

# **A Comprehensive History of the West Virginia State Police, 1919-1979**

**by Merle T. Cole**

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Among state police departments [the West Virginia State Police] may, with its long and arduous experience, be regarded as a battle scarred veteran. It helped develop a new era of policing in the United States. Only three surviving departments preceded it. None faced greater obstacles. None have contributed more to the safety and well-being of the citizens whose lives and property it protects or to the strength and development of democracy within a state.--Col. H. Clare Hess, Superintendent, Department of Public Safety (West Virginia State Police) Twelfth Biennial Report (1940-1942)

## **NEW INTRODUCTION (1998)**

This is a minor rewrite of my original monograph, "Sixty Years of Service: A History of the West Virginia State Police, 1919-1979" (Copyright, 1979).

I want to thank Sergeant Ric Robinson, Director of Media Relations, West Virginia State Police, for his support in the electronic publication of this study.

-Merle T. Cole

## **ORIGINAL INTRODUCTION (1979)**

This is a history of the origins and development of the West Virginia State Police (WVSP), the fourth oldest state police agency in America, now entering its 60th year of public service.

My interest in the WVSP reached an early peak while I was a political science student at Marshall University. At the time, I could only manage to produce a limited study in the form of a term paper. Time and opportunity being more abundant recently, I have been able to complete a long-felt desire by producing this monograph.

While conducting the research, I was struck by the scarcity of published materials focused on state police in general, and the WVSP in particular. To my knowledge, Colonel Conti's book on the Pennsylvania State Police (PSP) is the only recent (1977) publication of comparable detail.

Most of this study is based on official WVSP reports and other primary sources. I am indebted to several officials who

kindly consented to review and comment on the draft: Major Jack R. Buckalew, Chief, Planning, Research and Training, WVSP; Captain (Retired) Charles W. Ray, WVSP; Sally J. Minsker, Assistant Personnel Director, WVSP; and Lieutenant Colonel (Retired) Philip M. Conti, PSP. Special appreciation is due to Major Buckalew and Sergeant Ron O. Gregory for their assistance in using the WVSP Archives, and to Captain Ray and Ms. Minsker for answering many "burning questions" which helped materially in finalizing this study..

Although others contributed information, facts and opinions, I am solely responsible for the contents of this study.

-Merle T. Cole

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# PART I

## CHAPTER 1: THE CLIMATE OF POST-WAR AMERICA

The Department of Public Safety (DPS)--more familiarly known as the West Virginia State Police (WVSP)--is the fourth oldest state police agency in the United States (see Appendix A). It was established in 1919 by an act of the West Virginia Legislature. Like the state which it serves, the WVSP was born in an era of political unrest and domestic violence.

In early 1919, the political and social climate of the United States was beginning to feel the initial impact of World War I. Many historians have observed the "moral decline" which frequently follows a major war. Perhaps the most unpleasant aspect of such a decline is the propensity to accept violence as a means of achieving goals or resolving problems. Certainly the American tradition of frontier violence did not provide any soothing historical precedents. The impact of World War I was especially powerful because of the unprecedented mobilization of manpower and industrial resources required to successfully prosecute the war. Nothing of comparable scale had been seen in America since the Civil War, then a fast fading memory.

Unrest was in the wind. In the industrial arena, trouble seemed unavoidable as labor sought not only to retain its wartime gains, but to obtain higher wages to offset the anticipated post-war inflation. The compulsion of close labor-management cooperation engendered by the war effort evaporated quickly after the November 1918 Armistice. An October 1919 national labor-management conference called by President Wilson to resolve outstanding disagreements failed completely. A wave of strikes spread across America in 1919--most notable, those involving the steel and coal mining industries.(1)

Another legacy of World War I cast the renewed labor unrest in a particularly menacing mold. Bolshevik victory in Russia and the failure of Allied intervention, combined with public emotions, heightened by wartime propaganda, to produce the "Great Red Scare."(2) This reactionary backlash was rooted in a fear of worldwide Communist revolution, patterned on the Russian model, if radicalism was not swiftly squashed. Apparent evidence of this threat was found in Communist rebellions in Germany and Hungary, the Russo-Polish conflict, and emergence of the Third (Communist) International, or Comintern, all in 1919. At home, the International Workers of the World (IWW) published a radical preamble, and, more frightening still, the American Communist Party was founded.(3)

The wave of labor agitation was conveniently labeled by conservative employers as Communist or at least Communist inspired. Was not the basic purpose of the Comintern, after all, direction of worldwide Communist revolutionary movements? The fear of radicalism played into the hands of Attorney General A. Mitchell Palmer, who had presidential aspirations. Over Wilson's objections, Palmer whipped up public hysteria, using the "Red Menace" as a vehicle for making his name a household word. Following Palmer's lead, federal and state governments launched a massive crackdown campaign, including raids, arrests, and deportations which "set a new record in American history for executive transgression of individual constitutional rights."(4) On a single night in January 1920, some 4,000 alleged Communists were arrested in 33 different cities. Eventually, Palmer's own excesses proved his undoing. He had repeatedly warned of a radical plot to overthrow the United States Government, to be launched on May Day 1920. Frantic preparations were made to meet the predicted revolution, but May 1 came and went without the threat materializing. As a result, Palmer was discredited and exercised increasingly less influence over public opinion. But many persons suffered injustice and injury before he was unhorsed.

A British journalist clearly summarized the national hysteria prevalent during this period:

No one who was in the United States, as I chanced to be, in the autumn of 1919, will forget the feverish condition of the public at that time. It was hag-ridden by the spectre of Bolshevism. Property was in an agony of fear, and the horrid name 'Radical' covered the most innocent departure from conventional thought with a suspicion of desperate purposes.(5)

Suspicion, intolerance, racism, anti-Semitism, anti-Catholicism, and xenophobia were rampant in post-war America. The spirit of extremism found numerous manifestations: Supreme Court decisions such as *Schenck v US*, *Abrams v US*, and *Gitlow v People of New York*; spectacular anti-radical trials such as *Mooney-Billings* and *Sacco-Vanzetti*; expulsion of five members of the New York State Assembly solely for membership in the (legal) Socialist Party; the labeling of a railway worker strike as a Communist attempt to seize control of the United States; emergence of the Second Ku Klux Klan, which came to dominate politics in Oregon, Oklahoma, Texas, Arkansas, Indiana, Ohio, and California, and exercised substantial influence in many other states; imposition of restrictive immigration quotas in 1921 and 1924, a direct reversal of previous American policy; and a host of "criminal syndicalism laws, teachers' loyalty oaths, the denial of citizenship to pacifists, and the censorship of history textbooks... actions which reflected the popular belief that it was un-American to question the validity of existing institutions, let alone advocate radical reform."(6)

In short, as Morison points out, "there was... more hate literature, more nasty, sour, and angry groups promoting 'hundred percent Americanism' than at any earlier period of our history, or any later one prior to the 1950's."(7)

A further serious threat to domestic tranquility followed from another, though more idealistic, product of World War I--ratification of the Eighteenth Amendment to the Constitution, the Prohibition experiment (January 1919).(8) As in our current battle against illicit drugs, Prohibition stimulated a profitable trade in illegal alcohol, and, thereby, also gave birth to the large scale organized criminal activities which plague us to this day. The idealists behind Prohibition had completely overlooked the necessary corollary to make it successful--an effective enforcement machinery. The (federal) Prohibition Bureau established under the Volstead Act funded only 1,520 agent positions in 1920, and only 2,836 by 1930. Prohibition enforcement was supposed to be a shared federal-state responsibility, but most states evidenced no real drive to make enforcement effective.(9) Many states, for example, allocated for this purpose only one-eighth of the amount budgeted for fish and game law enforcement programs. Bluntly stated, Prohibition was too unpopular for strict enforcement whenever the probable political backlash was considered. Prohibition's effects were not, of course, restricted to big cities such as Chicago and New York, although the highest levels of gangster violence and corruption were found there. Of all sources of "bootleg" liquor, illegal distilleries produced the greatest percentage. And Prohibition violators could operate "stills" just as effectively (perhaps more so) in rural areas than in the city.(10) Aside from stimulating domestic dissension and the rise of organized crime, Prohibition--or rather, the failure of Prohibition to prohibit--fostered an attitude of general disrespect for the law. This is perhaps the most unfortunate legacy bequeathed to America by the "dry experiment."

## **CHAPTER 2: WEST VIRGINIA - THE VIOLENT HERITAGE**

Surveying the history of West Virginia, one quickly becomes aware of the undercurrent of violence. The state was born in a period of fratricidal warfare, but this merely built on a pattern which had existed since the days of West Virginia's earliest settlers. There is a tradition of "personalized" violence. Indian warfare demanded a high level of skill and cunning just to stay alive. And most Civil War actions fought in the state were on the guerrilla scale--short, sharp engagements such as ambushes and sniping.

There appears to be a great potential for violence in any largely rural region.(1) West Virginia's mountainous topography certainly inhibited effective law enforcement. Families lived in isolated "hollows" or on mountaintops. Roads and railroads were very few in number. In this environment, the antiquated sheriff-constable system (inherited from Great Britain) could not maintain order. One manifestation was the Hatfield-McCoy type of prolonged family feud. These factors were wedded to produce a "feudal, mountaineer psychology with a traditional dependence upon direct action."(2)

Industrial development simply exacerbated the level of violence. Thousands of European and Negro workers were attracted to West Virginia by the opening of the coal mines. They were accompanied by a disproportionate share of criminal elements. Crime flourished--gambling, prostitution, white slavery, narcotics peddling, and (after Prohibition) moonshining, bootlegging, and rumrunning. To handle the flood of cases resulting from the debauchery, the state legislature established special courts, having only criminal jurisdiction, throughout the coal mining counties.(3)

Of greater significance to this study was the shift in violence from personal to industrial. Writing of Mingo County in 1921, journalist Winthrop D. Lane observed:

...an important fact in the industrial conflict now going on there. Many people living in these regions believe in settling disputes by personal warfare. They are used to the arbitrament of force. Human life is held more cheaply than in some more cultivated parts of civilization.... With industry has come a new cause of warfare. The fight over unionism has taken the place of private feuds.(4)

Prolonged industrial warfare was perhaps the most significant factor in the eventual establishment of the WVSP. This alone justifies an indepth review of the history of labor strikes and resultant violence. The labor movement in West Virginia is essentially the story of coal miner unionization.(5) As Anson notes, "the economic history of the state [was] written against the background of coal. In fact... the [West Virginia] labor movement has been colored more than by that one industry than all of the others combined."(6) West Virginia did not emerge as a serious competitor in coal production until about 1890. Agriculture was still the "modal occupation" in 1900, engaging 47 percent of the workforce, as contrasted with only 7 percent in coal mining. But, mining accounted for roughly 40 percent of the state's wage-earning workers. Coal extraction increased from 22 million tons in 1900 to 90 million tons in 1920, up 33 percent and well ahead of the national average increase.(7) And as coal came to dominate the state's economy, so the United Mine Workers of America (UMWA)-- organized in 1890--came to dominate the state's labor movement after 1900.

The UMWA's organizing efforts during the 1890's largely failed due to staunch operator resistance. Although ranking third in coal production by 1900, less than one percent of West Virginia's miners were organized under the union. West Virginia and eastern Pennsylvania constituted the largest nonunion blocks in the coal industry at the turn of the century.(8) Renewal of the organizing campaigns could not be long delayed, however, due to pressure exerted on UMWA leadership by operators in the Central Competitive Field (comprising western Pennsylvania, Ohio, Indiana and Illinois). These operators had recognized the union in 1897, but found themselves at a disadvantage when West Virginia coal production spurted after 1900. The Central operators threatened to cancel their contracts with the UMWA unless the union could successfully organize West Virginia and thereby, reduce the latter's competitive edge.(9) Union persistence, operator resistance and political power, the general disillusionment of many recent immigrants to the mining camps, and the tradition of weak law enforcement combined to create a highly explosive situation.

Between 1880 and 1900, West Virginia's industries experienced 180 reported strikes, of which 111 (over 60 percent) were in coal mining. Major strikes include the Baltimore and Ohio Railroad strike of 1877, in which the governor personally led state militia in an attempt to end the work stoppage. (He failed; federal troops were finally required to restore orderly operation.) There were coal strikes in 1894 (in which militia were again deployed) and 1897, and a strike of streetcar operators (in Wheeling) in 1899.(10) In the twentieth century, however, the mining industry clearly contributed the majority of significant episodes of labor unrest. The UMWA called a general strike in 1902-1903, and succeeded in organizing virtually the whole central Kanawha field, "a bastion of unionism in West Virginia for many years." But this strike also produced the "Stanaford Mountain Massacre"--a bloody encounter between miners and mine guards. Other results were the loss of scanty union inroads in the southern (smokeless) fields, and increasing operator reliance on armed "private police" to protect their property and suppress union organizing activity. There were comparatively minor strikes in the Northern panhandle fields in 1904 and in the Kanawha district in 1909.(11)

The most violent strike in West Virginia history exploded in the Kanawha fields in 1912.(12) In March of that year, the UMWA-operator contract expired, and the operators refused to renegotiate. The union called a strike on Paint Creek in April, which rapidly spread to neighboring Cabin Creek mines. Operators retaliated by firing strikers, evicting them from company-owned houses, importing outside workers ("transports" or "scabs") to take strikers' jobs, and bringing in Baldwin-Felts Detective Agency personnel.(13) A pattern of escalating violence culminated in the "Mucklow Massacre" of July 1912, in which twelve miners and 4 guards were killed. On the 26th, the Kanawha County sheriff called on the governor to send troops to preserve law and order along the creeks. Eventually, almost the entire West Virginia National Guard was massed along Paint Creek. As order was restored, all but four companies were discharged in August 1912. Hardly had the troops dispersed when a deputy sheriff was killed at Ronda, and rumors circulated that hundreds of miners from the north shore of the Kanawha River were planning to cross over and

join their comrades along the creeks. (This, in fact, happened.) Governor William E. Glasscock faced a tough decision:

I went up [to Cabin Creek] and... it became very apparent to me that a state of war existed and that the most drastic methods would be necessary in order to quell the trouble. Martial law had never been declared in West Virginia and I hesitated long before deciding to resort to this method of handling the situation, but... I decided to declare martial law and issued such a proclamation on the 2nd day of September, 1912.(14)

Under orders of Adjutant General Charles D. Elliot, the first contingent of Guardsmen arrived at Cabin Creek on 2 September. The proclamation initially covered a zone extending between the creeks south to the Raleigh County line. It remained in force until 14 October. Violence flared again, and a second period of martial law ensued between 15 November and 10 January 1913.(15) Newly-inaugurated Governor Henry D. Hatfield imposed yet a third reign of martial law from 10 February through 12 June 1913. Through the subsequent proclamations, the martial law zone had gradually extended until it encompassed nearly 145 square miles and parts of four counties (Kanawha, Raleigh, Fayette, and Boone). At the height, more than 1,500 Guardsmen were on duty in the zone, and some units remained on duty for a full year after the lifting of the third martial law decree.(16)

The continued violence and martial law proclamations attracted considerable national attention to West Virginia, and prompted a U.S. Senate investigation of the strike situation. Doubtless the most controversial and legally questionable aspect of the martial law administration was the trial, conviction and sentencing to the state penitentiary of hundreds of civilians by a military tribunal situated at Pratt. The validity of this tribunal's actions were challenged, and upheld in two key cases, *Nance and Mays v Brown*, 71 W. Va. 519 (1912) and *Ex parte Jones*, 71 W. Va. 567 (1913). Glasscock remarked, on hearing of the State Supreme Court's support of executive prerogatives: "In my judgment, the decision of the court in these cases means more for real constitutional government than any other ever before rendered in this state."(17)

The strike was finally ended through a settlement personally imposed by Governor Hatfield . He made it clear to the UMWA leaders that unless the terms were accepted, "the idle [strikers] and troublemakers" would be deported from the strike zone. Thus, the state's experience with martial law conditions left considerable discomfort among almost all participants. It also set a precedent for unpopular employment of National Guard units for strike breaking purposes. Opposition to centralized state authority was later to color the political struggle for establishment of a state constabulary force.

From 1914 to 1919, there were fewer strikes, and these less dramatic, as coal production increased to meet the demands of World War I. Wages and employment also rose steadily. Most coal operators acceded to the federal government's recognition of the right of employees to organize for collective bargaining. This, and a spirit of patriotism, swelled the UMWA's membership lists until, by the end of the war, virtually all of the West Virginia fields had been organized. The one glaring exception was the smokeless fields, particularly Logan, Mingo, McDowell, Mercer and Wyoming counties. Operator intransigence in this region was soon to provoke violence "on a scale not witnessed in West Virginia since the Civil War."(18)

### **CHAPTER 3: POLITICAL MANEUVERING**

The WVSP was not established without a fight. The history of the conflict is instructive not only as an insight to the times, but also as revealing the propaganda techniques employed to sway public opinion. Quenzel's study is the best summary published to date, and the discussion which follows is based largely on his work.(1)

#### *The Advocates*

Governor John J. Cornwell was the single most influential person in assuring the adoption of the state police concept in West Virginia.(2) He had personally studied the effectiveness of the Pennsylvania and New York state police. Ignoring warnings from his political advisors of dire electoral consequences, he advocated formation of a police agency before both business and labor groups. He even sent a letter "to all labor unions in the State... [warning] them against indiscriminate opposition to any form of 'military or police;' solicited their aid in keeping West Virginia free from I.W.W.'s and Bolsheviki; and invited them to send representatives to the Legislature to help formulate proper

legislation."(3)

Cornwell adamantly opposed reestablishment of the West Virginia National Guard (WVNG) as an alternative to creating a state constabulary. Except for nine staff officers, the WVNG had, along with the Guard of other states, been drafted into federal service on 7 August 1917. Under Section 111 of the National Defense Act of 1916, Guardsmen thus drafted did not revert to their state militia status on demobilization, they simply became civilians again. Thus, only rump Guard forces existed in the states after 1917, and a concerted effort to reestablish the National Guard was not undertaken by any state until Spring 1920. (Section 111 was amended to eliminate the troublesome provision via the National Defense Act of 1920. Army officials especially favored the amendment since federal soldiers had to perform many duties normally devolving to the states. Between 1 July 1918 and 1 September 1920, federal troops were used to quell 20 domestic disorders.) Cornwell recalled the rather poor condition of many Guardsmen called for war service, and the contrasting high quality of National Army draftees. He questioned whether the federal government would ever need the Guard in the future, and concluded that "the National Guard Law had as well be wiped from our Statutes." He further criticized the Militia Statute inherited from Virginia as "antiquated, impractical and a useless thing under modern conditions. To undertake to utilize it to enroll and mobilize a force of men for the preservation of peace and order... would be a vain undertaking, one that would cost unprecedented sums of money for the service that could be obtained."

In contrast to his pessimism over the militia, Cornwell highly praised the performance of "special police deputies." In an interesting early example of centralized state control of law enforcement, these officers had been recruited pursuant to the Special Police Deputy Sheriff Law enacted as an emergency security measure by extraordinary session of the Legislature, and signed by the governor on 26 May 1917. The act created a department of Special Deputy Police, superintended by Major Thomas B. Davis (also appointed Acting Adjutant General in March 1918). A force of 10-100 special deputies was to be organized in each county, with appointments to expire on the signing of the treaty of peace with the Central Powers. There had been little actual use made of the deputies, but their cost was minimal. Cornwell believed that "from the standpoint of economy and efficiency that law might be reenacted, with certain important modifications, and serve us well during peace times." The changes recommended were in selection (officers to be appointed from all over the state by circuit judges, rather than nominated by a sheriff and appointed by county court) and organization (two classes: a small force of regulars and a larger reserve pool for emergencies).(4)

Cornwell did not press for adoption of a specific organizational concept, and clearly emphasized that safeguards would be required to prevent misuse of the force. When the bill failed to pass in regular session, the governor called an extraordinary session and put the police bill as a top priority on that session's agenda. He held private conferences with influential legislators in an effort to secure their votes, and encouraged lobbyists to submit letters and telegrams of support. Finally, he accepted an invitation to address the special session just before the final vote on the bill was taken.(5)

Certain of the arguments advanced by proponents clearly reflected the tone of post-war American fears and hopes.(6) Governor Cornwell emphasized the relative impotence of the executive in enforcing state laws when called upon by either labor or management. He pointed to the potential threat caused by the

...8,000 alien workmen in the state who were subjects of countries still technically at war with the United States. [He warned] that West Virginia was destined to become a dumping ground for bolsheviks and anarchists unless the police bill passed.

One paper bluntly described the contest as a struggle between the powers of right, justice and human liberty and the elements who were 'having their hour of joyous murder, rape, robbery and arson in Russia.'(7)

As if to validate these fears, a miners' local at Ramage adopted a resolution threatening armed resistance if the bill was passed. Cornwell struck a more positive note with the unions by pointing out that existence of a state police force could encourage legislation prohibiting both employment of private mine guards, and the more egregious practice of coal operators associations paying the salaries of deputy sheriffs (public officials). The governor had also submitted proposals for substantial upgrading of the state highway system, and spoke of the resultant need for more effective policing of the roads--a job for which sheriffs' departments were inadequate, and for which the militia would be

improperly suited and too expensive. Finally, advocates of the state police bill categorized all opponents as being either lawless elements, politically catering to those elements, morally weak, or harboring political grudges against the governor, and, therefore, not acting in the best interests of the citizenry.(8)

### *The Opponents*

Arguments both rational and emotional were advanced by opponents of the police bill as well. The most ardent opponents, not surprisingly, were leaders of organized labor.(9) Their basic argument was that while all citizens would have to carry the tax burden represented by a state police agency, only the interests of wealthy capitalists would be served, as the force would be used mainly for strike breaking and worker intimidation. In response to this, one legislator actually proposed an amendment whereby expenses of the force would be borne by the coal operators. (It is worth noting again that Cornwell had specifically warned the Legislature of the need to prevent private interests from gaining control.) One labor paper inveighed against the proposed force as comprising "...a permanent soldiery, trained and drilled to blind mechanical response to autocratic orders, recruited from the cossack-type of humanity, tempted by a gaudy uniform, plenty to eat, and no mental or physical exertion."(10) A different light was shed on labor opposition in a candid statement to a reporter by "Mother" Jones. Asked why she so strenuously opposed a state police force, she replied: "Since it was established in Pennsylvania, we have not won a single strike."(11)

One opposing editor sought to play on the virulent anti-Germanism carried over from the war by charging that the state police bill would "'sound a German note.' He held that the superman was a myth and that changing a man's title, putting him astride a horse, bedecking him in a uniform and arming him with a pistol failed to transform his nature."(12) Other opponents warned that establishing a state police would have the reverse impact of that advanced by the governor--that it would act as a magnet to draw Bolsheviks and anarchists into the state's already tense industrial situation. Any wartime understandings between unions and operators would be hopelessly undermined. Was there really such a pressing need anyway, they asked? There were already 1,200-1,500 peace officers in the state; a sheriff could exercise the posse comitatus authority if he needed assistance; federal troops based in Ohio and Virginia could be called in if truly unmanageable violence erupted; during the war, when neither state police nor the militia were available to the governor, there had been no serious incidents; only three other states had seen fit to establish such forces; and, it was unlikely that a rural state was likely to attract "big time" criminal elements. Other opponents appealed to state pride to resist adopting an agency pioneered by Pennsylvania, and which seemed "offensive to state ideals." Economically, the projected \$225,000 annual state police budget appeared excessive to rural people, and seemed to violate Cornwell's pre-election economy pledges. The farmers tended to believe in the preference of community control as in lieu of order imposed from without. Finally, the potential political patronage represented by the governor's authority to appoint state policemen was seen as a threat to the opposing political party. Rural dwellers took a different view--offensive sheriffs or constables could be removed at election time, but no such threat could be employed against a state policeman.(13)

As the special session of the legislature continued its hearings and debates over the police bill, opponents stepped up their campaign to defeat the proposal.

Labor held meetings in various cities denouncing the measure, adopted countless resolutions, threatened to strike, presented to the joint legislative committee sweeping testimony concerning the 'misdeeds of Pennsylvania state police,' filed with the same committee protest petitions bearing between 80,000 and 100,000 names, staged parades around the capitol, and listened enthusiastically to speeches by Mother Jones and other well known labor leaders. State officials opposing the bill gave interviews and speeches explaining their stand.(14)

### *Passage of the Bill*

At long last, after "one of the hottest and most bitterly contested legislative fights in the annals of West Virginia history," the police bill was taken from the table and passed by the house of delegates, where the major opposition operated, on 24 March 1919. The measure passed the Senate, by a vote of 15 to 13, 5 days later. Governor Cornwell signed the act into law on 31 March 1919.(15) The proponents of centralized law enforcement had won, but by a narrow margin. Writing in 1957, Kyle McCormick reflected on the short-sightedness of the opposition.

The strange part of the West Virginia fight over the state police is that no one seemed to envision that the time had come when motor transportation would render the deputy sheriff and constable system of law enforcement obsolete. That the time had come when scientific and laboratory methods of police work would be essential for any kind of effective protection--that the time had come when an officer must be highly trained for police work, and not be just some country bumpkin who controlled certain political precincts.(16)

## **CHAPTER 4: THE CREATIVE ACT OF 1919**

The WVSP creative act became effective on 29 June 1919. A review of the major provisions of the act will highlight the political concerns written into the law.(1) It will also provide a basis for understanding the rationale and impact of later modifications of the act after its absorption into the West Virginia Code.

To facilitate review, the provisions embodied in the 29 sections of the act may be broken into six broad categories. Minor provisions have been omitted.

### Department Management and Structure

The position of superintendent was created to serve as administrative and executive head of the department. He is appointed by the governor, with the consent of the senate, for a four-year term. The superintendent was authorized a deputy, a chief clerk, and two clerks. For field operations, two companies (or platoons) were authorized, each to comprise one captain (commander), lieutenant (executive officer), and first sergeant; five sergeants; eight corporals; and a variable number of privates (troopers) within the range of 30-55 per company. Thus, the department's initial uniformed ceiling strength was 134, plus two civilians.(2) The governor was authorized to disband any company whenever he deemed it advisable. (Sections 1, 3, 5-6.)

### Personnel Management

All members were to be appointed by the superintendent for a term of two years. Preference in recruitment was to be given to honorably discharged veterans. Religious or political affiliation was not to be considered. Specified qualifications: male, 25-45 age range; able to ride horseback; "of sound constitution" and "good moral character;" and capable of passing mental and physical examinations as prescribed the superintendent.(3) Members could be reappointed after their initial two-year term if the superintendent was satisfied with their service. However, reappointment of officers previously suspended, removed or discharged required approval by the governor. The superintendent's approval was required before a member resigned. The superintendent could discipline a member for refusal to obey orders, neglect of duty, drunkenness, immorality, inefficiency, abuse of authority, "interference with the lawful right of any person," or unauthorized political activity. The governor, with approval of the state senate, was to establish a bipartisan two-man board of commissioners with two-year terms. Commissioners could not hold any elective or appointive public office during their tenure. They were to review appeals from the superintendent's charges against members, conduct hearings to determine validity of charges, suspend members until formal trial on the basis of evidence, and conduct trials to determine whether discharge was warranted. In case of tie votes, the governor sat as third member and presiding officer of the trial board.(4) (Sections 7, 9, 22-24)

### Administration

The board of public works was to provide suitable office space at the state capitol for department headquarters. The superintendent was empowered to promulgate regulations for the government, discipline and control of the department. Members were permitted to carry arms without a license. The superintendent was to provide weapons, uniforms, and "horses and other means of conveyance" for use by the officers. He was also to establish local headquarters "at such places in West Virginia which are in his judgement suitable and proper to render the department... most efficient...." This included providing necessary housing, quarters, equipment and supplies. (Sections 2, 11-12)

### Powers and Authority

The department's jurisdiction "shall extend anywhere in the State of West Virginia." Six powers were specified:

1. To arrest and detain persons on warrant (without warrant when officer was a witness to the act).
2. To serve criminal (but not civil) process at court direction.
3. To cooperate with local authorities in detecting crime and apprehending criminals and suspects.
4. To make personal complaint, obtain and execute warrants, and bring the offender into court, and execute summonses (Sections 13-14).
5. To serve as forest patrolmen, game and fish wardens, and deputy prohibition officers (at the call of the commissioner of prohibition), exercising "all of the powers conferred by law upon a sheriff, constable or any other peace officer" (except serving civil process or exercising other powers of a civil nature)(5),and
6. "...when called by [a] sheriff... or when the governor by proclamation so directs, shall have full power and authority... to direct and command absolutely the assistance of any sheriff, deputy sheriff, constable, chief of police, policeman, town marshal, game and fish warden, deputy prohibition officer and any and every peace officer of the State or of any able-bodied citizen of the United States to assist and aid in accomplishing the purposes expressed in this act." Any person called upon became "for all purposes, a member of the department of public safety."(6)

#### Restrictions

1. Civil. Members prohibited from interfering "with the rights or property of any person except for the prevention of crime."(7) (Section 15)
2. Political. Members barred from holding any elective or appointive public office while a member of the department, and for 1 year thereafter. No member to be politically active except to cast his ballot in election; may not act as an election official; and may not be detailed to the vicinity of a convention or voting precinct on the election or convention day, nor remain in the voting precinct after casting his ballot. Penalty for violation was dismissal from the force. (Section 15)
3. Labor Disputes. Officers not to be quartered on property of any person or corporation employing more than 25 workers unless no other reasonable quarters are available. Members prohibited from aiding or assisting either party to a labor dispute, "but shall in such cases see that the statutes and laws of the State... are enforced in a legal way and manner."(8) It will be a felony for members to hire themselves out to guard private property, or accept a bribe to perform or not perform their official duties. Similarly, any person or firm offering a bribe will be guilty of a felony. (Sections 15, 20-21)

#### Miscellaneous

1. Superintendent authorized to collect and distribute statistics and work with education agencies "to secure the nationalization and Americanization of all foreign-born inhabitants" and to "secure a harmonious feeling and understanding between the employers of labor and their employees..." by calling on educational or other institutions "for public speakers and is authorized to hold public meetings... [when] such meetings will be of advantage to carry out the spirit of this law."(9) (Section 29)
2. Railroad officials required to provide free transportation to officers (and their prisoners) to any point in the state, subject to reimbursement on approval of claim by the superintendent. (Section 28)
3. All jailers required to receive and detain any prisoner arrested by a state police officer. (Section 17)
4. Persons falsely representing themselves as members of the department guilty of a misdemeanor. (Section 19)

5. Interference with an officer on duty, or refusal to provide information "relating to any offense or crime committed, or about to be committed, or of any riot, uprising or disturbance existing or threatened," are misdemeanors (except information which would be self-incriminating or incriminating to a spouse). (Section 18)

## **CHAPTER 5: GETTING ORGANIZED(1)**

Governor Cornwell appointed the first superintendent of the Department of Public Safety on 29 June 1919.(2) Jackson Arnold, grand nephew of Confederate General Thomas "Stonewall" Jackson, was the former executive officer of the 1st West Virginia Infantry Regiment. In an article in the 1922 West Virginia Legislative Handbook and Manual and Official Register, Colonel Arnold summarized his understanding of the mandate accorded him by passage of the state police bill.

It appears that the plain intention of the people of West Virginia... was, first, to relieve the military arm of the state of the burden of looking after public calamities and disorders, except of the most severe kind; secondly, to supplement the work of the local peace officers; and thirdly, to abolish the system of private employment of men endowed with the powers of peace officers.... It is believed that the department is filling a long felt need in the State and that much good and no harm has been accomplished by it, and it is making West Virginia a safer place in which to live and work and in which to invest in the various industries.(3)

As he set about implementing this mandate, Arnold faced the daunting challenge of recruiting and retaining an adequate number of high quality officers. Shortly after selecting Arnold to head this vital new state agency, Governor Cornwell took time to carefully set forth his expectations as to the quality of men to be sought. His 3 July 1919 letter to the superintendent emphasized that troopers' conduct must be such as to preserve the state's good name. Therefore, only men of good character, tact, and intelligence, capable of maintaining a careful neutrality in all official dealings, were to be favorably considered in the selection process. The "fundamentals" of WVSP operation must be politeness and service.(4)

These considerations necessitated a very careful screening of the thousands of applicants. The first trooper--Sam Taylor--was enlisted on 24 July, but overall strength was practically nil from July through September 1919. By the end of November, 121 had finally been selected and assembled for duty.(5) But recruiting men was only part of the problem. To insure the desired quality, all appointees served a four-month probationary period, which eased the task of discharging "types undesirable to the public and men derogative to the best interest of the department." The impact of discharges was staggering: during fiscal year 1922, 141 men were discharged, topped only by the 180 terminated during the 1923-1924 period. Superintendent Robert E. O'Connor noted in 1926 that although 94 men were discharged, the 42 percent turnover rate was the lowest since the department's creation. In 1928, O'Connor reported that the average enlisted strength during the biennium was 157--only 11 (7 percent) of whom were members of the group originally recruited in November 1919. Summarizing the department's history fourteen years later, Col. H. Clare Hess noted that over 300 men entered and left the West Virginia State Police during 1919-1921. Such turnover caused end-fiscal year personnel strengths to fluctuate wildly: 1921, 113; 1922, 206; 1924,146; 1925, 210; and 1926, 180.

In view of this instability, it was inevitable that men of less than desired qualities would manage to pass the screening process. The impact of undisciplined personnel was particularly evident in operations in strike zones. During his visit to West Virginia, A. F. Hinrichs noted the virulent anti-unionism of many troopers stationed in Mingo County:

Even the regular State Police seem to have lost sight of the nature of the controversy. They were charged with the duty of maintaining law and order, but they regarded the miners as the enemy and drew no nice distinctions. The young clerk of the force told me: 'The big advantage of this martial law is that if there's an agitator around you can just stick him in jail and keep him there.'(6)

This attitude was at least partially traceable to the selection process. Barb reports that "of a maximum of one hundred men in [Capt. James R. Brockus'] command thirty-five had to be discharged because of bad conduct within a period of ten months."(7)

Colonel Arnold was also plagued by problems in uniforming and equipping his men. Each new trooper was initially required to bring his World War I uniform when he reported for enlistment. Part of the delay was attributable to a prolonged garment workers strike, and part to the "eternal red tape encountered in procuring equipment from the surplus property division of the War Department."

The fledgling force could provide very little in the way of formal training. In 1920, Arnold attempted to acquire use of the state militia's target range at Caddell, Preston County, for training his men. But formal training was not to become a reality until 1927, when a one-week course was presented at Haywood Junction. During 1928, the militia's Camp Conley, near Point Pleasant, was turned over to the state police. A two-month recruit training course was conducted under the direction of veteran officers who had attended other state's schools. This intensive training encompassed discipline, classification and causes of crime, criminal investigation, the law of arrests, court appearances, firearms and first aid (taught by an American Red Cross instructor). The recruits received no pay, just food, clothing and lodging. Superintendent O'Connor pointed proudly to the economical manner in which the training was conducted: the average cost was only \$1.50 per recruit per day. He was also proud that all recruits had at least a high school education, a standard which some rural law enforcement agencies have not reached to this day. One payoff from the higher admission standards was, of course, a decrease in the frequency of incidents brought about by poor judgment.

Colonel Arnold had other plans for the Caddell facility. He wanted to pasture horses there and grow forage for them at the same site. It may seem strange that the WVSP was basically a mounted police force in an era of rapid "automobilization." As Arnold noted in his 1922 report:

Due to the topographical condition of the state there have been many isolated spots where we had not been able to penetrate. The placing of horses at stations near such regions have brought our patrols in contact with these communities and engendered a wholesome respect for the law and its officers. The policing of rural communities has become a simple problem since the acquisition of these horses.

A better perspective can be gained from the official history published by the state department of highways:

In 1910, there were only three or four hundred miles of road which could be termed surfaced highways.... There were no paved roads in West Virginia, except for two and three mile sections leading out of Parkersburg, Wheeling, Clarksburg and Huntington.(8)

The first permanent macadam and concrete roads were not constructed until 1911, and even then each was only about a mile and a half long. A state roads bureau report of 1914 alleged that West Virginia had "the worst roads in the United States." With such terrible road systems, the state could not very well participate in the post-war automobile craze.(9) So, horses and legs provided the state police with most of its mobility in these early days. Each company headquarters was allocated a touring car, to be used for transporting bulky supplies and for quick dispatch of troopers where suitable roads did exist. But during this same period (1920-1921), 36 prize horses were also added to the department's inventory. Dodson observed that:

The topography of the State was... such that horses were necessary for... police work.... Their usefulness was decreasing with the gradual betterment of roads, but they must be kept in trim for emergencies.... A day's duties, outlined for a trooper in [the late 1920's], was to rise at dawn, curry, feed, and care for his horse, climb on a motorcycle, patrol until dark, return to headquarters, report, feed his horse, bed it down for the night, eat, report for any additional duties. This routine was interrupted only for special assignments.(10)

Taking proper care of the horse usually reaped great rewards. One reporter noted that a trooper's mount "often saved his life, for example when the horse was trained to lie prone as a shield for a rifle-firing trooper."(11)

Because of continued labor opposition to the state police, superintendents were careful to emphasize its cost effectiveness in each of their early reports to the governor. Departmental self-sufficiency was also reinforced by not asking for increased annual appropriations, and by returning money to the state treasury, as happened each year until 1928. After 1928, the superintendents had to fight to hold on to existing appropriations. Budgetary reductions for 1928-1929 forced a cutback from 180 to 157 men. O'Connor pointed out that the per capita cost of each trooper was only

\$2,750, and that the increasing burden of highway patrol necessitated a budget of at least \$500,000 for 1929-1930. So tight were funds that the governor gave money from his personal emergency fund to purchase badly needed new uniforms, automobiles and other equipment for the department in 1929. Funding at the \$600,000 per annum level was requested for 1931-1932, but this proved to be a pipe dream as the Depression ground on.

The department's field structure consisted of Company A, initially headquartered at Haywood Junction (just north of Clarksburg), Harrison County, and Company B at Williamson, Mingo County. The companies eventually controlled a total of 31 substations. Department headquarters was located in the state's capital city, Charleston.

By December 1920, Colonel Arnold had a full year's experience as head of an operational state constabulary. In submitting the first biennial report to the governor, he proposed several changes which would require legislative approval. First, he requested that the organization's name be changed to "Department of State Police." This was necessary, he said, because of confusion evident in misrouting of mail to other state departments and to the City of Charleston. Second, Arnold proposed that a second deputy or other position be authorized to provide professional legal counsel to the department. He also wanted both WVSP companies to be augmented by assignment of two additional sergeants--a cook and a farrier-blacksmith. Finally, he urged the necessity for an across-the-board pay raise for all department employees.

At this time, there had been considerable discussion over the need to expand the WVSP to more effectively confront labor unrest. Colonel Arnold made his position on this issue quite clear. While he favored more manpower, he formally recommended that "the organization, if increased, be not by the creation of additional companies, but by increasing the present two companies to an authorized strength of one hundred fifty men each, to include one additional lieutenant, three additional sergeants, and four additional corporals." If implemented, Arnold's plan would have raised the department's strength to 302 officers and two civilians.

Arnold pointed out that "the department... has,... owing to the large number of men necessarily assembled at [those points where strikes and riots had occurred], been greatly hindered and impeded in its desire to afford protection to residents and property owners in rural and outlying districts." (12) Organized labor, of course, had launched violent attacks on the WVSP in large part due to these very concentrations of police power. Bruce Smith, in his landmark study, *The State Police (1925)*, used maps to compare the deployment of state troopers in both West Virginia and Pennsylvania, revealing a trend atypical of other state police forces of the time:

The maps appearing herewith are intended graphically to portray the correlation between the location of state police stations and certain economic and social factors. The Pennsylvania maps show beyond any question not only that the troop reserves are in fact concentrated in the coal and iron districts of the state, but that they, together with the substations, also bear an intimate relation to the density of rural population, of the foreign-born, and of negroes. They show a high degree of correlation between the location of troop stations and the presence of those factors which are of special concern to the police. The West Virginia maps, on the other hand, show a marked concentration in the coal fields with certain large and relatively populous areas lying outside of the normal scope and sphere of the force. It should nevertheless be recognized that the situation in West Virginia is altogether unique and that the small numbers of the force, which totals less than one hundred and fifty at the present time, probably requires this disposition if it is to prove effective in dealing with an exceedingly difficult situation. (13)

In view of labor's influence in the state legislature, overwhelming sympathy for Arnold's recommendations could not be expected. But, on 15 April 1921, the legislators passed an amendment to the creative act, thereby authorizing the first major WVSP reorganization. Two additional companies were formed, and their maximum strength set at one captain, one lieutenant, one first sergeant, five sergeants, eight corporals; and not less than 30 nor more than 55 privates. Two additional civilian positions (clerks) were also authorized for departmental headquarters, and the requested salary raise was approved.

Colonel Arnold's force had a new ceiling of 286 officers, a 47 percent increase. The superintendent may have lost on the field structure issue but, in view of continued strong labor opposition, this vote of confidence in the new department and its commander was truly remarkable. (14) Companies C (Beckley) and D (Clothier) were duly activated on 14 July 1921, the effective date of the amendment. (15) The four-company field force structure thus erected would

continue in existence until July 1933, at the height of the Great Depression.

Before examining the WVSP's initial operations, it will be helpful to study one of the major personnel management problems faced by the department. Arnold had complained in his 1922 report about the absence of death, disability and retirement programs. Two years later he could report no progress, although arrest fees and reward monies were being held in a pool awaiting state legislative action. Arnold pointed out that while the current budget contained funds for three members disabled in the line of duty, the appropriation would expire on 30 June 1925. He underscored the concern for permanent benefits by stating that "while the men undoubtedly deserve a higher rate of pay, they realize the state's needs in other directions and their only desire at this time is to urge the need of a pension fund." The 1925 legislature responded by authorizing investment of the pooled monies in various bonds, with the interest to serve as a makeshift pension fund. However, interest accumulation was too slow to keep pace with the expenses faced by disabled troopers and dependents. Superintendent O'Connor recommended in 1926 that either the troopers be brought under the workmen's compensation program, or that group insurance be provided for them. He also recommended that members be prohibited from accepting arrest fees because (1) they received regular salaries and allowances (quarters, rations, and clothing), and (2) it seemed reprehensible for salaried officers to be "rewarded" for doing their jobs. But the state legislature did not act on O'Connor's requests, and a comprehensive death-disability and retirement fund was not realized until 1935.

## **PART II**

### **CHAPTER 6: THE MINE WARS, 1919-1929(1)**

The work of organizing a force to properly perform the duties outlined [in the creative act] is not the work of a day.... In view of the fact that all general powers of peace officers to be exercised by the department are already covered by local officers to the same extent they have always been covered, the first efforts of the department have been devoted to the preparation for any sudden call which would require the force to cover a mob or riot summons, or a call resulting from some sudden calamity.(2)

Colonel Arnold wrote these words in 1922. As events developed, the State Police found plenty of calls to answer. A series of labor flareups commenced in the late summer of 1919 which culminated two years later in the infamous "March on Logan."

If we are to believe one writer, the department came perilously close to disaster because of its involvement in the industrial turbulence. Kyle McCormick was a reporter with a Charleston newspaper in 1919. Like many other reporters, he was trying to learn the identity of the new State Police appointees, which Colonel Arnold had steadfastly and mysteriously refused to publicize. McCormick simply went to the state auditor's office, checked the department payroll list, and published the names-with spectacular results!

The next day, I met Colonel Arnold on Hale Street and we had quite an argument and I thought he would tan my hide. It seems that all the newly appointed members of the police force were working under cover in Southern West Virginia getting a line on 'radicalism' that might be the activities of some Communists that had invaded the state or about mine union activities. Anyhow, the story just about broke up the state police. Here is a man working in a mine under cover, and all at once he is exposed. Had I known of the conditions I most certainly would not have written the story.(3)

#### **The First Miner's March**

In July-August 1919, prounion miners in Logan and Mingo counties called for UMWA organization. This prompted a lockout by operators in those counties as well as McDowell and Mercer. The UMWA retaliated by calling a statewide general strike in September.

Rumors abounded that deputy sheriffs and mine guards in Logan County were brutalizing the families of striking

miners.(4) A spontaneous mobilization of prounion men from the Kanawha field began, and by 4 September more than 6,000 miners, many armed, had concentrated on Lens Creek, near Marmet. Governor Cornwell addressed this assembly on the evening of the 4th in an attempt to persuade them to return peacefully to their homes. But about 1,500-1,900 men chose to ignore the plea and set out to "invade" Logan (the county and county seat have the same name) the next morning. This group's supposed objective was to "get" Don Chafin and to force the unionization of the mines. It had reached Danville by the night of the 5th. Cornwell warned union leaders that he would call for federal troops if the illegal march crossed the Coal River, boundary between Logan and Boone counties. This threat and much personal pleading on the part of the UMWA chiefs had the desired effect. The governor provided special trains to transport the marchers from Coal River to Charleston. He also promised to investigate conditions in Logan County.(5)

Thus, the first "Miner's March" ended peaceably enough. But tensions remained at a high pitch. Journalist Winthrop D. Lane summarized the hostility existing at the beginning of the 1920's.

The conflict in West Virginia is neither temporary nor sporadic. It is deep-seated and continuous struggle.... In West Virginia the [labor-management] conflict is seen in all its brutal nakedness, with both sides prepared for combat to the bitter end and relentless in pursuit of its goals.... West Virginia is today a state of civil war.(6)

In a further incident of unrest, an 850-man provisional regiment of the U.S. First Division was dispatched to West Virginia in late October 1919. Their mission was to enforce a federal court injunction against a strike called by the UMWA. Colonel W. H. Morrell's soldiers were stationed at Charleston, Beckley and Clothier, in quarters arranged by the Acting Adjutant General, Maj. Thomas B. Davis (WVNG). Morrell's intelligence unit allegedly worked up a list of dangerous agitators which was subsequently turned over to the State Police. The troops were withdrawn on 18 November.(7)

The determination on the part of both sides in the unionization struggle is explained by the critical role which the state played in the coal industry, and in the ultimate fate of the UMWA.

In 1920, with 50% of her coal mines working under union contracts and the other half working largely in the southern non-union areas, West Virginia presented the picture of a house divided against herself. For the next thirteen years the United Mine Workers were to fight a bitter losing fight....

The challenge was clear cut. The increasing competition offered by the Logan and other non-union operators to the organized fields was an unpleasant fact, indeed, a threat to union operators and miners.... Unless the miners could bring these nonunion areas under wage agreements, their very existence as an organization was jeopardized.... [Hence] the union was determined... to bring all of the southern fields into the union fold. There was much truth in the fighting phrase 'If Logan falls, West Virginia is organized.'(8)

"Bloody Mingo"

In May 1920, Mingo County miners called for UMWA organizers in protest over long-standing grievances concerning the weighing of coal, employment of mine guards, and operator refusal to grant wage increases.(9) Baldwin-Felts agents arrived shortly thereafter to evict prounion miners from company-owned houses. On 19 May, a party led by Albert C. Felts entered the town of Matewan following some evictions in a nearby mining camp. According to some sources, Felts allegedly attempted to arrest Police Chief Sid Hatfield, who had been interfering with the evictions. Hatfield, in turn, was allegedly trying to arrest Felts on the order of the mayor. A dispute developed in which several Matewan residents became involved. Gunfire erupted, leaving the mayor, Felts, six other agents, and two citizens dead. Other sources say that Hatfield had plotted an ambush for the agents, most of whom were unarmed when the shooting started. Whatever the truth, Hatfield quickly became a hero to the miners, and the incident went down in history as the "Matewan Massacre."(10)

In July 1920, the UMWA called a strike for union recognition and higher wages. This strike was to continue, at varied levels of violence, until the union conceded defeat in October 1922.(11) Fighting broke out between mine guards and strikers during July and August, leaving numerous dead and wounded. Governor Cornwell decided that federal intervention was necessary to restore order. At this time there were only 30 State Police officers on duty in Mingo.

Colonel Samuel Burkhardt arrived in August 1920 with 469 soldiers from Camp Sherman, Chillicothe, Ohio. These troops were dispersed among the larger mines in the county, but martial law was not declared.(12)

The UMWA alleged that the military favored operator interests, and on 24 September union leaders threatened to call a statewide strike if the federal troops were not promptly withdrawn. Cornwell acceded to this demand for days later, on condition that sufficient deputies be appointed to maintain order. This step was taken, but the troops had scarcely pulled out when Logan County deputies raided a UMWA local at Blair on 6 October, resulting in the death of one man and wounding of five others. At this point, Governor Cornwell could see no alternative as incidents of violence continued to increase. He proclaimed martial law in Mingo and Logan counties on 27 November 1920. Federal troops under Colonel Herman Hall (19th U.S. Infantry) were in place by the end of that month. Hall ordered a "clean up" of Williamson which forced many dissidents to leave. The troops succeeded in restoring relative calm, and were again withdrawn in January 1921.(13)

The new year proved to be the most momentous and violent in the history of industrial warfare in West Virginia. On 15 January 1921, Capt. James R. Brockus, commanding Company B, WVSP, brought 45 state troopers into Mingo County on the heels of the federal withdrawal. Brockus was to remain in charge of State Police operations in Mingo for the rest of the decade. One of the first tasks his men faced was securing the court house during the trial of Sid Hatfield and other participants in the "Matewan Massacre." Baldwin-Felts agents also appeared in Williamson about this time, doubtless seeking revenge. They were ordered to leave because of the obvious threat they presented to public peace.(14) But violence flared again on 12-14 May in the so-called "Three Days Battle." Miners fired indiscriminately into several towns in Mingo County, many from positions across the Tug River in neighboring Kentucky. Law enforcement units were unable to suppress the sniping and ambushing, even though machine guns were brought into play on the 13th. Kentucky Governor Edwin P. Morrow cooperated by sending some of his state's National Guard units to Pike County to patrol and cooperate with West Virginia authorities. He joined Cornwell's successor, Ephraim F. Morgan, in a joint request to President Harding for U.S. Army intervention in Mingo County. Morgan made this request because he did not have any state troops to call upon. The legislature had passed an enabling act for reorganization of the WVNG on 28 April, but the law would not become effective until 28 July. And, as pointed out in the previous chapter, the WVSP expansion would not be realized before 14 July.(15)

Harding did sign proclamations of martial law for both states on 14 May, but these were never issued. He ordered the 19th Infantry at Camp Sherman to readiness state, but held up actually dispatching them pending the report of a V Corps staff officer sent to the strife scene. Maj. C. F. Thompson made his investigation, and reported that troop intervention was not necessary in his judgment. On 17 May, Harding's secretary sent the following message to Morgan:

The President...feels that he is not justified in directing the military forces of the nation to enter West Virginia... until he is well assured that the State has exhausted all its resources in the performance of its functions. On the representations thus far made, the President is not convinced that West Virginia has exhausted all its own resources, and he awaits more definite assurances.(16)

In view of the president's reticence, and perhaps to provide more "assurances" but certainly in response to local pressures, Morgan proclaimed martial law in Mingo County on 19 May 1921. This was the anniversary of the "Matewan Massacre" and a resumption of violence was expected. Almost the entire complement of State Police officers were ordered to duty to Mingo to enforce the proclamation. As events proved, "Matewan Day" passed with few serious incidents.(17)

The day before (18 May), the Mingo County sheriff had invoked Section 14 of the WVSP creative act by issuing a written warrant for Capt. Brockus to take charge of affairs in Mingo. Brockus could see no other salvation in the tense situation, and called a public meeting at the court house to ask for volunteers. Notices were likewise posted throughout the county, and names submitted were screened prior to selection and notification to report for swearing in as "volunteer state policeman." An identification card, rifle and ammunition (specially ordered from Charleston by Brockus) were issued at the time the oath was administered. Since Brockus was not personally familiar with enough local residents to render final selection, he had to rely on others. At first the sheriff and prosecuting attorney handled screening, but the volume of applications soon became unmanageable. Brockus, therefore, established a committee of

seven prominent citizens to screen applications from Williamson residents. Outside the county seat, reliance had to be placed on the recommendations of superintendents and other mine officials. In this manner, the posse comitatus provision of the creative act was invoked to recruit some 750 "volunteer state policeman" as a reserve backup to the regular troops in maintaining order.

There was however, some doubt concerning the neutrality of most of the "volunteers" thus recruited.

The State Constabulary was increased in May 1921 by about 600 volunteers for special emergencies. Of these, 207 came from Williamson City.... Capt. J. R. Brockus, in charge of the State Police in Williamson Co. [sic], was unacquainted in this district. He therefore accepted 'a committee of citizens... to pass on the names submitted... [to select those who] could be relied upon to be issued a rifle and ammunition and go out in the interest of law and order.' This committee, as brought out in [Senate investigation] cross-examination, was largely composed of men whose interests were closely identified with those of the coal operators. In the outlying districts there is absolutely no question of the partisanship.(18)

It is noteworthy that although the governor had declared martial law, the civil courts remained open. This avoided, on the surface, the abuse of military courts trying persons for civil offenses. In reality, Major Davis--as acting adjutant general, the governor's personal representative and head of military courts in the county (which tried violations of martial law regulations)--personally decided whether a given case would be prosecuted under civil or military jurisdiction. There was no appeal from his decision, and the military courts did not allow bail. The potential for abuse is apparent. Davis became known derisively as the "Emperor of the Tug" among prounion miners.(19)

Captain Brockus commanded not only Company B but virtually all (90 percent) of existing State Police strength as a result of the concentration ordered by the governor. These men were removed from Colonel Arnold's control, and placed under the acting adjutant general, who administered the martial law proclamation.(20) There is evidence that the "volunteers" were not the only state policemen who failed to remain neutral. Barb reports that

...there were a number of flagrant violations of the most elementary civil rights. The miners charged that the State Police had jailed men for reading the United Mine Workers Journal and the West Virginia Federationist. Under cross-examination in the Senate investigation Captain Brockus of the State Police admitted that these charges were true... but claimed that these things had not been done under his orders.(21)

The State Police were involved in many confrontations with the union in the strike area. On the evening of 13 June 1921, a coal mine superintendent was shot at as he passed the Lick Creek tent colony in his automobile. Major Davis, Captain Brockus, and Sheriff A. C. Pinson led a small party of state troopers to the camp the next morning to arrest the sniper. As they were alighting from their automobile, they too were fired on. Davis ordered Sergeant Taylor to sprinkle the mountainside with submachine gun fire. This stopped the sniping, but the party decided that further advance was too dangerous. They returned to Williamson, collected 75-80 "volunteer state policemen," and set out for Lick Creek again. The force split up to seal off the colony and prevent escape. Again shots were exchanged, resulting in one person killed and two (including State Police Private James Bowles) wounded. Some 45 strikers were arrested and taken to Williamson City jail for questioning. Tents were searched for illegal weapons. A number of affidavits were filed as a result of the "Lick Creek Raid." Most alleged wanton destruction of property, theft, threats of rape and arson, and indiscriminate firing by police. Charges of brutality were levied against Brockus himself. Regardless of the charge, "it is difficult to determine with precision exactly what took place. But it is clear that the raid left the miners with an indelible impression of arbitrarily inflicted brutality and that it was of major importance to the subsequent evolution of the strike."(22)

Throughout this period, Governor Morgan had relied on the State Police (regular and "volunteer") and deputy sheriffs to enforce his 19 May martial law proclamation. The UMWA had challenged the validity of the proclamation, and won a critical state supreme court decision in *Ex parte Lavinder* (88 W. Va. 713, 1921). The high court declared that the proclamation was valid only to the extent it could be enforced by actual military forces, which test the State Police or deputies did not meet. In fact, the only military force available was the acting adjutant general (Major Davis). Faced with this decision, Morgan issued a second proclamation on 27 June 1921, reaffirming the earlier proclamation and calling forth part of the county's "enrolled militia" to enforce it. In so doing, Morgan employed the same militia statute

criticized by Cornwell. The Mingo sheriff was to draft, or accept volunteers, to total 130 men. These were to be organized into "Company A and Company B, West Virginia Enrolled Militia," with command entrusted to Major Davis. The term of enlistment of these militiamen was set to expire on 27 August. This second proclamation of martial law would not be lifted until September 1922.(23)

### The "Battle of Blair Mountain"

The lid was finally blown off tensions in the smokeless fields by an incident at Welch, McDowell County, on 1 August 1921. Sid Hatfield, miner hero for his part in the "Matewan Massacre," and his deputy Ed Chambers, had been summoned to Welch by the county bench. As they mounted the court house steps, with their wives, they were gunned down by a group of Baldwin-Felts agents, in retribution for the killing of Albert C. Felts. This was the final straw for prounion miners. As one historian observed, "The invasion of Lick Creek and the murder of Hatfield and Chambers were preludes to one of the great working class mobilizations and served as landmarks in American labor history."(24)

The UMWA called a protest meeting in Charleston on 7 August. Armed miners began to assemble at the old Lens Creek campground shortly afterwards. By the 23rd, several thousand miners were setting out for Logan and Mingo counties. Some of the men traveled in commandeered trains and automobiles. Since many were veterans, they employed military-type formations. The exact objective of this "March on Logan"--and whether or not Logan was actually the target--are still disputed.(25) In any event, advanced elements reached Madison (Boone County) by nightfall on the 25th. Governor Morgan alerted Arnold at State Police headquarters, and issued another appeal for Army assistance. Again Major Thompson was sent to make an on-the-spot assessment. This time he was in company with Brig. Gen. Henry H. Bandholtz, commander of the Military District of Washington. These officers met with Morgan at 4:00 a.m. on the 26th, and shortly thereafter with top UMWA district officials. Bandholtz made it clear that he would employ troops if required to stop the marchers advance and prevent bloodshed. Thus warned, the union leaders left the capital, overtook the leading elements by noon at Madison, and after much cajoling, convinced the miners to stop. On 27 August, Bandholtz drove along the line of march, talking with miners and forming his own assessment of the situation. He then reported to Washington that state officials had taken no steps to check the growth of the insurgency. Based on this report, Harding and the secretary of war decided on the 29th that federal intervention was not necessary. So far, the incident appeared merely a larger-scale replay of the 1919 "Miner's March."(26)

But even as the president was deciding, the specter of insurrection arose more threatening than ever before. Bandholtz found himself returning to Charleston, this time armed with a presidential proclamation of martial law encompassing Kanawha, Fayette, Boone, Logan and Mingo counties.(27) After a first-hand look at the situation, the general telegraphed his superiors:

It is believed that the withdrawal of the invaders would have been satisfactorily accomplished but for the tardy sending of trains [to return marchers to their homes] and particularly but for the ill-advised and ill-timed advance movement of State constabulary on Aug. 27, resulting in bloodshed.(28)

What was behind this dramatic turnabout? Logan Sheriff Don Chafin had sent Captain Brockus with a mixed force of some 130 state troopers, deputies and mine guards with warrants for the arrest of 40 miners at Sharples and Blair. The miners were accused of holding up, disarming and stealing the horses of four state troopers near Sharples on 12 August. On the evening of the 27th, Brockus' force encountered a concentration of yet-to-be-dispersed marchers, and shots were exchanged, leaving two dead and three wounded. This incident was immediately labeled the "Sharples Massacre" by angry miners, who now reversed course, heading back toward Logan County. Governor Morgan sent the adjutant general to Sharples on 29 August to command the marchers to disperse. When they refused, Morgan again requested urgent federal assistance.(29)

The next day, President Harding issued a proclamation calling on all persons to retire to their homes by noon on 1 September. After conferring with the secretary of war, Army assistant chief of staff, Bandholtz and a delegation of prominent West Virginians, he telephoned Morgan. Harding then decided to order in the Army to restore calm. There was general agreement that those persons who had not dispersed by the appointed hour "could be considered as having placed themselves in opposition to the United States...."(30)

By 31 August, some 4,000 armed miners were engaged in desultory combat with a defending force of 1,200 deputies, mine guards, volunteers and state troopers along the Logan-Boone county line. This force had originally been gathered by Sheriff Chafin, but command devolved to Colonel William E. Eubank, WVNG, on the 30th. (Interestingly, the order placing Eubank in charge referred to the action as a "military operation.") Colonel Arnold later testified that about 120 state troopers were in action on Blair Mountain itself, and a like number were occupying Logan city. The force on Blair Mountain comprised 80 men of Company B and the newly organized Company D (Lt. Harvey N. Rexroad), plus some 42 mostly untrained men brought from Charleston by Arnold himself. (Remember that the virtual doubling in strength of the WVSP had become effective only 47 days before.)(31) On 2 September, fighting lasted for 12-15 hours in what the newspapers were calling the "Battle of Blair Mountain." Skirmishing was heaviest along Spruce Fork Ridge and Beech, Hewitt's, Crooked and Mill creeks. (Blair Mountain is the watershed of the Coal and Guyandot river basins.)

The first federal forces arrived at St. Albans on the evening of the 2d. Altogether, about 2,100 soldiers were dispatched from Camp Sherman, Ohio, Camp Dix, New Jersey, Fort Thomas and Camp Knox, Kentucky, and Fort Benjamin Harrison, Indiana. In addition, the 88th Light Bombing Squadron flew in from Langley Field, Virginia, to provide reconnaissance support. (Four of the squadron's 15 aircraft were lost through accidents during their tour in West Virginia.) The Army set up head- quarters in rear of both the marchers (at Madison) and the defenders (at Logan). Colonel Eubank's force was subordinated to the federal military control, but willingly left the scene upon arrival of Bandholtz' command. The general did not have to use the presidential proclamation he carried from Washington. The marchers promptly surrendered their weapons and started for home. Most of Bandholtz' troops were pulled out on 6 September, and all were withdrawn by December 1921. Overall casualties in the "battle" were remarkably light: three killed and forty wounded in the defenders ranks, and an unknown but probably small loss among the invading miners.(32)

Public outrage over the "March on Logan," and the subsequent trial of UMWA leaders for armed insurrection and treason against the state of West Virginia, were strong factors in the virtual dissipation of the UMWA as a significant labor organization in the state. Perhaps even more important, however, was the fact that the forcible bid to break into the nonunion fields had failed--disastrously.

...with Logan lost, the prestige of the union cracked... [it] gradually lost ground in the remaining fields of southern West Virginia until, by 1926, the Kanawha, New River and Pocahontas fields were almost completely 'deunionized.'(33)

By the time the strike was finally cancelled in October 1922, the cost was estimated at 30 dead, 50 wounded and over \$250,000 in property damage.(34) Unionism was dead in West Virginia until passage of the National Industrial Recovery Act in 1935. Before that law was declared unconstitutional, the state's coal operators had finally relented and almost all of the miners were organized under the UMWA. During this period of greatest unrest in the smokeless fields, four state troopers died in the line of duty. All were shot to death, one accidentally while improperly cleaning a weapon. The three who died at other men's hands were all killed in "Bloody Mingo:" Pvts. Ernest L. Ripley (November 1920), Charles M. Cackley (May 1921), and William F. McMillion (June 1921). There is no better evidence of the significance of the department's role in maintaining order during the industrial upheaval in the southern counties.

### Industrial Warfare in the North

Industrial violence was not confined to the smokeless fields during the 1920's. In July 1922, nonunion miners in Brooke County who had refused to honor a strike call, were attacked by some 1,200 strikers from across the Pennsylvania line. In the resulting affray, 13 strike breakers, 7 union men and the Brooke County sheriff were killed.(35) In August 1924, operators in the northern fields began to repudiate their contracts with the UMWA. Following the now familiar pattern, the operators employed Baldwin-Felts agents to reinforce their own guards and paid deputies. A strike began in October, followed by evictions. Then commenced "a systematic destruction of property seldom equaled in industrial conflicts. Mines were blown up, railroad trestles and coal tipples destroyed, homes of strikebreakers bombed, and a reign of terror was created in the district."(36) Rather than the mass marches, rifles and machine guns which characterized mine wars in Mingo and Logan, the State Police were faced with

combating techniques very similar to those of modern terrorism.

Superintendent O'Connor's men found plenty of action over the next four years. In one incident, an elaborate conspiracy was betrayed to the State Police, involving the mass murder of "scab" workers by strikers. Forty troopers were rushed in, seized the union hall, and dismantled some carefully fortified positions constructed by the union men.(37)

In March 1925, the reported theft of large amounts of explosives brought a State Police task force to the Fairmont area. The troopers ordered the Baldwin-Felts agents to stop evicting strikers unless a court order could be produced, which led to only a momentary reduction in tensions. During 1925-1927, four mines were destroyed in Marion, Barbour and Monogalia counties, resulting in the deaths of 151 workers. The union charged operator indifference, but there was a very strong suspicion that terrorism was behind the deaths.(38) A bomb was found at the Monogah mine (Marion County) in 1928, just after a 400 man crew had started work. O'Connor assigned 12 troopers to work undercover to ferret out the responsible parties in this attempt and the successful bombing in Barbour County. Their investigations led to the arrest of the Barbour bombers, who were hiding in Newark, New Jersey, and Brooklyn, New York, at the time of apprehension. Officers investigating the Monogah case had followed a foreign radical striker across the Pennsylvania line to Pittsburgh. The terrorist was arrested as he recrossed the state line carrying weapons and ammunition. He confessed to taking part in the bombings, then informed on the leader of the terror/sabotage conspiracy. The resulting convictions smashed a well organized operation.(39)

The strike itself finally ended with the general economic collapse of 1929. It was "the last major conflict in West Virginia's coal fields."(40)

#### Other Law Enforcement Activities

In addition to duty in the strike zones, the State Police engaged in other, less dramatic law enforcement activity. Some related to the generally high level of public violence. For example, the 1925 Legislature had passed a firearms law requiring a permit to possess, carry or transport a high power rifle, machine gun, or submachine gun. The department was assigned responsibility for administering the permit program. By the end of Fiscal Year 1930, 952 permits had been issued, at \$2 each. The troopers also instituted special fire, forest, fish and game patrols in Webster, Pocahontas and Randolph counties during 1920. In one instance, they performed an immediate service for the governor by physically carrying the state compensation commissioner from the commissioner's office! (The commissioner had argued with the governor and refused to willingly vacate his position.)(41)

Prohibition, of course, levied a tremendous workload on the State Police, since federal enforcement was inadequately funded. In August 1919, the revenue agent in charge in Huntington wrote to the state tax commissioner soliciting State Police assistance in moonshining raiding. The governor consented, but sufficient numbers were not available until December. At that time, Arnold dispatched 14 troopers under a sergeant to participate in joint federal-state operations.(42) Destruction of moonshine stills increased from a total of 42 in 1919-1920 to 1,192 in 1928-1930. During those years, the quantity of moonshine, mash, wine and other illicit liquor confiscated rose from 10,865 to over 250,000 gallons. In statistical terms, State Police arrest data reflected similar steadily increasing workload:

Fiscal Years	Felonies	Misdemeanors	Other	Total
1919-1920	--	--	--	3,549
1920-1922	--	--	--	4,805
1922-1924	1,429	8,607	--	10,036
1924-1926	1,951	19,961	94	22,011
1926-1928	2,722	25,288	164	28,174
1928-1930	3,703	23,109	--	26,812

These figures reflect an incredible efficiency when viewed against the persistent personnel turbulence of the decade. As it entered the 1930's, however, the department faced such crushing appropriations shortfalls that the desired levels of service could not be maintained.

There is no doubt that Arnold had molded a highly effective police force from the general outlines of the creative act. At times, it may have performed in a repressive manner, but this simply reflected the tenor of the times and military discipline and experience of its members. The force played a key role in restoring peace to West Virginia in the volatile post-war era.

## **CHAPTER 7: DEPRESSION AND RECOVERY, 1929-1939(1)**

The economic disaster which overwhelmed America after the Stock Market Crash of October 1929 progressively restricted the appropriations available for government operations at all levels. For superintendent Brooks' force, this meant severe manpower cuts at a time when the State Police were assuming new responsibilities, especially in relation to traffic law enforcement and safety.(2)

### **Coping With Depression**

On 30 June 1930, there were 159 men on the roles, against an authorized manpower complement in the 188-288 range. These troopers were mainly distributed among the four companies and 58 substations located throughout the state. Two years later, an appropriations cut of \$112,500 forced a reduction of 35 men. Actual strength stood at 125 on 30 June 1932, and Col. Robert L. Osborn(3) was pleading for at least sufficient funding to maintain the existing force. There were still four companies, but two were operating without executive officers (lieutenants) and average company strength had dropped to only 22-32 men. Eight substations had been closed down. No recruit school had to be conducted in 1932; so many men had been laid off in May 1931 that all vacancies could be filled by rehiring experienced officers.

Col. Presley D. Shingleton replaced Osborn in March 1933. His 1934 biennial report to the governor summarized the impact of additional budget cuts suffered during the biennium. The cuts had

...necessitated a complete reorganization without reducing the personnel of the department, therefore, on July 1, 1933 under an executive order two (2) of the four (4) companies which [had] been maintained since 1921, were mustered out in name only, and the personnel and equipment transferred into the two remaining companies... thereby effecting a considerable economy through the reduction of two (2) captains to the grade of lieutenant, two (2) first sergeants to the rank of sergeant, five (5) sergeants to the rank of corporal, and nine (9) corporals to the rank of trooper.

The department was also compelled to reduce the number of substations from 48 to 31, which further effected a considerable saving in barrack rental.

The reorganization had at least not cost the department any manpower authorizations, and actual strength was 121 men on 30 June 1934. Twelve new recruits had been trained at the capital for two weeks in January of that year. Shingleton was able to report that "the citizens of the State were being given the same protection as in the past." The field forces now consisted of Company A (consolidated from former Companies A and D) at Fairmont, and Company B (consolidation of former Companies B and C), in Charleston. Company A operated 15 substations, protecting 31 northern counties, and Company B operated 16 substations in the state's 24 southern counties. In his 1934 report, Shingleton took the optimistic view and requested that the State Police budget be doubled for 1935 (to \$600,000).

The 1935 Legislature was not as generous as Shingleton had suggested, but it did come close by allocating \$550,000 for the department. This allowed the recruitment of 75 new members (who trained for two weeks at Camp Conley, Point Pleasant) and, more significantly, a gradual reconstitution of the department structure authorized by the 1921 amendment to the creative law.

Coincidental with the enlistment of these new men on August 1, 1935, a third company [Company C, Elkins] was created, increasing the number of detachment headquarters to 61. This made it possible to locate a post in each of the state's 55 counties for the first time in history. Suitable transportation units and other equipment were also purchased in connection with this increased personnel and number of stations.

On March 1, 1936, the department was reorganized, creating another additional company [Company D, Beckley] without changing the number of men or the number and location of stations.

This remarkably laconic statement from Shingleton's 1936 report depicted a virtually total resurrection of the West Virginia State Police from its Depression doldrums. Under the reorganization, Company A remained at Fairmont, with 16 detachments; Company B, Charleston, controlled 12; Company C, Elkins, 14; and Company D, Beckley, 15. The number of companies has never since decreased, and a de facto fifth company was created in 1954 (see Chapter 9). It is interesting to note that the four companies did not reassume the same areas or headquarters sites as their pre-1933 counterparts. Old Company A had been headquartered at Shinnston; B at Williamson; C at Beckley; and D at Parkersburg. The distribution of new company headquarters locations highlighted the continuing change from preoccupation with policing the coal mining towns. Headquarters sites have, of course, been relocated in the years since 1936.

By June 1936, actual strength had reached 200 men, and Colonel Shingleton was pushing to the full authorized complement (still set at 288). The department was not destined to reach that size, however, for another 30 years. Actual strength had dipped slightly (to 197) in June 1938, but was to its then-record high of 212 one year later.

### Headquarters Reorganizations

During this period, the department created several permanent headquarters level offices to provide centralized support to field (patrol) operations. Records of homicides, by county, had been kept since 1930. As the need for more efficient management of information became apparent, the Criminal Identification Bureau (CIB) was established in 1933 to provide centralized maintenance of arrest and conviction records. Lt. Charles W. Ray was placed in overall command. By 1932, each substation had been provided with fingerprinting capability, and an identiscope (camera) was available at headquarters for identification photography. In 1935, a state fingerprinting law was passed, and CIB added a fingerprint classification section to handle the anticipated influx from the field. Up to this point, the State Police had relied on the cooperation of the state health and agriculture departments' laboratories for chemical analysis in support of investigative work. The CIB expanded again in 1936 to incorporate a forensic chemistry laboratory.<sup>(4)</sup> Thus, the CIB was evolving toward eventual status as the official state identification bureau, and provided a number of valuable services, free of charge, to county and municipal law enforcement agencies as well.

This technological progressiveness ran counter to the prevalent conservatism in many state police organizations, as Bruce Smith pointed out in 1933.<sup>(5)</sup> The slender manpower resources available to these departments had been leery of expanding "overhead," as specialized investigative techniques required, at the expense of patrol forces. All employed fingerprinting to some extent, but were hesitant to exploit other forensic science opportunities. Although Smith was emphasizing the leading role of the Pennsylvania State Police in acquiring scientific capabilities, he could easily have chosen the West Virginia State Police as his example.

In June 1936, a second staff office was created by consolidation of the State Road Commission's safety work with the WVSP Highway Safety Bureau (later renamed Accident Prevention Bureau). Management was vested in W. C. Easley, a civilian and former SRC safety director. The division kept records on traffic accidents, injuries and deaths; coordinated accident prevention programs; conducted research and planning; and maintained a speaker's bureau staffed with safety education officers.

One answer to manpower shortages was more efficient communication for dispatch, information exchange, and command and control purposes. An experimental teletypewriter system had been operated between headquarters and Company A (Fairmont) in March 1934. The success of this test led to gradual expansion of the State Police teletype net.<sup>(6)</sup> Superintendents from Osborn on had urged establishment of a State Police radio system. Funds were finally appropriated by the 1937 Legislature. In March 1939, the department's first radio station (Moundsville) went on the air. Over the next 31 months, six more stations were added to the police network--Shinnston (June 1939), Beckley (October 1939), Charleston (December 1939), Romney (February 1940), Chapmansville (January 1941) and a mobile unit for emergency communications/command post purposes (October 1941). The system included receivers in each county sheriff's office and many municipalities throughout the state, as well as 116 radio cruisers, an aircraft, and 62 detachment receivers in the department net. Overall management of this system was entrusted to the lieutenant

commanding the Radio Division, established in 1939 as the third headquarters office. To avoid tying up sworn officers in support jobs, radio operators and maintenance personnel were civilian employees.(7)

## Traffic Safety

On 1 September 1929, the State Police entered a new era. On that date, responsibility for traffic regulation and road law enforcement was transferred to the department from the state road commission (SRC) Traffic Department. Along with the function, \$20,000 in SRC appropriation was also transferred (unfortunately, this was a one-time transfer only). By 1930, about one-third of State Police manpower was devoted to road patrol, which was fast becoming the department's major function.(8) A few horses were retained, but 55 automobiles and 62 motorcycles had been procured for more effective highway patrol. The increased cost of vehicle procurement and maintenance (versus horses) required an offsetting reduction in personnel strength.

In addition to highway patrol, the State Police were responsible for several related functions, such as enforcing laws requiring the prompt return of automobile dealer tags (started in 1930), stopping drivers to be sure they were carrying valid operator permits, collecting on bad checks submitted to the SRC for automobile licenses, serving various SRC orders (including permit revocations and suspensions), inspecting the operation of vehicle safety equipment, and issuing warnings to violators. In 1928-1930, there were 5,319 road law arrests, but only 4,971 during the 1930-1932 biennium. This reduction reflected the change in emphasis to warning and driver education rather than arrest and punishment of offenders. (As mentioned earlier, a Highway Safety Bureau was created at Headquarters in 1936.)

In January 1931, the State Police, under a new law, were made responsible for examining operator/chauffeur permit applicants. They examined 27,246 applicants (and inspected their vehicles) in the first 18 months after the law went into effect, failing a total of 4,861. A further expansion occurred that same year when, under a joint agreement with the SRC and the superintendent of schools, the department began testing school bus drivers and inspecting their vehicles.(9) Of the 601 examined in the initial period, 59 failed to meet the standards prescribed by the State Police. By the 1932-1934 biennium, examination workload had increased to 42,557 applicants (8,303 failing) and 817 bus drivers (105 failed).

Systematic road patrol started in April 1934. The department employed 42 motorcycles and 16 roadsters but, due to personnel shortages, confined its efforts to those major highways with the highest traffic volume counts. In the pre-radio days, contact with patrol cruisers was maintained by telephone at designated service stations along the established patrol routes. During 1932-1934, the State Police had purchased 36 new automobiles but only six new motorcycles. This reflected an increasing concern over the hazards of motorcycle operation, which had killed, injured or disabled several of the department's officers since motorcycles were first used. By 1937 the proportion of patrol vehicles had altered markedly, with 100 cruisers being operated as opposed to only 26 motorcycles.(10)

In conjunction with the highway patrol mission, the State Police established a statewide, mobile first aid unit in the Fall of 1936. This was the first such unit operational in the United States.(11)

## Criminal Activity

As might be expected, the Depression period created a significant increase in both crime and labor violence during the 1930's. The West Virginia State Police was able to meet this increase despite crippling personnel shortages.

Crime was a major issue in the 1930's, an issue to rival fears about the nation's economic collapse. Polls conducted by the National Economic League reflected this persistent concern. Respondents in 1930 listed administration of justice, prohibition, lawlessness, crime and law enforcement as the major national problems. There was little variation in the 1931 responses--prohibition, administration of justice, lawlessness and unemployment and the need for economic stabilization. As late as 1937, crime ranked fifth, after labor problems, efficiency and economy in government, taxation, and constitutional reform.(12)

Prohibition itself was exhaustively studied by the Wickersham Commission, which reported in January 1931 that Prohibition was clearly a farce. The commission deplored the inevitable lawlessness, ineffective law enforcement,

disrespect for the law, corruption, and rise of organized crime. In hopes of saving the "noble experiment," however, the report recommended continuance of Prohibition.

But the American people had had enough, and repeal came with the Twentyfirst Amendment (December 1933). Eight states elected to remain dry and 15 (including West Virginia) made the sale of liquor a state monopoly. But high state and federal taxes prolonged the life of illicit distilleries and rumrunning operations, so that by 1935 authorities estimated that 60 percent of the liquor consumed in America was still "bootleg." Repeal eventually cut into the profits of organized crime, but many criminals simply intensified their infiltration of legitimate businesses and racketeering increased.(13) Destroying the source came too late to significantly weaken the first lifeblood organized crime empires.

Statistics on State Police arrests during 1928-1934 indicate the upward spiral of criminal acts, impact of Prohibition repeal, and pressure on manpower complements.

Years	Total Arrests	Prohibition Arrests
1928-1930	26,812	7,685
1930-1932	28,400	11,266
1932-1934	19,955	4,828

Other Prohibition enforcement activities included destruction of 1,192 stills and nearly 270,000 gallons of illicit liquor and wine.

The State Police played a key role in one of the most sensational trials in West Virginia criminal history. In January 1931, Logan City Police Chief Roy Knotts, former commander of the WVSP detachment at Logan, was murdered while distributing warrants for the arrest of slot machine operators. The governor appointed a special prosecutor to try the alleged murderer, in a situation which practically guaranteed a hung jury. Lt. Frank H. ("Red") Gibson (later to command Company C, Beckley) headed a 25-trooper bodyguard for the special prosecutor. The troopers also transported prisoners, served court orders, guarded jurors to prevent fixing, and provided security in the actual court room. The trial ended in February with the accused man being convicted and sentenced to 18 years in the state penitentiary. The governor ordered the State Police to close down slot machine operations in Logan County. On this authority, the attorney general brought pressure on the county sheriff to institute several desired reforms, including the removal of all slot machines within 48 hours.(14)

### Industrial Unrest

Violence of another sort also plagued West Virginia during the 1930's. The federal government had passed (under the National Recovery Act) a number of laws recognizing the right of organized labor to bargain collectively with industrial management. Management, including coal operators, frequently resisted compliance and reverted to the ultraconservative stance characteristic of the early 1920's. This led directly to strikes and violence in many industries.(15) There was considerable truth to the repeated charge of Communist provocation. The Communists naturally took advantage of the prevailing economic chaos, causing riots such as those in Washington, D.C., and Dearborn, Michigan. Thankfully, for the sake of public order "... the American proletariat was physically and spiritually exhausted," and no major Communist success emerged.(16)

The coal industry suffered unrest largely because of the UMWA's understandable hesitance to conduct strikes. Radical elements, such as the (Communist) National Miners Union (NMU) and the IWW, gained in popularity. In the Central Competitive Field, for example, violence flared in Indiana (1932), Illinois (1932), Ohio (NMU, 1931; UMWA, 1932), and Pennsylvania, which proved to be a major battleground. The NMU eclipsed the UMWA in Western Pennsylvania, and there were several violent strikes in 1931 (so violent, in fact, that the Comintern disavowed NMU actions). Dissatisfaction with the UMWA also prompted a brief and unsuccessful attempt to establish a separate anthracite miners union in Pennsylvania.(17)

Closer to home, West Virginians were horrified by the specter of a Communist strike in Harlan and Bell counties, Kentucky. The UMWA called a strike in February 1931. On 4 May, four persons died as miners and deputies clashed in the "Battle of Evarts." Two days later, Kentucky militia arrived in Harlan. On the 16th, a raid on the union local

headquarters netted several volumes of allegedly IWW literature. The UMWA shortly afterward cancelled the strike, creating a vacuum into which the NMU gladly leapt in June. A stream of avowedly Communist intellectuals also visited Harlan that summer. Operators, calling for an "anti-Red" campaign, began hiring armed guards. State relief checks for striking workers were cut off. The strike began to disintegrate, and an NMU general strike call in January 1932 only hastened the complete collapse.(18)

West Virginia itself suffered strikes during the Summer of 1931 in the Northern Panhandle, Clarksburg-Fairmont, and Kanawha-Boone fields. Roughly two-thirds of the total State Police complement were assigned to these areas.(19) Some 56,000 miners were jobless at this time, with many more of the state's total of 112,000 working only part time. The UMWA had disintegrated in 1924, and the short-lived West Virginia Mine Workers Union (WVMWU) died following the failure of an August 1931 strike. An attempted UMWA resurgence that same year was doomed for essentially the same reason--neither union could prevent the threatened hourly wage cut.(20)

Marshall, Ohio and Brooke counties were involved in a spill-over from the NMU-led strike in Western Pennsylvania. State Police were on duty from June to September 1931 to control instances of assaults on miners and destruction of property. Tear gas and night sticks were frequently employed to restore order. Strikes in the Monogahela-Barbour county area lasted one month longer and required a 30-man State Police task force to control. Twelve state troopers were assigned to Boone County in July-August, preventing serious outbursts. In the disruptive strike area, Kanawha County, very small task units proved adequate. There was an unusual strike in Mingo County during 1931, actually a spillover from Kentucky. Pipeline workers from that state entered Mingo attempting to stir up West Virginia workers, but the presence of four state troopers kept violence to a minimum.

During the Summer of 1932, State Police returned to the Clarksburg-Fairmont field. Violence levels were well below those encountered in 1931, but several weeks of patrol and containment effort were still required. The major strike of 1932 involved workers at the Weirton Steel Corporation. Captain Brockus (commanding officer, Company A) led a 40-man task force which battled unruly strikers on 10 October, employing tear gas in the process. This strike was settled eight days later.

State Police involvement in labor disputes, and the frequency of violence in those disputes, fell off significantly after 1933. But as late as March 1938, three state troopers were required to keep control at a rally called by the Progressive Miners Union at Eskdale. Hostile members of the rival UMWA were present, but the troopers exhibited a careful neutrality in "a situation which local officials in all likelihood could not have handled."(21)

Colonel Osborn aptly summed up State Police accomplishments during this turbulent decade in his 1932 biennial report:

The greatest value of such a department as this... is the constant and everlasting protection maintained for the people of West Virginia and the realization and knowledge that the state is being patrolled against the possible onslaught of criminals, the undesirables and the trouble makers. Serious disturbances that have arisen through labor difficulties, floods, communistic meetings, family quarrels that have taken on the proportion of old time feuds, hunger marches, unlawful assemblies and unlawful groups invading from other states, etc., have been handled with good judgement but with an impressive sternness that has been thoroughly convincing.

#### Disaster Assistance

One final aspect of the State Police's public service must be mentioned. During the Spring of both 1936 and 1937, the Ohio River valley suffered devastating floods which killed thousands, left hundreds of thousands homeless, and caused property damage in the millions of dollars. The department responded by detailing the majority of its manpower (50 percent in 1936, 75 percent in 1937) to patrol, prevent looting, and assist relief workers. Colonel Shingleton, who had acted as relief coordinator, and the State Police were formally commended by the State Legislature in 1937 for their great humanitarian work.(22)

#### Administrative Improvements

The department not only absorbed new missions and made significant technological advances during the 1930's, it also resolved some nagging administrative management problems. Under General Order No. 6 (1 May 1930), Colonel Brooks adopted the first official State Police manual, which had been prepared by Attorney General Howard B. Lee. Brooks required that all members be prepared to pass an examination, based on knowledge of the manual, anytime after December 1930. The manual contained "a detailed draft of the creative law, an analysis of major sections, forms of procedure and warrants, rules and regulations" of the department. In November 1934, the CIB began publishing the Police Exchange, a monthly bulletin for State Police field forces and other law enforcement agencies in West Virginia and neighboring states. The bulletin contained information on wanted criminals, missing persons, and stolen automobiles and other property. By June 1936, more than 500 agencies were receiving this publication, which filled a longfelt gap in data transfer.

The 1935 Legislature finally promulgated a law "prescribing in detail the uniform to be worn by members, and imposing a heavy fine [\$200 maximum] and jail sentence [six months maximum, possibly combined with a fine] for the wearing of the uniform by any other person." Sections 9 and 16, article 2, chapter 15 (State Police Department) of the 1931 West Virginia Code were amended by law. Standardized for the first time officially were the famous "forestry green" uniform with black trim, campaign hat, Sam Browne belt, West Virginia State Police insignia (triangle), and rank insignia patterns. Interestingly, the definition of "person" as used in the amendment included "members of associations, corporations, its agents and employees, and officers and officials of any town, city or county." Thus, the department was able to reserve a distinctive uniform which could not be copied by other police agencies or private guard companies. This precluded unnecessary confusion among the general public.(23)

In 1938, Colonel Tallman ordered the correction of "a common administrative problem among police agencies" by establishing a temporary three-man board to produce a current orders/ memoranda manual. The completed manual became effective 1 July 1933, and took the form of a loose-leaf binder containing 35 current general orders and index. Changed orders could be easily removed and replaced to insure currency.

Every State Police superintendent since Colonel Arnold had deplored the inadequacy of the department's death and disability fund (established by the 1925 Legislature) and the lack of a retirement system. Brooks, for example, recommended that troopers be placed under the workmens' compensation act rather than continuing with the decrepit and insolvent fund. The 1935 legislature finally acted by creating a death, disability and retirement fund. Monies in the old death and disability fund--from witness fees, arrest fees, rewards and miscellaneous sources--were supplemented by appropriated funds and member retirement contributions. For the first time, retirement benefits were available after twenty years service, if a member was at least 55 years of age.

In view of the department's technological and administrative achievements, and sustained high quality of public service, in the face of so much fluctuation and uncertainty, it is not surprising that FBI Director J. Edgar Hoover cited the West Virginia State Police as one of the nation's four leading law enforcement agencies in 1936.(24) It was certainly recognition well deserved!

## **CHAPTER 8: WAR SERVICE, 1939-1949(1)**

### **The Manpower Drain**

During its third decade, the department underwent its most severe manpower shortage in nearly ten years, and saw its key command position turnover at a faster rate than at any other time in its history. Despite immersion in wartime duties, however, the department laid down significant plans for post-war transition and progress.

Colonel Tallman's biennial report for 1938-1940 stressed the need for increasing the State Police manpower authorization to 300. He pointed out that less than twenty percent of West Virginia's population lived in municipal areas serviced by organized police agencies. Thus, the majority of the state had to be protected by the State Police and the far less effective sheriff's departments. Personnel present for duty had increased between July 1938 (197) and June 1940 (212), but the authorized strength itself (220) appeared woefully inadequate when compared to the geographic area and population (over 2 million) to be serviced. Colonel Tallman also noted that the department's training facilities

were "probably poorer than those of any comparable state police department in the nation." To correct this deficiency and provide professional training, he strongly recommended construction of a training facility in the South Charleston area. This recommendation was the germ of the current State Police Academy located at Institute.

As the prospect of American involvement in another world conflict became more imminent, the WVSP found itself with an unprecedented set of missions. As early as 1940, emphasis was being placed on protection of the state's mineral resources and industrial capacity from foreign agents or saboteurs. Beginning in January 1941, each member underwent training at Jackson's Mill to upgrade war-related skills. By 1942, Colonel Hess could report that over 60 percent of the force had been trained in civil defense, wartime traffic control, plant protection, and internal security. Personnel were also trained in proper use of .30 machine guns and .45 submachine guns, weaponry in common use in the armed forces.

The most serious aspect of wartime demands upon the State Police was a tremendous manpower drain. In his 1942 report, Colonel Hess projected the loss of men to military service as 26 percent. In anticipation of this loss, 23 cadets had been selected and trained for two months at Camp Kanawha, an old Civilian Conservation Corps camp near Charleston, beginning in May 1942. This training was conducted by officers from the field forces and laboratory personnel, under command of Captain- Inspector Harvey N. Rexroad.(2) In actuality, the demands of military service created a 40 percent shortfall in State Police strength, as 78 men were absent on military leave. This impact is clearly illustrated below:

	As of	Actual Strength	Authorized Strength	Shortfall
	6/30/40	212	220	8
	6/30/42	223	287	64
	6/30/44	133	287	155

Despite this staggering attrition rate, none of the 64 detachments were closed down during the war. There was a notable decline in the rate of ordinary crime, and in traffic volume during the war years. Emphasis in traffic law enforcement shifted from safety to conservation of materials needed for the war effort. However, these declines in normal operational concerns were more than offset by the demand for (a) services directly attributable to the war, such as personnel background investigations, security of military convoys and traffic on the Ohio River, and assisting selective service and ration boards,(3) and (b) suppression of "crimes against the public morals," which proliferated with the influx of dollars generated by increased industrial productivity. In November 1942, West Virginia staged one of the first successful blackouts in the country, an achievement in which the department's cooperation was crucial.(4) For organizing a sub-area air raid warning system, the department was awarded a citation of merit by the Civil Defense Agency in April 1943. In June 1944, a tornado struck Shinnston, killing over 100 persons and causing property damage estimated at over \$25 million. The State Police responded by assigning 75 troopers to patrol against looting, direct traffic, maintain order, assist in removing the dead, and provide general assistance to relief workers. This was the most significant involvement of State Police resources in natural disaster work since the 1936-1937 Ohio Valley floods.

The department's policy for coping with the manpower drain imposed by military service calls was set forth by Colonel Hess in 1942:

Police service is a civilian function which must yield to the demands of the armed forces in wartime. It was therefore determined to enlist only men who [could] reasonably expect deferment from military service on the grounds of [dependency]... and who would then have further reason for deferment by reason of employment in an essential occupation. Under this policy, the fullest possible assistance was furnished to help solve the manpower shortage problem. The recruiting of each new member with dependents placed one more man in the war effort; as the recruit himself was thus transferred from a non-essential civilian occupation to an essential service and members of the department, single or married without children, could be released to enter the armed forces. This policy... was adopted and will be followed for the duration of the war.

General policies continued in effect despite the most rapid turnover of superintendents in State Police history. Colonel Tallman resigned at the end of March 1941, ending nearly for years of service. His successor, Col. Gustavus H.

Crumpecker, died suddenly of a heart attack on 24 April, only 23 days into command. He was followed by Col. John W. Bosworth, who served slightly less than months before being removed by the governor on 20 December 1941. Bosworth's removal followed an investigation into alleged State Police brutality toward striking miners at Gary, McDowell County. The troopers were allegedly acting under direct orders from the superintendent.(5) Four days later, the governor appointed H. Clare Hess as ninth superintendent. Colonel Hess brought a much-needed stability to command in the turbulent war years, remaining in charge of the State Police until March 1945.

## Looking To The Future

In his formal recommendations to the governor, contained in the 1942 and 1944 biennial reports, Colonel Hess addressed both wartime needs and long-term, post-war planning concerns. He highlighted the need for improved salaries and subsistence benefits, and for state payment of relocation expenses generated as members were reassigned to replace men called into military service. Ample automotive, ordnance and other equipment were requested, consistent with the priority needs of the armed services. Expanded radio communications were required to permit better utilization of the department's reduced manpower complement.

Post-war conditions would inevitably impose greater demands on police services. Advanced planning surely would ease the burdens of readjustment. Colonel Hess' long-term recommendations can be grouped into two broad categories:

1. Personnel Management. Readmission of all members returning from military service, especially those with meritorious service, and full credit of military service in retirement computations; state assumption of all medical/hospital costs arising from line-of-duty injuries; group insurance; motor vehicle operator insurance previously borne by the members themselves; improved pay scales (a study of 41 state police departments established that 36 offered higher salaries than did West Virginia); improved retirement benefits and solvency of the retirement fund; and amend age limit for recruitment to prohibit appointment of persons over 30 years of age (the physical demands and irregular duty hours had proven too arduous for most members older than 30).
2. Professional Training. Enhance police skills by erecting a central school where recruit, in-service and technical training could be conducted; the State Police to take the lead in professionalizing all police services by admitting county and municipal officers to these courses.

With respect to the latter category, a major milestone was reached in October 1942 when Hess issued a General Order establishing the West Virginia State Police School of Applied Science. This school provided training in scientific investigation techniques to all members, and was conducted by the CIB Technical Staff. Three classes were conducted in 1943 before the school recessed for the summer. Unfortunately, classes could not resume due to the overriding demands of wartime service and the critical manpower shortage.

## Post-War Progress

When Col. William E. Burchette, who succeeded Hess on 12 March 1945, issued his first biennial report, he noted that the State Police force was gradually being reconstituted. By June 1946, 181 men were on board, with four more expected to report shortly from military service. There had been a net increase of 47 men present for duty since June 1944, against a manpower ceiling still set at 287. The increase included five new enlistees. In-service training was still suspended, but the 1945 legislature had voted improvements in the death, disability and retirement fund. By June 1948, the manpower picture was even brighter, with 207 members on board (a net gain of 26).

Colonel Burchette pointed to several improvements during the 1946-1948 period. Most of these were logistical: almost total replacement of the aging patrol vehicle inventory; installation of two-way radios in all cruisers, most converted from AM to FM bands; acquisition of a spectrograph to upgrade crime laboratory capabilities; and purchase of much-needed administrative equipment for the field detachment offices. On the personnel side, in-service training was resumed in February 1946 at Jackson's Mill. Cadet classes were opened in the Spring of 1947 (31 men, at the Naval Ordnance Plant, South Charleston) and 1948 (20 men, in a building near the State Capitol). Standards applied in selecting these recruits were reportedly the highest to date in the department's history. Most importantly, construction

had commenced on the long-awaited State Police central school (Academy). This facility was located at Institute, and the opening date was scheduled for Spring 1949.

Recovery from wartime conditions was also evident in significant increases in arrests (from 31,237 in 1944-1946 to 51,450 in 1946-1948). Further, there was a totally unprecedented rise in traffic on the state's highways after the war. This clearly pointed to a need for high-level emphasis on traffic law enforcement programs.

The final year of the decade was highlighted by the opening of the West Virginia State Police Academy, not in Spring as optimistically predicted, but in October 1949. This event brought West Virginia up to the level of the most advanced state police departments in the United States in the area of recruit training.

## **CHAPTER 9: THE DRIVE FOR TRAFFIC SAFETY, 1949-1959(1)**

### **Organization and Manpower**

The decade of the 1950's saw a 56 percent increase in the authorized strength of the West Virginia State Police uniformed complement (from 200 to 357 men). Actual strength lagged behind the maximum. These gains were not easily won, nor were they unwarranted. Indeed, a review of the post-war increase in crime rate, motor vehicle traffic, and demands for more mundane police services, leaves one with the impression that the legislature was far too shortsighted in responding to documented needs.

The inadequacy of existing complement ceilings was demonstrated in various ways. First, a survey to determine minimum current manpower needs was ordered by the superintendent. Every company commander analyzed the demands imposed by each county in his jurisdiction in terms of increases in population, motor vehicle registration and traffic volume, number of licensed drivers, crime incidents, and other factors. Based on these estimates, Colonel Burchette requested funding for 120 additional troopers, 8 new detachments and 60 patrol cars. He pointed out that although manpower increases had been requested on several previous occasions, past appropriations had been sufficient only to defray rising salary, supply and equipment costs, and barracks rental fees. There had simply been none to spare for hiring men. Burchette envisioned that with 320 men the additional detachments could be established in areas too remote from existing detachments for effective police service, or near points which were strategic with respect to highway intersections and heavy traffic volumes. If the increases were approved, each two-man detachment could be expanded to three men, giving better coverage in rural, sparsely populated areas. At the same time, larger detachments could be strengthened, to relieve the strain imposed by "spreading thin" to accomplish a wide variety of duties in addition to crime investigation and traffic patrol. Burchette asked that the increases be phased, with 60 men each being enrolled in 1952-1953 and 1953-1954, because the academy could only accommodate cadet classes of 30 men each.

Burchette contrasted progressiveness of neighboring states in building up their state police forces to meet rising demands. As for the WVSP: "Our quota of men has not been increased. In fact, we have no more men today than we had when the department was organized in 1919."<sup>(2)</sup> In the nineteenth biennial report, he compared strength increases in Mid-Atlantic state police forces.

State 1947

1952 Change

Kentucky 190 202 12

Maryland 251 264 13

Ohio 286 480 194

Pennsylvania 1,544 1,785 241

Virginia 280 424 144

In the next biennial report, Col. Raymond W. Boyles could report only limited support by the 1953 Legislature. He, therefore, continued the battle for adequate manpower which lasted throughout the entire decade. Noting that the legislature had funded only 20 more troopers (at the same time adding responsibility for enforcing weight laws) and 10

vehicles, Boyles reiterated the comprehensive survey conducted by his predecessor. He brought up "bigger guns" by citing the recommendations of professional safety associations. The National Safety Council had reported that, to equal the manpower employed by other states replying to its study, West Virginia would need: 105 more troopers based on the number of rural traffic fatalities annually; 85 more based on rural miles of vehicle traffic; or 265 more based on total state highway mileage to be patrolled. In a separate report to the West Virginia Highway Research Committee, the Safety Foundation recommended an increase of 180 troopers over the next two years. Boyles intensified the pressure by producing a booklet designed to arouse public support. *Your State Police - What They Do, How They Operate, How They Can Serve You Better* (1954) stated that the desired increases would result in a total budget of only \$664,104. More understandable to the average citizen, the per capita cost of state police service would rise to \$1.00--up 39 cents!

By mid-decade, the department's uniformed ceiling had risen to 237, encompassing the 20 men added in 1953 and the backfilling of 17 positions vacated by assignment of members to the new Turnpike Division in 1954. But as Boyles emphasized, the 1953 increment had been offset by the concurrently added weight law enforcement duties, and the turnpike troopers worked exclusively at patrolling that toll road. In reality, no real progress had been made in closing the "manpower gap." Further dilution of available strength was in the offing, as the department was being assigned responsibility for administering the new motor vehicle inspection program. Therefore, Boyles contended, an immediate infusion of 50 extra troopers must be authorized. He mistakenly claimed that this would be the largest single increase in the department's history.(3)

Col. Hazen H. Fair commanded 277 uniformed members at the end of Fiscal Year 1958. When this was compared to serious increases in criminal activity, and a traffic fatality rate fifth highest in the entire nation, the need for further expansion was obvious. Fair urged immediate funding for 100 additional troopers, once more citing increases by neighboring states to support his request. Apparently, these appeals were favorably considered. In his next report, Colonel Fair was presenting the most extensive argument yet made for further increases, even though the authorized ceiling in 1960 was 357 men! But appropriations were inadequate to staff the department at full strength, and not even the budget strength of 279 could be supported with current funding. The latter, in Fair's judgment, was "grossly insufficient to meet police service needs in [the] state."

To begin with, 57 members were unavailable for patrol and investigation duties. Seventeen performed specialized functions centralized at department headquarters; 16 were allotted to the Turnpike Division; 12 enforced the motor vehicle inspection program; and 12 supervisory and command personnel directed the activities of the four field companies. Added to this was the problem of cost effective recruit training. Recruit classes should be composed of at least 25 cadets, to be economical. Thus, overall department strength had to drop to 250 or 260 officers before additional cadets could be employed. If the previously discussed 57 members were subtracted from this strength, only about 200 men would be available to cope with service demands for the entire state!

Colonel Fair repeated a National Safety Council finding that "Enforcement manpower strength [in West Virginia] appeared to be at one of the most inadequate levels of all states reporting." Comparisons with neighbor states were once again presented, along with the observation that while the WVSP had been larger than all of the other forces except Pennsylvania in 1940, most of those forces had almost doubled their strength since 1950.

State 1940 1950 1960 Residents  
Per Officer (1960)

Kentucky	125	204	427	6,896
Maryland	106	251	551	4,252
Ohio*	191	376	727	10,931
Pennsylvania	1,557	1,775	2,049	5,123
Virginia	141	356	687	4,831
West Virginia	212	202	275	7,293

\*A highway patrol force only

What did the "manpower lid" mean in practical terms? There had been steadily swelling demands for more services; criminal investigations, motor vehicle and school bus inspection programs, operator and chauffeur license examinations, turnpike patrol, weight law enforcement, and enforcement of license revocation orders issued by the department of motor vehicles. In responding, officers averaged a 60-hour week, and were subject to call back for another 60 hours each week. More time off had been granted in 1958-1960 than in any previous reporting period, but arrest and warning citation rates, time spent on criminal investigation reports, and value of stolen property recovered were all at higher levels than in the preceding biennium. Still the members were subject to constant criticism for not accomplishing more. The "limits of human endurance" were being strained. In 27 of the 55 counties, only two men could be provided to staff the detachment. When one was off duty, sick, or out of the county on other business, the other was left on 24-hour duty. Frequently, no one was left to police the county. In larger detachments, the siphoning off of men to perform other official tasks often left only one or two men for traffic patrol and criminal investigation. Colonel Fair speculated that the social cost of not providing adequate protection to the citizenry far outweighed the additional budget cost of doing so. The battle for attaining adequate State Police manpower continued, but was not to be resolved in this decade or, as events matured, in the next.

## Personnel Management

In addition to expanding the WVSP complement, superintendents attempted to improve the working conditions of those already on board. Boyles requested an across-the-board pay raise of \$50 per month to retain troopers and attract applicants. Fair first asked for \$100 per month more, then in 1960 produced a detailed rationale for additional pay for both uniformed and civilian personnel. Uniformed pay had been upped by \$50 in July 1959, and civilians had received a small raise also. Of particular concern to Fair was the salary compression which offered little incentive for advancement. Noncommissioned members received only \$10-\$15 more per month on promotion, totally inadequate compensation for the added responsibility and cost of the transfer which invariably accompanied promotion. A minimum increment of \$30 was deemed necessary. If all members in grades trooper through major (a rank created in 1947 for the inspector, a de facto deputy superintendent position previously ranked at captain) were rewarded with a \$30 pay raise on promotion, the state payroll would increase by only \$2,985 per month, or 2.64 percent.<sup>(4)</sup> Since the per capita cost of State Police service in West Virginia was much lower than in neighboring states, the increment was not unreasonable. At that time, average years of service were: corporal, 16; sergeant, 18; and master or first sergeant, 21.

Due primarily to low salary scales, the turnover rate for civilian radio operators, clerks, secretaries, mechanics and technicians was 44 percent in 1958-1960. Only 10 percent of the total civilian workforce had more than 10 years of service with the department.

Troopers were granted 48 hours off duty each week during 1950-1960, as compared to 38 hours previously allowed. In addition, a new performance rating system had been initiated in 1955. Company commanders, in consultation with other company officers, were required to rate each trooper every 6 months. Factors evaluated were discipline, appearance, basic skills, attitude and relations with the general public. Members with two or more years in grade were also rated on supervisory potential. If members were eligible for promotion, these ratings were combined with periodic comprehensive examinations and years of service to determine standing on promotion lists.

## Academy

The first-ever training course for municipal police officers was presented in October 1950. Twenty-five officers from 14 cities were provided basic police skills training by WVSP, FBI and municipal police instructor cadre. This highly successful course was a first step in fulfilling a basic mission of the new Academy--to upgrade the professional skills of West Virginia law enforcement personnel at all levels of government. A further 52 municipal officers were trained during 1953. The first in-service training at the academy was conducted in May 1951 to familiarize all members with the new Uniform Motor Vehicle Code. Ten-week cadet courses were taught in 1951 and 1953, lengthened to 12 weeks in 1954.

In the Fall of 1954, officers selected for reassignment to the Turnpike Division were given several days of specialized training to prepare them for the unique demands imposed by patrolling a high-speed, limited access highway.

Instructors from the Traffic Division, International Association of Chiefs of Police (IACP) conducted a one-week traffic school at Institute in 1956.

In-service training had stopped after 1956, to be rectified by classes during the Fall of 1958 covering new traffic laws. Colonel Fair also requested funds that year to enroll WVSP officers in such leading schools as the National Police Academy (FBI), Southern Police Institute, and Northwestern University Traffic Institute (NUTI).

Even with this training load, the department did not require full-time use of the facilities. The state conservation commission and state liquor control commission used the academy to train their enforcement personnel in 1950-1952. Usage by other agencies fell off, however. Only the conservation commission trained personnel there during 1956-1958.

## Traffic Safety

Evidence of the need for more troopers on highway patrol was gruesomely at hand. In 1950, West Virginia suffered 370 traffic accident fatalities, and 365--one for each day of the year--during 1951. What were the underlying causes? Colonel Burchette expressed doubt that

the general public as yet realizes what a terrific increase there has been in traffic in the last few years. Our figures, taken from gasoline sales, show that back in the period around 1930, there were about 1 billion miles of travel on the highways of West Virginia each year. By 1940, just before the war, this had risen to around 3 billion miles. Now [1953] it is somewhere between 6 billion miles a year and is still going up at a rapid rate. It goes without saying that all this increase in traffic means more exposure to accidents.

Other sources showed a 58.3 percent increase in the number of registered automobiles between 1947 and 1957. Viewed in terms of the mile-death rate:

Back around 1940, there were about 12 persons killed on West Virginia highways for each 100 million miles of motor vehicle travel. This declined to about 11 right after the war, then steadily downward each year until last year [1951] there were only 7.4 persons killed for each 100 [million] miles. This is below the national average.

Below average or not, this "carnage on the concrete" was intolerable and had to be reduced. Traffic tolls fluctuated sharply during the decade, but never dipped below 350 fatalities per year: 1952, 405; 1953, 446; 1954, 350; 1955, 368; 1956, 438; 1957, 479; 1958, 387; and 1959, 399. And, since over 80 percent of all traffic fatalities occurred on open country roads, outside of incorporated cities or towns, the burden of increased traffic safety and enforcement fell squarely upon the WVSP.

Contributing its share to motorized mayhem was the new West Virginia Turnpike (WVTP). The WVTP Commission was organized in October 1949. Work on the first section, between Beckley and Princeton, commenced in September 1952 and was completed in November 1954. Having studied the experiences of other states (mainly Pennsylvania and New Jersey), the commission negotiated an agreement with the WVSP under which the State Police would have exclusive highway patrol and enforcement responsibility on the toll road.<sup>(5)</sup> The department created a Turnpike Division staffed with 17 highly experienced officers. The lieutenant, sergeant, and 15 troopers comprising this unit were co-head-quartered with the WVTP Commission at Reed (Port Amherst). Their salaries and other expenses were paid by the commission. The 1955 legislature regularized the agreement by passing a statute to give it legal foundation.

The extent to which mechanical defects in automobile, trucks and motorcycles contributed to traffic accidents and death was uncertain. In an effort to reduce whatever increment was traceable to that source, the 1951 legislature had passed a law requiring compulsory motor vehicle inspection (MVI). But the act remained dormant since no appropriations were allocated to implement MVI operations. In 1955, the legislature decided to fund MVI via inspection fee receipts, and almost undertook a major revision of the earlier statute. Somewhat unexpectedly, the overall responsibility for management of the MVI program was shifted from the department of motor vehicles (DMV) to the WVSP. Officers assigned to the new MVI Bureau reviewed similar programs operational in Virginia and

Pennsylvania, then returned to prepare an MVI manual, design forms, solicit service station participation, and oversee the training of inspector-mechanics. Every vehicle registered in the state was required to undergo inspection during July-September 1956 at one of the 1,000 public or 300 fleet inspection stations originally certified. Effective July 1957, annual inspection was scheduled according to license plate number, thereby spreading out the workload during the year. MVI expanded to nearly 1,600 stations by the close of the decade. It is obviously impossible to precisely gauge the traffic accident and fatality reduction attributable to MVI. It is noteworthy, however, that the average per vehicle cost of inspection dropped from \$5.70 in 1956 to \$4.71 in 1960, indicating a higher standard of vehicle condition. The MVI Bureau's achievement can best be appreciated by the 1959 National Safety Council report rating the program at 95 percent of recommended performance. This rating indicated excellent conformance to national standards for legislation, scope of operation, and quality of inspection procedures. The bureau was staffed by 12 officers who supervised inspection operations in 11 districts within the state.

Still, the state suffered the fifth highest mile-death rate in the United States in 1957. There were 479 highway deaths that year, mostly laid to congested conditions. Traffic law enforcement became more rigid in 1957 and early 1958, emphasizing the use of unmarked patrol cars and selective enforcement techniques. In March 1958, the governor's traffic safety advisory committee outlined a plan of action to reduce traffic tolls substantially. Based on that outline, the WVSP Accident Prevention Bureau (APB) developed a comprehensive program embracing: purchase of Speed-O-Meters in July 1959 to aid in prosecuting dangerous moving violations; cooperating with the DMV to upgrade the quality of driver, chauffeur and school bus driver license examinations; serving on interview boards for chronic offenders under the driver improvement program; disseminating accident data to all interested agencies, and releases to the news media; updating the APB's lending library; giving safety talks to civic groups; promoting driver education courses in public high schools; and visiting high schools with the van-mounted Drive-O-Rater which offered seven psycho-physical tests of driving skills. This intensive effort was far from wasted; the mile-death rate dropped in 1958 and 1959 despite increases in the gross number of fatalities. Even more impressive, a 19.2 percent reduction in highway fatalities was achieved during 1958-1960--a record exceeded by only one other state in the Union!

### Criminal Activity

State troopers were also fighting another distressing set of statistics, those evidencing a steady rise in criminal activity since World War II. Between 1954 and 1957, for example, the rate of reported crimes jumped 14 percent. WVSP arrest totals were respectable throughout the 1950's, and would doubtless have been even better if adequate manpower had been allocated.

When viewed against the severe manpower shortage discussed earlier, the conviction rate achieved by the troopers was phenomenal. Although the manpower shortfall squeezed investigative time to the minimum, the department scored 86,365 convictions from 94,462 arrests in 1958-1960. This conviction rate of 91.4 percent far exceeded the prevailing national average of 75.4 percent.

### Communications

The vital command and information link was making significant progress. Radio coverage of the state improved by complete switch from AM to FM equipment. Volume of radio traffic was a major problem, since only one channel was available for transmission and receiving of all radio messages. Direct information to troopers in the field became a reality in June 1956 when Radio Capitol went on the air. This station was located in the capitol building, next door to the CIB. This proximity made possible the immediate relay of data from CIB files, and also speeded up the relay of urgent administrative messages. In this era of "atomic war" jitters in foreign relations, the department provided vital communications backup to state civil defense planners. The WVSP radio network was available for air raid alarms and other emergency uses. Gasoline powered generators were installed at several field locations and repeater stations, designed for automatic start-up if regular power sources failed.

In 1956, Colonel Boyles recommended establishment of a state-wide WVSP teletype network, with a terminal located at department headquarters and each company headquarters. Initially installed in 1958, the network boasted 12 terminals by the end of the decade; headquarters, Shinnston, South Charleston, Beckley, Elkins, Moundsville, Point Pleasant, Romney, Morgantown, Logan, Princeton, and Martinsburg. Through connections in Ohio, the capitol

terminal was linked to the Eastern States Teletype Network. The Parkersburg Police Department had already tied into the WVSP net, and other municipal departments were expected to follow suit.(6)

## Logistics

In the field of logistics, problems were encountered due to declining state revenues and soaring equipment and supply costs. The department was setting aside approximately five percent of its appropriation as an offset, resulting in deferral of all but truly urgent purchases.

Colonel Fair could report, nonetheless, an extensive barracks construction and renovation program. New, modern detachment barracks were built at Logan, Princeton and Morgantown. Extensive repairs had been made to barracks at South Charleston, Shinnston, Elkins, Beckley, Romney, Oak Hill and Moundsville. Funding for additional improvements was also requested.

## **CHAPTER 10: PROFESSIONAL PROGRESS, 1959-1969(1)**

### Organization and Manpower

Continued demand for greater police services forced the superintendents to continue their pressure for higher manpower ceilings. Actual strength climbed from 264 on 30 June 1960, to 341 nine years later, a 77 percent increase.

Col. William E. Burchette was reappointed superintendent on 16 January 1961. He is the only person to have served in the position twice, in nonconsecutive appointments. He also occupied the superintendency longer than any other man--over 14 years. Burchette took the department's message to the citizenry by publishing West Virginia State Police--What They Do...How They Operate, in 1961. In the department's 1962 report, he placed a higher priority on adequate compensation than on manpower needs. But by June 1964, manpower was once more the department's major concern. Much of the pressure was generated by the coming of the new Interstate highways system, with heavier patrol workloads. That year, Burchette requested 40 additional troopers, coupled with funds to hire civilian detachment clerks, thereby freeing troopers from office duties for more vital police work. The 1965 legislature provided only 25 additional manpower slots, raising the total authorized strength to 309. Actual strength was 277 men on 1 July 1964, and 292 men 1 year later.

Continuing his campaign, Burchette cited the need for at least 48 more men in the 24th report, and provided an update to the comparative growth chart:

State	1950	1960	1966
Kentucky	204	427	467
Maryland	251	551	848
Ohio*	376	727	915
Pennsylvania	1,775	2,049	2,285
Virginia	356	687	760
West Virginia	202	275	292

\*A highway patrol force only.

On 15 June 1967, just half a month before the end of the fiscal year, Burchette was replaced by Col. Terrence A. Welty. The new superintendent had the distinction of submitting the department's first annual (rather than biennial) report, the 49th. In this, Welty continued his predecessor's policy by requesting an outright increase of 25 troopers, as well as the hiring of 25 civilians to be trained as driver license examiners (DLE).(2) The latter action would free up 34,744 uniformed manhours per year for more pressing police duties. The equivalent 25 officer-years gained would be retained, thus yielding an aggregate increase of 50 troopers. Welty also pushed for funds to hire 11 more detachment clerks to staff the detachments which still lacked such personnel.

Although the 1966 legislature did not raise the manpower complement, it did approve realignment of the WVSP command and supervisory structure. Twenty-six such positions were authorized by conversion within the existing ceiling: 8 sergeants, 17 corporals, and 1 lieutenant colonel, the last being the new rank of the inspector (de facto deputy superintendent). By 30 June 1967, WVSP had actually reached its established ceiling of 309.

By the end of Fiscal Year 1968, authorized strength had grown by 37 men, to a new ceiling of 339. Seventeen of these had been authorized in 1967, and the other 20 in 1968. The 1968 legislature had also amended the West Virginia Code by repealing the section which established per-company strength.<sup>(3)</sup> But by comparison, neighbor states had still outpaced West Virginia in increasing state police manpower: Kentucky now supported 561; Maryland, 978; Ohio, 975; Pennsylvania, 3,090; and Virginia, 923. To meet federal police manpower standards set forth in the Omnibus Crime Control and Safe Streets Act of 1968, and the Highway Traffic Safety Act of 1966, Colonel Welty requested funding for a further 50 troopers, in addition to the 25 to be freed up by civilianizing the DLE program.

A limited reorganization of department headquarters was recommended by the governor's committee on crime, delinquency and corrections. This involved increasing the number of technical and laboratory specialists, and establishing a "Criminal Investigation Division." The latter unit was to be staffed with officers specially trained and experienced in handling special or detailed investigations, criminal intelligence operations, and "matters of a confidential nature." This reorganization request was submitted for consideration by the 1969 legislature.

Robert L. Bonar was appointed superintendent on 31 January 1969, commencing the longest tour under one appointment in the department's history. His 51st report marked the WVSP's 50th anniversary. Bonar was pleased by the 1969 legislature's funding 50 additional troopers, raising the authorized complement to 396 effective 1 January 1970. At the end of June 1969, the WVSP stood at 341 members, against the then-authorized ceiling of 346. Notwithstanding the increase, Bonar felt compelled to demand a further 100 slots to meet the minimum manpower adequacy standards.

During 1969, Bonar initiated an 8-year struggle to reorganize the department as recommended by the governor's management task force. The objective was to enhance operating efficiency, improve management span of control, and more effectively supervise the members. Each year thereafter the reorganization proposal was submitted to the legislature, and each year it was defeated, primarily for political reasons.<sup>(4)</sup>

An increasing concern of department management centered on adequacy of civilian manpower. In large measure, this concern grew out of the clear necessity of relieving sworn members of nonpolice duties to the maximum extent possible. The hiring of civilian detachment clerks, and planned civilianization of the DLE program have already been cited in this regard.

The largest single concentration of civilian positions was in communications. As the desirability and necessity for maintaining 24 hours, 7-days a week radio coverage became more obvious, a requirement for more civilian operators at the primary stations became inescapable. Burchette had noted that all neighboring states provided such continuous radio coverage, and were constantly "amazed" that West Virginia labored under the disadvantage of incomplete communications support. Because of the limited number of operators funded, the department had to choose between part-time communications or violating the state's minimum wage/maximum hours standards.

As the number of radios, radars, and other electronic devices in operation increased, sufficiency of maintenance technician support also became a problem. As early as 1966, Colonel Burchette had recommended funding to activate an apprentice technician program to relieve some of the pressure.

The burden of yet additional civilian manning was imposed in 1968 when the department was forced to relinquish the services of prison trustees. These personnel had performed as janitors, mechanics and helpers at the company headquarters, and as janitors and cooks helpers at the academy. Recruiting civilian workers to replace the trustees meant a further diversion of salary funds from direct police services, unless budget increases were approved by the legislature.

Compensation and benefits adequacy was also an issue with department management. As mentioned previously, Burchette accorded compensation first priority in his 1962 report. An across-the-board pay raise was deemed necessary to attract and retain young men for the WVSP's limited number of vacancies. Greater pay differential between ranks was needed to make promotions more attractive by eliminating salary compression. Continued rise in the cost of living prompted the colonel to ask for an additional one percent state payment to the retirement fund. Other superintendents addressed the need for increased value of state-supplied life insurance, and more liberal benefits payments to the survivors of officers killed in the line of duty.

The most persistent themes, however, were for salary raises (for both sworn members and civilians) to keep up with cost-of-living increases, and some more realistic form of longevity pay. The most spectacular single request was Welty's 1968 recommendation that basic salary be raised 20 percent, with longevity pay raised by \$25 per month, to be increased every three years after five years of service in grade.

## Academy

A consistent objective of superintendents in recent years has been passage of a minimum standards training law. This was first urged by Burchette in 1966. Essentially, such a law would require all police officers in West Virginia to undergo a minimum of 120 hours of professional training before they were accorded permanent status on their respective police forces. The minimum was set forth in the Highway Traffic Safety Act of 1966, but was subsequently revised upward to over 400 hours.

Such training would, of course, dovetail with one of the academy's basic missions. In anticipation of increased student volume, plans were laid for construction of an 80-bed dormitory at the academy. This building was finally occupied in January 1970. Construction of I-64 and an academy access road had absorbed the pistol range in 1967. The department cooperated with the SRC and construction contractor in an innovative solution to the problem. The hillside behind the academy was cut away to provide space for a 45-position, 100-yard range. Dirt from this excavation was used to fill in a previously unusable part of the campus, adding about three acres thereby. A further 2.7 acres were reclaimed between I-64 and the north frontage road. These additions cost the department only the price of drain tile and members' time, as they performed the installation themselves.

Other improvements included construction of a new maintenance building; renovation of the kitchen and dining room; addition of a gymnasium with SCUBA training tank for rescue/recovery team training; provision of space for instructor preparation office, library, archives room, and seminar room; installation of new video equipment in classrooms; and acquisition of a 12-passenger station wagon and GMC bus (the latter from SRC surplus) for cadet field trips and emergency use. The staff had increased to eight by 1969--director, assistant director, buildings and grounds superintendent, secretary, two cooks, and two utility men.

With these resources, the academy could offer a wide range of training in addition to cadet basic courses and municipal/county courses. NUTI was used extensively to teach basic supervision, management, and command personnel courses. The academy director graduated from Northwestern University's Police Administration School, with major course work in police training. In-service training covered such diverse topics as VASCAR and Breathalyzer training, civil disturbances/crowd control, new weapons familiarization, and recent federal supreme court rulings impacting on WVSP operations. Academy staff also provided on-site training to security officers at Moundsville State Penitentiary and West Virginia University, and to various county and municipal police forces.

In 1969, the academy director recommended that efforts be initiated to win college credits for academy training courses. He also pointed out the need for additional instructors to meet sharply rising training workloads.

## Traffic Safety

Motor vehicle accidents, injuries and deaths climbed steadily, reaching an all time high of 587 in 1967. Mile-death rates rose correspondingly. The APB continued its comprehensive program of driver/school bus/chauffeur license examination, public traffic safety education, training of sworn personnel, school bus inspection, speed law

enforcement, and cooperation with public safety organizations. Additional guidelines were available from the Traffic Safety Act of 1966 and the governor's traffic safety advisory committee recommendations. Consideration was given to adopting a uniform traffic citation form for better data capture and analysis. A concentrated accident prevention patrol was activated on a trial basis in Mercer County in November 1967. Overall traffic deaths did drop in 1968 (to 520), with mile-death rate also decreasing. Accidents and nonfatal injuries did not respond favorably to the tighter enforcement program, however.

In June 1969, the National Highway Traffic Bureau awarded a \$74,450 grant to the WVSP to establish a "Tactical Patrol Squad" targeted to patrol high accident frequency highway locations. An additional \$85,000 grant was received to construct a new driver test facility by installing electronic equipment which would permit testing 160 applicants per hour. Other plans called for acquiring 40 VASCAR units and four fixed-wing Cessna 182 aircraft for traffic patrol, and integration of a new selective enforcement analysis program into the department's centralized records system.

The MVI Bureau continued its more mundane, but no less important mission. The eleven staff members inspected and submitted bimonthly reports on the MVI stations--which ranged from 1,253 to 1,301 in number, as well as the over 4,000 inspector-mechanics who worked there. These troopers also kept inspector-mechanics abreast of the latest technical requirements and new or revised procedures.

### Criminal Activity

Colonel Burchette had seen the answer to combating crime as threefold--additional manpower, the cooperation of an aroused public, and tighter integration of all law enforcement agency activity.

Compared to the sporadic and frequently tragic violence experienced in other states, and particularly in urban areas, growing out of racial tensions and anti-Vietnam War demonstrations, West Virginia remained remarkably quiet. Nonetheless, the department proceeded to substantially upgrade its capability to successfully meet large-scale public disorders should they erupt. A particularly illuminating summary is contained in "Outline of Preparations Undertaken by Department of Public Safety in Riots and Civil Disorders," on file in the academy archives.

As part of its drive for a centralized records system, the CIB had established two new records centers. One contained over 120,000 entries on firearms registrations, the other criminal and domestic intelligence information. Plans were underway to initiate a third center, for criminal specialty ("M.O.") data, as well.

### Logistics

The continually rising cost of supplies remained a major budget concern. Added to this was a significant increase in repair and maintenance costs as more real estate was acquired.

WVSP weaponry was substantially upgraded. In 1966, new Colt .357 Magnum revolvers were ordered as replacements for the then-standard Colt Official .38 handgun. New automatic rifles were purchased in 1968 to replace World War II-vintage Thompson and Reising submachine guns. All automatic shotguns were exchanged for pump models, and each trooper received a Chemical Mace. Pepper Fog gas generators and new gas masks were issued to each company headquarters during 1969.

The first lightweight summer uniform (short sleeve, open neck shirt) ever issued by the department was distributed in 1966, with one additional summer uniform set authorized the next year. Other new uniform items were choice of regular or clip-on tie, fur trooper cap, and hard shell plastic helmet, with face visor and chin strap, for crowd control work. New cadet uniforms were authorized in 1968, and rescue/recovery and body identification team members received coveralls in 1969.

New barracks were occupied at Huntington and Williamson (1966), Welch and Martinsburg (1967), and Parkersburg (1968). Newly built rental barracks at Weirton were dedicated in 1967. And, construction was started on a new department headquarters building in South Charleston during 1969, with scheduled occupancy date of August 1970. This required revocation of statutes which mandated that the department headquarters and offices be situated in the

capitol building. This stipulation was replaced by one requiring merely location of the offices in Kanawha County.(5) As a rental savings measure, the MVI Bureau and APB were consolidated into one office space outside the newly remodeled executive offices in the capitol building in 1966.

Patrol vehicle safety was enhanced in 1966 by retrofit of padded dash and visors, seat belts, high speed tires, and non-glare mirrors. Specifications for a heavy duty, air conditioned patrol vehicle were drawn up the following year.

Each company headquarters received a new polygraph machine in 1967. Breathalyzers and paper shredding machines--for destruction of confidential documents in the Executive Office and Communications Division--were procured during 1969. As funds became available, worn out office furniture and equipment were replaced at detachment level throughout the decade.

## Communications

One of the greatest strides in modern police communication became operational in April 1966 with activation of the National Law Enforcement Teletype System (NLETS). This completely automated system initially linked 44 states, divided into five circuits, through a switching center located at Phoenix, Arizona. All teletype traffic was processed at 100 WPM and was not touched by human hands from point origin to destination. The WVSP was a "charter" member of NLETS and a strong advocate on nationwide systems. No change in established procedure was required to make the existing department teletype system compatible with NLETS. Tie-in was accomplished through the Capitol Communications Center. Implementation of NLETS brought about the virtual demise of police telegraph systems. Many states, including West Virginia, agreed to maintain their police telegraphs in stand-by status and to monitor any traffic. But operators assumed more pressing communications duties.

Police agency (user) representatives met with AT&T officials to request rearrangement of existing circuits, which were increased in number to eight in November 1967. This reduced congestion caused by traffic from the more heavily populated states. Volume of NLETS traffic continued to escalate until 1969, when user states agreement to stop issuing general alarms (such as those dealing with stolen vehicles or property, or missing person). The change netted a 55 percent reduction in NLETS traffic for the department, an overall traffic decline of about nine percent.

One alternative to NLETS was the proposed National Criminal Information Center (NCIC) computer system operated by the FBI. Much of the general alarm traffic was switched to this system. The WVSP and Maryland State Police (headquartered at Pikesville) cooperated in an early trial program with the NCIC system in April 1967. The Maryland State Police entered data into the system on stolen automobiles, which data was transmitted to the WVSP.

Interstate communications was enhanced in other ways. In July 1964, a receiver was installed at the Point Pleasant detachment to monitor Ohio State Patrol Post 27, at Gallopolis. WVSP (Morgantown) and Pennsylvania State Police (Uniontown) exchanged similar monitoring systems in January 1967. In all of these situations, direct communication was authorized only in hot pursuit and emergency cases, to prevent circumvention of the central records files. Direct access to over 250 police agencies in Ohio was achieved in October 1968 when Capitol Communications Center activated a terminal to Ohio's Law Enforcement Automated Data System (LEADS). Troopers on patrol could initiate direct inquiry concerning automobile registration, driver license or criminal information.

Within West Virginia, the Communications Division could point to other achievements. The WVSP teletype system had expanded to a total of 14 terminals. In August 1967, a step was taken toward the long-sought objective of continuous radio coverage when the department entered into an agreement with the DMV. This agreement provided for 24-hour, 5-day radio communications capability. The division was pushing for additional transmitter/receiver sets at detachment level, especially where a full time clerk was available to receive incoming assistance calls from the public. At that time, the only way to relay the message to a trooper on patrol was to call a company headquarters, or some other primary radio station, and ask them to make the broadcast. In October 1965, Turnpike Division cruisers were equipped with radios on the WVSP frequency, to supplement their existing Turnpike Commission sets. This increased the overall value of turnpike officers to the department because of their 24-hour patrols, and also integrated the turnpike troopers more closely into broader State Police activities.

In addition to operations, the Communications Division was responsible for research, test, evaluation, and maintenance of radios, teletypes, radars, and other electronic devices. Some of their achievements in this role included replacing old mobile units with new solid state sets fully meeting FCC specifications; experimenting with portable teletypewriters which could leave a written message for an officer if he was out of the vehicle; recommended purchase of electronic sirens which doubled as public address systems for crowd control situations, and would permit easy monitoring of the radio when a trooper was outside the vehicle; recommending purchase of mobile teletype or pulse systems, facsimile equipment, voice scramblers (of increasing need in view of legislation liberalizing the conditions under which citizens could own police monitors), and message switching systems for intrastate communications; and evaluation of hand-held radios which could be especially valuable for crowd control or natural disaster operations.

In one famous incident, newly purchased portable base station units were rushed into immediate service at Point Pleasant, following collapse of the 39 year old "Silver Bridge." "The worst bridge disaster in modern times" plunged 31 cars into the Ohio River, killing 46 people and blocking navigation for six days until recovery operations were complete.(6)

Division staffing consisted of one officer-in-charge, one sworn member radio/teletype operator, one chief engineer, one assistant engineer, four chief technicians, one electrician/maintenance man, one technician-operator, and 29 operators. The emphasis on additional manpower for communications has been cited previously.

## **CHAPTER 11: REORGANIZATION AND REDIRECTION, 1969-1979(1)**

### **Organization Development**

The 1970's were a period of almost constant organizational change within the department. Some changes came about in response to special or new emphasis programs. But the most significant resulted from a complete realignment finally approved by the legislature in 1977. That restructuring is still being implemented, on a phased basis, as of this writing.

The first minor change occurred in January 1970, when the APB and MVI bureaus were consolidated into the Traffic Research and Safety Division (TRSD).(2) This merger reflected a new approach to the problem of reducing traffic accidents and fatalities through comprehensive research and analysis of traffic-related data.

In February 1971, the legislature amended the West Virginia Code, authorizing the WVSP to implement a mandatory, statewide uniform crime reporting (UCR) system. A Law Enforcement Assistance Administration (LEAA) grant was obtained in July, and designated officers worked closely with police officials from states already operating under UCR systems, and with the FBI, which had cognizance over the national UCR program. A Data Processing Section was created within the CIB in August, pilot programs were run during November-December, and a manual and appropriate forms were prepared. The UCR system became operational (and mandatory) in January 1972.(3) Under the program, the CIB receives daily (fingerprint) and monthly input, the latter consisting of data on seven major (known) offenses--criminal homicide, forcible rape, robbery, aggravated assault, breaking and entering, larceny and auto theft. CIB compiles, classifies, computerizes and analyzes this data, forwards it to the FBI, and issues an annual report, Crime in West Virginia. The UCR system is used to: determine the magnitude and trends of crime in the state; provide statistics for administrative and operational use; determine the social attributes of crime as a focus for preventative and enforcement measures, and to develop theories of criminal behavior; and as a data base for measuring the effect of preventive and deterrent programs, and the state criminal justice system as a whole.

The need for greater criminal investigation expertise had been apparent since 1968 and became more evident each year. Coupled with this was a rapid increase of traffic in narcotics and controlled drugs. In January 1972, Governor Arch A. Moore signed Executive Order 72-1, directing Colonel Bonar to establish a strike force of selected troopers to combat the illegal sale and use of narcotics; collect and disseminate intelligence on organized crime activity throughout West Virginia; conduct liaison with police on all levels, dealing with all phases of known criminal activity; and to provide technical assistance and support to local police forces, State Police detachments and prosecuting attorneys. In June 1972, Maj. James D. Baisden's Criminal Intelligence/Narcotics and Dangerous Drugs (CINDD)

Division became operational, initially with WVSP funds but later supported by LEAA grants. Members were carefully selected and retrained in operations, weaponry, communications and technical equipment, and scientific criminal investigation techniques. Much of this training was provided by detectives from other states, some of it on-site in those states. CINDD was able to establish a creditable reputation in short order, despite handicaps imposed by vague or restrictive legislation. The strength, areas of operations, procedures and techniques of CINDD were kept under tight security to preclude compromise. Between June 1972 and June 1977, CINDD troopers made 3,442 arrests; conducted 2,232 drug and 447 criminal investigations; destroyed 102 marijuana fields; and recovered \$1,159,415 worth of property. In July 1977, CINDD was absorbed by the CIB (see below).

In December 1972, a federally-funded Bell Jet Ranger helicopter was given to the department. Two months later, an Aviation Section (subsequently renamed Division) was created. In May 1973, the U.S. Army loaned two used Hiller OH23 helicopters to the department. During May-June, the state highway department marked designated highways so that airborne traffic patrol could get under way. This delay, coupled with federal restrictions on use of the Bell machine, limited the division's effectiveness for a considerable period. Since that time, however, the helicopters have been put to a wide variety of uses: traffic patrol, personnel transport, medical evacuation (medevac), aid to stranded motorists, search and rescue, transporting laboratory technicians to crime scenes, emergency transport of needed equipment, and apprehension and surveillance of criminals. In Fiscal Year 1974, the division's four pilots flew 753 hours, patrolling 75,000 miles of roadway. From 1 July 1977, to 30 June 1978, these figures were 662 and 79,404 respectively. Part of this drop-off was attributable to expiration of the contract for the two Hiller OH23's, which had to be returned to government surplus. In January 1978, a new Bell 206L 7-place helicopter was purchased, to be used primarily for personnel transport and medevac missions.

The acquisition of helicopters did not lessen the department's consistent (since 1969) desire to purchase fixed wing aircraft of the Cessna 182 type.(4) This was considered especially important because the majority of air operations are in direct support of traffic enforcement efforts, for which helicopters are less cost effective. Starting in September 1970, the WVSP and state Air National Guard (WVANG) cooperated to provide better surveillance of heavily-travelled highways (particularly interstates) during long holiday weekends. State Police observers fly in ANG-crewed aircraft, using a special radio link to mobile and base stations to relay traffic information. This program has proven highly successful, and is still used during long weekends due to inadequacy of the department's own "air force." To improve availability during marginal weather conditions, helicopter flight control systems were high on the Aviation Division's priority equipment list. The division is headquartered at the academy, where the helicopters are stored in hangars between operations.

The Omnibus Crime Control and Safe Streets Act of 1968, and successor statutes, required each state to operate a law enforcement, traffic safety and criminal justice planning agency (SPA). SPA was tasked with preparing, developing and revising the annual comprehensive statewide improvement plan submitted to LEAA and, if approved, resulted in award of a block grant to facilitate implementation. LEAA could also award discretionary action grants.(5) In West Virginia, this important function was assigned to the governor's committee on crime, delinquency and corrections.(6) Under a department special order issued in June 1974, the Planning and Research Division (PRD) was created to act as the WVSP's linkage in the planning and grants award chain. During 1977-1978, PRD managed 23 federal grants with a total value of \$1,922,455. Eleven of these were closed out, seven administered and five newly developed for funding. Representative projects include basic and cadet training, criminal law manual, medico-legal seminar, accident investigation, personnel management, radars, UCR, CINDD, and crime laboratory equipment. The PRD also played a key role in developing the program and procedures for implementing the reorganization authorized by the 1977 legislature. A major future objective for PRD was continual updating and publication of new or revised WVSP regulations.

The continued recommendation for a major reorganization finally bore fruit in 1974 when the legislature's joint committee on government and finance established a special public safety subcommittee to assess conditions within the department, and to gauge the efficiency of State Police operations. The subcommittee sent questionnaires to current and former members, analyzed responses, and subpoenaed witnesses. Based on this information, it became clear that the scope of the study was beyond the capacity of the subcommittee or its staff. An appropriation was therefore passed to contract with a consultant firm having special expertise in analysis of law enforcement operations and management. The contract went to Cresap, McCormick and Paget, Inc., a Washington, D.C., firm. The study team released a

preliminary report in October 1975, and a final report in January 1976. Three areas were highlighted as requiring urgent attention--organization and staffing; personnel management and labor relations; and enforcement strategy and operational techniques. The study provided the framework--including model legislation and a time-phased implementation plan--for the most thorough-going reorganization and realignment of functions in the department's history.(7)

Many of the consultant's recommendations were incorporated into enrolled house bill (H.B.) 1008, the "West Virginia Department of Public Safety Reorganization Act." This bill, which amended and reenacted chapter 15, article 2 of the 1931 Code (as amended), was passed on 9 April 1977, and went into effect 1 July 1977.

At the time of the consultant study, a "highly complex, informal" department organization had evolved, involving seven "de facto elements [one at the Capitol, two in South Charleston, and the four line companies] which frequently [had] the characteristics of a loose confederacy of autonomous cells rather than components of a unified organization pursuing common purposes. This unwieldy and confusing condition was attributed to the "overly detailed manner in which State statutes prescribe the department's table of organization, reflected legislative control by detail and minutiae rather by policy direction and objectives..." By contrast, the overall mission and purpose of the WVSP had never been clarified by statute.(8)

H.B. 1008 increased the superintendent's authority in many significant areas: determining the number of companies, districts and detachments needed; the number of officers and men needed per company; the location of detachment headquarters; and the number and rank of personnel assigned to centralized service (technical and administrative) functions at department headquarters. The overly restrictive rank structure was alleviated to some extent by formal designation of the lieutenant colonel position as deputy superintendent, rather than inspector. In addition, all ranks above lieutenant are to be filled on a temporary basis, by members selected by the superintendent on a non-merit basis.(9)

To improve personnel management, cadet selection boards were created, positive recruitment of minority and female applicants was mandated, and the majority of civilian positions were moved under the state civil service system. Promotion evaluation boards were established, with the function of screening all personnel and preparing lists of best qualified for promotion to the ranks of trooper first class, corporal, sergeant, first sergeant, master sergeant and lieutenant--the ranks filled under merit procedures. This was a positive step toward establishment of a true merit system, but fell short of the WVSP merit board proposal advanced by the consultants. More equitable procedures for appeal of transfers, suspensions, demotions and discharges were instituted. Use of transfers for discipline was specifically prohibited. Cost of transportation, and a relocation expense, must be provided, along with a 15-day advance notice. Appeal board decisions are appealable to the Kanawha County circuit court. A penalty for resignation without the superintendent's permission was eliminated.(10)

Section 15-2-12(a) provides the first clear statement of department mission: ". . . statewide enforcement of criminal and traffic laws with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state's public streets, roads and highways." Authority of the posse comitatus was also retained, along with responsibility for turnpike patrol on a reimbursable basis. Criminal investigation and technical support responsibility were not, however, strongly emphasized in the statutory language.(11)

As a note on historical perspective, it is interesting that provisions relating to maintenance of data on alien residents, promoting labor-management harmony, and nonpartisanship in labor-management disputes were retained in the reorganization act. Further, the traditional organizational title was retained, even though the consultants' had recommended changing it to "West Virginia Department of State Police"--very close to the title change suggested by Colonel Arnold in 1920!(12)

### Manpower Authorization

The WVSP's authorized complement of sworn members rose 63 percent between 1969 (346) and 1978 (548). Major increases were authorized in 1969 (+50), 1970 (+30), 1972 (+35), 1973 (+35), and 1977 (+50). Actual strength stood at

341 in 1969 and 546 in 1978. A further 12 trooper positions (Special Safety Patrol), funded by the governor's office of criminal justice and highway safety, were authorized for permanent funding by the 1978 legislature. This set the new sworn complement ceiling at 560 positions.

## Personnel Management

During his tenure as superintendent, Colonel Bonar pressed for legislation to improve the compensation of both uniformed and civilian personnel. He saw a clear need to raise basic pay in order to attract and retain competent employees. Cost-of-living increases were also needed to combat the eroding impact of inflation. More general life insurance and death (survivor) benefits were also requested.

Continued rising demands for police service led Bonar to support more uniformity in individual workdays, and a manhour work scheduling system. To relieve some of the stress on men and equipment, he even recommended increasing authorized uniformed complement to slightly less than 2,500 men within 5 years (from 1975 to 1980)!

Colonel Mooney vigorously implemented many of the consultant study's recommendations, beginning with greatly strengthening the personnel management function. A Personnel Division was created for centralized development and evaluation of recruitment, compensation, assignment, promotion, retirement, performance evaluation, and EEO/affirmative action programs for the department. It also maintains records and conducts related surveys.

Other improvements in personnel management policy and operations included: implementation of work measurement, performance evaluation and merit board promotion systems; expanded recruitment of minority and female personnel; development of cadet selection board rules; merit pay plans established; alignment of civilian positions under state civil service classification and compensation plans; provision of comprehensive annual physicals for sworn personnel; and initiation of a preferred assignment/transfer system (consistent with overall department manpower allocation needs).

## Academy

The WVSP Academy continued its service role by providing a wide diversity of training courses. The State Police cadet course was expanded to 24 weeks, covering 129 subjects and 1,077 classroom hours. Marshall University granted 51 credit hours for completion of cadet training, encouraging troopers to pursue further education upon graduation from the academy. Basic police students (municipal and county) underwent 12 weeks, 86 subjects and 552 hours of training (19 college credits), all provided with federal funds. During 1977-1978, the 32d cadet and 28th basic police classes were conducted.

In-service training was extremely varied, ranging from supervisory, management and command seminars, to technical instruction in the use of Breathalyzers and disposal of explosive ordnance. Other representative courses provided were: interstate patrol techniques; criminal investigation; UCR for District Sergeants; EEO; hostage negotiation; cold weather operations; driver license examination procedures; MVI regulations; governor's security detail; crime scene technician; narcotics; police/community relations; riot control; the new state magistrate system; and college security officer training.

The total number of students trained during the 1970's varied from 559 (1970-1971) to 107 (1975-1976), the average being roughly 300 per year. Foreign police officers also received training at the WVSP Academy. The staff cooperated with the board of education's vocational adult education division in providing in-service training to local law enforcement officers throughout the state, on a regional basis.

The high quality of the physical facilities--classrooms, dormitories, administrative offices, cafeteria, and weapons range--was reflected in the diversity of organizations which have used the academy for training or meetings. Some of these organizations were U.S. Secret Service, FBI, IRS, ATF, U.S. Marshals, Postal Inspectors, WVNG, DNR, West Virginia Association of Chiefs of Police, welfare department; governor's committee on crime, delinquency and corrections; and governor's occupational task force. The weapons range, completed in 1974, was rated as the best in the area by many knowledgeable shooters.

The academy staff increased to five uniformed personnel and fourteen civilians (cafeteria workers, custodians, clerks, secretary and maintenance men).

## Traffic Safety

The number of traffic accidents and resultant fatalities continued to rise during the decade, necessitating increased concentration on traffic law enforcement, safety education and motor vehicle inspection.

TRSD expanded cooperative efforts in conjunction with the National Safety Council, West Virginia Safety Council, American Society of Safety Engineers and Insurance Institute for Highway Safety. Safety publicity (newspaper, TV and radio spots), films and speeches before civic groups were used to keep the message before the public. Greater support was provided to driver education and defensive driving programs. The department was a major force in securing passage of a new driver education law in 1972. New automobile and motorcycle operator handbooks were prepared, and uniform accident report and vehicle citation/complaint forms implemented, state-wide.

The automated driver testing center at South Charleston was upgraded as planned, a second opened at Moundsville, and a third planned for Huntington. More centers were needed if the department was to achieve its stated goal of retesting all licensed drivers.

Civilian DLE's continued to relieve troopers of this essential but time-consuming task. The DLE program was a WVSP goal since 1967, and actually got off the ground ten years later. After training at the academy, the initial complement of 20 DLE's assumed their duties on 12 July. They were supervised by a sworn member of NCO grade.

The merger of MVI into TRSD did not lessen the department's emphasis on quality inspection as an element in reducing traffic accidents. An average of 1,620 inspection stations (1,591 in 1978) and 6,330 inspector-mechanics (6,200 in 1978) participated in the MVI program during the 1970's. New manuals were developed, and inspector-mechanics retrained and recertified. MVI officers carried out closer surveillance of inspection by more frequent visits to stations, resulting in more warning and suspension letters. The MVI program became somewhat controversial, due in part to the vacillation by the National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation. The Highway Safety Act of 1966 required all states to implement mandatory MVI programs by December 1968. This mandate was subsequently rescinded by NHTSA, causing some to question the value of West Virginia continuing its own program. From the WVSP perspective, however, MVI was a major weapon in the drive for traffic safety. Defects revealed and corrected would not otherwise be surfaced.

Enforcement is always a key factor in the traffic safety equation. For 140 days in 1970, a federally-funded Tactical Patrol Squad operated in areas of the state identified with unusually high traffic accident rates. To avoid charges of entrapment, activation of the intensive patrol effort was preceded by a press conference. An actual ratio of 3:1 for warnings to citations occurred. The squad's operation was well received, and a prolonged "halo effect" demonstrated its remarkable success.

The 1974 gasoline shortage caused a nationwide reduction in traffic volume. This was followed by the imposition of a National Maximum Speed Limit (NMSL) of 55 mph as an energy conservation measure. Not only fuel, but lives were saved as accidents became less violent due to lower average speeds. Federal funding was provided to the states to assure compliance with NMSL enforcement programs. In West Virginia, two six-man details, designated Special Safety Patrol, were activated in April-May 1978 to patrol the turnpike and Interstates 64, 77 and 79. The patrol operated without diverting manpower from routine patrol and investigation activity, since the federal government provided \$350,000 to the governor's office of criminal justice and highway safety to fund the troopers' salary and equipment. Funding support beyond the initial one year period was a major concern. The WVSP also participated in Operation CARE (Combined Accident Reduction Effort), a multi-state compact involving all East Coast state police and highway patrol agencies. The joint program aimed at tough enforcement of the NMSL by all participants. It was conceived by the Maryland State Police and developed over the period January-May 1978.

Within West Virginia, the department continued its Emphasis Patrol Program, under which off-duty troopers are assigned to high accident risk areas. This netted a significant reduction in accidents and other traffic violations where

the program operated.

## Criminal Activity

The level of serious criminal activity has increased dramatically in West Virginia. Some of the reported increase is doubtless due to more effective data collection under the UCR system. Most of the jump in serious crime has occurred in major cities, and thus investigation is usually carried out by the appropriate municipal police force. On the other hand, there is cause for concern in the apparent decline of WVSP preeminence in rural crime investigation. County sheriffs' departments have been shouldering a larger share of this burden, although the value of professional training provided by the WVSP Academy must not be overlooked. State Police resources also tend to be more heavily invested in traffic patrol and enforcement work.

Many aspects of the 1977 reorganization act were aimed at making the WVSP a more potent force in fighting crime within West Virginia. The CIB was expanded in July 1977 when Colonel Mooney subordinated to it the former CINDD, redesignated Criminal Investigation and Prevention (CIP) Section. In April 1978, the CIP Section was redesignated Criminal Investigation Section, and reorganized into two subunits--Field Services, which provides investigative support for the investigation of more traditional crimes; and Special Operations, targeted against narcotics and organized crime. Lt. L. L. Herald was designated commander, with 35 officers, with detectives permanently assigned to each of the four companies (A-D).

CIB's Laboratory Section boasted modern forensic facilities and equipment, providing expert analytical support and courtroom testimony on evidence submitted by all law enforcement agencies in the state. These services, provided free of charge, included polygraph testing, ballistics and toolmark identification, latent fingerprint and footwear identification, body identification, photography, graphic arts, explosive ordnance disposal, handwriting and questioned documents analysis, and chemical analysis (trace evidence, narcotics, gunshot residue, serology and arson accelerants). The laboratory became a member of the Criminalistics Laboratory Information System (CLIS) run by the FBI, and has attained national accreditation. Examinations were conducted only in connection with a crime, criminal investigation or in the interest of public safety. From 1973 through 1976, Colonel Bonar fought unsuccessfully for funds to train laboratory technicians as part of a plan to establish "satellite" and mobile laboratories. These would preserve the freshness of evidence and the "chain of evidence" by eliminating the necessity for shipping all physical evidence to the CIB's central laboratory in South Charleston.

The CIB's third section--Records--assembled, identified and retained department records, and served as the state's central criminal records repository. Fingerprints were filed in a criminal history transcript folder. Files were also maintained on arrest notices, final case dispositions, wanted notices, photos (mug shots) and weapons dealers' sales. The section also explored means for more effective utilization of modern technology. For example, in April 1971, CIB adopted the FBI (NCIC) computer-compatible fingerprint classification system as part of the move toward a Criminal Justice Information System (CJIS). CJIS was an "offender-based" system for tracking persons through the law enforcement, courts and corrections phases of the state criminal justice apparatus. Tracking was initiated by submission of fingerprints at the time of arrest, already required by the UCR system. A court disposition report (CDR) system was pilot-tested in 1977-1978, then tested statewide in 1978-1979. Confidentiality of criminal records had been a problem since the State Police were required to use computers of the department of finance and administration's information system services division for storage. The computer procured to establish the WEAPON system (see Communications) was used to develop a computerized criminal history (CCH) file for better protection and privacy of criminal records.

Colonel Mooney increased police/public cooperation in crime fighting by establishing the West Virginia Office of Crime Prevention in June 1978. This office was responsible for organizing and promoting statewide publicity and public education campaigns. Reliance was placed on law enforcement agencies at all levels of government within the state.

## Logistics

The Logistics and Supply Division was responsible for purchasing all department equipment and supplies, and for

inventory maintenance. During the 1970's, the division managed a substantial upgrading of equipment, individual uniform items, and vehicles. Laboratory, communications, data processing, administrative and maintenance hardware improved in both quality and quantity.

The department's real property holdings increased in value, partly in response to a drive to lessen dependence on rental agreements. New barracks or detachment buildings were constructed at Rainelle, Alta, Winfield, Philippi, Wellsburg, Gauley Bridge, Jesse, Summersville and Moundsville. A new dormitory and cafeteria were added to the academy, as well as a hangar and office for the Aviation Division located there. Plans for new construction or major renovation encompassed facilities at Paden City, Bridgeport, Oak Hill, Keyser, Fairmont and Point Pleasant. Gasoline tanks and pumps were upgraded or newly installed at most WVSP facilities to reduce dependence on private suppliers in times of fuel shortage. Responsibility for overall management of barracks and other department-owned structures was assigned to the Internal Affairs (Inspections) Office.

New patrol cars, trucks, jeeps, busses, snowmobiles (for Company C), and a mobile emergency field command post trailer were added to the State Police inventory. Specifications were also finalized for a new patrol car, incorporating greater safety, comfort and serviceability features. The department's SCUBA diving team was outfitted with tanks, compressors, boats, diving suits and an underwater TV camera. Similarly, Aviation Division pilots received firesuits, parachutes and helmets.

## Communications

State Police communications capability, including access by the public, improved in April 1970 when the National Law Enforcement Teletype System (NLETS) was significantly upgraded by replacement of the electromagnetic switcher at Phoenix with a computerized switcher. Even this step forward did not prove adequate to handle the staggering volume of teletype messages. Additional improvements were, therefore, implemented in December 1973, expanding system capability to 26,000 messages per hour (average message length of 75 words). Federal funds were given to each state to defray the cost of conversion to the improved NLETS. The states gained almost instantaneous access to driver license and vehicle registration data bases.

The Communications Control Center (CommCenter) was relocated from the capitol building to the new department headquarters building at South Charleston in May 1971. A radio console for Company B was included in the CommCenter initially, but six months of experience indicated that collocation caused too much congestion. Further, the Company B operators were hampered by being physically separated from the source of their work load. A new automated 8Al Police Teletype System was also inaugurated at this time.

The in-state teletype net grew substantially as more municipal and sheriffs' departments tied into the WVSP system. In 1973, there were 31 terminals in operation--15 State Police, 11 city police, four sheriffs and one at the DMV.

In October 1974, the WEAPON--West Virginia Automated Police Network--system went on line, providing integrated quick access to NCIC, NLETS and DMV databases. WEAPON was a computerized message switcher operated under Communications Division management, and was also used to create a more secure CCH file. There were 69 WEAPON terminals in operation at the end of the decade--25 State Police, 20 municipal, 22 sheriffs, one U.S. Drug Enforcement Administration, and one at DMV.

Radio communications is, of course, the principal link between field enforcement units and information databases. State Police cruisers were all equipped with 100 watt two-way FM radios, with speech scramblers for communications security. There were 49 base stations, nine primary stations providing 24-hour coverage (CommCenter, Beckley, Elkins, Logan, Moundsville, Parkersburg, Romney, Shinnston and South Charleston), and--because of "dead spots" resulting from the state's mountainous topography--22 mountaintop repeater stations (remotely activated).

Like most other states, West Virginia suffered from a restricted number of police radio frequencies, complicated by the incredible proliferation in numbers of transmitters since the 1950's. The State Police actively discouraged use of its frequency by other agencies, and imposed strict on-air discipline to maintain maximum availability. Studies conducted by the Communications Division indicated that the probability of obtaining additional frequencies was remote, and that

frequency sharing was not feasible either. The division, therefore, pushed for installation of multi-tone equipment, which would allocate one tone for each company, and permit switching tones as a traveling trooper crossed company area boundaries. Such radio equipment would automatically screen out all messages transmitted on other companies' tones, and would also eliminate the possibility of a mountaintop repeater station being activated by alien radios. This recommendation was adopted, and rapid progress toward complete conversion was by the end of the decade. Agreement was also reached with the Maryland and Pennsylvania state police to tone burst on monitor/receivers.

Other Communications Division achievements included greater availability of walkie-talkie and handie-talkie devices, including capability of relay through cruiser radios; conversion to electronic sirens; test and procurement of "moving" and digital readout radars; testing of in-vehicle teleprinters; installation of central control panels for public address/electronic siren systems, radios, radar, VASCAR, speech scramblers and roof-top lights; installation of a National Weather Service terminal at the CommCenter for relaying current weather data to field units; and construction of an improved radio/electronics maintenance building at South Charleston (Company B).

Citizen access was improved by provision of two toll-free (800) telephone lines which terminate in the CommCenter (1974), and installation of a telephone intercept device (1977), which assured 24-hours answering of all detachment telephones. Policy called for all telephone and radio traffic to be taped as a security and reference measure.

The Communications Division ended the 1970's with a staff of a communications officer, data processing officer, chief engineer, assistant engineer, and electronics maintenance technician at the CommCenter, and a chief technician and assistant technician at each company area headquarters.

## **APPENDIX A: EVOLUTION OF THE STATE POLICE CONCEPT**

There are many ways of determining the exact origin of the state police concept, each with its own staunch advocates.(1) The generally accepted analysis set forth by Bruce Smith, who described four distinct periods of development, is relied on in this paper.

First is the "border patrol" period, dating from establishment of the Texas Rangers in 1835. Directly comparable organizations were the Arizona Rangers (1901), New Mexico Mounted Police (1905) and Colorado Rangers (1917). Also included in this period are state agencies which exercised only limited police functions, such as vice suppression. Examples of this type are the Massachusetts "State Constables" (1865) and "District Police" (1879), and the Connecticut Police (1903).

Of greater significance to this study is the emergence of the modern state police concept. This second period began with formation of the Pennsylvania Department of State Police (popularly known as the State Constabulary) in 1905.(2) The uniqueness of the Pennsylvania State Constabulary was that

...the Pennsylvania force was not evolved in any strict sense of the term. It was 'made,' and in the making, whether from accident or design, there was a sharp break away from established tradition. Schemes of organization and control which had become embedded in accepted police practice were ignored in the formation of this new body. Its establishment... marked the beginning of a new era in rural police administration.

The distinguishing characteristic of this force consists in the extensive administrative powers granted to the superintendent of state police, who is responsible to the governor alone.... In its highly centralized scheme of structural organization, and in its policy of continuous patrol throughout the rural areas, the Pennsylvania state police constituted a distinct departure from earlier state practices.(3)

Despite its pioneering contributions to rural law enforcement, it would be a mistake to assert that the Pennsylvania State Constabulary was originally created primarily for that purpose. It was, rather, a response to the violent industrial conflicts which wracked Pennsylvania after the 1890's, arising from union attempts to organize steel workers and coal miners. When this violence continued into the 1900's, and it became increasingly apparent that sheriffs and other local

peace officers could not (or would not) effectively maintain public order, Governor Samuel A. Pennypacker sought alternative enforcement means. The only option then available was mobilization of the state militia, and this was not considered either economical or politically desirable. As a result, Pennypacker "made" the State Constabulary as a means of directly interjecting executive authority into troubled areas of the state.

Three considerations... seemed to stimulate the organization of state police forces during this [modern] period: the first was the need for a general executive arm of the state. The second was closely related to the disturbed conditions in the coal and iron regions, and the demonstrated incapacity of sheriffs, constables and the organized police forces of small communities to contend with them successfully. The third arose from a realization that the sheriff-constable system had broken down and the rural districts were left exposed without adequate police protection.(4)

New York and Michigan both established state police forces on the Pennsylvania model in 1917. West Virginia (1919), New Jersey (1921) and Rhode Island (1925) rapidly followed suit after World War I. This constitutes the (third) "reorganization and expansion" period. Labor agitation during World War I prompted New York to organize its state police department. And in Michigan, the state police were created "as a war measure, largely for the protection of the war industries from communist or I.W.W. actions...."(5) The Michigan State Police were reconstituted on a permanent basis in 1919.

The fourth and final period centers on emergence of "highway patrol" agencies which came to be granted certain general police powers. This commenced with the Maine Highway Patrol in 1929. By 1933, eight other states had created similar organizations. The vast majority of today's state police agencies were created between 1919 and 1939. Most have retained their original law enforcement responsibility, whether general or traffic. Several have had their mission expanded from traffic to general law enforcement, but only one has lost a significant function. This occurred in 1965 when criminal investigation duties were removed from the Nebraska Highway Patrol and assigned to the state department of justice.(6)

Many reasons lay behind the formation of centralized law enforcement by the many different states. These have been summarized by Gourley as follows:

(1) The inability of sheriffs and constables to cope with crime; (2) the reluctance of sheriffs and constables to enforce unpopular state laws; (3) waste, mismanagement and political influence which cripple the municipal police function; (4) dissimilarities in the methods of enforcement and the grave need of uniformity in a state; (5) lack of adequate police facilities in rural areas; (6) the lack of coordination of police activities in an era of mobile crime; (7) the prodigious traffic accident experience; and (8) the necessity of coordinating existing state law enforcement agencies.(7)

Indicative of the growing acceptance of centralized state law enforcement authority was formation of the Association of State Police Commanders on 11 October 1921. This association, which had its first meeting in February 1922, united the superintendents of state police in Pennsylvania, New York, Michigan, West Virginia, Colorado, Massachusetts, New Jersey and Connecticut with the Texas Rangers and Northwest Mounted Police (later Royal Canadian Mounted Police).(8)

Smith believed that the greatest significance of the state police "experiment" was in proving that European models of police administration could work in the United States. One of the key reasons for this success was the relative immunity of centralized law enforcement agencies from political manipulation.

...although a few have been subject to recurrent legislative attack, [state police forces] have for the most part avoided political considerations with a consistency that stands in striking contrast with the past and present alliances of a sheriff-constable system. In their successful avoidance of political influence, the state police have doubtless profited by the fact that their administrative headquarters are necessarily rather remote from nearly all of the smaller fry of urban and rural politicians who have privileges to secure and favors to bestow. Of equal importance is the fact that most of these state police forces... have not been profoundly influenced by the police tradition which handicaps so many of our older police forces. Finally it should be noted that the administrative heads of the state police have almost without exception been men of unusual personal force, and marked by a determination to protect the rank and file against

political interference....(9)

## **APPENDIX B: SUPERINTENDENTS OF THE WVSP, 1919-1979**

### Name Tenure

Jackson Arnold 29 Jun 1919-31 Dec 1924  
Robert E. O'Connor 1 Jan 1925-10 Mar 1929  
Harry L. Brooks 11 Mar 1929-23 Jun 1931  
Robert L. Osborn 23 Jun 1931-7 Mar 1933  
Presley D. Shingleton 8 Mar 1933-1 Mar 1937  
Capt.-Insp. Harvey N. Rexroad (1) 2 Mar 1937-23 Jun 1937  
Charles C. Tallman 24 Jun 1937-31 Mar 1941  
Gustavus H. Crumpecker (2) 1 Apr 1941-24 Apr 1941  
John W. Bosworth 25 Apr 1941-20 Dec 1941  
H. Clare Hess 24 Dec 1941-10 Mar 1945  
William E. Burchette (3) 12 Mar 1945-3 Feb 1953  
Raymond W. Boyles 14 Mar 1953-14 Feb 1957  
Hazen H. Fair 15 Feb 1957-15 Jan 1961  
William E. Burchette (3) 16 Jan 1961-14 Jun 1967  
Terrence A. Welty 15 Jun 1967-30 Jan 1969  
Robert L. Bonar (4) 31 Jan 1969-17 Jan 1977  
Harley F. Mooney, Jr. 17 Jan 1977-

1. Rexroad, as senior captain and ranking officer, assumed command as acting superintendent pending selection of Shingleton's replacement.
2. Shortest tenure; died of a heart attack in office.
3. Only person to serve as superintendent twice in non-consecutive appointments.
4. Longest tenure as superintendent from a single appointment.

## **APPENDIX C: WVSP ORGANIZATIONAL STRUCTURE**

Chart 1 depicts the de facto management structure discovered by the consultant study in 1976. Their proposed functional realignment is illustrated at Chart 2. Chart 3 shows structure after the Reorganization Act of 1977 (as of 1979).

[Charts 1-3 to be added]

## **APPENDIX D: WVSP FIELD ORGANIZATION**

The WVSP is organized on a "company-area" basis, under which Companies A-D are responsible for certain geographical areas whose borders (except for Company D) are contiguous with those of the counties. Each company-area is divided into five districts, comprising a variable number of counties.(1)

Company	District I	District II	District III	District IV	District V
A Harrison					
Taylor					

Doddridge

Monongalia  
Marion

Preston  
Marshall  
Ohio

Brooke

Hancock  
Tyler  
Wetzel

Ritchie

Pleasants  
Lewis  
Gilmer

Braxton

B Kanawha Cabell  
Mason

Wayne  
Lincoln  
Putnam

Boone\*  
Wood  
Wirt

Jackson  
Roane  
Calhoun

Clay

C Randolph  
Pendelton

Tucker  
Webster  
Pocahontas  
Barbour  
Upshur  
Hampshire  
Hardy

Grant

Mineral  
Berkley  
Jefferson

Morgan

D Raleigh  
Wyoming

Boone\*  
Fayette  
Nicholas  
Greenbrier  
Moroe

Summers  
Mercer  
McDowell  
Logan  
Mingo

\*The southern portion of Boone County is serviced by Company D's Whitesville detachment; the northern portion, by Company B's Madison detachment.

Each company is commanded by a captain, assisted by a lieutenant as executive officer. Districts are commanded by sergeants. At present, there are 62 detachments, commanded by either a trooper first class or a corporal (see Map 1). Plans are underway to consolidate and reduce the number of detachments to increase economy and efficiency of operations. But local opposition and political pressure are expected to hinder this process.(2) The company headquarters and detachment locations are listed below.(3)

Company A, HQ Shinnston Company B, HQ South Charleston Company C, HQ Elkins Company D, HQ Beckley  
Clarksburg  
Fairmont

Glenville

Grafton

Harrisville

Kingwood

Morgantown

Hundred

Moundsville

Paden City

Saint Marys

Sutton

Wellsburg

Weston  
West Union  
Wheeling  
Glasgow  
Clay  
Cross Lanes  
Big Chimney  
Elizabeth  
Grantsville  
Hamlin  
Huntington  
Madison  
Parkersburg  
Point Pleasant  
Ripley  
Spencer  
Wayne  
Winfield  
Berkely Springs  
Buckhannon  
Charles Town  
Franklin  
Keyser  
Marlinton  
Martinsburg  
Moorefield  
Parsons  
Petersburg  
Philippi

Romney

Webster Springs

Hinton

Lewisburg

Logan

Gauley Bridge

Oak Hill

Jesse

Princeton

Rainelle

Richwood

Summersville

Union

Welch

Whitesville

Williamson

Lastly, Company E, which is a redesignation (June 1977) of the old Turnpike Division, is headquartered at Port Amherst, near the Charleston end of the West Virginia Turnpike. Since it is responsible solely for patrol on that toll road, Company E has no subordinate elements.

The consultant study recommended a major realignment of field organization, whereby the company-district tiers would be merged into eight new districts, each commanded by a captain. Two sample districting plans were proposed by the consultants (see Maps 2 and 3). Company E would remain as a separate "Turnpike Section." No decision on redistricting has yet been made by the department.

[Maps 1-3 to be added]

Map 1: WVSP Field Organization, 1979

Map 2: Proposed Districting Option - Equal-Sized Geographical Areas

Map 3: Proposed Districting Option - Equal Crime and Traffic Workload

## **NOTES**

### **PART I**

#### **CHAPTER 1: THE CLIMATE OF POST-WAR AMERICA**

1. Foster Rhea Dulles, *The United States Since 1865* rev. ed. U. of Michigan History of the Modern World (Ann Arbor, 1971), pp. 290-296; Florence Peterson, *American Labor Unions What They Are and How They Work*. 2d rev. ed. (New York, 1963), pp. 15-17, 19-22; and Frederick Lewis Allen, *Only Yesterday: An Informal History of the Nineteen-Twenties* (New York, 1931), pp. 8, 20, 46, 54-55.
2. On the Red Scare phenomenon, see Allen, pp. 45-75; Dulles, pp. 276-277; Samuel Eliot Morison, *The Oxford History of the American People* (New York, 1965), pp. 883-884; Edwin P. Hoyt, *The Palmer Raids, 1919-1920: An Attempt to Suppress Dissent* (New York, 1969); and Robert K. Murray, *Red Scare: A Study in National Hysteria, 1919-1920* (Minneapolis, 1955).
3. See J. Edgar Hoover, *Masters of Deceit: The Story of Communism in America and How to Fight It* (New York, 1958), pp. 53-68, for a summary of the development of the Communist Party of the United States. On effectiveness of criminal syndicalism laws in destroying the I.W.W., see Irving Bernstein, *The Lean Years: A History of the American Worker, 1920-1933* (Boston, 1960), p. 222. Both Bernstein, pp. 136-141 and Peterson, pp. 24-25, discuss Comintern direction of the U.S. Trade Union Educational League and Trade Union Unity League.
4. Allen, p. 56.
5. Quoted in Dulles, p. 277.
6. Dulles, p. 295; Allen, pp. 62-66; Bernstein, pp. 50-51, 211, 222.
7. Morison, p. 884.
8. Allen, pp. 245-269; Wayne Moquine (ed.), *The American Way of Crime: A Documentary History* (New York, 1976), pp. 48-51, 53-111.
9. Lt. Col. Philip M. Conti, *The Pennsylvania State Police: A History of Service to the Commonwealth, 1905 to the Present* (Harrisburg, Pa., 1977), p. 181, reports that enforcement of Prohibition laws was not neglected in Pennsylvania, and in fact became the major problem of the Pennsylvania State Police (PSP) during the 1920's.
10. Charles Ambler and Festus P. Summers. *West Virginia, The Mountain State*, 2d ed. (Englewood Cliffs, N.J.. 1958), p. 366, note the effect of Prohibition in "debauching" the state's social life. Elizabeth Cometti and Festus P. Summers (eds.), *The Thirty-Fifth State: A Documentary History of West Virginia* (Morgantown, 1966), pp. 518-522, note the failure of a statewide prohibition referendum as early as 1888. A constitutional amendment was ratified in 1912, followed in 1913 by the Yost enforcement act. Prohibition was repealed in West Virginia in 1934, but the legislature made liquor sales a state monopoly in 1935. The 1912 amendment had been opposed by the State Federation of Labor because it would result in the disbanding of two affiliated locals--bartenders in Wheeling! Charles P. Anson, "A History of the Labor Movement in West Virginia," diss. (U. of N.C., 1940), pp. 159, 268.

## CHAPTER 2: WEST VIRGINIA - THE VIOLENT HERITAGE

1. As late as 1910, 81 percent of the state's population was living in rural areas. By 1920, the proportion had dropped to around 75 percent. See Anson, pp. 47-48.
2. Anson, p. 247. See also the extensive discussion in John C. Campbell, *The Southern Highlander and His Homeland* (Lexington, Ky., 1971) (reprint of 1921 publication), pp. 102-119.
3. 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, 1969), p. 7.
4. Winthrop D. Lane, *Civil War in West Virginia: A Story of the Industrial Conflict in the Coal Mines* (New York 1921), pp. 101-102.

5. Information in the remainder of this section is condensed from Anson, pp. 219-226; Ambler and Summers, pp. 445-451; Cometti and Summers, pp. 522-529; John M. Barb, "Strikes in the Southern West Virginia Coal Fields, 1919-1922," thesis (W.V.U., 1949), pp. 40-45, 50-54; Fred Mooney, *Struggle in the Coal Fields: The Autobiography of Fred Mooney, Secretary-Treasurer, District 17, United Mine Workers of America*, ed. J. W. Hess (Morgantown, 1967), pp. vii-ix, 15-39, 59, 62-65, 167-170; and Evelyn L. K. Harris and Frank J. Krebs, *From Humble Beginnings: West Virginia State Federation of Labor, 1903-1957* (Charleston, 1960), pp. 72-78, unless otherwise footnoted.

6. Anson, p. 18.

7. *Ibid.*, pp. 15, 22, 27, 32, 93-94; Barb, p. 15.

8. Anson, pp. 99-101.

9. This pressure and the union's reaction were viewed as a conspiracy to destroy competition by operators in the nonunion fields. See Lane, *Civil War*, pp. 42-45.

10. Anson, pp. 187, 190-193, 204-215.

11. Anson, pp. 119, 216-218; Barb, pp. 39-40; Mooney, pp. 21, 72; Lane, *Civil War*, pp. 11-12, 20. Mary H. Jones, *The Autobiography of Mother Jones* 3d ed. (Chicago, 1974), p. 67, states that six miners were killed at Stanaford Mountain (Feb 1903).

12. Stuart Seely Sprague, "Unionization Struggles on Paint and Cabin Creeks, 1912-1913," *West Virginia History* (Apr 1977), pp. 185-213; Kyle McCormick, *The New-Kanawha River and the Mine War of West Virginia* (Charleston, 1959), pp. 133-143; Lee, pp. 17-46; Frederick Bernays Wiener, *A Practical Manual of Martial Law* (Harrisburg, Pa., 1940), pp. 100-102, 110-113, 147, 149, 164; W. Va., Gov., Regular Biennial Message of Governor [William E.] Glasscock to the Legislature of 1913 Extraordinary and Regular Sessions, for the Period October 1, 1910 to September 30, 1912 (Charleston, 1912), pp. 43-48 (hereafter *Glasscock*); W. Va., Adj. Gen., Report of the Adjutant General of West Virginia, 1912-1913 (hereafter *RAG* by year), pp. 5-22.

13. Baldwin-Felts supplied about 300 armed guards. Lane, *Civil War*, p. 20. The significance of eviction power is illustrated by the fact that the state's miners were almost totally dependent on the coal companies for housing. As late as 1922, 80 percent of W. Va. miners lived in company houses, compared to only 10 percent in Indiana and Illinois, and a national average of about 50 percent. Anson, p. 102; Barb, p. 22.

14. *Glasscock*, p. 44. For crossing of the river, see Lee, pp. 30-31.

15. The Baldwin-Felts guards had been ejected from the strike zone by order of the governor. Many guardsmen stayed on as private mine guards when the initial martial law proclamation was lifted. When the second proclamation took effect, many guards once more became guardsmen--but were markedly less impartial than during their first stint in the strike zone! To the miners, these men were no less despicable than the Baldwin-Felts variety. Lee, pp. 33-34; McCormick, *New-Kanawha*, pp. 141-143.

16. Barb, pp. 40-42; Anson, p. 220; U.S., Cong., Sen., 63d Cong., 1st Sess., Sen. Doc. No. 230, William Gordon Matthews, *Martial Law in West Virginia; An Address....* (Washington, D.C., 1913), pp. 5-6; *RAG*, 1912-1913, pp. 5, 18, 20; *Glasscock*, p. 47.

17. *Glasscock*, p. 48. Interestingly, many of the senators taking part in the inquiry advocated nationalization of the coal mines as the only way to establish permanent peace. Yet, when this approach was advocated by UMWA leaders during the 1919 strike, it was taken as proof of their Bolshevism! Cometti and Summers, pp. 528-529; Allen, *Only Yesterday*, pp. 47, 54; and Bernstein, pp. 125-126.

18. Cometti and Summers, p. 53.

## CHAPTER 3: POLITICAL MANEUVERING

1. C. H. Quenzel, "A Fight to Establish the State Police," *Journal of Criminal Law and Criminology* (May-Jun 1943)," pp. 61-67.

2. Although the WVSP is officially designated "Department of Public Safety," the title is a misnomer. The DPS concept emerged at about the same time as the "expansion" phase of state police development (see Appendix A). It envisioned a central state agency with fire protection, inspection, public health, and "civil defense"-type functions in addition to general police work. See Ks., Legis. Council, Res. Dept., *State Police: Analysis of Existing Laws and of the Experience of Other States With Special Application to Kansas* (1934), pp. 4-5. Quenzel (fn. 4, p. 61) and W. Va., Dept. of Public Safety, "West Virginia State Police" (N.P., N.D.) (typescript summary of WVSP development and roles, provided by WVSP Academy), (hereafter Typescript History) pp. 4-5, point out that the "police" designation proposed in the bill was specifically deleted by amendment, in order to secure the block of votes controlled by an influential delegate who strongly opposed use of the term.

3. Quenzel, p. 66.

4. Merle T. Cole, "The Department of Special Deputy Police, 1917-1919," *West Virginia History* (Summer 1983), pp. 231-333.

Following service on the Mexican border, the 2nd W. Va. Infantry returned from Texas and was mustered out in Mar 1917. That same month the 1st W. Va. Infantry was mobilized. The 2nd was remobilized early in April, followed by the state's enlisted National Guard Reserve 3 months later. In Aug 1918, all American ground forces, regardless of origin, were amalgamated into a single entity, the "United States Army." Thus, the 2nd W. Va. was redesignated 150th Infantry. Along with many other National Guard units, the 1st W. Va. was broken up, its members being parceled out to fill smaller units.

As acting adjutant general, Major Davis commanded the Militia Reserve ("home guard") units authorized by the Executive State Council of Defense to serve in the absence of the WVNG. Davis had previously been commander of 1st Bn, 2nd W. Va. There is an undated copy of Davis' blanket order to county sheriffs, directing appointment of special deputies, on display in the WVSP Archives.

Total National Guard strength climbed from 42,000 in Apr 1920 to 164,000 by Oct 1922, with only Nevada lagging in reestablishing some sort of state military force. The 1921 WVNG reorganization is discussed in Chapter 6, fn. 23. below.

See Quenzel, p. 66; W. Va., Gov., *Biennial Message of Governor John J. Cornwell to West Virginia Legislature*. January 8, 1919 (Charleston, 1919), pp. 26-30; W. Va., Legis., *West Virginia Legislative Handbook and Manual and Official Register* (Charleston, 1917), pp. 792-79, 1919, pp. 490-492, 1922, pp. 726-730, and 1923, pp. 442-443(hereafter *Legislative Handbook* by year); Kyle McCormick, "The National Guard of West Virginia During the Strike Period, 1912-1913," *West Virginia History* (Oct 1960), pp. 34-35; W. Va. 1941, pp. 520-521; Weiner, pp. 40, 51, 114; U.S., Cong., Sen., 67th Cong., 2d Sess., Sen. Doc. No. 263, *Federal Aid in Domestic Disturbances, 1903-1922* (Washington, D.C., 1922), pp. 315-319, 321; U.S., War Dept., *Annual Report of the Secretary of War* (Washington, D.C., 1919), pp. 26-27 and 1920, pp. 68-69); *Historical Annual-National Guard of the State of West Virginia* (Baton Rouge, 1938), p. vii. For more detail on Mexican border service and reorganization of the U.S. Army, see Clarence C. Clendenen, *Blood on the Border: The United States Army and the Mexican Irregulars*, MacMillan Wars of the United States (New York, 1969), pp. 145-173, 216 ff 283-298; Col. R. Ernest Dupuy, *The National Guard: A Compact History*, Hawthorn Military History of the United States (New York, 1971), pp. 92-99, 106-116; John K. Mahon and Romana Danysh, *Infantry, Part I: Regular Army* rev. ed. Army Lineage Series (Washington, D.C., 1972), pp. 42-44; Mary Lee Stubbs and Stanley Russell Connor, *Armor-Cavalry, Part I: Regular Army and Army Reserve*, Army Lineage Series (Washington, D.C., 1969), pp. 33-34, 40.

5. Quenzel, pp. 66-67; Cornwell, pp. 26-30.

6. Quenzel, pp. 61-63.

7. *Ibid.*, p. 62. It is difficult to determine Cornwell's sincerity in alluding to the radical threat to state security and order. True, the State Federation of Labor had endorsed a quasi-Socialist form of government at its 1912 convention; the UMWA had called for nationalization of the coal mines; and the proportion of foreigners in the state's population had peaked in 1910 (at 4.7 percent, up from 2.3 percent in 1900), and with the majority of immigrants from southern and eastern Europe after 1910--regions arguably, more amenable to Communist or Socialist overtures. See Anson, pp. 48, 54, 268-269.

Cornwell came out strongly against unions on several occasions. In condemning wartime strikes, for example, he charged that "Bolshevism was confined 'to the industrial centers where organized labor predominates.'" Anson, p. 170. In a Dec 1920 speech before the Southern Society, in New York City, he claimed that the UMWA was largely responsible for the turmoil in southern West Virginia, and pledged to take all measures necessary to maintain order. He labeled unionism "a curse" and the 1919 general strikes "a crime against America." In the same vein, he spoke against recognizing the Russian (Soviet) government and of the need to combat radicalism. Barb, pp. 69-70.

On the other hand, Cornwell was not at all adverse to "doing a deal" with the UMWA's state leaders in order to secure his victory in the 1916 gubernatorial campaign. Deliver miner votes, he promised, and the mine guard system would be abolished. He was elected with UMWA help but reneged on his pledge. Barb, p. 49. Following the Sep 1919 "Miner's March," two events occurred which led Cornwell to disavow all pretenses of friendship for the union. He had created the "Cornwell Commission" to investigate the causes of and fix responsibility for the march. The commission report concluded that the march was not spontaneous, but rather as action planned by the union leaders. This report "no doubt raised the suspicion in the mind of the Governor that his strange alliance was beginning to be of dubious political value." The UMWA had promised not to intervene in Logan County pending completion of the investigation. But a force of about 51 organizers entered the county in Oct 1919, to be promptly turned back by deputies and mine guards. Cornwell was furious over this union duplicity. This incident finally ruptured the "strange alliance." See Barb, pp. 54-55, 56-58. Lane, *Civil War*, pp. 62-63, provides a detailed account of the "organizing expedition."

A final aspect to the enigma of Cornwell is presented by Lane, *Civil War*, pp. 54-55. The governor pleaded impotence in the question of counties assigning deputies to guard private property (coal mines) or the practice of coal associations paying all or part of the deputy's salary. Cornwell claimed that counties were "autonomous, self-governing" entities and that he could not remove their elected officials. This contention was disputed by the state attorney general. Lane quotes a portion of a 1913 amendment to the state code which expressly prohibited these very practices. See also Lee, pp. 139-140. The point to be taken is expressed by Anson, p. 232, with reference to the "March on Logan:" "the Governor did not act in any capacity until it was too late to prevent armed violence on a large scale." One is led to the conclusion that Cornwell was a political opportunist, taking support wherever he could find it, but that he recognized the reality of political power wielded by coal operator associations.

8. Quenzel, pp. 62-63. See also Ambler and Summers, p. 386.

9. Clarence C. Clendennen, "Super Police: The National Guard as a Law Enforcement Agency in the Twentieth Century", in Robin Higham (ed.), *Bayonets in the Streets: The Use of Troops in Civil Disturbances* (Lawrence, Ks., 1969), p. 86, notes that "organized labor as a whole became deeply prejudiced against... any force or organization that even might be used against them. Many labor leaders were influenced by... the doctrine of the inevitable conflict between capital and labor. Only on this basis can be explained the hostility shown by organized labor for the National Guard, indeed for any military force." Barb, p. 85, fn. 55, states that UMWA opposition was based on concern that the state police could be used in labor troubles. The State Federation of Labor had adopted legislative resolutions opposing "proposed establishment of a State Constabulary" as early as its 1913 convention. At the May 1919 convention, the federation's vice president expressed distrust of the force created just 2 months earlier: "It establishes a super-military oligarchy... [and] is an insult to our loyalty." Anson, pp. 273-274, 280, 283.

10. Quoted in Quenzel, p. 63.

11. Quoted in Kyle McCormick, "The Historic Battle for Our State Police," Charleston Gazette Magazine Section (28 Jul 1957), p. 4m. Mother Jones made her position regarding state constabularies quite clear on p. 205 of her autobiography: "Officials of state and nation squawk about the dangers of bolshevism and they tolerate and promote a system which turns out bolsheviks by the thousands. A bunch of hypocrites create a constabulary supposedly to stamp out dangerous 'reds' but in truth the constabulary is to safeguard the interests of the exploiters of labor."

12. Quenzel, P. 64.

13. Ibid., pp. 64-65. Wilma Dodson, "In the Name of the Law," West Virginia Review (Apr 1937), p. 226, says that state troopers were often regarded as "'an insult to the dignity' of the communities to which they were sent."

14. Quenzel, p. 67.

15. Ibid.; McCormick, "Historic Battle;" Typescript History, pp. 4-5. There is a letter in the WVSP Archives dated 31 Mar 1919, stating that signed copies of H.B. 4, "An Act Creating the Department of Public Safety," were received from Governor Cornwell by Huston G. Young, Secy. of State, at 12 noon. Also displayed is the second page of an undated letter, signed by W. T. Henshaw, praising the governor for his veto of the race track bill and support of the state constabulary bill. Henshaw was speaking for the W. Va. Public Health Council.

The State Federation of Labor took time at its 1919 convention to roundly denounce passage of the state police bill, along with the so-called "Red Flag Bill." The latter is interesting as a reflection of the "Red Scare" phenomenon which partially underlay support for the former. Harris and Krebs state (p. 131): "The purpose of this bill was to outlaw the red, black or any other flag. The section of the bill that labor opposed provided that, 'It shall be unlawful for any person to speak, print, publish or communicate by language, sign, picture, or otherwise, any teachings, doctrines, or counsels in sympathy or in favor of the ideals, institutions, or forms of governmental hostile, inimical or antagonistic to those now or hereafter existing under the constitution and laws of this state or the United States....' The major opposition to this bill was the fear of the future use of the law by the courts to destroy the labor movement. Many labor leaders thought that this law would destroy the freedom of speech and press."

16. McCormick, "Historic Battle."

#### CHAPTER 4: THE CREATIVE ACT OF 1919

1. Basic source of information summarized herein is W. Va., Legis., An Act Creating the Department of Public Safety (Charleston, 1919).

2. Subsequent legislation expanded departmental strength, but the maximum authorized per company was carefully specified in each revision until 1968. At that time the W. Va. Code was amended to repeal those provisions restricting the number of men per company. See Typescript History, p. 5.

3. Unlike its northern neighbor, W. Va. did not prohibit recruitment of married men into the State Police, although for obvious reasons it did prefer single men. Married men were not permitted to join the PSP from 1905 to 1963, when single status was dropped as a recruitment factor. See Conti, p. 442.

4. This board was a "wide departure" from the organizational model provided by the PSP. Bruce Smith, Rural Crime Control (New York, 1933), pp. 152-153, seriously questioned the wisdom of the board's authority: "Experience with municipal police forces has amply demonstrated the destruction of discipline and morale which follows any division of responsibility in [disciplinary actions and dismissals]. It requires but one or two reversals of the judgement rendered by police authorities to make the rank and file understand where the real power and control is vested, and when the realization comes, the police administrator finds his prestige materially weakened. The agency that pronounces the last word in disciplinary cases wields the preponderating influence. In the management of most state police forces that final, decisive word is spoken by the administrative head, and by him alone."

5. During the 1920's, expansion of WVSP responsibilities was (unsuccessfully) proposed in many bills such as those

which called for transfer of all state prohibition department functions to the WVSP, as well as many functions of the fish and game commission, insurance commission, "blue sky" department, hotel inspectors and sand and lime inspectors. Clyde H. East, "The Interesting Story of the West Virginia State Police," *State Police Magazine* (Jun 1927), p. 47. Supt. Arnold made a rather unsubtle bid for expanded authority in his Dec 1920 report to the governor. He observed that if "the scope of its duties be widened, it is believed that the department can become an agency of great good to the State." Arnold carefully noted the intolerable laxity in such areas as moonshining, game and fish laws, fire control, and regulation of taxicab service and public eating establishments. Willingness to accept added responsibility, cooperation with other state departments, expanded public services, and economical operation were recurrent themes in the 1920, 1922, 1924 and 1926 biennial reports. W. Va. was not unique in considering its state police force a "dumping ground" for all manner of functions. Smith, pp. 139-142, explained this phenomenon: "Here, ready to the hand, is a highly organized and relatively numerous body to which may be delegated certain duties which other state departments are not equipped to perform. Thus far the state police have been eager to aid and cooperate with other state departments in performing duties which are not directly concerned with enforcement of criminal statutes. This is particularly true of the forces which have been under heavy attack from organized labor, and in one or two cases there is good reason to believe that they have welcomed additional functions as a means of strengthening their position in the state government, and thereby becoming, as far as possible, indispensable to its administration." (emphasis added)

There were, of course, inherent dangers in the "empire building" game pursued by so many departments. Obviously, expanded functions could reduce "regular and systematic patrols to the disappearing point." Smith cautioned that "it might well be recognized that only those duties should be delegated to the state police which can be performed as a routine matter in the ordinary course of patrol. Whenever a special squad becomes necessary, or men are regularly diverted from patrol duty in order to serve other state departments, the process of patrol dispersion has commenced." Superintendents were also cautioned to keep in mind "the very pronounced disposition of legislative bodies... to widen the scope of governmental regulation without providing the funds which are necessary for effective supervision and enforcement."

6. Smith, *Rural Crime Control*, pp. 137-139, commented favorably on the posse comitatus authority conferred on the WVSP: "Thus far no state police organization has been vested with the unrestricted right to command the posse comitatus.... In West Virginia, however, the state police are authorized to take command of all peace officers and the posse comitatus upon the request of the sheriff or the order of the governor. The right to call upon the posse comitatus has always been carefully safe-guarded and limited, and properly so. In view of the responsibility which is placed upon the state executive for the presentation of public peace, it would appear altogether reasonable that the governor should be authorized in grave emergencies to delegate the power of the county to the state police, as in West Virginia." (emphasis added)

7. Smith, *Rural Crime Control*, p. 143, contends that such "noninterference" clauses "reflect not only legislative distrust of a compact, highly organized and armed body, but also a past record of failure in the democratic control of public agencies other than the newly created state police."

8. The near impossibility of maintaining neutrality, and avoiding the onus of "strike breaking," was put into perspective by Smith, *Rural Crime Control*, pp. 143-146). For example, management may hire non-union workers to replace those out on strike, a perfectly legal practice. Now the police must protect these new employees from violence, as well as maintaining public order in general. These actions will frequently break the strike, so that "even-handed justice almost necessarily operates to the ultimate advantage of vested property rights."

9. Smith, *Rural Crime Control*, p. 142, viewed this responsibility as a product of "the confused state of mind which seems to accompany persistent public disorder...." He observed that while the plan was "manifestly ill-conceived so far as the realization of any significant result is concerned, it nevertheless [served] to illustrate the great lengths to which the idea of extensive police participation in the administrative work of the state may be carried."

## CHAPTER 5: GETTING ORGANIZED

1. The unfootnoted references are from W. Va., Dept. of Public Safety, Report to the Governor for 1919-1920 through 1928-1930 (hereafter DPS Report by year).

2. W. Va., Secy. of State, West Virginia Blue Book, 1976 (Charleston, 1976), p. 253 (hereafter Blue Book by year). See also Appendix B of this study. If the activation period seems inordinately long, it should be realized that the PSP bill was passed 2 May 1905, but that force did not become operational until 1 Mar 1906--10 months later. Initial PSP strength was set at 230 men plus 2 civilians. Conti, pp. 38-39, 57. In the WVSP Archives are several letters concerning the selection of Arnold. On 6 Apr 1919, Arnold wrote to Cornwell expressing his sincere desire to serve as either leader of or advisor to the proposed "military police force." Arnold received a glowing endorsement from attorney Tusca Morris, who wrote the governor on 6 May relating then-Major Arnold's investigation of riots at the Farmington mines in Feb 1915. Not only were those responsible for the violence brought to justice based on Arnold's report, but his skill had precluded a distasteful use of the state militia to suppress the outbreaks. The third letter, dated 15 Jul 1919, congratulated Cornwell for selecting Arnold as Superintendent. It came from J. C. McKinley of Wheeling, president of a large coal and coke company.
3. Legislative Handbook, 1922, pp.647, 649. This cumbersome title was later shortened to its present form, Blue Book.
4. WVSP Archives.
5. WVSP Archives, "1941--Radio Broadcast Honoring Sam Taylor." Taylor retired as a lieutenant in 1927, after a motorcycle accident near Milton. Also of interest is the 10 Oct 1919 letter to the governor from Harry S. Gay, genl. supt. of the Gay Coal and Coke Co., Mt. Gay, recommending a U.S. Army sergeant for recruitment into the WVSP. Other sources are: Dodson, "In the Name of the Law," p. 226; Jack Hardin, "Department of Public Safety Fourth Oldest in U.S., Huntington Herald-Advertiser, 21 Jul 1973, p. 13; and Dan D. Robinson, "History of State Police is Told," Parkersburg News, 8 Jul 1965. The availability of recruits is indicated by data reflecting the swift demobilization following World War I. U.S. Army strength dropped from 3,685,458 on Armistice Day 1918 to only 130,000 by 1 Jan 1920. Some 2,700,650 men had been mustered out as early as 30 Jun 1919. Russell F. Weigley, History of the United States Army, MacMillan Wars of the United States (New York, 1967), pp. 358, 396.
6. A. F. Hinrichs, The United Mine Workers of America and the Non-Union Coal Fields, Columbia U. Studies in History, Economics, and Public Law (New York, 1923), pp. 153-154.
7. Barb, p. 72.
8. W. Va., Dept. of Highways, Advanced Planning Div., Yesterday and Today . . . A Highway History of West Virginia from Colonial Time to the Present (Charleston, Dec 1973), p. 17.
9. Ibid., pp. 18, 21; Ambler and Summers, pp. 338-339. According to Allen, Only Yesterday, pp. 7, 163, automobile registration in the United States spurted from less than 7 million in 1919 to over 23 million by 1929.
10. Dodson, "Name of the Law," p. 226.
11. Robinson, "History of State Police is Told."
12. During 1927-1928, the PSP experienced similar disturbed conditions in Western Pa. which required establishment of 53 emergency sub-stations in that region. This concentration of manpower, combined with manpower shortfalls caused by budget shortages (308 men on board as opposed to 421 authorized), virtually denuded the state's eastern counties. Conti, p. 195.
13. Bruce Smith, State Police--Organization and Administration, Criminal Law Enforcement and Social Problems Series, NO. 64 (Montclair, N.J., 1925; rptd. 1969), pp. 182-183.
14. By comparison, the PSP's authorized strength of 230 men in four troops was maintained until Apr 1917, when an increase to 332 (+102) was authorized. A fifth troop was added in Jun 1919, raising overall manpower to 417 (+85). Pro-labor legislators provided consistent opposition to PSP expansion, and even sponsored a 1911 bill calling for

repeal of the creative act. Conti, pp. 38, 126-127, 142-143.

15. Legislative Handbook, 1922, p. 646.

## PART II

### CHAPTER 6: THE MINE WARS, 1919-1929

1. DPS Reports, 1919-1920 through 1928-1930.

2. Arnold, in Legislative Handbook, 1922, p. 648.

3. McCormick, "History." Aside from this source and New-Kanawha, pp. 144-145, I could locate no other reference to this incident. There is, however, strong circumstantial evidence that covert operations were conducted by the WVSP. In DPS Report, 1919-1920, Arnold states: "While the need of having men perform certain duties in civilian clothes is daily apparent, under the present provisions of the law no means are at hand providing them other than the regulation uniform." He also reported that 422 "special investigations and reports" were completed during 1919-1920, some of which were almost certainly clandestine in nature. Undercover men were certainly used by Supt. O'Connor (see text), who reported in 1926 that \$21,000 had been spent on "secret service work" (the then-current euphemism for espionage). Conti, p. 130, states that the PSP infiltrated local I.W.W. chapters during World War I, and that the infiltrators were instrumental in destroying the chapters.

Letters in the WVSP Archives document an almost immediate dispute between Arnold and H. B. Stephenson, president of the State Board of Control. There were 19 troopers on duty in the Wheeling-Fairmont area during Oct 1919. Stephenson's 31 Oct letter to Arnold set the maximum daily allowance at \$3 per day for the superintendent, and \$1 for privates. Arnold wrote the governor on 3 Nov, strongly protesting the inadequacy of the allowances. There is no direct evidence however, that these operations were clandestine.

4. Industrialists employed many bizarre forces to suppress strikes and destroy unions during the early 1900's. One of the most common practices was to have company guards deputized as public peace officers. This was frequently done in W. Va. where coal camps were isolated and county budgets did not provide for large sheriffs' departments. Naturally, coal operators were glad to fill the law enforcement void. Hinrichs, p. 151, reported that the Logan County coal operators association alone paid out \$32,700 in deputy salaries in 1919, \$46,630 in 1920, and \$61,517 in the first nine months of 1921. Anson, p. 229, states that "no single factor has contributed more to industrial warfare in West Virginia...."

Mine guards were representative of a virtual new class of occupations which emerged during the labor-management struggles. These strike-breaking services are discussed by both Bernstein, pp. 149-153, who deals with their role in the 1920's, and E. Wight Bakke, Clark Kerr, and Charles W. Anrod, *Unions, Management and the Public* 3d ed. (New York, 1967), pp. 253-256, who deal with their resurgence during the early 1930's. Such services were often purchased from large "detective" agencies such as Baldwin-Felts and Pinkerton. Pinkerton, in fact, was involved in the earliest instances of strike-breaking, during the Homestead, Pa., steel strike of 1892. See Peterson, p. 14 and fn. Many of these agencies died out by 1929 because of the general industrial calm resulting from union weakness.

Mooney, p. 164, states that the UMWA was heavily infiltrated by "missionaries" (agents provocateur) as early as 1919. These agents urged the miners to purchase weapons and agitated for "marches" with the intent of provoking violence, official repression and public outrage.

Lane, *Civil War*, pp. 58-63, described several outrages perpetrated by deputy/guards. Many W. Va. governors officially deplored the mine guard or "gunman" system. Glasscock, for example, laid most of the blame for violence during the 1912-1913 strike to company employment of guards. Cornwell used their existence as a key reason for desiring to establish a state constabulary (see Chapter 3 of the text). He had been influential in reducing the number of guards employed at mines in the northern fields (Mooney, p. 129). In Nov 1924, the state attorney general obtained a court order restraining Don Chafin from using public funds to guard private property, but the order was ignored (Ambler and

Summers, p. 460; Anson, p. 292). The "Pistol Law" passed in 1925 was aimed at reducing the importation of armed guards. It prohibited a man from carrying a gun unless he had resided in the state for a year, and in the county for 60 days (Anson, p. 292). Apparently, there were enough natives willing to assume these onerous jobs. In 1932, the attorney general ruled that employing company-paid guards as deputies was illegal (Mooney, pp. 128-129). The mine guard system was not, however, abolished in W. Va. until 1935, and then by an act of the legislature (Ambler and Summers, p. 462; Lee, p. 139). The Coal and Iron Police, a company force afforded official status in Pennsylvania, was abolished the same year (Conti, p. 223). For other information on the use of company employees in public peace officer roles, see Paul J. Scheips, "Enforcement of the Federal Judicial Process by Federal Marshals: A Comparison of Little Rock and Oxford," pp. 37-38, and Clendennen, "Super Police," (pp. 157-158) in Higham.

5. Lane, Civil War, pp. 105-109; Anson, pp. 122-123; Barb, pp. 50-54. See also fn. 7, Chapter 3. The 1919 general strike was finally settled by Federal arbitration. McCormick, New-Kanawha, pp. 144-146, agrees with the dates but sets the number of marchers at 2,000.

6. Lane, Civil War, pp. 11, 15.

7. Annual Report of the Secretary of War, 1920, p. 69. McCormick, New-Kanawha, pp. 146-150, gives the number of troops as 400, the date of dispatch as November and the date of return as December.

8. Anson, pp. 124-125.

9. Information on the disorders in Logan and Mingo counties during 1921-1922 is taken from Bennett Milton Rich, *The Presidents and Civil Disorder*, Institute for Government Research, Studies in Administration, No. 42 (Washington, D.C., 1941), pp. 158-167; U.S., Cong., Sen., 67th Cong., 1st Sess., Comm. on Education and Labor, *West Virginia Coal Fields; Hearings... Territory*, 2 vols. (Washington, D.C., 1922) (hereafter *Coal Fields... Hearings*); Mooney, pp. ix, 71-78, 86-98, 119-123, 127-129, 164, 172-173; Ambler and Summers, pp. 430-431; Cometti and Summers, pp. 539-551; Lane, pp. 71-79; McCormick, New-Kanawha, pp. 154-162; Harris and Krebs, pp. 152-154; Lee, pp. 52-115; and Cabell Phillips, "The West Virginia Mine War," *American Heritage* (Aug 1974), pp. 58-61, 90-94, unless otherwise footnoted.

10. There is still a great dispute over the actual facts in the "Matewan Massacre." Anson, pp. 228-229 states that "incriminating papers found on Felts' body established the presumption that the detective agency had unsuccessfully attempted to buy out Hatfield." See also Barb, pp. 63-64. On the other hand, Hess, in his intro. to Mooney (fn. 12, p. 170) and McCormick, New-Kanawha, pp. 151-152, refer to Col. Arnold's belief that Hatfield had actually sold out. This interpretation assumes that Felts' arrest attempt was a fake which backfired to the agent's great regret. See Lane, Civil War, pp. 74-79, for additional discussion of the papers allegedly removed from Felts' corpse, and also Lee, pp. 52-63. Lee, p. 57, alludes to the theory that Hatfield set up the gunfight as an opportunity to kill the mayor, whose wife Hatfield desired. Some credence is lent to this version by the fact that Hatfield and the mayor's widow were wed only 7 days after the "massacre." As an interesting thread of history, the widow lost her new husband in Aug 1921 (see text), and promptly remarried, this time to State Police Pvt. Sylvester H. Pettery. Pettery was discharged from the WVSP for this marriage. This is referred to in McCormick, New-Kanawha, p. 154. The WVSP Archives display a photograph of members of Company B taken in 1922 on the steps of the court house in Williamson. Pettery is listed in the caption, with comment on his marriage and discharge.

11. Barb, pp. 4-4, 7-8, gives the strike date as Jun; Anson, p. 64, as Jul. Termination date of the strike is mentioned by Anson, p. 113.

12. Ambler and Summers, p. 455; Barb, pp. 67-68; Anson, p. 228; Harris and Krebs, p. 153.

13. Barb, pp. 68-69, 78.

14. The trial lasted 9 weeks and has been described as a "judicial farce" since no conviction could have been obtained in that county. See Lee, pp. 59-62, and *Coal Fields... Hearings*, 1:338 ff.

15. W. Va., Gov., State Papers and Public Addresses, Ephraim Francis Morgan (Charleston, 1925), pp. 22, 86-87, 232 (hereafter State Papers). For background on dissolution of WVNG, see Chapter 3; for WVSP reorganization see Chapter 5.
16. Quoted in Rich, p. 160. See also Barb, pp. 79-80.
17. State Papers, pp. 22, 86-87; Barb, pp. 73-74, 81-82; Lee, pp. 74-77.
18. Hinrichs, pp. 152-153. Barb, pp. 71-73, 74, gives volunteer strength as eventually exceeding 800 men, as does Lee, p. 73. Barb also discusses the pro-operator bias of the men accepted as volunteers. For a detailed list of volunteers, see Coal Fields... Hearings, pp. 1:230-236, and 1:338 ff.
19. Barb, pp. 73-74; Lee, p. 77. See also Merle T. Cole, "Martial Law in West Virginia and Major Davis as 'Emperor of Tug River,'" West Virginia History 43 (Winter 1982), 118-144.
20. Barb, fn., p. 85, summarizes testimony given by Col. Arnold before the senate investigating committee on 28 Oct 1921. Arnold stated that until Aug 1921, 90 percent of WVSP strength was stationed in Mingo. Ten more men were dispatched in Aug, but since the force had nearly doubled in size (due to the Jul reorganization) the percentage assigned to Mingo had declined. The actual testimony (Coal Fields... Hearings, 1:545 ff) reveals that 100 men were assigned to Mingo after Jul 1921, 100 more were under Arnold's immediate command, and a further 80 (mostly untrained) were unassigned.
21. Barb, p. 29.
22. Ibid., p. 90. See also "Action at Lick Creek," Williamson Daily News, 14 Jul 1921, p. 1," in WVSP Archives, and Coal Fields... Hearings, 1:332 ff.
23. State Papers, pp. 86-87; RAG, 1920-1921, p. 3; Wiener, p. 114; Rich, p. 161; Coal Fields... Hearings, 1:236-237. The new WVNG consisted of the 150th Infantry and Co. A, 104th MP Bn. The 150th was activated on 13 Jul 1922. Co. I of that regiment resulted from amalgamation of the "Enrolled Militia" companies. As Withrop D. Lane testified in Coal Fields... Hearings, 2:999-1000, almost all (14 of 15) of the line companies were situated in Logan, Mingo, McDowell, Mercer, Cabell, Raleigh and Kanawha--in or bordering the non-union fields. This is born out by RAG, 1921-1922, pp. 3, 9-12.) Lane believed this concentration reflected a desire to have the troops near at hand for mobilization in case industrial violence recurred. Major Thomas B. Davis was relieved as acting adjutant general on 23 Aug 1921. Concurrently, John H. Charnock was appointed to the position, with rank of brigadier general. Davis continued in command of the "Enrolled Militia" until he retired on 1 Jul 1923. See pages 14-15 of the RAG, Historical Annual, p. vii, and W. Va., Adj. Gen., General Orders (GO) No. 2 (1 Feb 1935). The latter erroneously states that Davis was placed in command of the W. Va. Martial Law District, Mingo County, on 25 Mar 1918. In 1923, the old 2nd W. Va. Infantry was resurrected as 1st W. Va., but was redesignated 201st Infantry 3 years later. See Legislative Handbook, 1922, pp. 726-730 and 1923, pp. 442-443; Blue Book, 1941, pp. 520-521.
24. Barb, p. 100; Lee, pp. 65-70.
25. Anson, p. 232; Barb, p. 101. Marcher strength is cited with extreme variations in the sources. Cf. Lee, p. 96 and Mooney, P. 90.
26. Again, sources do not agree on the dates of various events. Those cited are from Rich, pp. 162-166, who presents the single most comprehensive study. Indeed, most of the material dealing with the "March on Logan" rely on Rich's report. Cf. Ambler and Summers, p. 457; Mooney, pp. 91, 95; Barb, pp. 101-102; Anson, p. 223; Lee, p. 98; and State Papers, pp. 230-234.
27. Rich, p. 164.
28. Quoted in Rich, p. 163.

29. State Papers, pp. 22, 231-232; Rich, p. 164. Figures on Brockus' strength, casualties to both sides, and date of the "massacre" are not consistently reported. See Mooney, p. 95; Lee, pp. 98-99; Ambler and Summers, p. 457; Barb, pp. 103-105; Anson, pp. 233-234; and McCormick, New-Kanawha, pp. 158-159.

30. Rich, p. 164. Cf. Morgan's stronger assertion that the marchers were guilty of treason against W. Va. and "insurrection" against the United States. State Papers, p. 232.

31. RAG, 1921-1922, pp. 16-17; State Papers, pp. 22-23; Anson, pp. 234-235; Barb, p. 106; Ambler and Summers, p. 457; Mooney, p. 96. For Arnold testimony, see Coal Fields... Hearings, 1:545 ff. and 2:996. The superintendent stated that only about 500-600 of the defenders were actually deployed, the rest being in reserve.

32. Rich, pp. 164-166; Federal Aid in Domestic Disturbances, p. 316; Barb, pp. 104, 106-108; Anson, pp. 234-235; Lee, pp. 98-102; Cometti and Summers, pp. 544-551; Ambler and Summers, p. 457; and Mooney, pp. 96-98. McCormick, New-Kanawha, p. 162, states that the bomber force was based at Kanawha City, commanded by Brig. Gen. William C. Mitchell, and suffered 6 damaged aircraft (1 lost) from accidents during this operation. See also Maurer Maurer and Calvin F. Senning, "Billy Mitchell, The Air Service and the Mingo War," West Virginia History (Oct 1968), pp. 339-350.

33. Anson, p. 237. According to Lee, pp. 109-115, 528 marchers were arrested on various charges. The "march" itself "was levying war against the State of West Virginia and its constituted authorities, and hence was treason within the constitutional meaning of that term." (p. 104). Under a change of venue, many defendants were transported to Jefferson County for trial. Some 40 state troopers were detailed to guard the court house (the same one in which John Brown had been tried) and the streets of Charles Town.

34. Barb, p. 114; Mooney, p. 69 and Hess in intro. to Mooney, p. ix.

35. Ambler and Summers, p. 451; State Papers, p. 23. Lee, pp. 194-195, says that the invaders numbered only 400.

36. Lee, p. 150.

37. Ibid.

38. Ibid., pp. 151-156.

39. Ibid., pp. 156-161.

40. Ibid., p. 161.

41. Ibid., pp. 8-9.

42. Callahan to Governor, 8 Aug 1919; Governor to Callahan, 11 Aug 1919; M. E. Ketchum to Governor, 26 Dec 1919; and Special Order (unnumbered) 19 Dec 1919 in WVSP Archives. See also Chapter 1.

## CHAPTER 7: DEPRESSION AND RECOVERY, 1929-1939

1. This chapter is based on materials in the DPS Reports, 1928-1930 through 1938-1940; Typescript History, p. 1; Blue Book, 1935, pp. 20-22 and 1936, pp. 23-26; and Wilma Dodson, "State Police Chemistry Laboratory is Completed," Charleston Gazette, 20 Sep 1936, p. 10, unless otherwise footnoted.

2. Master Sgt. E. J. Newman, A History of West Virginia All-State Police Post 112, 1935-1966 (N P., N.D), p. 3, states in relation to the new mission: "The Department of Public Safety was at a crucial point in its existence. Prior to the election of Governor Kump in November 1932, considerable thought had been given by some persons eminent in public life, to returning primary responsibility for criminal investigative work and enforcement to the various sheriffs'

departments and converting the Department of Public Safety to a mere road patrol." The author has found no other reference to this alleged proposal in any source studied.

3. Typescript History, p. 9, states that formal charges had been filed against Brooks in Apr 1941 for alleged improper use of funds, favoritism in promoting his son to lieutenant, and other improprieties. The board of commissioners dismissed all charges on 23 Apr. Capt. Charles W. Ray (WVSP, Ret.), personal correspondence with the author, 24 Jul 1978, states that there was also a legislative probe into Brooks' conduct, but that whether Brooks resigned voluntarily or was fired by the governor is unclear. At any rate, he left office on 23 June 1931.

4. A rudimentary laboratory capability--photography and micro-ballistics--had been established within the PSP) Bureau of Criminal Identification and Information during the early 1930's. Conti, pp. 212, 363.

5. Smith, Rural Crime Control, pp. 167-168.

6. W. Va. was not included in the Eastern States' Police Teletypewriter Network which was created in 1930. Conti, p. 207, lists the member states as Pa., N. Y., New York City, N. J., Conn., Mass., R. I., Del., Ohio, Va., Md., N. H., Vt., N. C. and D. C. See also Chapter 9, p. 57.

7. The PSP Communications Div., also headed by a lieutenant, had been created only in Feb 1938. However, there is no disputing the fact that the PSP was the leader in improving state police communications systems. See Conti, pp. 194, 207, 218, 291.

8. By contrast, the PSP, although authorized in Jun 1919 to enforce the motor vehicle code, was not allowed to expand sufficiently to meet increasingly heavy road patrol workload in the early 1920's. Therefore, in 1923 the Dept. of Highways was authorized to appoint certain employees as "designated officers" thereby creating the "State Highway Patrol" (SHP). This organization became operational on 1 Dec 1923, and remained separate from the PSP until 29 Jun 1937. On that date, the forces were merged to create the "Pennsylvania Motor Police," a title which endured until Apr 1943, when the PSP designation was readopted. See Conti, pp. 143, 177, 234-282. It is noteworthy that the SHP was originally created because of legislative opposition to expansion of the PSP, and that many of the anti-police legislators were strongly pro-labor. Throughout its life, the SHP found it much easier to expand its manpower complement and to get higher appropriations than the PSP could acquire. Such was the power of labor in the state legislature.

9. This function was assigned to the PSP only in Jun 1939. Conti, p. 303.

10. The PSP's experience with motorcycle patrol accident and death rates also established the machines' reputation as "killers." Pennsylvania also gradually replaced cycles with the safer patrol cruisers. Conti, p. 256.

11. Dodson, "Name of the Law," p. 227.

12. Frederick Lewis Allen, *Since Yesterday: The 1930's in America*, September 3, 1929-September 3, 1939 (New York, 1958), pp. 167-168.

13. *Ibid.*, pp. 26, 113-117, 147-149.

14. Lee, pp. 124-137.

15. Allen, *Since Yesterday*, pp. 228-232.

16. Berstein, pp. 426-435.

17. *Ibid.*, pp. 338-341, 374-376, 385-389.

18. *Ibid.*, pp. 377-381; Hoover, p. 70; Peterson, pp. 24-25.

19. Typescript History, p. 9.

20. Bernstein, pp. 381-385.

21. Anson, pp. 137-139, 283 (fn. 108).

22. Allen, *Since Yesterday*, pp. 167-168, and *Typescript History*, pp. 9, 11-12. It is interesting to note that the PSP sent a detachment to Louisville, Ky., to help out during the 1937 flood. The detachment remained onsite until local authorities had restored order. Conti, pp. 229-230. The 1937 flood was the maximum of record for the Ohio River. U.S. Army Engineer Div., *Ohio River, Water Resources Development by the U.S. Army Corps of Engineers in West Virginia* (Cincinnati, Jan 1973), pp. 62-63.

23. As early as 1929, the PSP superintendent had recommended a standard uniform color pattern for Pennsylvania officers--brown for private security guards, blue for municipal police and dark grey for the PSP. However, this legislation was never enacted, and other police forces continued to copy the PSP uniform, so that mistakes by the public were quite common, a situation which continues today. Conti, pp. 194-195.

24. Dodson, "Name of the Law," p. 249.

#### CHAPTER 8: WAR SERVICE, 1939-1949

1. This chapter is based on materials in the DPS Reports, 1938-1940 through 1948-1950; Blue Book, 1940, pp. 36-37; and *Typescript History* unless separately footnoted.

2. By 1941, Rexroad and Capt. Arnold Moore were the only remaining members of the original State Police complement assembled by Col. Arnold in Nov 1919. *State Trooper* (former WVSP newsletter) Oct 1941, p. 3.

3. As in World War I, the state militia had been mobilized into federal service. A State Guard was established in 1941 to serve in the absence of the WVNG. The security work performed by the WVSP can be more readily appreciated if the reader remembers that 8 German Abwehr agents were secretly landed in the United States (Long Island and Florida) by U-boats in Jun 1942. The objective of this "Operation Pastorious" was demolition of key transportation and manufacturing facilities, such as critical bridges and tunnels of the C&O Railroad, including Big Bend Tunnel near Talcott. See Merle T. Cole, "Organizational Development of the West Virginia State Guard, 1942-1947," *West Virginia History* (1985-86), pp. 73-88.

4. Ambler and Summers, p. 529.

5. Ray to author, 24 Jul 1978.

#### CHAPTER 9: THE DRIVE FOR TRAFFIC SAFETY, 1949-1959

1. Unfootnoted references are based on materials in the DPS Reports, 1948-1950 through 1958-1960, and, W. Va., *DPS, Your State Police--What They Do, How They Operate, How They Can Serve You Better* (Charleston, 1954).

2. As pointed out in Chapters 4 and 5, the original 1919 strength of the WVSP was set at 134 uniformed members, raised to 286 (+152), a 47 percent increase, by the Apr 1921 reorganization act.

3. See note 2 above.

4. Although a deputy superintendent had been authorized by the 1919 act, the position had never actually been filled. In 1930-1931, a "department inspector" position existed, ranked at captain, and at lieutenant from 1933 to 1934. Elevated to captain again from 1935 to 1946, the position attained major rank in 1947. There it remained until 1966, when N. C. Reger became the first inspector to hold the rank of lieutenant colonel. At that time, an executive officer

position was created, graded at major. In 1977, the lieutenant colonel rank was officially designated deputy superintendent. The inspector had been recognized for some time as "next in authority" to the superintendent. See Legislative Handbook, 1919, 1922, 1923, 1925, 1926, 1927, 1930, 1931, 1933, 1934, 1935; Blue Book, 1947, 1965, 1966, 1977; and West Virginia Code, Annotated, Volume 5, 1972 Replacement Volume (Charlottesville, Va., 1972), Section 15-2-2.

5. The PSP special turnpike patrol unit, Troop B-2, was created in Oct 1940. It was redesignated Troop T as part of a general troop redesignation scheme in 1965. In Jan 1971, Troop T was combined with Troop S (a special unit established in Jun 1970 to patrol the interstate highways) under Area VII. See Conti, pp. 306-307, 436, 492, 495, 499.

6. See note 6, Chapter 7.

#### CHAPTER 10: PROFESSIONAL PROGRESS, 1959-1969

1. Unfootnoted references are based on materials in the DPS Reports, 1960-1962 through 1968-1969, and W. Va., DPS, West Virginia State Police: What They Do, How They Operate (Charleston, 1961).

2. The PSP had instituted an identical civilian DLE program in 1966. Conti, pp. 450-460.

3. Typescript History, p. 5.

4. Cresap, McCormick and Paget, Inc., West Virginia Department of Public Safety--A Plan of Action for Modernization and Improvement (Washington, D.C., 1976), p. IV-II.

5. Blue Book, 1969, p. 331.

6. See also Corps of Engineers, Water Resources Development, p. 82; Thomas Fleming, "Our Bridges are Falling Down," Reader's Digest (Nov 1978), p. 209.

#### CHAPTER 11: REORGANIZATION AND REDIRECTION, 1969-1979

1. Unfootnoted references are based on materials in the DPS Reports, 1969-1970 through 1977-1978.

2. Major J. R. Buckalew, personal correspondence with the author, 6 Jun 1979.

3. The PSP did not receive full functional responsibility for the state UCR system until Jul 1973. Conti, p. 547.

4. The need for fixed-wing aircraft was also cited in the consultant report. Cresap, McCormick and Paget, Inc., p. V-22.

5. U.S., Gen. Services Admin., United States Government Manual, 1978/79 (Washington, D.C.) (rev. 1 May 1978), p. 367.

6. West Virginia Code, 1978 Cumulative Supplement, Annotated. Volume 5, 1972 Replacement (Charlottesville, Va., 1978), Chapter 15, Article 9.

7. Cresap, McCormick, and Paget, Inc., pp. I-1, I-2, IV-27. An interesting cross-comparison to a recommended structure for a state police department within a model public safety commission can be found in G. Douglas Gourley, Effective Police Organization and Management, Volume 3 - State Police Systems (California State Coll., Los Angeles, 1966), pp. 288-300.

8. Cresap, McCormick, and Paget, Inc., pp. III-10, II-11, IV-6, IV-7, IV-11, IV-12, IV-13.

9. W. Va., Legis., West Virginia Department of Public Safety Reorganization Act of 1977 (Charleston, 1977), Sections

15-2-3, 15-2-4, 15-2-10 (f) (hereafter Reorganization Act). The consultants had recommended that only the lieutenant colonel and major grades be exempt from merit, and that the deputy superintendent serve as commander, field operations command. At present, the deputy superintendent is in charge of planning, research and training. Cresap, McCormick and Paget, Inc., V-12, V-24, V-25. See also DPS Report, 1977-1978, p. 76.

10. Reorganization Act, Sections 15-2-6, 15-2-7, 15-2-8, 15-2-20 and 15-2-21; Cresap, McCormick and Paget, Inc., pp. V-6, V-23 through 27, V-36.

11. Reorganization Act, Sections 15-2-2 (e) and (f); Cresap, McCormick and Paget, Inc., pp. V-7 through 9, V-through 22.

12. Reorganization Act, Sections 15-2-2, 15-2-13, 15-2-18, 15-2-19 and 15-2-23; Cresap, McCormick and Paget, Inc., p. V-10; DPS Report, 1919-1920, p. 7.

#### APPENDIX A: EVOLUTION OF THE STATE POLICE CONCEPT

1. General sources are Smith, State Police, pp. 36-42 and Rural Crime Control, pp. 126-134; Ks., State Legis., State Police, pp. 1-5; and Gourley, pp. 201-202, 203, 206-207.

2. The title "Pennsylvania State Police" was not adopted until 1923. Conti, p. 177.

3. Ks., State Legis., State Police, p. 4.

4. Ibid. For an indepth analysis of the weaknesses of the sheriff-constable system of rural law enforcement, see Smith, Rural Crime Control, pp. 46-59, 275-280.

5. Ks., State Legis., State Police, p. 4.

6. Gourley, pp. 203, 206-207.

7. Ibid., p. 202.

8. Conti, p. 174.

9. Smith, Rural Crime Control, pp. 135-136, 172-173.

#### APPENDIX B: SUPERINTENDENTS OF THE WVSP

All information pertaining to tenure of WVSP superintendents was compiled from Blue Book, 1976, p. 253 and 1977, p. 197; DPS Report, 1940-1942, p. 19; Ray to author, 24 Jul 1978.

#### APPENDIX C: WVSP ORGANIZATION STRUCTURE

Cresap, McCormick and Paget, Inc., Exhibits III-6 and V-1; DPS Report, 1948-1950, p. 76.

#### APPENDIX D: WVSP FIELD ORGANIZATION

1. Sally J. Minsker, Asst. Personnel Dir., WVSP, personal correspondence with the author, 9 Nov and 28 Nov 1978.

2. Cresap, McCormick and Paget, Inc., p. IV-15. Compare the difficulties encountered by the PSP in eliminating unnecessary substations. At one point, opposition to proposed closures was so pronounced that legislation was proposed which would have required approval by the Pa. legislature before the PSP could shut down any field facility. The measure was defeated. Conti, pp. 517, 541 and 568.

kindly consented to review and comment on the draft: Major Jack R. Buckalew, Chief, Planning, Research and Training, WVSP; Captain (Retired) Charles W. Ray, WVSP; Sally J. Minsker, Assistant Personnel Director, WVSP; and Lieutenant Colonel (Retired) Philip M. Conti, PSP. Special appreciation is due to Major Buckalew and Sergeant Ron O. Gregory for their assistance in using the WVSP Archives, and to Captain Ray and Ms. Minsker for answering many "burning questions" which helped materially in finalizing this study..

Although others contributed information, facts and opinions, I am solely responsible for the contents of this study.

-Merle T. Cole

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