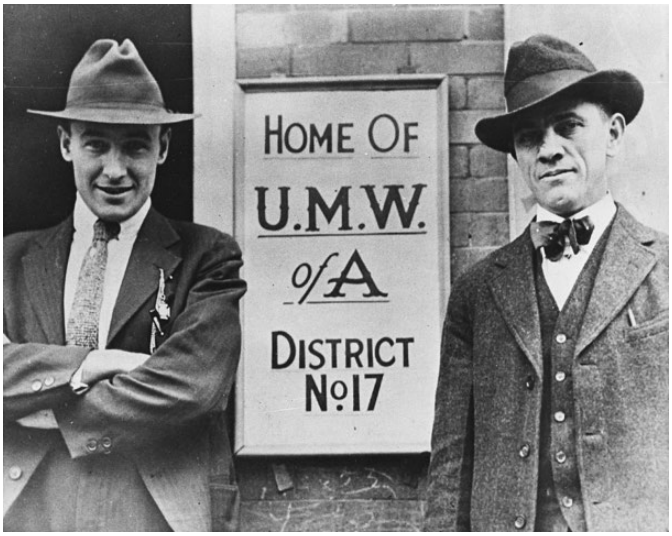


Figure 3. Courthouse building outline. The nominated property excludes the 2007 glass hyphen. Jefferson County, West Virginia, tax map viewer, 2014.



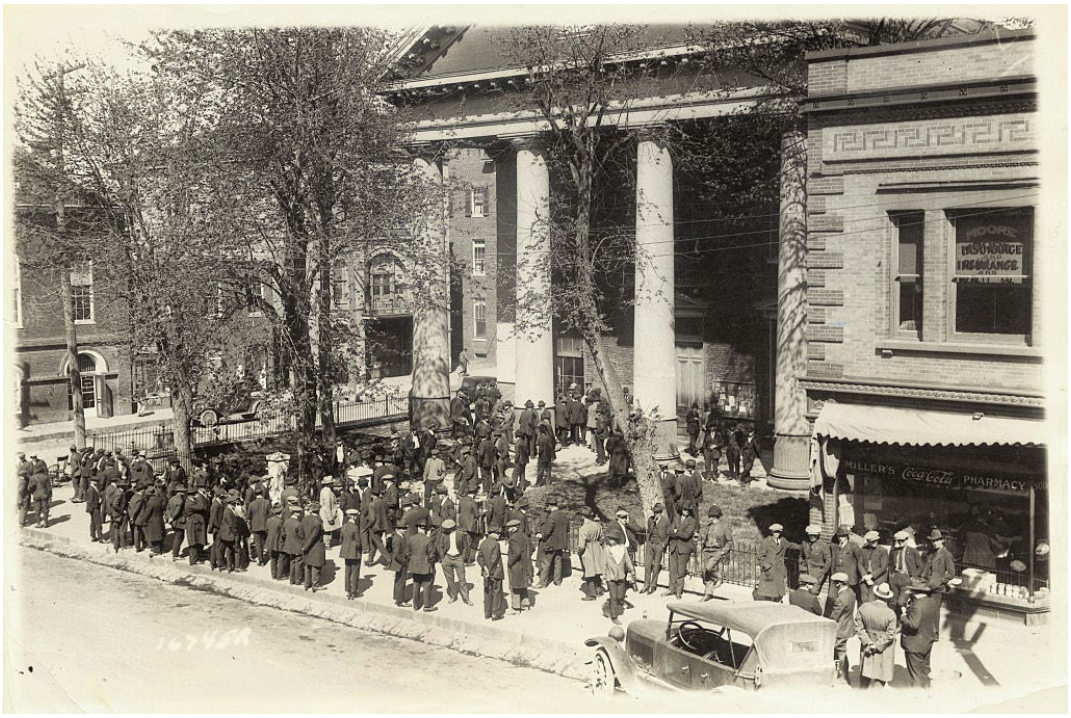
Historic Images



Historic Image 1. Fred Mooney (left) and Frank Keeney (right) in front of United Mine Workers sign in Charleston, WV, in 1915. Photo courtesy of West Virginia State Archives, Coal Life Collection.



Historic Image 2. Group portrait of United Mine Workers Leaders and Lawyers at Jefferson County Courthouse, Charles Town, W. Va. 1922. John Lewis, President of the UMW, is in the center (holding topcoat) and William Blizzard is to his right. Photo courtesy of the West Virginia and Regional History Collection, West Virginia University Libraries, Mooney Collection.



Historic Image 3. People waiting for the opening of the miners' trial outside Jefferson County Courthouse, April 23, 1922. Photo courtesy of Getty Images, by George Rinhart, Corbis Historical Collection.



Historic Image 4. Comparable historic view confirming the historic configuration of the courtroom. "Scene in the courtroom at Charles Town, West Virginia at the opening of the trial of the Miners charged with rioting, insurrection and conspiracy, the maximum penalty for which is death. April 25, 1922." Photo courtesy of Getty Images, Bettmann Collection.



Historic Image 5. Postcard showing Jefferson County Courthouse and the "new jail" built in 1918. Date of image is unknown other than the reference to the new jail.



Historic Image 6. South elevation (façade). Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 7. East elevation. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 8. West elevation. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 9. Interior, foyer and stairs. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 11. Interior, West stair from 2nd floor to attic. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 12. Interior, main hallway, 1st floor looking northeast. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 13. Interior. Second floor courtroom looking north from entrance. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.



Historic Image 14. Interior, second floor courtroom. Looking southeast. Courthouse, George & Washington Streets, Charles Town, Jefferson County, WV. Historic American Buildings Survey (WV-21-4), circa 1936.

Photo List

Photo 1. View north of front façade. Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 2. Three-quarter view north of front (south) façade and west side facing N. George St. Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 3. View of courthouse looking southeast showing (left to right) portion of the 1917 jail, 1910 addition, and 1872 courthouse. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 4. View looking east at 2007 glass hyphen addition between the courthouse addition (right) and the jail (left). Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 5. View looking southwest at the east side of the courthouse and the 1910 addition. Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 6. Historic setting of the north side of East Washington Street (foreground) down to West Washington Street beyond the courthouse, looking west. Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 7. View looking north of the first-floor hallway from the foyer. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 8. View of staircase on the east side of the foyer leading to the second floor courtroom. Identical staircase is on the west side. Photo by Kathryn Gettings Smith, NPS, 5/7/2018.

Photo 9. View north into the courtroom. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 10. View north from the gallery looking down into the courtroom. Jury seating is in the upper right corner. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 11. View south to the rear of the courtroom shows the spectator bench seating on either side of the entrance ramp and the gallery above. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 12. View from the NW front corner of the courtroom to the rear SE corner. Photo by Christopher Hetzel, NPS, 5/7/2018.

Photo 13. Decorative medallions at the end of the arched brackets. Photo by Susan Cianci Salvatore, 7/19/2019.

Photo 14. View of decorated brackets under courtroom balcony. Photo by Christopher Hetzel, NPS, 5/7/2018.



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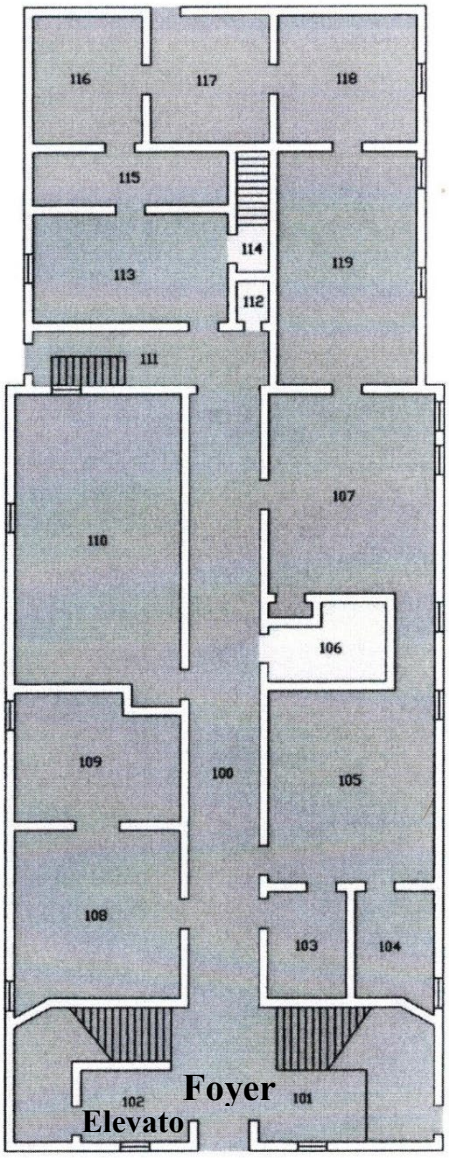


Figure 4. First floor plan.*

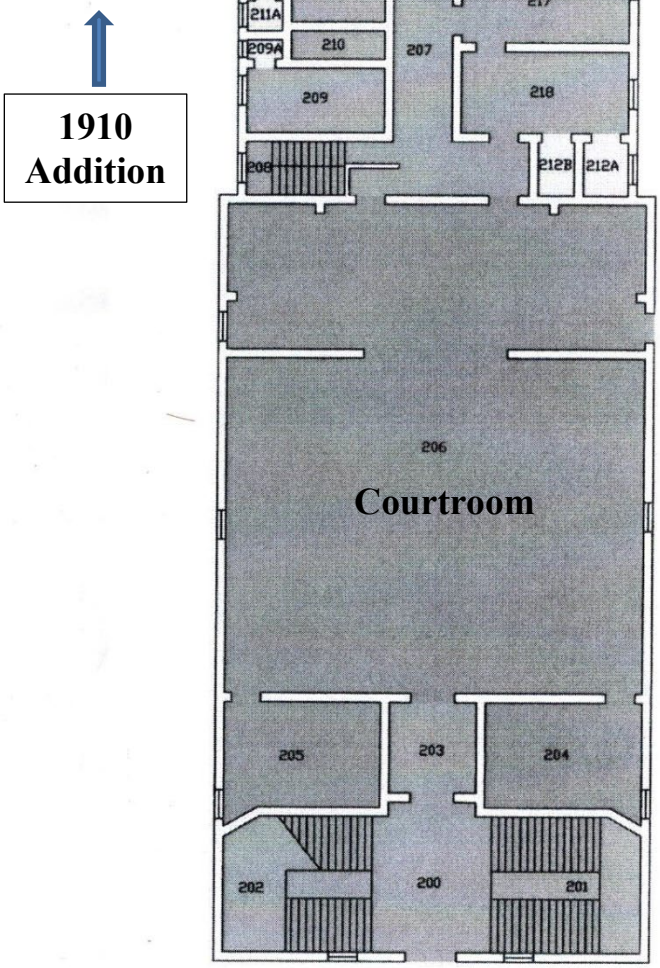


Figure 5. Second floor plan.*

*Floor plans included in the "Jefferson County Courthouse, Historic Structure Report" (Chapter 2) by David A. Kemnitzer, November 15, 2010.





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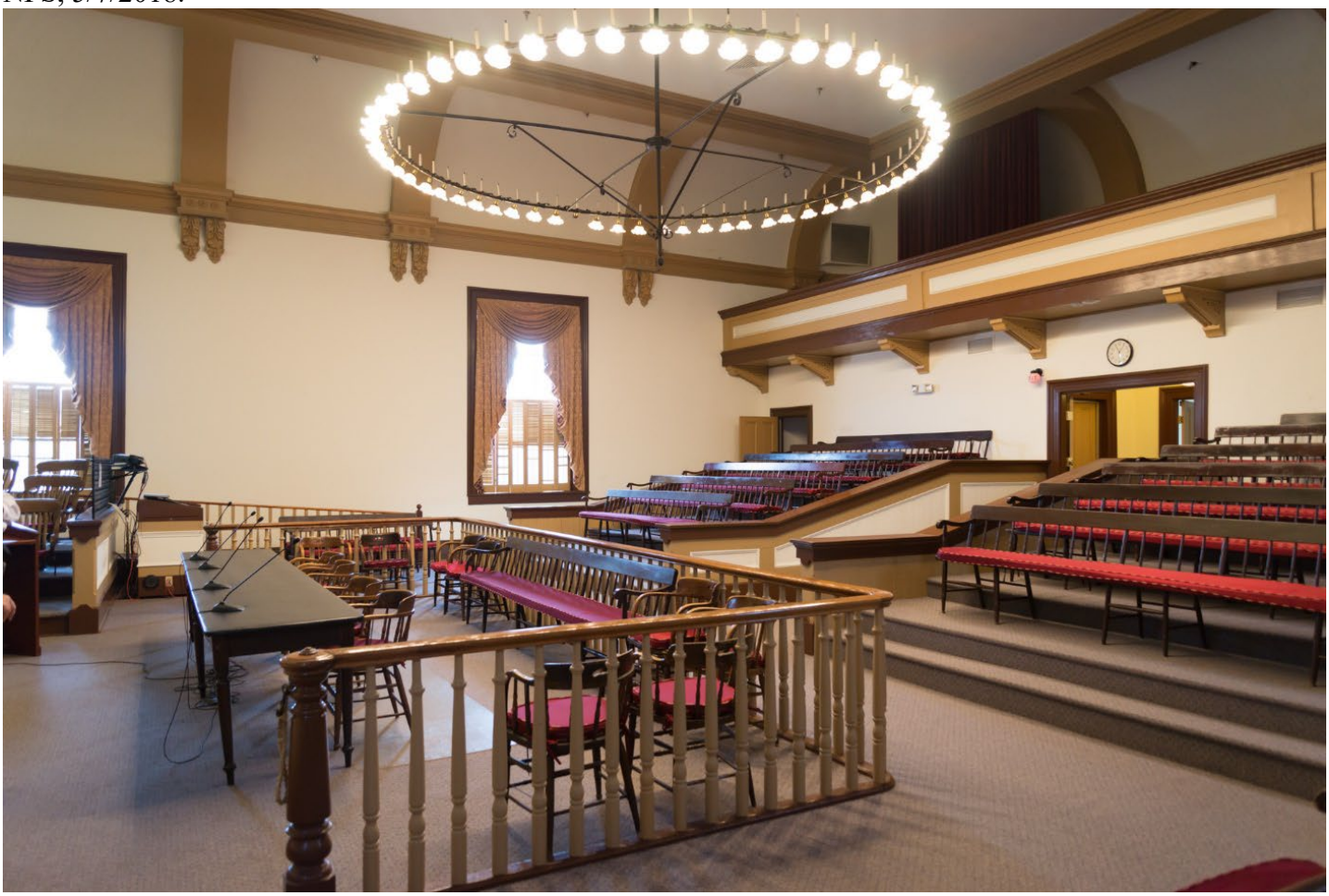


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