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Two Plan B Reports

THE ESTABLISHMENT AND FIRST SIX MONTHS OF THE
CIVILIAN CONSERVATION CORPS

and

JOE HILL, WOBBLY MARTYR OF UTAH

THE ESTABLISHMENT AND FIRST SIX MONTHS OF THE

CIVILIAN CONSERVATION CORPS

by

Clifford G. O'Harrow

Report No. 1 submitted in partial fulfillment
of the requirements for the degree

of

MASTER OF SCIENCE

in

Social Science

Plan B

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Logan, Utah

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INTRODUCTION

One of the most generally admired New Deal agencies reflected the fact that Franklin D. Roosevelt, like his cousin Theodore was an ardent conservationist. The Civilian Conservation Corps (CCC) by providing job relief to young men and thereby aiding their families, was close to the people. However, most of the work was carried on in the more remote areas of the states and thus escaped day to day scrutiny. The completed conservation tasks were to stand as proof of accomplishment. Most histories dismiss the CCC with a paragraph and perhaps a picture of some boys planting trees; however, 2,400,000 young men and 145,000 war veterans served in camps of the CCC.¹

In his precedent making acceptance speech before the Democratic National Convention in Chicago in 1932, Franklin D. Roosevelt referred to his plan for a Civilian Conservation Corps in connection with the depression of agriculture, suggesting that land not needed for agricultural production be planted to trees.

. . . we know that a very hopeful and immediate means of release both for the unemployed and for agriculture, will come from a wide plan of converting of many millions of acres of marginal and unused lands into timberland through reforestation . . . In so doing, employment can be given to a million men.²

¹"Origins and functions of the Civilian Conservation Corps and the National Youth Administration," Congressional Digest, XXI (June-July, 1942), p. 165.

²New York Times (July 3, 1932), p. 8.

Mr. Roosevelt also called attention to the threat of soil erosion and timber famine, and left the subject with mention of a successful reforestation program in New York State.

This paper will examine how from such a casual beginning the CCC came into existence and functioned during the first six months.

THE CCC AS A CAMPAIGN ISSUE

From July, 1932 and all through the campaign, voters and politicians discussed the feasibility of the reforestation idea. The idea of employment in conservation was a most novel proposal. It offered a good target to both unbiased consideration and hostile attack. Critical listeners were quick to say that the plan's chances of success were questionable, but resolved to await its inception and judge by results. Republicans were quick to announce that its failure was inevitable. One of the first outbursts of disapproval came from the center of the Republican camp when Secretary of Agriculture, Arthur M. Hyde, ridiculed the plan as visionary and unworkable.³

What Secretary Hyde said on the subject suggested that he (Hyde) had a narrow and uninformed concept of conservation, but as Secretary of Agriculture his voice carried some weight even if he was purposely discussing only one part of the project. He maintained that one million men (taking FDR's figure) could plant all the seedling trees available in American nurseries, in the time of three hours. He estimated the cost of this three-hour employment program at \$2 billion. These, said Secretary Hyde, were the full possibilities of the reforestation program. Republican heads nodded in agreement, and the planting of trees rather than a full conservation and reforestation program was vilified whenever Republican speakers opened their notes to speak. Mr. Roosevelt

³New York Times (July 6, 1932), p. 8.

must have regretted ever mentioning tree-planting, and especially citing the definite figure of one million men. Up to the last major Republican speech of the campaign tree-planting was derided as a sample of the unworkable and nebulous planning of Franklin D. Roosevelt. President Hoover referred to the tree-planting in his final address, when he stated that to offer such relief to the unemployed was a "cruel promise," and repeated that the cost would be prohibitive.⁴ President Hoover did not understand that costs were not prohibitive to the pragmatic mind of Mr. Roosevelt.

After FDR's inauguration, the financial (banking) crisis of early March delayed action, and nothing was heard of the conservation plan until March 22, 1933.

⁴New York Times (November 6, 1932), p. 30.

THE PASSAGE OF S. 598 BY A PASSIVE CONGRESS

On that date an administration sponsored measure was introduced in the Senate and given the number S. 598, "A Bill for the Relief of Unemployment through the performance of useful public work, and for other purposes."⁵ This bill authorized the President to "select" a Civilian Conservation Corps to be enrolled for one year unless sooner discharged. Pay was limited to \$30 a month, leaving the exact amount to the discretion of the President; an involuntary allotment of most of this salary was to be made to dependents.

The men were to be employed on maintenance, construction or carrying on of works of a public nature, for which sufficient funds were not available, such as reforestation on national and state lands, prevention of soil erosion, flood prevention and construction and maintenance or repair of roads and trails on the Public Domain, the National Parks, National Forests and other government reservations.⁶

Projects were not restricted to this list, but were to be similarly self-liquidating as much as possible. Provision was made for hiring skilled workers not available in CCC ranks, to be paid the "prevailing wage of the locality." The government was authorized to acquire land by purchase or otherwise. The President was to prescribe regulations and to do anything else "necessary to carry out and accomplish the

⁵U. S. Senate, Senate Bill S. 598, 73rd Congress, First Session, Congressional Record, LXXVII (March 22, 1933), p. 652.

⁶U. S. Senate, Senate Bill S. 598, 73rd Congress, First Session (Washington, D. C.: Joint Committee on Education and Labor, 1933), p. 1.

purposes of the act." Funds were to be made available from unobligated monies in the treasury heretofore appropriated for public works.⁷

Press coverage of these details of the bill led to an immediate protest from several agencies. It is worthwhile to note some of these provisions, since nearly all were subjects of criticism and alteration during passage of the bill. The bill presumably was written by President Roosevelt himself, or at least outlined by him, as it stated rather definitely what he proposed to do and how he intended to proceed.

Expediency was the characteristic handling of Administration bills in the early days of the New Deal and S. 598, on the day of its introduction, was brought up for hearing before the Committees on Labor from both houses. Despite this haste, the hearing was something more than a mere formality. House Labor Committee Chairman William P. Connery was himself opposed to several provisions of the bill, and most of the witnesses had some objection to the bill as written.

Several points are significant in the testimony of R. Y. Stuart, then Chief of the United States Forest Service. Asked how the men were to be assembled, he said, "I think that work can be done, more expeditiously and economically done by the Army. The Forest Service has no facilities . . . "8

Regarding transportation of men from their homes to places of employment Stuart said:

. . . the great bulk of them, would not have to move beyond the area covered by the so called corps area . . . there would be no cases where men would have to be taken from one area to another.⁹

⁷Ibid., p. 2.

⁸Ibid., p. 12.

⁹Ibid.

This expression of his views are of interest later in examining what actually took place.

Following the Chief Forester, Secretary of Labor Frances Perkins, took the stand. She stressed the relief nature of the proposal, and minimized the possibility that the dollar a day wage would be taken by private employers as a model set by the government.¹⁰ Mr. Connery and others felt that a dollar a day wage was too low.

The Joint Committee showed great interest in the provision for funds, and questioned some witnesses in detail on the matter. Lewis W. Douglas, then Director of the Budget, explained that the money was to come from the funds appropriated by the 72nd Congress for public works. All the money had been allocated for government buildings in various places, but only a portion had been actually obligated or put under contract. Mr. Douglas explained that the purpose was to divert for the present all of the unobligated money except on projects that could be begun within ninety days. The feeling of the administration was that it was desirable to make immediate use of all money that had been previously appropriated. Mr. Douglas made it clear to the Committee that the administration's intention was to facilitate relief and it was not going to follow the specific allocations of the previous administration and Congress. All remaining public works projects were to be re-evaluated eliminating those judged unworthy and hopefully later re-appropriating those that survived.¹¹ Mr. Roosevelt's Administration

¹⁰Ibid., p. 26.

¹¹Ibid., pp. 33-40.

was cancelling the projects of the Hoover Administration and substituting its own.

Chairman Connery and President William Green of the American Federation of Labor led the attack on the plan of diverting funds, on the grounds that it meant hiring four men at one dollar a day rather than one skilled worker at four dollars, which precluded any raise in the individual's buying power. Mr. Green's position was clear; he was opposed to an army of dollar a day workers, for this offered little hope of benefit to union men. Having a smaller number of men from the building trades at union wages was more to his liking.¹²

Mr. Green spoke for labor's traditional opposition to regimentation of labor. "I cannot for a moment see why there is any necessity for this impression, this regimentation of labor."¹³ Mr. Green strongly advocated voluntarism. This objection went unanswered and remained so the first year; it can hardly be argued that enrollment was voluntary, since to accept any kind of job in preference to starving is scarcely a voluntary action.

Voluntary action was further discussed when Chairman Connery called attention to the wording of the Administration bill which was almost identical with that of the war time Selective Service draft, "the President . . . is hereby authorized to 'select' from unemployed citizens . . . a civilian conservation corps."¹⁴ The President was empowered to select-draft whomever he pleased from the unemployed. The committee agreed to

¹²Ibid., pp. 42-47.

¹³Ibid., p. 46.

¹⁴Ibid., p. 42.

reword this provision to incorporate a voluntary interpretation. It is doubtful that Mr. Roosevelt had intended otherwise.

These early New Deal bills were written in haste and perhaps, if the President's intentions had been fully known on all points, considerable misgiving and speculation at the hearing and among people and press would have been avoided.

This is demonstrated by discussion on one provision, as to whether married men and heads of families were intended as beneficiaries of the bill. General opinion was that they were. One capricious witness Herbert Benjamin, who represented the National Committee of the Unemployed Council of United States from New York City said:

It is going to take men away from their families, take the husband away from the wife, the father away from the children. I say you are putting the stamp of approval upon a system which is destroying the workers' homes and families . . . Do you intend to take homeless women who are now roaming the streets without means of support and establish these camps along side of the other.¹⁵

Had it been clear that young men, rather than family men were to be the recipients, the dollar a day salary and other objections would have received less objection.

Madame Secretary Perkins, replying to a query on the subject, suggested that in most cases enrollment was not to be offered to heads of families, but some married men would be able to go. "It would be foolish to limit this to unmarried men, as originally proposed."¹⁶ A word from Mr. Roosevelt would have averted such fruitless conjecturing, and would have lent authority to the expert opinion of Mrs. Perkins.

¹⁵Ibid., p. 70.

¹⁶Ibid., p. 26.

After two days of hearings and discussion the Committees reported back to their respective houses with a bill labeled S. 598 but substantially altered.

A comparison with the original bill shows this salient fact; the details to which most objection had been made were left out, and nothing added in their place. By the device of permissive legislation Congress side-stepped the controversial points and left the settlement of and responsibility for them with the President. The behavior of Congress in this matter was typical of the "Hundred Days." President Roosevelt seemed eager to take initiative and bear responsibility. Congress speedily did his bidding, taking care to leave details up to the President. It was FDR's program; let him run it.

Although Congress as a whole seemed relieved to turn this and other matters to the Executive Department, some individual members strenuously opposed such action and the principle behind it. Robinson of Indiana led the opposition in the Senate, but the Senate passed the amended bill on March 28, 1933.¹⁷ Passage was less perfunctory in the House, as Labor Committee Chairman Connery presented the Committee majority report without his signature and submitted a minority report favoring the adoption of an amendment to cover several points. The Connery Amendment called for a monthly wage of \$80 for men with dependents and \$50 for single men, plus subsistence in both cases; enrollment for periods of 60 days; no

¹⁷U. S. Senate Bill S. 598, Congressional Record LXXVII, p. 937.

army type organization nor physical examinations; the work to be confined to reforestation; and public works previously planned to be continued.¹⁸

Connery apparently realized that the Committee bill was a blank check to the Administration to be filled in as it wished and he wished to alter provisions he felt specifically undesirable.

The diversion of funds from the 72nd Congress's appropriation inspired protest from Representative Trammel of Florida and other Southerners as they objected to the delay and possible abandonment of rivers and harbor projects included in the original allocations.¹⁹ Beedy of Massachusetts pointed out that it took funds from projects examined and approved by Congress and gave them to the President to be spent at his discretion on a new and untried plan. Objecting to the bestowal of "too great and unnecessary powers" upon the President, he likened the action of Congress to that of the German people in accepting Adolf Hitler, except that the latter had not yielded their power so willingly.²⁰

As it came up for passage the bill contained six paragraphs in place of the original eight and the Committee's four. The President was authorized to "provide for the employment of needy citizens" and under such rules and regulations as he may prescribe and to provide food, shelter, medical care, hospitalization, transportation and cash allowance. Other provisions were the same as in the Committee bill, except that the authority given the President was limited to two years.

¹⁸Ibid., p. 880.

¹⁹Ibid., p. 965.

²⁰Ibid., p. 964.

Also, one of the two successful amendments from the many offered, was a guarantee against discrimination on account of race, color, creed or politics, but barring convicts.²¹

The assenting disposition of Congress toward the measure is illustrated in a final speech by Representative Jenkins of Ohio as he said:

The bill as it is now printed with the Senate amendments meets the approval of organized labor . . . It is my hope that the President in his regulations for carrying into effect of this bill will see to it that the principles of free labor are not invaded, that this work will not be carried on under the supervision of the military.²²

By voting on the Senate bill the need for a conference committee was avoided and the S. 598 became Public No. 5, March 31, 1933.²³

²¹For the Relief of Unemployment through the Performance of Useful Public Work, and for Other Purposes Act, Statutes at Large, LXXVII, Chapter 17 (1933), pp. 22-23.

²²U. S. Senate Bill S. 598, Congressional Record, LXXVII, p. 957.

²³Statutes at Large, LXXVII, p. 22.

INAUGURATION OF THE CCC

On April 3, 1933 President Roosevelt announced the appointment of Robert Fechner as Director of Emergency Conservation Work, at a salary of \$12,000.²⁴ Fechner was vice-president of the International Association of Machinists and a lecturer on labor problems at Harvard and Dartmouth Colleges.²⁵ It was announced that four cabinet departments were to participate. Selecting and recruiting the men was to be the work of the Department of Labor. Actual enrollment of the men, caring for them prior to assignment to work camp and providing transportation, clothing, food and medical care was to be the army's share. The Forest Service of the Department of Agriculture and the National Parks Service of the Department of Interior, were charged with the selection and planning of work projects on National Forest and National Park lands, and supervision of men while at work. The secretaries of the four departments were instructed to appoint representatives, who, with Mr. Fechner as Director, made up the Emergency Conservation Work Advisory Council.²⁶

²⁴U. S. President, Executive Order, Monthly Catalog, U. S. Public Documents, No. 6101 (July, 1932; June, 1933), p. 837.

²⁵New York Times (April 4, 1933), p. 15.

²⁶U. S. President, Public Documents, No. 6101.

Speed had characterized the writing and passage of the bill by Congress; no less speed was shown by the four departments when this council was set up and the plan put into action.

RECRUITING MEMBERS FOR THE CCC

The first move lay with the Department of Labor, whose particular job it was to select and prepare for enlisting the men to be employed. Quota's were established for each state on the basis of population, ranging from 25,750 for New York to 250 for Nevada.²⁷ Further division of the quota among localities was left to the state agency designated, one usually already existing a state unemployment relief commission.²⁸ To get the process under way with no loss of time a quota of 25,000 men was distributed among seventeen large cities. This started a large group on the road to the work camp and brought immediate relief to the large cities which were suffering most from unemployment. Lacking facilities for actually selecting the men itself the Labor Department was obliged to delegate this function to relief agencies throughout the nation which were in close contact with the group from which the men were to be drawn. The Labor Department could only set up general standards and requirements, requesting that the local agencies comply. For guidance of these offices, three Emergency Conservation Work Bulletins were issued during the first weeks of mobilization.

The first, dated April 17, 1933 was written to be distributed among potential recruits.²⁹ It briefly explained the purpose and plan

²⁷New York Times (April 6, 1933), p. 6. Also (April 10, 1933), p. 2.

²⁸U. S. Department of Labor, Emergency Conservation Work Bulletin, No. 2 (April 20, 1933), p. 5.

²⁹U. S. Department of Labor, Emergency Conservation Work Bulletin, No. 1 (April 17, 1933).

of the CCC, and regulations which were to govern the work. The tone of this prospectus showed a desire to disarm suspicion among the boys and their families. The CCC was an unprecedented plan and one of necessity closely linked with the army. The booklet presented the offer of a chance to spend a pleasant and profitable summer in the woods, at the same time aiding in support of the family at home. It was made clear that although a recruit was expected to stay his full six months enlistment, his best interests would be consulted in the event of his being urgently needed at home or receiving an offer of employment. The booklet answered a series of questions in regard to the work, one of which is interesting in view of what later transpired.

Q. How far is the forest camp likely to be from a man's home?

A. Forest camps of 200 men each will be located at various places in the forests and national parks where there is work to be done. A man may be sent to a forest camp in his own state or in a neighboring state. In general, the forest camp is likely to be in his general section of the country at least. Transportation costs money, and men will not be sent longer distances than necessary.³⁰

Here is a modification of the view expressed earlier by Chief Forester Stuart, and a hint of further changes in this policy. A final question summed up the proposal to the individual:

Q. To sum it all up what does a man get out of this offer?

A. Six months of hard but healthy work in the forests or National Parks, in an enterprise that is for the benefit of the people of this country. Six months of camp life, food, clothing, recreation, shelter and medical service, plus \$30 a month cash allowance for himself and his dependents.³¹

³⁰As the camps in the East quickly filled, the boys were shipped West. As early as May 24, 1933, two companies were shipped to Utah and Idaho from Fort Monroe and Fort Meade, Virginia. For a full account see American Forests, July, 1933, pp. 302-303.

³¹Emergency Conservation Work Bulletin, No. 1.

The obvious care in all these statements to make the work attractive suggests a plea for patriotic sacrifice rather than an offer of relief. But solicitation was actually necessary to induce men to enroll. Despite all that had been said by Congressmen, witnesses at Committee hearings, and by the President about the hordes of men who would eagerly avail themselves of a "chance to work in the forests," there was a period after enrollment began when the prospect of filling the quota of some large eastern sections was very dubious. Early in April, New York City's quota of 7500 had been exceeded in applications, but with actual enrollment, fewer than half that number appeared.³²

Several explanations may account for the delay. It was the Jewish Passover; the fear that the army would use the enlistment for a war with Japan kept others back. "Coddling parents" were blamed in some instances for influencing the boys to delay applying and to be unwilling to leave home for some uncertain but distant destination. Some recruiting stations in New York City were showered with handbills urging the boys to resist enrollment unless offered union wages, a move backed by the Unemployed Council of New York City.³³ The long period of waiting at eastern army posts by the first quota had resulted in great restlessness among the boys and some friction with the regular soldiers. Reports of this condition aided in retarding the rate of enlistment until contingents began to move to work camps.³⁴

³²New York Times (April 11, 1933), p. 40.

³³Ibid.

³⁴Ibid. (April 15, 1933), p. 12.

The agencies already organized and functioning in each community, were ideally suited to contacting and judging the eligibility of prospective Corps members. Also, enrollment was to be concentrated among the families receiving relief of some kind, which made the relief agencies further adapted to the work.

Quoting from the booklet that had been put into the hands of the relief agencies, under the section "The Type of Young Man Wanted:"

There is one other guide to selection that cannot be included in any formal eligibility requirements but which is basic to the success of the whole undertaking. This peace-time "forest expeditionary force" should be made up of young men of character men who are clean-cut, purposeful, and ambitious--the finest young men that can be found in all the eligible group. Participation in this emergency conservation work is a privilege; the undertaking is one of the most significant experiments ever entered upon by the American Government. The best men available are wanted.³⁵

Public Number 5, 73rd Congress also provided that no "discrimination shall be made on account of race, color, or creed and no person under conviction for crime and serving sentence shall be employed." It would almost seem that only Boy Scouts were to be selected.

If during the first six months of operation there were incidents or troubles with the boys in the Corps, it was largely traceable to the disregard of these regulations and suggestions. There was on the part of metropolitan centers a tendency to rid their roles of trouble makers. A revolt among the men at Camp Dix and an attempt to create unrest among the soldiers there was charged to a group of Communists among the "young men of character" selected by the agencies.³⁶ The tactics

³⁵Emergency Conservation Work Bulletin, No. 2, p. 4.

³⁶New York Times (May 7, 1933), p. 27. Also (May 8, 1933), p. 17, and an editorial (May 9, 1933), p. 16.

on this occasion was traced to the badgering of regular soldiers who complained of their receiving less than \$20 a month, while the Corps boys were paid \$30.

Investigation revealed that one group of recruits at Camp Dix was composed of "black sheep" sons of wealthy fathers who had hoped a summer in the woods under army conditions would straighten them up.³⁷

Out of 1791 boys received for enrollment at Fort Slocum, 275 dropped out after two days, explaining that they had become homesick or had come only for the ride and free meals.³⁸

A possible justification for this policy of the selecting agencies is the statement in the Labor Department Bulletin that not only the fitness of the applicant was to be considered but also "the greatest possible good to the community."³⁹ This could be construed as an invitation to remove undesirable elements.

The Administration itself gave practical endorsement to this view, using it to rid Washington, D. C. of a troublesome group. Following the active hostilities during Mr. Hoover's attempt to disband the Bonus Army, a remnant of the Bonus Army remained in and around the Capital. Early in May, when the bonus issue came up before the special session of Congress they demanded shelter and subsistence. President Roosevelt suddenly offered them exactly that; an opportunity to enlist in the CCC.⁴⁰

³⁷Ibid. (May 8, 1933), p. 17.

³⁸Ibid. (April 11, 1933), p. 30.

³⁹U. S. Department of Labor, Emergency Conservation Work Bulletin, No. 3 (May 1, 1933), p. 4.

⁴⁰New York Times (May 12, 1933), p. 1.

After maintaining a scornful attitude for a day or two, a few of them became discouraged at Congress's failure to vote them further benefits, and decided to accept the CCC jobs if they were still open. They were, and by May 21, about 1600 had signed.⁴¹ Each state was given a quota in this new division, with selection in the hands of the Veteran's Administration, and the veterans were to be placed in camps separate from the regular CCC.⁴² Special efforts were made throughout the country, but by mid-June only 2600 veterans had enrolled.⁴³

The Administration made similar use of the CCC to provide work for Indians on reservations. Tribal lands on these reservations were to be reforested and improved with crews recruited from the Tribal rolls. The Indian section also was separate from the regular Corps.⁴⁴ It had no connection with the army in any way, previous contacts between these groups having been not entirely harmonious.

The course of enrolling the men and getting the program moving was marred by only one incident that hinted at corruption, the "Be Vier incident." Mr. Fechner accepted blame for purchase of the \$1.40 toilet kits, which the army could have supplied for much less per kit, and after a short Congressional hearing all were cleared of any suspicion.⁴⁵

⁴¹Ibid. (May 21, 1933), p. 4.

⁴²U. S. President, Executive Order, Monthly Catalog, U. S. Public Document, No. 6129 (May 11, 1933).

⁴³New York Times (June 28, 1933), p. 4.

⁴⁴U. S. President, Executive Order, Monthly Catalog, U. S. Public Document, No. 6147 (May 26, 1933).

⁴⁵New York Times (June 11, 1933), p. 5.

Through the first weeks of April until July the work of mobilization went on as every influence tended to increase the rate of enrollment. As mid-summer approached, the first distrust and suspicion disappeared as the boys in camp wrote back to their friends, assuring them of the pleasant conditions there; more families were willing that their sons should enroll when it was seen that the CCC was not really being concentrated on the Pacific Coast. The army recruiting offices handled over 8500 men a day during parts of this period, exceeding the rate of the corresponding period of army and navy mobilization in 1917.⁴⁶ By early July there were 250,000 men in work camps; later enrollments brought the total to well over 310,000 in 1450 camps.⁴⁷

⁴⁶Annual Report of the Secretary of War (1933), p. 192.

⁴⁷New York Times (July 3, 1933), p. 3. Also (August 10, 1933), p. 20.

MOVEMENT TO CAMP, CONDUCT, AND CRITICISM

When accepted by the recommending agency, a boy was directed to the nearest army recruiting station, furnishing his own transportation or having it provided by the relief agency. From the recruiting office he went to a conditioning camp, usually at some large army post, where, during a stay of about two weeks, he followed a modified army routine, rising early and spending several hours in mass calisthenics, games, hikes, and some manual labor around camp. Several units were detained nearly a month due to delay in selecting and preparing work camps. During the wait restlessness developed at several points.⁴⁸

Despite the testimony of Chief Forester Stuart at the Congressional hearings, and the Labor Department's statement that men would be put in camps as near as possible to their home, it was not practical and thousands were sent from the eastern seaboard to the western states. The movement of men was unpopular in places and may have been a limiting factor. This view is expressed by a New York farmer:

To us New York farmers it seems like a very absurd thing for the government to send two trainloads of tree-planters from New York City three thousand miles to Oregon and Washington, where there must be thousands of idle men waiting for just such jobs. There may be some very good reason for not doing so, but it is a puzzle the solution of which is beyond us.⁴⁹

Montana, Idaho, Oregon, Utah, and Washington, having a majority of their lands under Federal Government control, were logical places to put the boys to work.

⁴⁸Ibid. (May 8, 1933), p. 17.

⁴⁹Ibid. (July 7, 1933), p. 16.

After a work project was approved, a camp site was selected as near as possible and an advance cadre of about thirty men were sent to get it ready for occupation. Usually the men were from the company later to occupy the camp, with several experienced Forest Service personnel and army personnel to direct operation. This method enabled the main body to move in with less delay and confusion than would have been the case had they built their own quarters. In some instances much work was necessary to insure a water supply and maintain passable roads to the nearest highway. There was some criticism of spending too much time "dolling up" the camps.⁵⁰

A headquarters company was maintained in each district to handle matters of supply and personnel. Some of these boys were specially recruited from high schools and colleges, under the experienced woodsmen quota. Under regular and reserve army officers and Forest Service officials, they manned desks in the finance department, the quartermasters' corps, the adjutants's office and worked in the hospitals and Forest Service offices. Though many never saw the woods, they did a large part in keeping the Corps running smoothly.

Finding something for the boys to do was no problem for the Forest Service with a long-line planning schedule to follow. After breakfast, the Forest Service foremen loaded the workers on trucks and set out for the scene of operations from one to twenty miles away. Some times lunch was taken and eaten picnic fashion, but in most cases

⁵⁰Nelson C. Brown, "Proceeding afternoon session," Journal of Forestry, XXXII (February, 1934), p. 213.

the boys were carried back to the mess hall at noon and returned for a second shift. The nominal standard of hours was forty per week, on a five day basis. In actual practice, time spent traveling between camp and work, and the noon meal were figured into the eight hour working time. Different camps reported effective working time from six and one-half hours to as little as three and one-half hours.⁵¹

Recreation was important and the army which had command of the men at all times except at work, provided a varied program, baseball, boxing, bridge, chess, movies, and volley ball. At Mount Rainier National Park the army officers said, "A big part of the work of these officers is to teach the New York boys fresh from the tenements, how to play."⁵²

Recreation also played an important role in discipline of the various camps. At the start, President Roosevelt had made it emphatic that military discipline would not be a corollary of military supervision. An executive order issued subsequently listed the punishments that were authorized:

Admonition, suspension of privileges, substitution of specified duties within the camp instead of the regular work for a maximum period of one week; or deduction of not to exceed three days cash allowance per month.⁵³

It had been explained to each applicant on enrollment that "Continued violation of rules or instructions would be a cause for

⁵¹Ibid., p. 213.

⁵²New York Times (July 4, 1933), p. 8.

⁵³Public Documents, No. 6160 (June 7, 1933).

dismissal of a man from the emergency conservation work."⁵⁴ There was trouble in many camps, breaking equipment, fights, but this first six months was a period of readjustment from urban conditions. There were thousands of boys who had never before held an ax or shovel. "In Idaho within 24 hours 3,300 young men from the sidewalks of New York were detrained and sent out into about 16 or 17 camps."⁵⁵ Readjustment was necessary in the minds of the army almost as much as it was in the minds of the CCC boys themselves.

Preston, New York, reported a wholesale jailing of CCC men from Harlem, in an outbreak that required the attention of several squads of regular soldiers.⁵⁶ At Pendleton, Oregon, fighting and rioting in a New York company ended in the arrest of sixteen by state police.⁵⁷

In contrast to these conditions, others reported exemplary behavior from all members. An army officer wrote:

A camp commander up in Minnesota told me . . . that the two worst offenses committed by his boys so far had been that one was a few hours late returning from Fourth of July leave . . . and another had taken a glass of milk from the ice box.⁵⁸

In the west there was reaction to the eastern boys, a sectionalism on the part of the western people. A commentary on the CCC:

⁵⁴Emergency Conservation Work Bulletin, No. 3, p. 19.

⁵⁵Brown, p. 212.

⁵⁶New York Times (July 9, 1933), p. 5.

⁵⁷Salt Lake Tribune (July 7, 1933), p. 5.

⁵⁸Johnson Hagood, "Soldiers of the shield," American Forests (March, 1934), p. 104.

The CCC (Poison Ivy) boys out on the Pacific Coast were irritating . . . they slinked along country roads, tearing weeds out of road banks, so that when the winter rains and snows arrived, there would be no weeds to hold the banks together. That worried the serious-minded Westerners because the CCC boys in the far west were foreigners; that is they came mostly from New York and Chicago and other places east. The far-Westerner could not see the sense of importing labor from a foreign country like Hoboken to do jobs in Portland and Seattle to do the work if there were any money to pay them. It did not amuse the far Westerner to be asked to contribute to the Community Drive to keep his neighbors in milk and coal while the Poison Ivy boys were eating beans and apple pie and other army rations. In a word, the CCC conception violated every sectional tradition of the American people and therefore was nowhere popular.⁵⁹

And from the east coast a letter to the New York Times saying ". . . to allow men from cities to roam at large between nightfall and morning in these small towns is bound to lead to trouble, as the inhabitants of Goshen and Thomaston can testify."⁶⁰ Some feature stories setting out to praise the CCC made guarded references to stealing in the countryside and to clashes with local officers.⁶¹

Criticism was not only leveled at the boys and the camps but at the military. Some saw the CCC as a strong military force. Even the Germans were sure the CCC was a quasi military organization as Hitler's Colonel Ernest Roehm said:

Today almost the entire youth of England, France, Italy, United States, Poland and Russia are not only clothed in uniforms which correspond to the respective army uniform in cut, but they are openly being trained by active and reserve army officers with weapons for war service.⁶²

⁵⁹George E. Sokolsky, "Pigs are the fashion," New Outlook (February, 1934), p. 19.

⁶⁰New York Times (June 18, 1933), p. 5.

⁶¹Ibid. (June 23, 1933), Section IV, p. 2.

⁶²Time (December 18, 1933), p. 15.

The Colonel could be challenged on his statement of weapons here in the United States, but the army was involved.

The army was and is not perfect, but whatever merits and flaws existed in the army's control and handling of the enrollment, transportation, and running of the camps, no organization could have done better. Actually the army was the only organization that had the ability to move the men and give the needed logistical support.

THE ROLE OF THE ARMY AND THE CCC

The CCC helped the army too. Presidential Executive Order No. 6127, May 8, 1933, directed all departments to furnish lists of surplus supplies that could be used. The army was able to supply vast quantities of clothing and camp equipment from its stores dating back to World War I. Much of the first clothing issued to the CCC was from the 1918 contracts. The Executive Order further stated that the departments supplying the CCC were to be reimbursed. The result was that the CCC was able to use materials that would soon be obsolete and the army was able to replace its old stock with new and more servicable articles.

Many regular officers owed their retention on active duty because of the need of commanding officers for the CCC camps.⁶³ After the first year reserve officers took over and for some of the junior officers, the CCC represented their first trial under emergency conditions.

Few advocates of the CCC ventured to commit themselves on the matter of military preparedness but Major-General Hagood wrote, "If need be he can be taught to use a weapon in a very short space of time. Here is the making of three hundred thousand young soldiers."⁶⁴ The CCC did nothing to hasten or provoke war, but did help a great deal to insure fast and effective action should war come.

⁶³Harrison Doty, "Our forest army at war," Review of Reviews (July, 1933), p. 34.

⁶⁴Hagood, p. 105.

THE FOREST SERVICE AND THE CCC

The Forest Service like the army gained from the CCC. There was a demand for trained foresters and experienced Forest Service employees to lead crews of CCC boys and it ". . . stepped up the forestry program at least 20 to 50 years. It has shoved our program ahead very definitely and successfully."⁶⁵

⁶⁵Brown, p. 212.

RECORD OF THE CCC

September, 1933 saw the end of the first enrollment and as the CCC prepared to move into winter quarters Director Robert Fechner, was putting together the first complete report showing the accomplishments during the first six months enrollment period ending September 30, 1933. The report was compiled from official work records kept at the 1522 camps, the report reflects the great variety of activities which the CCC boys engaged. The report was submitted to President Roosevelt in the form of a complete statistical compilation.

The records show that this army of forest workers, made up mostly of young men still in or just emerging from their teens . . . Among achievements which stand out in the completed program is the forest protection work done. Major items performed included: removal of inflammable fire hazards from 129,962 acres; construction of 10,058 miles of truck trails; construction of 5,058 miles of telephone lines; of 3,917 miles of fire breaks; clearing 6,629 miles of roadsides as fire prevention move; . . . planting of trees upon 25,750 acres and the partial completion of tree planting on an additional 54,155 acres; . . . the construction of 68,450 erosion control dams. The reports show that a tremendous amount of constructive work that will pay big dividends to future generations has been progressing and is now going forward in every part of the nation's vast timbered domain.⁶⁶

The first report shows the objective to advance a nation-wide conservation program on forest, park and farm lands as being met. Relief had been offered to thousands of boys and their families. The CCC was off to a good start and it remains in the minds of most Americans as a successful experiment, so successful that parts have been used in the Job Corps program of today. The social reform of the New Deal continues on.

⁶⁶Emergency Conservation Work, First Report of the Director of Emergency Conservation Work from April 5, 1933 to September 30, 1933 (Washington, D. C., 1934).

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JOE HILL, WOBBLY MARTYR OF UTAH

by

Clifford G. O'Harrow

Report No. 2 submitted in partial fulfillment
of the requirements for the degree

of

MASTER OF SCIENCE

in

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Plan B

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INTRODUCTION

A trial that remains as one of the causes celebres of America and of the world ended on July 28, 1907 with the acquittal of William D. Haywood of the murder of ex-Governor Frank Steunenberg of Idaho. Beginning on May 9, 1907 the proceedings lasted for two and a half months. The trial of Haywood was conducted with dignity and decorum. It was carried on by serious men, dealing with issues of profound importance. It was long because the case was complicated. Two hundred witnesses were examined. Great latitude was allowed on both sides in the introduction of evidence, and the record of the testimony was in effect the history of relations between labor and capital in the mining regions of the West during the previous fifteen years.

What gave this case its extraordinary interest was the fact that it was regarded by multitudes of people all over the world not as a simple trial to determine whether a certain man was guilty of a certain crime, but as a battle in class warfare. It was hotly asserted that there was a plot to railroad Haywood and his comrades, Charles H. Moyer and George A. Pettibone, to death. Their cause was taken up by Socialists and many of the labor unions in America and Europe. The methods of an overwrought political campaign were adopted to influence the court and jury, and more money was raised for the defense than was ever collected for a similar purpose before. The trial showed all this excitement to have been unnecessary. The storms of passion that surged about the courtroom seem to have left the judge and jury unaffected. The case was considered purely

on the evidence, just as if no one had ever called the defendant either a martyr or an undesirable citizen, and Haywood was acquitted because in the opinion of the jury his connection with the crime had not been established.

The undisputed fact was that the ex-Governor Steunenberg was murdered by a bomb planted at his gate by Harry Orchard. The prosecution had to prove beyond a reasonable doubt that Haywood, who was in Colorado at the time, conspired to cause the commission of the crime. Orchard had confessed to the crime and implicated Haywood.¹ The trial brought out many tales of terror that had been common to the mining areas of Colorado and areas where the Western Federation of Miners was strong. These tales of murder, dynamite and clashes with troops had seemingly no influence upon the jury.

The agitators who had shouted in frenzied meetings under the red flag that Haywood could not get a fair trial at once hailed his acquittal as a "vindication." It was not. Our laws do not require a man accused of a crime to prove his innocence. The prosecution has to prove his guilt, and if it fails to do so he is legally innocent. In the Haywood case most people thought that the conspiracy charged by the prosecution had not been proved and with the acquittal the idea of being a martyr for the cause of labor vanished.²

¹Harry Orchard, "The Confession and Autobiography of Harry Orchard," McClure's Magazine, XXIX (July, 1907), p. 294.

²Joseph R. Conlin, "The Haywood Case: An Enduring Riddle," Pacific Northwest Quarterly, LIX (January, 1968), pp. 23-32. Also in: James H. Hawley, "Steve Adams' Confession and the States Case Against Bill Haywood," Idaho Yesterdays, VII (Winter, 1963-64), p. 16; "Those Were the Days, When the Haywood Trial Focused National Attention on Idaho," Idaho Yesterdays, IV (Fall, 1960-61), p. 16; Luke Grant, "The Idaho Murder Trial," Outlook, April 6, 1907, pp. 805-811.

William "Big Bill" Haywood was not a martyr, but another famous trial eight years later where the prosecution failed to prove the guilt of a man, the man was made into a martyr. That was the trial and execution of Joseph Hillstrom or Joe Hill.

The legend makes Joe Hill an IWW organizer and blames his conviction and execution on the "copper bosses" and the Mormon Church who resented his organizing the Utah Construction Company workers. It is true that Joe carried a paid up card, and that he never transferred from the San Pedro local where he first joined. But he does not seem ever to have been an active leader, is associated with none of the free-speech fights and only one strike, and is believed by some of my Wobbly informants rarely to have been involved in any IWW squabble. I have found no evidence that he was associated with the Utah Construction Company strike, and I doubt that he was even in Bingham at the time. It might be possible, if one wished to do it, to whittle the figure of Joe Hill down to the stature of a migrant yegg. There is a chance that he was guilty of the crime he was executed for, even though the state of Utah most certainly did not demonstrate his guilt beyond any reasonable doubt, and even though the anti-IWW feeling was so strong that he would probably have been executed regardless of his innocence or guilt.³

On November 19, 1915 Joe Hill was executed by the state of Utah and the next morning the New York Times editorialized that his ingenious plea of defending a woman left an opening for people to make a hero of him, and might "make Hillstrom dead more dangerous to social stability than he was when alive."⁴

³Wallace Stegner, "I Dreamed I Saw Joe Hill Last Night," Pacific Spectator, I (Spring, 1947), pp. 186-187.

⁴New York Times (November 20, 1915), p. 13.

THE MURDER

On Saturday, January 10, 1914 between 9:30 p.m. and 10:00 p.m. two armed men entered John G. Morrison's Grocery at 778 South West Temple in Salt Lake City.⁵ Both local papers reported the grocery man and his two sons, John Arling, age 17 and Merlin Randolph, age 14, were alone, closing the store. What happened is difficult to ascertain for the only eye witness account was reported differently in the Tribune and the Deseret Evening News. It appears two men entered, rushed toward John G. Morrison shouting "We got you" or "We got you now."⁶ Both men opened fire, Morrison fell, J. Arling Morrison, the 17 year old son, who was behind a counter ". . . ran to the ice box in the end of the store grabbed a revolver and fired one shot at the bandits."⁷ Arling was shot three times and was killed.

"Hold Up Kills Father and Son for Revenge" was the headline of the Salt Lake Tribune January 12. The Deseret Evening News was not so sure but did carry a sub-title "Motive Probably Revenge," and explained Morrison had previously been a member of the Salt Lake police force and vigorous in his suppression of lawlessness. He had also been involved in two shoot outs with would be bandits of his store. Merlin seemed

⁵Salt Lake Tribune (January 11, 1914), p. 1. Also in: Deseret Evening News (January 12, 1914), p. 1.

⁶Ibid.

⁷Salt Lake Tribune (January 11, 1914), p. 9.

sure of the revenge motive when he said, "I am sure the men didn't mean to rob the store, because one of them said as he rushed in "We got you!" and then he fired. It must have been revenge."⁸ Merlin said one of the bandits was wounded by his brother Arling and that one of the two wore a red mask. Later police found a red handkerchief with a piece of elastic attached to the corners to form a mask.⁹

⁸Ibid. (January 12, 1914), p. 3.

⁹Deseret Evening News (January 12, 1914), p. 1.

ARREST AND PRELIMINARY HEARING OF JOE HILL

The Morrison case was cooling off when Joe Hillstrom or Joe Hill was arrested about 11:30 p.m. on January 14 at the home of a family named Eselius in Murray, after the police had been alerted by Dr. F. McHugh.¹⁰ Dr. McHugh had treated Hill for a gunshot wound about 11:50 p.m. the Saturday night of the murders. A bullet had entered the side, pierced the left lung and emerged through the back.¹¹

The web of circumstances spread as the paper headlined "Hillstrom Maintains Innocence, Wounded Man Sullenly Replies to Questions, But Stubbornly Refuses to Explain Movements on Night of Murder; Links in Chain of Circumstantial Evidence Strengthened." Hill maintained he was shot in a quarrel over some woman whom he did not wish to identify and steadily maintained his innocence.¹²

At the arraignment January 22, 1914 Joe Hill pleaded "not guilty." He was not represented by an attorney and when informed of his right to counsel "he mumbled: I've got no money for counsel and I will act as my own attorney."¹³ A preliminary hearing was set for January 23, 1914.

At the hearing before Justice of the Peace Harry S. Harper, Joe Hill was bound over to the district court for trial. Merlin Morrison testified and was cross examined by Hill. Dr. Frank McHugh restated his

¹⁰Salt Lake Tribune (January 14, 1914), p. 1.

¹¹Deseret Evening News (January 14, 1914), p. 1.

¹²Salt Lake Tribune (January 15, 1914), p. 1.

¹³Deseret Evening News (January 22, 1914), p. 7.

facts of dressing a gunshot wound and that Hill was carrying a black automatic revolver.

Detective Bert Seager testified that Hill told him at the county jail that he (Hill) had thrown the gun out of the automobile while riding with Dr. A. A. Bird, a colleague of McHugh, who had stopped by McHugh's the night of the shooting and as a favor had driven Hill to Murray.

Mr. and Mrs. F. E. Seely testified but could not say that Hill matched the description of two men seen near the store just before the murder.

Mrs. Vera Hansen told of seeing a man run out of the Morrison Grocery store and shout to someone, "Bob" or "Oh Bob." When asked if she would recognize the voice, she could not say.¹⁴

Among the exhibits in evidence were steel-jacketed bullets found in the Morrison store and the red handkerchief found by the police.¹⁵

¹⁴Salt Lake Tribune (January 29, 1914), p. 12.

¹⁵Deseret Evening News (January 29, 1914), p. 14.

THE TRIAL OF JOE HILL

According to Philip S. Foner the official transcript of the first 13 days proceedings, including the selection of the jury men, has disappeared from the office of the Third District Court of Salt Lake City.¹⁶ However, Wallace Stegner says he has the only remaining volume of the trial transcript (photostatic).¹⁷ It is beyond the purpose of this paper to determine who did or did not do their research but it does add to the legend of Joe Hill.

Defense attorneys Frank B. Scott and E. E. McDougall sought to obtain an impartial jury and the tactics used slowed the selection of the jury. Judge M. F. Ritchie urged (in no uncertain terms) greater dispatch in the examination and selection of jury men.¹⁸

Twelve men "tried and true" were found and the trial opened. The state would rely on circumstantial evidence.¹⁹ E. O. Leatherwood, district attorney, stated he would prove that a tall and short man were seen near Morrison's store a few minutes before the murder, and that Hill was the taller one, and yelled, "Oh Bob, I'm shot" and that Hill was the man wounded by Arling Morrison.²⁰

¹⁶Philip S. Foner, The Case of Joe Hill (New York: International Publishers, 1965), p. 28.

¹⁷Wallace Stegner, "Correspondence: Joe Hill," New Republic (February 9, 1948), p. 38.

¹⁸Salt Lake Tribune (June 12, 1914), p. 16.

¹⁹Ibid. (June 11, 1914), p. 16.

²⁰Ibid. (June 18, 1914), p. 3.

The chief witness was Merlin Morrison, only eye witness to the actual shooting and his testimony would be most important to prosecuting attorney Leatherwood.

Q. How does his (Hill's) height compare with that of the taller of the men who entered the store?

A. It is about the same as that of the man who fired the shot at my father.

Q. Does the general appearance of Hillstrom resemble that of the taller man?

A. It is about the same.

Q. How does the shape of the defendant's head compare with that of the taller man?

A. It is about the same.

Q. Does the man's general appearance correspond with that of the man who shot your father?

A. Yes, sir.²¹

The next witness called to the witness stand by the prosecution was Mrs. Phoebe Seeley.

Q. Did this man that turned, the taller of the two, did he look directly at you?

A. Yes

Q. Did you notice anything peculiar about the features of the face of the men . . . ?

A. Yes.

Q. I wish you would just tell in your own way, Mrs. Seeley, what there was about the face of that man that attracted you.

A. Well, his face was real thin; he had a sharp nose, and rather large nostrils. He had a defection on the side of his face or neck.

²¹Salt Lake Tribune (June 19, 1914), p. 16.

Q. On the side of the face or neck?

A. Right here on this face.

Q. What do you mean by that--apparently a scar.

A. Yes; it looked as though it might be a scar.

Q. And you observed that?

A. Yes, sir.

Q. Did the nose appear to be particularly sharp that you saw on the tall man there at that time?

A. Yes.

Q. And the nostrils were peculiar?

A. Yes; the gentleman that I met was a sharp-faced man with a real sharp nose, and his nostrils were rather large.

Q. How does the nose of Mr. Hillstrom compare with the nose of the man looked at there?

A. Very much the same.

Q. How do the marks, especially upon the left-hand side of his face and neck, that you have an opportunity to observe, correspond with the marks on the man that you saw there at the time?

A. Well, they look a great deal alike to . . .

At this point Judge Ritchie interrupted the prosecuting attorney and questioned the witness:

Q. How does Mr. Hillstrom, as he sits here, compare in regard to his thinness with the man you saw that day?

A. His thinness is about the same, but his hair . . .

Q. Just about as thin, had you finished your answer?

A. But his hair is entirely different.

Q. How does he compare in thinness of the body with the man you saw that day?

A. I never paid any particular attention.

Q. You did not pay any attention to the thinness of the body, but the thinness of his face is just the same as the man you saw?

A. Just the same.²²

Before Mrs. Seeley could leave the witness stand Joe Hill created a sensation by standing and asking for permission to speak. Judge Ritchie granted the request. "I have three prosecuting attorneys here," he said "and I intend to get rid of two of them. Mr. Scott and Mr. McDougall, do you see that door? Get out of that door. I am through with you." After some heated discussion between the judge, the attorneys and Hill. Hill demanded "Can't I discharge my own attorneys?" "You can," replied Judge Ritchie, "but I have asked the attorneys to stay for a while as friends of the court, and they will cross-examine the witness just as before. You may take part in the proceedings."²³

The same day Mrs. Virginia Snow Stephens, an instructor at the University of Utah and daughter of Lorenzo Snow the late President of the Mormon Church, showed interest in the case and suggested the Western Federation of Miners attorney Orrin Nelson Hilton of Denver take over as defense attorney.²⁴ Hilton could not participate but later did direct movements to have the case heard before the Utah Supreme Court. Soren X. Christensen of Salt Lake was retained by Hilton and becomes an associate

²²Utah Reports, No. 46, State v. Hillstrom, pp. 341-377.

²³Salt Lake Tribune (June 20, 1914), p. 1.

²⁴Ibid. (June 2, 1914), p. 2.

for the defense. The IWW was to pay the expenses for him.²⁵ The trial proceeded with Mrs. Vera Hanson on the witness stand. When asked how Hill's height compared with that of the man she saw running from the Morrison store she replied that it compared "exactly."²⁶

Miss Nettie L. Mahan was not so cooperative for all the prosecution could get her to say was "Well, all I can say is that the man I saw running was very tall and very thin and Mr. Hillstrom is very tall and very thin."²⁷

Dr. McHugh repeated the earlier story of treating Hill for a gunshot wound. He did change his story to give opinion as to the caliber of the gun with which Hill was wounded. The state rested its case.

The defense, conducted by attorneys in whom Joe Hill had lost confidence and Soren X. Christensen, had two chief witnesses, Dr. M. F. Beer a medical expert, and E. J. Miller a ballistic expert.

Dr. Beer testified as to Hill's wound and holes in his coat, indicating that the wound would have to have been made when Hill had his hands in the air, a position not noted by Merlin Morrison in his testimony.²⁸

Mr. Miller of Western Arms and Sporting Goods Company, who was proficient in the use of firearms and an expert in ballistics, testified

²⁵Ibid. (June 20, 1914), p. 2.

²⁶Ibid. (June 21, 1914), p. 4.

²⁷Ibid.

²⁸Ibid. (June 25, 1914), p. 14.

that the wound was caused by a steel jacketed bullet and Arling Morrison's gun fired lead bullets. Miller examined the wound and found no black ring which would have been caused by entry of a lead bullet. This testimony was disallowed on the grounds that Mr. Miller had no medical knowledge.²⁹

The defense closed without the testimony of Joe Hill. This remains one of the mysteries of the whole episode. Joe Hill seemed to have put up a metal screen about himself and his actions and never tried to prove his statements about being in a quarrel over a woman.

The Deseret Evening News of June 25, 1914 carried the closing arguments of Hill's lawyers. Soren X. Christensen stressed the lack of motive and F. B. Scott reviewed the case and could not understand how the verdict could be anything but not guilty. E. D. McDougall attacked the court on criminal procedure and reminded the jury that it was all circumstantial evidence and should there be any break in the chain of events the jury must find the defendant not guilty.³⁰

E. O. Leatherwood, prosecuting attorney, in his closing arguments painted Hill as something more than just a man. He painted him as a fiend.³¹

June 28, the Salt Lake Tribune proclaimed "First Degree is Verdict," and added "Hillstrom is an I.W.W. . . . His poems and verses have been adopted by the national organization and are used as revolutionary songs."³²

²⁹Ibid.

³⁰Deseret Evening News (June 25, 1914), p. 10.

³¹Ibid. (June 26, 1914), p. 26.

³²Salt Lake Tribune (June 28, 1914), p. 28.

LEGAL MANEUVERS

Legal maneuver delayed sentence until July 8. Then after reviewing the reasons for sentence, Judge Ritchie asked Hill if he had any reason to give why sentence of the court should not be pronounced against him. "No let it go at that," was Hillstroms deliberate answer. Informed of the right to choice to die by hanging or by being shot, Hillstrom sneeringly answered, "I'll take shooting. I am used to that. I have been shot a few times in the past."³³

A new trial was denied and attorney Christensen filed for appeal to the Utah Supreme Court thus automatically staying execution. It is at this time the friends of Joe Hill become more numerous and the case gained national and international fame. The I.W.W. became more active in the defense of Joe Hill.

From December 1914 to July 1915 the case was in the hands of the Utah Supreme Court. On July 3, the decision was handed down, as the court unanimously affirmed the judgment entered against Hill in May 1914.³⁴

Joe Hill was resented to die October 1, 1915. This brought intensification of the attack on Utah officials and aroused interest in the defense of Joe. Labor unionists from Australia sent a letter to Governor Spry stating that Unionists of Australia "demand the instant

³³Deseret Evening News (July 8, 1914), p. 1.

³⁴Utah Reports, No. 46, State v. Hillstrom, p. 341.

release of Joe Hillstrom and until this request is granted we have instituted a strict boycott of all American goods."³⁵

The Pardon Board was to meet and to consider the advisability of commuting Hill's sentence. The meeting was to take place amid a storm of protest. The New York Times estimated 10,000 letters had been received by Utah officials in protest or expressing concern for Joe Hill.³⁶ At the meeting Hill again seems to have had difficulties with his attorneys, this time over possible commutation of sentence. Hill's attorney seemed willing to settle for commutation but Hill held out for a new trial and complete acquittal. The Pardon Board denied this request and explained it was up to the convicted to show just cause for clemency.³⁷

This decision by the Pardon Board brought more letters in a rising tide of appeals to save Joe Hill's life, including the Mormon Church.³⁸ Attorney Oscar W. Carlson, Swedish vice consul in Utah, was asked to investigate on behalf of the Swedish government, Joe Hill being a Swedish national. Carlson reported that Joe Hillstrom had been treated fairly.³⁹ The Swedish Minister to the United States, W. A. F. Ekengren received numerous appeals to aid Joe Hillstrom

³⁵Deseret Evening News (September 4, 1915), p. 2.

³⁶New York Times (September 20, 1915), p. 6.

³⁷Deseret Evening News (September 25, 1915), p. 3. This is the complete text of the Pardon Board hearings.

³⁸Pacific Reporter, No. 158, re-Hilton, pp. 691-701.

³⁹Deseret Evening News (September 23, 1915), p. 1.

and in response, after the reply of Carlson, contacted the United States Department of State to aid him. The State Department transmitted his messages to Utah Governor Spry.⁴⁰ The State Department declared it had no jurisdiction in the case so the Minister continued to press for a stay of execution on his own but to no avail. Governor Spry reacted to this pressure with some hostility.⁴¹

Minister Ekengren then urged President Woodrow Wilson to intervene. President Wilson then asked for a postponement and Governor Spry sent the following telegram.

You have been convinced that additional facts can and will be presented to the board why clemency should be extended and upon your request and your request only, I will grant a respite until the next meeting of the board of pardons which will be held Saturday October 16, 1915.⁴²

October 16, 1915 the Pardon Board met and listened to appeals from attorney Christensen and telegraphed appeals of Minister Ekengren.⁴³ These appeals while moving were rejected and the Board terminated the reprieve and denied application for commutation of sentence. On October 18, Hill was sentenced to be shot November 19, 1915.⁴⁴

Samuel Gompers, AF of L President, wired President Wilson to please use his influence to help save the life of Joseph Hillstrom.⁴⁵ Helen Keller was among the many who flooded President Wilson with appeals to use his position to influence a stay of execution, so once more President

⁴⁰Ibid. (September 27, 1915), p. 2.

⁴¹Ibid. (September 30, 1915), p. 2.

⁴²Ibid.

⁴³Deseret Evening News (October 18, 1915), p. 2.

⁴⁴Ibid.

⁴⁵Ibid. (November 17, 1915), p. 1.

Wilson telegraphed Governor Spry and asked for "a thorough reconsideration of the case of Joseph Hillstrom."⁴⁶ The Governor replied sharply to this request. His telegram of rejection said "Your interference in the case may have elevated it to an unduly importance . . . that this convict has not had justice in the courts of the State, is not justified."⁴⁷

⁴⁶Ibid.

⁴⁷Deseret Evening News (November 18, 1915), p. 2.

EXECUTION OF JOE HILL

November 19, 1915, Joe Hillstrom was strapped to a chair and at the command "fire" four bullets tore into Hill's heart. One minute 10 seconds later he was pronounced dead.⁴⁸

Joe Hill's Last Will

My will is easy to decide,
For there is nothing to divide
My kin don't need to fuss and moan--
"Moss does not cling to a rolling stone."

My body? Ah, if I could choose,
I would to ashes it reduce,
And let the merry breezes blow
My dust to where some flowers grow.

Perhaps some fading flower then
Would come to life and bloom again.
This is my last and final will.
Good luck to all of you.

--Joe Hill⁴⁹

⁴⁸Ibid. (November 19, 1915)

⁴⁹Wallace Stegner, The Preacher and The Slave (Boston, Massachusetts: Mifflin Company, 1950), p. 394.

CONCLUSIONS

The state of Utah did not prove beyond a reasonable doubt that Joe Hill was guilty of the crime for which he was executed.

Wallace Stegner, author of the historical novel who wrote a very good story of The Preacher and The Slave in which Joseph Hillstrom is the chief character, wrote an article for the New Republic in which he stated the case of Joe Hill but whittled the image of Hill down to the prospect of an obscure dock worker, sailor, a nameless stiff, a crude poet and a mushy writer of sentimental songs.⁵⁰

The "Friends of Joe Hill" replied in a statement in the New Republic, November 15, 1948. They attacked the article of Professor Stegner by looking at the court proceedings. One of their chief arguments was that at one point in Hill's trial his attorneys were reduced to the role of Amici Curiae (friends of court) and that from then on he was at the mercy of the prosecution.⁵¹

The "Friends" do not mention that Hill in an emotional outburst fired his attorneys and that Soren Christensen was hired and F. B. Scott and E. E. McDougall were retained.⁵²

⁵⁰Wallace Stegner, "Joe Hill: The Wobblies Troubadour," New Republic (January 5, 1948), pp. 20-24+.

⁵¹"The Case of Joe Hill," New Republic (November 15, 1948), p. 19.

⁵²Salt Lake Tribune (June 20, 1914), p. 2.

The "Friends of Joe Hill" present no new evidence and document nothing. Their appeal was emotional. ". . . the bullet wound in his chest was the only evidence against him. Because of it the anti-union elements in Utah were given an opportunity to rid themselves of an fiery IWW agitator."⁵³

Vernon H. Jensen, Professor of Industrial and Labor Relations at Cornell University, took up the legend of Joe Hill in an article for the Industrial and Labor Relations Review. Professor Jensen documents several points, first there is no evidence that Joe Hill worked at the mines or smelters at Bingham.⁵⁴

Secondly:

Morrison /the victim/ was not a Mormon. He had been associated with the old Liberal Party, which was in political power when he became a police officer. This party operated in opposition to the "Church" influence in politics, and the Church had no interest in Morrison. The justice of peace who committed Hillstrom to jail in the first instance, Harry Harper, was a Mason. The judge at the trial was M. L. Ritchie, a vestryman at St. Mark's Episcopal Church. Not one of the three Supreme Court judges, C. J. Straup, J. Frick, or W. J. McCarthy, was a Mormon. The district attorney and the attorney general were not Mormons. The jury was composed of six Mormons and six non-Mormons.⁵⁵

Thirdly:

IWWism was really injected into the case only after a legal, albeit inadequate, trial had been conducted. It is not disclosed by the record, either in the district court or the Supreme Court, that Hillstrom was an IWW.⁵⁶

⁵³New Republic (November 15, 1948), p. 20. For a free copy of the complete text write to the Industrial Worker, 2422 North Halsted Street, Chicago, Illinois.

⁵⁴Vernon H. Jensen, "The Legend of Joe Hill," Industrial Labor Relations Review, IV (April, 1951), p. 357.

⁵⁵Ibid., p. 365. Also in: Pacific Reporter, No. 158, p. 697.

⁵⁶Ibid.

Vernon H. Jensen and Wallace Stegner seem to believe Joe Hill had a proper trial, if poorly conducted, and he was probably guilty and just another labor stiff, not much of an I.W.W. organizer but important because of his songs which have grown into American folksongs.

Opposite conclusions are reached by Philip S. Foner in his book the Case of Joe Hill,⁵⁷ written to commemorate the fiftieth anniversary of Hill's execution.

Dr. Foner scrutinized the materials and documents available but his work shows a high degree of partisanship for Joe Hill and the I.W.W. This bias defeats the purpose. If you believe Hill was railroaded a reading of Foner will confirm your belief.

. . . That day is long overdue. It is time a statue of Joe Hill was erected in Salt Lake City. On it should be inscribed the words: "In Memoriam, Joe Hill. We never forget. Murdered by the authorities of the State of Utah, November 19, 1915."⁵⁸

Dialogue, Spring 1967 carries the rebuttal by Vernon H. Jensen to the Philip S. Foner book:

Because of my earlier account of events . . . I have come in for certain criticism by Foner. To reveal the nature of his presentation and to give any serious student a better basis for judging the truth, various of his criticisms . . . warrant special rebuttal. Foner says he does not see how I could say, "From a legal standpoint it is clear that Hillstrom had a proper trial." It is a little annoying that I am taken out of context; what I said in the next sentence reveals more fully my judgment of the trial: I said it was a poor one . . . The most amazing aspect of Foner's treatment of this sentence of mine is that twice he had Judge Hilton, Joe Hill's attorney during the appeal stages--and certainly one of Foner's heroes in the episode, say the same thing I said . . . Note this sentence: "The evidence was insufficient to warrant conviction: the trial was legal, but the outcome was unjust." (p. 66 italics supplied).⁵⁹

⁵⁷Foner, p. 108.

⁵⁸Ibid.

⁵⁹Vernon H. Jensen, "The Legend and the Case of Joe Hill," Dialogue, II (Spring, 1967), p. 99.

Another area of disagreement is the testimony of only eye witness Merlin Morrison. Jensen has this to say:

Foner's treatment of the testimony of Merlin Morrison is instructive as to his basic method. When it serves Foner's purpose to do so he discredits Morrison (pp. 19, 30). When the testimony can help Foner it is used to make his case. There are a number of unfounded assertions and conclusions based on nothing but a pre-conceived theory and strong emotion. For example, Foner asserts that the "jurymen did not render their verdict impartially" (p. 54). What is the evidence for this assertion? Apparently it is only because they did not find for an acquittal.⁶⁰

The court records and newspapers give the account of the case and depending on the frame of reference Joe Hill is or is not a martyr. Foner does not delve into the character of Joe Hill; Stegner comes close in The Preacher and The Slave, but what of the complexities and the social conflicts Hill represents? Was he a radical, a rebel uncompromising in his concern with principle rather than political expediency.

It is because of these social conflicts and complexities in American life that Joe Hill should remain in American history rather than the question of whether he was not guilty. This is a case to study to help understand the American society yesterday and today.

⁶⁰Ibid., p. 100.

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