

THE CLIFTONVILLE MINE RIOT
OF 1922

Permission to reprint the Cliftonville Mine
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FOREWORD

The Brooke County Historical Review is being published to preserve materials which are of interest to the amateur and professional historians.

Members and non-members are invited to submit articles for publication.

All material, reprints of newspaper articles, letters, excerpts from diaries and original research and writing will be considered.

The Brooke County Historical Society was chartered by the State of West Virginia on the sixth day of March, Nineteen Hundred and Twenty-nine.

Among the stated purposes of the Society is, "Commit to writing and make records of historic events, persons and points of interest in order that we may gain a more complete history of the hardships and heroism, the trials and triumphs of those pioneer settlers who won for themselves, their descendents and future generations, the broad and beautiful land."

On July 17, 1922, one of the strangest, most publicized, and least remembered incidents ever to occur in Brooke County, West Virginia, took place. It was in the early morning hours of this muggy Monday morning that the tiny coal mining village of Cliftonville gained its only mark of distinction, bringing with it a startling series of events that cast a black mark upon the coal operators, union organizers, and the innocent citizens of Brooke County.

In this work I will attempt to view the riot from both the union side and the company side, as well as restate the facts as given by the news media of the day. Although the battle itself involved at least 500 men, I was able to find only one participant of the action, who was able to relate clearly to the chain of events and the circumstances that surrounded the riot.

As a result of the Cliftonville riot, thirteen men were listed as dead, including H.H. DuVal, the only Brooke County Sheriff to be killed in action, seventy-eight miners were indicted on first degree murder charges, 138 miners were indicted on charges of conspiracy to burn, destroy or injure, the most sweeping injunction in the history of the state was issued, and a record of forty-five convictions by one term of a county grand jury was turned in, which at the time was a record in American jurisprudence.

Cliftonville was located six miles from West Virginia Route 2, two miles north of Wellsburg. Built along the shore of Cross Creek it was serviced by the Wabash Railroad, which stopped at the station on a regular schedule.

Although the village was never incorporated as a municipality, it had a United States Post Office and a Company Store. The main section of town contained about ten houses mostly of a large size, and the newer section, or New Brock as the villagers called it, had close to thirty houses, many of which were of a modern and beautiful nature.¹

Since Cliftonville was a company town, no accurate census records were kept due to the constant turn over in the population, but as near as can be determined from the various sources interviewed, it held between 150-200 adults. Of these at least 75% were of foreign descent and could not read, write, or speak English.²

To the east of the village was the Village of Virginville, which was about twice as large as Cliftonville, and to the west was Louise, also considerable larger. Both of these villages were products of the mines located there, and were also run by the companies owning the mines.

The incident at Cliftonville was by no means an isolated case of civil disobedience on the part of disgruntled miners. It was not even the first outbreak in the county concerning the unionization of the coal miners.

The first such outbreak occurred in Benwood, Marshall County on December 29, 1919. Sheriff W.E. Clayton and his Chief Deputy were seriously injured in an attempt to stop union miners from going to work in a mine that had recently adopted a policy of hiring only nonunion workers. One miner was killed as a result

of this skirmish.³

Another mine outbreak occurred on November 24, 1920, in Matewan, Mingo County. A group of one hundred men assaulted nonunion workers on the way into the mine, resulting in many injuries and deaths. Included in this group of men were many former employees ^Fired by the management because of their union membership.⁴

After a week of rioting and shooting, West Virginia Governor John J. Cornwall levied martial law on the entire county due to the shortage of funds provided for the local sheriff's department.

The very day martial law was declared, Sheriff William Francis was killed by sniper fire causing a mass deputization of the townspeople as well as a large number of outside toughs brought in by the owners under the ruse of "private detectives".

Following this action the UMW vowed to struggle until the bitter end, which prompted Governor Cornwall to pledge order, "If it takes every man we can enroll in West Virginia and the United States Army in the bargain."⁵

As order was finally restored and sixteen men accused of murder were brought to trial in Williamson, another gun battle broke out as the jury was deliberating. As a result ten of the sixteen accused were acquitted returning Williamson, Matewan, and all of Mingo County to a severe state of nervousness.⁶

On May 10, shortly more than a month after the trials of the first action in Matewan, guerrilla warfare broke out in

Williamson. That very day state troops were called back to Mingo County, and a day later Federal troops checked into the battleground. Once again martial law was declared.⁷

The fighting raged on as both the Kentucky and the West Virginia sides of the Ohio River became a bloody battle area.⁸ Finally on May 23, the Congress of the United States staged an investigation of the situation.⁹

This action merely slowed down the violence for a short period. Three more men died before the end of May.¹⁰ On June 14, the situation took a dramatic turn for the worse as 1500 armed strikers marched on the Mingo County Seat of Williamson in a show of force.¹¹

Following this another uneasy feeling fell upon the county. On August 21, an initial group of 2000 union sympathizers planned a march on Mingo County.¹² As the march began they first siezed and held the city of Huntington on August 24. This prompted Governor Morgan to ask for Federal aid on August 28.¹³

One day later President Warren G. Harding honored his request and included an order to disperse immediately.¹⁴ Finally on September 4, 4000 striking miners surrendered to state and federal troops.¹⁵

The first such action of any note that occurred in Brooke County took place in Wellsburg on February 20, 1921. Dan Alleman, a deputy sheriff with the reputation of being trigger-happy, accosted a group of union workers in the vacinity of the LaBelle Mine in what is now the city's fourth Ward. During the ensuing

scuffle four unarmed miners were shot.¹⁶

On June 3, Ramon Spinosa, an uninvolved bystander, testified in Circuit Court in Parkersburg that Alleman was the instigator in the dispute, and that he did indeed shot four unarmed men.¹⁷

An interesting note involved with this trial is that it was the first case in West Virginia, and one of the first in the country, in which the Clayton Act was used providing for a trial by jury instead of a judgement rendered by the court.¹⁸

After three days of hearings and deliberation the jury reported on June 6, that it could not reach a verdict.¹⁹

Now that the background and history of the situation at the time has been explored it is of great value and interest to explore the background and events in the life of Sheriff H.H. (Hardin) DuVal.

A rugged individual, DuVal was the grandson of General Issac Hardin DuVal. Aside from being Brooke County's highest commissioned officer during the Civil War, General DuVal was also a treaty agent dealing with the Indians in the Northwest, a state legislator, and a U.S. Congressman.

Upon the death of his father DuVal claimed his share of the estate in cash and quickly invested it in securities. Following this action he left the area and wandered west leading the life of a traveling cowboy. He eventually settled in Wyoming as a cattle rancher and remained for twenty years.

At the age of sixty DuVal returned to the place of his birth and was quickly persuaded to enter the upcoming sheriff's race in

the 1920 election. During the weeks of the campaign he spoke of a strong unionism platform to the miners and promised to aid the miners of Brooke County, including those at Cliftonville in their quest for unionization.

Receiving the solid vote of the miners of the county, DuVal swept into office in the Republican landslide of 1920. He received the highest margin of victory of any candidate in the Brooke County elections.

Following his victory he became very active in the fight against bootleggers and rumrunners, scoring an impressive list of arrests. Although his arrests were in record numbers, very few cases were actually brought to court.²⁰

As a result of this more and more of the citizens began to suggest a grand jury investigation into the matter. After word was finally released by some of the victims that they had been promised the freedom from further investigation in return for a large payment, Judge J.B. Somerville turned the matter over to the Spring term of the Brooke County grand jury. Bethany College President Dr. Cloyd Goodnight was chosen as the head.²¹

On April 3, 1922, a true bill was returned, signed by Dr. Goodnight stating that Sheriff DuVal had arrested various gamblers, and bootleggers without due process of law, and accepted money from those arrested in exchange for immunity. All told a total of twenty-two specifications of misconduct in office on the part of Sheriff DuVal were handed down.²²

No decision had been reached by Judge Somerville in this

matter before the end of the spring session and the bill was placed on the schedule for the fall session. As it so happened no decision was ever reached on the bill as during the summer of 1922, the incident at Cliftonville took place.

Although the nation had been involved in the UMW strike of March 31, only West Virginia and scattered sections of Kentucky and Indianan were having problems of a violent nature.

All of the mines in neighboring Pennsylvania and Ohio were closed down, as were nearly all mines in the Southern section of West Virginia. Only those mines in Ohio, Brooke and Hancock Counties were still operating full time. All of these mines were operating beyond capacity, and were using one hundred per cent nonunion workers of "scabs" as they have come to be called.²³

The Cliftonville mine was a typical example of the type of operations that were going on. On April 1, the Richland Coal Company of McKinleyville and Cliftonville, a division of West Virginia-Pittsburgh Coal Company, purchased the Saledka Mine of the Sokeel Mining Company.

Upon the change of owners, the union men, currently employees at the mine, were fired due to their union membership and forced to move out of the company houses adjoining the mine property. Having no other place to go the men moved into a tent village across Cross Creek from the Cliftonville works.

In place of the union men the West Virginia-Pittsburgh Coal Company had tow boxcar loads of men from Alabama shipped in. Traveling in boxcars much like cattle, the men, mostly black,

were all products of Alabama's Penal System. Bearing scars from wrist and leg chains, and shackles these young tough men were remembered by George Caldwell as such, "They didn't know what fear was. All had spent time in the penitentiaries of the South."²⁴

At the time the capacity of the Cliftonville mine was between 800-900 tons per day, all hand dug and hand loaded. Instead the mine was putting out 1000-1300 tons per day.

One reason for this was the added profit to the operator's for using nonunion labor. However, an even bigger factor was the large contract that they had secured to provide the Pennsylvania Railroad with Coal who in turn supplied the major steel companies. With most of the nation out on strike the owners were out to protect their interests sparing no costs, including bringing in their own protection forces, the Iron and Coal Police.²⁵

The Iron and Coal Police were private detectives hired by the mine to prevent any trouble from the workers and to insure the maximum days work for the minimum days pay. It was not an unusual sight to see the force enter a company house and drag a man to the mine even though he complained of being too ill to work. Should a worker prove to be a union sympathizer or some other type of action that the owners did not like, he would return home from the pit at the end of a hard day only to find his clothing, furniture, and other belongings scattered around outside the company house that he had lived in when he left for work in the morning.²⁶

To insure his safety the miner was expected to do his job, accept his meger wages and to pay his bill at the company store.

In order to do his job well a miner at Cliftonville was expected to hand dig a vein of coal called Pittsburgh-8. It was situated four feet eight inches off the ground. Many times the men had to stand or kneel in water three feet deep to get at this vein. They received a top wage of twenty-five cents a ton after it was loaded.²⁷

The Wheeling Intelligencer for Monday, July 17, 1922, told of the heat wave that was currently hitting the tri-state area, causing great discomfort to the citizens. It also carried a major story concerning President Harding asking the nation's striking coal operators to go back to work.

On the lighter side, the paper predicted the victory of H.C. Ogden in the upcoming Republican Primary election, the New York Yankees and the St. Louis Cardinals were leading their leagues and overstuffed chairs were selling for \$46.50 at Stone and Thomas in Wheeling. As far as local entertainment was concerned the Voes Ball Company was performing "Peg O My Heart" at the Rex Theater.²²

But while this edition of the paper was still being put to print violance was being planned in Avella, Pennsylvania, which would "put the nonunion mine operators in their place for good."²³

At the union hall in Avella the men were organizing their march on Cliftonville. They had chosen Cliftonville because of it's geographic location; six miles from the Ohio, one hundred

yards from Pennsylvania, and at least a forty-five minute drive from the Sheriff's office in Wellsburg.

After a stirring session of speeches in Avella, the dissent miners marched on to Cliftonville along the tracks of the Wabash Railroad, a distance of four miles. During their march they collected all of the men they could from houses along the way, at times forcing men to join in against their will. Upon reaching The Panova Baseball Field on the Pennsylvania side of the Wabash Tunnel the men regrouped and listened to their leaders for their plans of attack. It was at this point that John Kaminski was alleged to have shown he was a leader in the revolt by assigning duties and directing the men what to do once they reached the other side of the tunnel.³⁰ I can only state that Kaminsky was alleged to be the leader because it was never proven in court whether he and/or anyone else ever released the names of the leaders.

Meanwhile back in Wellsburg a posse was hurriedly being organized to stop this march. Quite by accident Earl Fowler, a farmer by trade, was traveling through Avella returning to his farm on Washington Pike from Burgettstown. He happened to overhear men talking about trouble at Cliftonville and immediately notified Sheriff DuVal, who had by coincidence married his cousin.

Upon receiving this information Sheriff DuVal set out to organize a group of deputies to protect Cliftonville and by eight o'clock that evening had succeeded. Besides using all of the regular deputies that were available, Sheriff DuVal deputized his

son Tom, and his friends George Caldwell, and the Hough brothers. All were neighbors, and the Hough boys were students on summer vacation from West Virginia University. At the time of his deputization Caldwell, a recent graduate of the West Virginia University School of Mining Engineering, was employed by West Virginia-Pittsburgh Coal as a Mine Superintendent.³¹

While the miners were massed at Panova the Sheriff and his troops were settling into cover at the mine site. Around midnight the Sheriff left young George Caldwell in charge and went back to Wellsburg vowing to return shortly with more men. Caldwell, only a young man of his early twenties, told of the fear that he suffered upon being told he was in command of what was a near state of martial law. Said Caldwell of this incident, "I was scared to death. I didn't think it was right of the Sheriff to leave and place all of the responsibility on someone as young as I was."³²

A few hours later DuVal did return and brought his chief deputy Irwin Mozingo as well as more guns and ammunition. Once more they waited in the sickeningly uneasy air of the village.

The first sounds of any disturbance were heard at two o'clock as explosions shook the quiet of the valley and sky rockets lit the summer sky. At this point the defenders prepared themselves for battle, but nothing happened.³³

For reasons unknown both then and today, the marchers stayed on the Pennsylvania side of the tunnel. It can only be assumed that the group was very loosely run and a conflict had arisen over

their time of attack.

Once more the Sheriff and his deputies were forced to wait in the agonizing stillness. As the night drew on the sounds of men moving through darkness could be heard as the men moved through the Wabash Tunnel and into the heavy foliage that surrounded Cliftonville.³⁴

It was nearly daybreak as the 5:15 to Steubenville picked up its sack of mail, dropped two men off, and was just pulling away from Virginia Station as the battle began. The strikers had split the forces and had circled Cliftonville from three sides as they held their positions on the hills surrounding the village.

As the train pulled out the first wave of attackers charged from their position and headed straight for the tipple. They were lead by a man in some type of soldier's uniform who waved an American flag wildly over his head as he screamed out war hoops and shouts. This group captured the tipple at the head of the mine and immediately set it in flames. Once this had been done they returned to the top of the hill under a steady stream of gunfire from all angles.³⁵

After the miners had returned to the hill they began another charge circling around the hill behind the supply store. Their main goal in capturing the supply shed was to take all of the explosive charges they could and to blow up the entire mine so that it could never be opened again.³⁶

Amidst this battle of the supply shed, more confusion was being created at the tipple. In an attempt to stop the fire from

spreading to the rest of the mine, the mine guards had dynamited the conveyor and the works surrounding it, as this was the only connecting link between the tibble and the mine pit.

This explosion caused great panic to the bystanders and participants of the battle, as no one knew who did the dynamiting. It was not until hours after the battle that some of the deputies were aware that their own men had blown up the tibble and conveyor.

Meanwhile, the sheriff and a small group of men had gone to the supply shed and were attempting to climb up the hill and to encircle the invaders. It was here that Sheriff DuVal met his death.³⁷

Upon reaching the hill he began to climb up apparently in an act of bargaining with the miners. Local legend had it that DuVal put up his hand and said, "Hold your fire men. I'm coming up."³⁸ However, there is some disagreement among my sources as to whether this type of confrontation actually occurred.

Regardless of the words, if any were spoken, the Sheriff was gunned down as he made his way up the incline by one or more gunners. Even today, over fifty years afterwards, the actual killer or killers have never been recognized.

The deputies, unaware of the death of their leader, continued to fight gamely, despite the heavy odds. As one of the deputies, George Caldwell described his involvement to me as such:

I was caught at the bottom of the hill behind the supply shed trapped by gunfire. As I felt the bullets whizzing around me I ran for the nearest tree. From behind the tree I was able to see much of the fighting. I watched as a young colored fellow dove into a large clay culvert

near the railroad tracks. As he huddled in fright, the bullets ricocheted off the earthen pipe until it began to disintegrate from the shelling. I was quickly brought back to my senses as a bullet struck the tree I was hiding behind. Had it not been for the tree the bullet would have hit me in the chest. The shooting was beginning to die down so I tried to make a run for the station. As I was running I came upon a big fellow coming towards me. He took one shot and missed. When I pointed my gun at him he threw his away and I arrested him."³⁹

Finally as the sun rose over the village, the bank of attackers withdrew their forces back through the woods and into Pennsylvania. With them they dragged back most of their wounded and dead. This resulted in having no accurate count ever taken of the casualties. It was common for men and women to talk of neighbors and friends of their's who had gone out that night and never returned. Because many of these men had no relatives in America no one bothered to investigate their disappearance.

By seven o'clock the gunfighting had subsided and the curious came out of hiding to view the scene. Known dead from the battle besides DuVal were Francis Milich of Monesson, Pennsylvania, a man known only by the last name Crook, and an unknown man said to be from Pennsylvania. The only other casualty suffered by the defenders was Deputy Sheriff Irwin Mozingo. Bleeding profusely from the head and face he was carried to a vehicle for transportation to the hospital.⁴⁰ It was later told that Mozingo was the finest marksman in the battle. Holed up in a fan house, Mozingo, while firing his two pistols simultaneously shot at least a dozen of the strikers.⁴¹ After being placed in the car he raised his head, smiled, and waved to the onlookers, as if to assure them that he would be alright.⁴²

The Wheeling Intelligencer of July 18, carried the following descriptions of the battle by an onlooker and one of the special deputies. Mrs. Louis Bennett, the landlady of a boarding house near the mine described the action as follows:

Suddenly there was a shot. Then another. Then all hell broke loose. About 500 men or so it seemed to me, were marching along the ridge... At the head of the column was a man dressed in what looked like an army uniform. He was carrying a banner. They disappeared into the woods for a short time. Then come our shouting and shooting their guns. One column of what I guess was a couple hundred men swept down on the tipple. As I could see that brute carrying the American flag was waving like fury and shouting. He was one of the first into the tipple, and then stuck his head out of one of the windows still waving his flag. The next thing I knew the tipple was on fire.⁴³

Merely an innocent bystander, Mrs. Bennett told of being fired upon many times.⁴⁴

Martin Joint, on duty as a special deputy, told of the battle from his position:

Tremendous odds were faced by DuVal's men and the employees of the mine sworn in to give aid to DuVal; his son Tom, Roscoe Hough, and Irwin Mozingo. We were told not to fire until fired upon. The invaders began shooting and we returned fire. There weren't too many of us and were short of fighting equipment. There wasn't more than six good rifles all together on our side. We saw that we couldn't save the place the way the defense was being made. We were switing for a chance to make a deal. The Sheriff and three or four men came over by the supply store and started up the hill to encircle the attackers. The Sheriff encountered them on the hill and there he was killed. Poor fellow! They shot him, beat him, and shot him again while he was down.⁴⁵

Joint also said that he is certain that a number of attackers were killed and carried away by their own men.⁴⁶ He added that the defense of Cliftonville was poorly organized as the invaders

were allowed to achieve strategic points along the rim of hills gaining a big advantage.⁴⁷

Tom DuVal was immediately appointed acting sheriff by the county commissioners upon their notification of his father's death. His first act in office was to begin grand jury investigation into the entire incident.⁴⁸

George Harvey, an Austrian striker was one of the first arrested in conjunction with the crime. Upon his arrest by three West Virginia state troopers enroute to Avella via the Wellsburg-Avella Pike, he quickly confessed his involvement and confessed that Steve Betts from Avella was DuVal's assassin.

When he arrived at the jail in Wellsburg he was suffering from a severe head wound. This was caused by Trooper McMillan, of the Moundsville Detachment, smashing a gun over his head in an alleged get away attempt.

After moving through the thick crowd that surrounded the jail and court house in Wellsburg he pleaded to the authorities that he was forced to join the march with expulsion from the miner's union the penalty for refusing, He said, "I go this way," indicating that he marched from Avella to Cliftonville unarmed.⁴⁹

The deputy sheriffs did not conceal their hard feelings toward Harvey. When he asked for water he was first refused. After pleading he was finally lead to the pump by the state troopers. They told him, "You ought to get your water before you cross the Pennsylvania line next time."⁵⁰

Upon finding a bottle of alcohol in the pocket of Harvey's coat, the state police issued a statement that the invaders had been nerved to their attack by a supply of Jamaica ginger. The report stated that it enables men to lie out at night and even sleep out of doors in the rain.

All told forty-three men were arrested in that first day after the shooting. Sheriff Tom DuVal indicated that all would be charged with murder.⁵¹

After his speedy apprehension, Steve Betts was moved to Wheeling by Prosecuting Attorney W.S. Wilken. This was done to insure the safety of the accused.⁵²

All told there were forty-three men arrested shortly after the action had ceased. With the forty-three men in custody in Wheeling the Wellsburg, sheriff's deputies armed with "John Doe" warrents scoured the countyside on both sides of the boarder. They were aided in Pennsylvania by Pennsylvania Troopers who were stationed near the boarder to guard against further attacks and to be in watch for attackers returning to Avella from hiding places in the woods.⁵³

In Avella the Brooke County deputies were given authority to stop any man on the street and question him. If he could not supply the right answers or account for his presence during the riot he was taken to the court house in Wellsburg for more questioning. Included in this group of "suspects" were many newspaper reporters attempting to gain information from the miners in Avella.

After these men had satisfactorily proven their identity and their whereabouts on the night in question they were released. They were, however, forced to find their own transportation back to Pennsylvania as no public transportation existed, and the sheriff's deputies refused to provide any aid.⁵⁴

On July 18, the following editorial appeared in the Wheeling Intelligencer:

In reaching an opinion on a case of this kind, no good citizen need stop to consider the merits of a dispute. Violence which is aimed at life and property cannot be excused. It is a direct blow at the law which is the voice of the people. To permit any individual or group to ignore the law is a step toward anarchy.

It is true, unfortunately that we have industrial problems of a grave nature-problems that call for the best and most enlightened thought of labor, capital, and lawmakers.

Bullets and dynamite will never settle these problems. Thought is the only weapon that will.⁵⁵

Also printed in that day's edition of the Intelligencer was a statement released by Austin V. Wood, Assistant Prosecuting Attorney of Ohio County. Through information supplied by Frank Bodo and Angelo Mariden, two of the arrested strikers, he stated that the men went to the mine with the intention of stopping the nonunion men from working and only doing this. They had no intention of killing or injuring anyone, although it was admitted that some attackers were armed. However, it was pointed out that this was only a small percentage. The release further said that four Italian men of unknown identities shot and killed Sheriff DuVal.⁵⁶

On July 18, Mayor George Kraft of Wellsburg proclaimed that all business in the county seat would be closed from two o'clock to four o'clock on the afternoon of DuVal's funeral as a sign of respect to the fallen sheriff.⁵⁷

Following the release by Wood the Brooke County authorities released a statement to the effect that Betts was not DuVal's killer. Under heavy questioning by detectives, George Harvey confessed that he was only accusing Betts out of a personal feud and saw this as a chance to get even.⁵⁸

By July 19, the number of arrests had swelled to eighty-two in all. For some unexplained reason, however, the authorities at Wellsburg refused to give out any more information other than this number to the newspapers.⁵⁹

Word was released in Elkins as U.S. District Judge W.E. Baker issued the most sweeping injunction in the history of the state. The injunction labeled "Richland Coal Company of McKinleyville and Cliftonville vs. United Mine Workers" prohibited any of the defendants and their associates from trespassing on any land held by the company and from interfering with the company's operations and it's men.⁶⁰

As this was being issued in Elkins, the entire city of Wellsburg halted operations as funeral services were conducted for Sheriff DuVal. The cortege moved slowly through the streets of town enroute from the DuVal Homestead on Pleasant Avenue to the Brooke Cemetary. In attendance at the services were J.S. Marshalls from both West Virginia Districts, state and local

judges, the Warden from Moundsville State Prison, and the mayors and officials from the towns in the surrounding area. Flowers were received from all levels of government and from mayors of many major U.S. cities.⁶¹

In preparation for the mammoth trials to be held in the fall, the Brooke County Commissioners set aside \$40,000.00 for what promised to be a carnival spectacular. They expected this to cover all expenses in the trials plus transportation and jury pay.⁶²

After a twenty-nine day period of silence the Brooke County officials finally released the arrest totals and the charges levied. A grand total of two hundred sixteen men were to be indicted. Of this number seventy-eight were charged with first degree murder while the remaining one hundred thirty-eight were charged with conspiracy to burn, destroy, and injure.⁶³

On August 18, pleas were heard resulting in seventy-eight not guilty to the charges of murder in the first degree, and one hundred thirty-six not guilty to the charge of conspiracy. Only William A. White and James Page pleaded guilty to the conspiracy charges.

Also on this day a change of venue was asked for by counsel on behalf of the accused. They wished to have the proceedings moved to the Ohio County Court in Wheeling due to the threat of partiality in Brooke County.⁶⁴

On October 8, the trial opened with the charge of venue plea the first order of business. Presented to the court was a

petition stating nine reasons why the trial should be moved from Brooke County. Items were as follows:

1. A fair trial cannot be had in Brooke County.
2. Lynching threats had been made to the accused.
3. DuVal was well known and liked and left relatives throughout the county.
4. Friends and relatives of the late sheriff have said that the defendants should be killed or lynched.
5. Citizens of Brooke County have gone on record rallying the strikers guilty.
6. The local newspapers have caused hostile feelings.
7. George Caldwell and Tom DuVal have shown hard feelings and issued bad statements concerning the defendants.
8. Bitter feelings are in evidence everywhere.
9. Hostility has been shown to the defendants since their arrest.⁶⁵

As the panel of fifteen Brooke County citizens studied the motion the trial date was set for October 16, with Steve Kaminsky scheduled to be the first to be heard. He was to be proven by the state to have been one of the most conspicuous figures in the armed march and conspired against, and aided in the killing of Sheriff DuVal.⁶⁶

While a decision was being awaited, Joseph Tracz was arrested in Tarentum, Pennsylvania. Although he was an alleged leader in the riot, he waived extradition and came to Wellsburg willingly.

On October 16, the change of venue failed, but trial was postponed due to an abscessed tooth suffered by Charles J. Schuck attorney for Kiminsky. A delay of one week was granted. At this time it was announced by Judge Sommerville, that due to the nature of the case someone other than Tom DuVal would have custody of the jury. A four man panel consisting of John M. Brown, C.D. Kyle,

Charles Beall, and O.L. McCoy was selected immediately.⁶⁷

As the trial opened on October 23, Attorney John J. Coniff, and assisting prosecuting attorney W.S. Wilken, told the jury of the riot and the planning that went into it. He finished his statement with an emotion filled speech describing the killing of the sheriff. He preached, "They not only killed him, but took clubs and beat the face of his lifeless body. They held the barrels of the guns so close to his face that it left powder burns as they shot him again."⁶⁸

Following this Attorney John Gardner of Wheeling, assisting his partner Charles Schuck, told the jury that he intended to prove that Steve Kaminsky was currently living in Cantor, Ohio, and came to Avella for a lawful purpose. He was in view of the marchers and was forced to go along with the threat of disbarment from the UMW for life should he refuse.⁶⁹

On October 27, the state produced it's star witness, Charles Wilson of Monzaga, Pennsylvania. Picked up on charges of being a suspicious person he was lodged in the Brooke County jail. Upon finding out he had escaped from the Pennsylvania House of Corrections he was returned in a short time.⁷⁰

He swore that while incarcerated in the Brooke County facility he became acquainted with Kaminsky. It was then on August 12, that Kaminsky identified himself and confessed to Wilson that he had killed DuVal.

Until this point Kaminsky, at nineteen the youngest of all the accused, had remained cool and unmoved. Upon recognizing

Wilson he quickly turned pale and nervous.

Immediately following Wilson the state called Alfred Myers, also one of the accused to the stand. Myers, testifying without immunity, singled out Kaminsky as having a gun while at least forty men were unarmed.⁷¹

The trial continued until November 5, when Kaminsky was ruled to be not guilty. Attorney Schuck, who was later to successfully run for mayor of Wheeling on the notoriety gained from the trials, was given great credit for the verdict by his scouring of the state for it's tactics employed in obtaining evidence. He insinuated that the entire case was a frame up and was very critical of the methods the private detectives employed.⁷²

Recessing until November 20, the court rested while the authorities continued to bring in more suspects. Mike Matulich was apprehended in Avella on November 19. Alleged to be a leader in the revolt, it was said that Matulich kept the men in line and threatened to kill any who left the march.⁷³

Scheduled to begin on November 20, the trial of Peter Radakovich had to be postponed until November 27, due to a faulty warrant for his arrest. The owner of the mine was incorrectly stated thus causing the delay.⁷⁴

On November 27, the trial for Radakovich opened after an unsuccessful attempt to quash the new indictment was made by attorneys Schuck and Gardner. Radakovich, a forty-two year old medium built man of Slavic birth, entered a plea of not guilty while he chewed his tobacco with very little emotion.⁷⁵

The following day Attorney Coniff claimed that Radakovich, also known as "Big Pete", lead the miners in their charge and carried the flag atop the tipple. He declared that the state would prove he did this, as well as prove that he lead the miners down the hill as they attacked the mine.

In rebuttel, Attorney Schuck denied Radekovich's presence at the Cliftonville riot and stated that he would prove that he was injured in a mine accident in Avella on October 21, 1921, and was still unable to work. He claimed that Radakovich was forced into the line of march and did nothing more than accompany the strikers.

The first witness for the state, George Caldwell, testified that the man he arrested was Radakovich. He could not, however, identify him as the flag bearer. Further testimony by Caldwell disclosed that Radakovich shot at him during the battle. After he shot his pistol, he threw it away before Caldwell placed him under arrest.

Under cross examination, Caldwell was not able to prove beyond a shadow of a doubt that the object Radakovich threw away was a pistol.⁷⁶

When I asked Caldwell about his run-in whith Radakovich the elderly gentleman replied thusly, as twice he stopped to brush away tears from his eyes.

After he fired once at a distance I came out to him with my gun pulled. At this point it was either him or me. I had my .38 pulled first and he surrendered. I arrested him and held him until I got more help.⁷⁷

While the Radakovich hearing was still in progress, J.W. Stephens of Wellsburg was sworn in as the full time sheriff. His first act in office was to abolish the system whereby the mine operators hired private guards and gave them the same powers as deputy sheriffs. He permitted the mines to hire watchmen, but they could have no extraordinary powers.⁷⁸

Radakovich took the stand on December 4, and pleaded that he was forced out of his home in Avella and threatened with harm if he did not join the march. After consenting to march along he attempted to escape, was caught, and once again was forced onward to Cliftonville. After reaching the woods surrounding the mine the defendant claimed that his injuries necessitated him to lay down in the grass and sleep. When he was awakened in the morning by a deputy, he was placed under arrest for reasons which he claimed were not true.

Following this testimony, Dr. Harry Stunkard of the Avella Coal Company testified as to the extent of Radakovich's injuries.⁷⁹

The verdict as handed down on December 5, found Radakovich guilty of conspiracy. It was stated that Radakovich did not have to be at or near the tipple in order to be guilty of violation of the Red Man's Act.

Upon this verdict Radakovich winced and his wife in the gallery sobbed. Defense for him claimed that the testimony against him was "colored" thus resulting in an unfair decision.

The state also chose at this time to drop all the remaining homicide charges and change them all to conspiracy.⁸⁰

On December 12, as Teddy Arunski, a twenty-four year old American from Avella was preparing to face trial, Attorney's Schuck and Gardner presented an affidavit signed by five Brooke County citizens claiming that Harry H. Stoops a juror in the Radakovich trial was prejudiced against their client. Stoops was allegedly heard to say, "If I had anything to do with the jury in the case, everyone of those miners who took part in the Cliftonville mine battle would hang." He was supposed to have said this at a party shortly after the trial that freed Kaminsky.⁸¹

As the Arunski trial continued, state witness Andy Geresti, upon being cross examined by Attorney Gardner admitted to giving false evidence as testimony. He testified that Arunski was one of the main agitators speaking at the Panova Ball field.

Arunski, in his own defense, claimed that he was near Panova, heard the commotion, and wondered into the meeting to find out what the problem was. It was then he was forced to stay although he warned the miners against using violence.⁸²

After hearing Arunski, the court adjourned and on the following day James W. Smith was called to the stand. He claimed that Arunski was indeed a leader. As this was said, Arunski shifted in his chair uneasily.

Smith continued to testify and said that Arunski not only made a speech at Panova, but gave orders all along the route of the march.⁸³

On December 15, Thomas Miller of Cedar Grove, Pennsylvania, and Thomas Roadway of Avella, both told the court of hearing

someone warn the crowd at Panova against violence. The voice they heard also told them not to carry matches to the mine. However, they could not identify the voice as that of Teddy Arunski.⁸⁴

The next day Teddy Arunski was found guilty and sentenced to ten years in prison on the charge of conspiracy. Immediately his counsel asked for a retrial and presented affidavits concerning the prejudice of E.B. Williamson and the eligibility of J.B. Grigsby as a member of the jury.⁸⁵

As the court recessed until after the first of the year, both sides were silent until December 22, when a statement was issued by Charles Schuck and John Coniff.

Schuck announced that he was going to appeal all of the cases to the Supreme Court on the grounds of Judge Somerville's instructions to the jury, his rulings on the admissibility of evidence, and the presence of men on the jury said to be prejudiced against the defendants.

On the other hand Coniff issued a report calling all rumors false concerning the dropping of homicide charges. "The Cliftonville disorder was inspired by Communist agitators who succeeded in swinging scores of ordinary law abiding miners to their views."⁸⁶

On January 2, the trials resumed with very little interest, if any, shown by the citizens of Brooke County. The galleries once filled to capacity now held only a few interested parties and a handful of relatives.

The trial of Charlie Ciacella of Panova, was over in a scant five days, the quickest up to that time. Although found guilty of conspiracy according to the law, he claimed that he was forced from his home and made to go to Cliftonville. While there he was given a weapon and forced to join the attackers.⁸⁷

After only one day of testimony Andy Rohar changed his plea from innocent to guilty. He was sentenced to five years in Moundsville Penitentiary on January 10.⁸⁸

Said Gardner, "Although Rohar was not guilty morally, he was guilty of conspiracy legally and technically."⁸⁹

On January 14, John Kaminsky was called to trial, this time on charges of conspiracy. He made Brooke County history on this occasion as he became the first man in history to refuse to enter a plea. After an initial period of confusion and uncertainty as to precedence, Judge Sommerville entered a plea of not guilty on behalf of the defendant.⁹⁰

A shocked court-house watched in disbelief on the next day of hearings as the state's star witness, Martin Kasarik, admitted to lying while under oath. He explained that he was confused and lied because if he did not it would be used against him.⁹¹

The state retaliated on January 19, as once again Charles Wilson was called to the stand to tell his story of Kaminsky's confession. Once again Wilson told his story flawlessly as Kaminsky lost his cocky attitude once again.

Following Wilson, "Buck" Page a negro worker from Avella was called in. Although a man with questionable moral standing,

Page identified Kaminsky and called him an organizer of the march.

Shortly afterwards Kaminsky sobbed hysterically as he was pronounced guilty of conspiracy and sentenced to ten years in Moundsville.⁹²

At this point the proceeding began to speed up, as on successive days Steve Tynkody and Dan Machuzeck pleaded guilty and were sentenced to four and seven years in Moundsville respectively. The cause for the difference in the length of their sentences was for the fact that Machuzeck did not change his plea to guilty until after a jury had been chosen and taken to Cliftonville to view the evidence.⁹³

On February 3, more confusion entered the trials as Joe Tracz ignored suggestions of his counsel upon how the case was to be tried. Attorneys Schuck and Gardner immediately dropped their client and W.N. Werkman of Wellsburg was appointed by the court. All of this action went for naught as on February 6, Tracz pleaded guilty and was sentenced to eight years in Moundsville.

In the confusion of the Tracz trial Joe Wallace of Avella, a negro, pleaded guilty and was sentenced to five years.⁹⁴

Also, on February 6, word was released from Wheeling that Charlie Ciacella, in the Ohio County jail waiting for execution of his sentence, had been judged to be insane. It was told that since his confinement Ciacolla continually cried out for his wife and children. He also cried and pleaded with an invisible

judge screaming, "I have done nothing. I have done nothing."⁹⁵

The following day Joe Rigus, and John Steklicic pleaded guilty and were sentenced to four years in prison.⁹⁶ Joe Martinelli did the same on February 13.⁹⁷

On February 21, a rumor was released to the press that Attorneys Schuck and Gardner would put a plan before Judge Somerville to bring the remaining trials to a quick halt. In consideration of guilty pleas by a number of defendants, the remainder of the indictments would be quashed according to the proposed plan.⁹⁸

As Mike Blike was preparing to go before the court on February 22, the plan was put into effect. In all it called for guilty pleas from thirty prisoners that the state considered "Key Agitators".

Said J. Bernard Handlen, an associate of Attorneys Wilken and Gardner, "Not a man that we have involved in this conspiracy has gone free. We have fifteen convictions and a clean record in the whole affair." Handlen continued on as he pointed out that the record of forty-five convictions in a single term was a record in American juris prudence.⁹⁹

The final trial began on March 7, as Frank Bodo of Avella was arraigned on murder charges. In a very lackluster and anticlimactic fashion he was ruled not guilty after a short trial ending the strangest set of trials ever held in Brooke County.¹⁰⁰

The final newspaper account of the battle and trials left the following figures.

At least eight miners were reported dead although the records hinted that local miners knew of many others.¹⁰¹ Further research has discovered that for days following the gunfight, secret funerals were held in the woods of Pennsylvania under the cover of darkness. Also, it has been discovered that men were buried in Ohio and West Virginia in unmarked graves or under assumed names so as not to implicate their family and friends.¹⁰²

As to the number of injuries related to the riot no one could ever dare to venture a guess.

The final court-house figures show that thirty men were sentenced to at least three years in prison. Also thirty additional miners threw themselves upon the mercy of the court and accepted the sentences given. This resulted in a grand total of one hundred seventy-two aggregate years in jail terms. Not to be discounted on the books were the names of one hundred twenty-six men who were freed according to the compromise of February 22.¹⁰³

As the men assumed their prison terms, it was interesting to note that the local unions of Avella, Donahue, Cedar Grove, Penobscot, and Studa all would be represented in the Moundville State Prison.¹⁰⁴

Another interesting note was that Deputy Sheriff Irwin Mazingo, severely wounded in the Cliftonville riot, fully recovered from his wounds. However, shortly after the trial had been completed Mazingo was wounded fatally in Beech Bottom, West Virginia, as he was investigating a reported domestic quarrel.¹⁰⁵

The final note of interest was learned as I interviewed Mr. and

Mrs. Paul Tripodi of Virginville. I asked the, "Who actually killed Sheriff DuVal?" A question that I had asked countless times before and received the answer of "No one knows."

As the elderly couple stopped and looked at me I could almost see them reliving the experiences of the July morning. Mrs. Tripodi after a deafening silence finally said, "I do not know the man's name, but we were told that the killer escaped the area and lived in South America."¹⁰⁶

From the way that the gray hair lady spoke, I realized that I should drop the subject at this point. I had finally realized that if anyone actually did know who the killer was they did not want the name to get out and the people that did not know who it was honestly did not want to find out.

Should one venture into the area of Cliftonville today there would be no evidence of the battle and all of the activity that took place with it. Instead one can only find the peace and serenity of a lovely country valley, removed from almost all civilization.

Gone is the mine, the boarding houses, and the station. All that is left are some cement foundations that once supported the ramps of the Cliftonville train station and the faint outlines of the hillside where the pitmouth of the Saladka mine of the Richland Coal Company of McKinleyville and Cliftonville, a division of West Virginia-Pittsburgh Coal once stood.

FOOTNOTES

- 1 Interview with George Caldwell, Steubenville, Ohio, March 7, 1974.
- 2 Ibid
- 3 Wheeling Intelligencer, December 30, 1919
- 4 Wheeling Intelligencer, November 24, 1920
- 5 Wheeling Intelligencer, December 8, 1920
- 6 Wheeling Intelligencer, March 20, 1920
- 7 Wheeling Intelligencer, May 11, 1920
- 8 Ibid
- 9 Wheeling Intelligencer, May 24, 1920
- 10 Wheeling Intelligencer, May 30, 1920
- 11 Wheeling Intelligencer, June 15, 1920
- 12 Wheeling Intelligencer, August 12, 1920
- 13 Wheeling Intelligencer, August 29, 1929
- 14 Ibid
- 15 Wheeling Intelligencer, September 5, 1920
- 16 Wheeling Intelligencer, February 21, 1921
- 17 Wheeling Intelligencer, June 3, 1921
- 18 Ibid
- 19 Wheeling Intelligencer, June 7, 1921
- 20 Wheeling Intelligencer, July 18, 1921
- 21 Wheeling Intelligencer, April 4, 1922
- 22 Ibid
- 23 Interview with George Caldwell
- 24 Ibid
- 25 Ibid
- 26 Interview with John G. Chernenko, Wellsburg, West Virginia, March 10, 1974.

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Interview with Mr. Paul Tripodi, Virginville, West Virginia, April 25, 1974.

Interview with Mrs. Benjamin Urso, Virginville, West Virginia, April 25, 1974.

Interview with a former miner wishing to remain anonymous, Virginville, West Virginia, March 3, 1974.

Wheeling Intelligencer, December 30, 1919

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Wheeling Intelligencer, February 14, 1923
Wheeling Intelligencer, February 21, 1923
Wheeling Intelligencer, February 23, 1923
Wheeling Intelligencer, February 24, 1923
Wheeling Intelligencer, March 10, 1923