



**The JOURNAL
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BIRMINGHAM REMEMBERED:

The *Shades Valley Sun* for June 1, 1961 carried an article the opening paragraph of which read as follows:

No one is indispensable, but it is hard to imagine what Birmingham and Alabama would be like if they had been deprived of the dynamism of Mervyn Hayden Sterne. For 40 years his unique combination of resolution, vision and energy has been at the command of the community. He is much more than a businessman with civic interests. He is, above all, a citizen who has been the creative guide and mainstay of a hundred good causes and at the same time an investment banker of national distinction. "Dedicated" is a much-abused term, but it belongs to Mr. Sterne, if it ever belonged to anyone. He is conspicuously an indefatigable servant of the public good.

To Mervyn Hayden Sterne, that "indefatigable servant of the public good"—five years after his death—this issue of *The Journal* of the Birmingham Historical Society is dedicated.

THE YEARS OF TRANSITION



Photograph by Nettie Edwards Spain

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FOREWORD

"Years of Transition" is one of the euphemisms often employed by historians in an attempt to characterize periods of substantive social, political, or economic change. Its use is, however, more than frequently subject to challenge, since few periods of recorded history have been devoid of substantive change; thus, it is virtually the whole of history and not just one period for which the phrase may be termed characteristic.

For the history of Birmingham, at least for those segments of that history upon which this issue of *The JOURNAL* of the Birmingham Historical Society focuses, the phrase is perhaps less misleading. The decade of the 1880's and the first two years of the decade which followed — prior to the severe economic recession of 1893 and the labor protests of 1893 and 1894 — were, indeed, a period of dramatic change, if one considers the economic boom of 1886 - 1887, the consequent growth of the city's population (from 3,086 in 1880 to 26,178 in 1890), the advent of architect-designed commercial and residential structures, the introduction of the electric light and the telephone, the development of new water resources, first, from Five Mile Creek in the north and, then, from the Cahaba River in the south, and the construction of what would

become a major street railway system, linking not only the various sections of the city but the city and its growing number of suburbs as well.

These years were indeed years of substantive change, but not simply in terms of economics and aesthetics. The roughness which one visitor had observed in Birmingham's earliest citizenry had, by the 1880's, with the advent of a thriving coal and iron industry and a consequent growth in population, evolved into a rawness which at times approached the uncontrollable. As one local historian has noted, "Saturday night was a night of wild abandon. A saloon on every corner gave invitation to turn payroll dollars into celebration. The weekend toll of dead and injured was appalling, when drunken brawlers 'shot it out' in bar or street, innocent by-standers not infrequently falling victim to the stray bullets. Some lurid writers began to refer to Birmingham as the 'Murder Capital of the World'."

Perhaps the one affair which illustrated most clearly the rawness that could typify life in Birmingham during these first years of dramatic change was the Hawes murders and the riot which followed the arrest and indictment of Richard Hawes for the murders of his wife and two of his children. In the July, 1978 issue of *The*

JOURNAL of the Birmingham Historical Society, Jeff Northrup recounted the events associated with the murders and offered a pointed critique of the role of one of Birmingham's major newspapers, *The Age-Herald*, in the creation of an atmosphere in which rawness was given expression as uncontrolled mob violence. In this issue of *The JOURNAL*, Northrup offers a conclusion to the Hawes affair, concentrating again upon the role of *The Age-Herald* and also upon what the whole affair had to say about Birmingham and its people during the first "years of transition."

The second period of marked change followed the economic depression of 1893 and the years of its immediate aftermath. In the first two decades of the twentieth century, not only was there a resurgence of labor unrest but, perhaps of greater economic significance, the invasion of the Birmingham District by United States Steel and the consequent transfer of a major industrial property, the Tennessee Coal, Iron and Railroad Company, from local and regional control to that of an emerging national corporation.

Coincidental with these developments came major changes both in the city's skyline, with the construction of three major "skyscrapers" at the corners of First Avenue, North, and Twentieth Street and a host of other large commercial buildings, and in her boundaries, with the creation in 1910 of Greater Birmingham, through the merger of ten outlying suburbs with the city proper.

Changes in the economy and in the face and shape of the city were not, however, the only evidences of transition. There were striking alterations in terms of social structures as well. During the first and second decades of the twentieth century, a plethora of social service organizations emerged, including the Boys' Club, the Children's Aid Society, the Salvation Army, and the Anti-Tuberculosis Society. In the same period, the development of existing institutions with similar or different orientations continued. Among the latter was the city's fledgling library. In Chapters III and IV of their history of the Birmingham Public Library, Virginia Pounds Brown and Mabel Thuston Turner continue the account of the transition of this institution from a facility designed to serve the needs of high school students and their teachers to one whose patronage was the general public. The torturous course of this transition, in the years between 1900 and 1909, and particularly the valiant but often frustrated efforts of those who struggled to create a public library and to staff the facility and house its collections adequately provide ample testimony of the unpredictable character of change. In the midst of a period of marked transition, the changes that occurred came not only with the speed of the hare but also with the slowness of the tortoise.

In one facet of life in the Greater Birmingham area, in that of race relations, change in the prevailing tradi-

tion of rigid segregation initially proceeded at a pace not unlike that of the tortoise. Although there were attempts as early as the 1890's and the 1900's to bring about some amelioration of at least the economic condition of black workers, little substantive change was realized, nor was it forthcoming in the 1920's or during the first few years of the Great Depression. In respect to race relations, the years after the beginning of the New Deal and those of World War II were, however, different. Although, once again, actual change in attitudes or behavior was difficult to detect, these were years of a heightening of consciousness, especially on the part of blacks, regarding their social and economic status; and it was precisely this less than visible change, coupled with a growing openness of Birmingham's economy to outside financial interests and the loosening of some of segregation's rigidity entailed by military service during a major war, which mark the years from 1934 through 1956 as a period of substantive though frequently inapparent change.

The major article in this issue of *The JOURNAL* focuses upon this more recent period of transition and upon a series of events in the area of labor - management relations in which the often less than apparent heightening of consciousness on the part of blacks was expressed with an openness and directness so threatening to whites as to provoke responses not too dissimilar to those which were characteristic of the late 1950's and early 1960's. Horace Huntley's article, "The Rise and Fall of Mine Mill in Alabama: The Status Quo against Interracial Unionism, 1933 - 1949," examines the struggle between the first avowedly bi-racial labor organization to gain representation rights among workers in North Central Alabama's iron and steel industry, the International Union of Mine Mill and Smelter Workers, and the region's major industrial giant, United States Steel's Tennessee Coal and Iron Company. Although in this struggle the issue of a rising black consciousness was clearly apparent, virtually no historical note has been taken of it until that given it by Huntley. In this regard, the article is a pioneering work.

In two other regards, this issue of *The JOURNAL* also departs from the norm. Unlike prior issues, this one is dedicated to and published in memory of one of the Birmingham area's principal civic and business leaders, Mervyn Hayden Sterne. The Editorial Advisory Board is grateful to the Sterne family for its support of *The JOURNAL* and of the Birmingham Historical Society. The Advisory Board is also pleased to announce that *The JOURNAL* now has not one, but two editors and that Robert G. Corley, Assistant Archivist of the Birmingham Public Library, has accepted the newly created position.

January, 1979 The Editorial Advisory Board
The *JOURNAL* of the Birmingham
Historical Society



A pair of iron ore miners take a lunch break atop a pile of lumber outside the Wenonah mines in 1936, three years after Mine Mill became the official union representatives for these men. Black miners such as these made up a large proportion of Mine Mill's membership. Copy of Farm Security Administration photograph; negative on deposit at the Library of Congress; photographic print, Department of Archives and Manuscripts, Birmingham Public Library.

THE RISE AND FALL OF MINE MILL IN ALABAMA

The Status Quo against Interracial Unionism, 1933-1949*

HORACE HUNTLEY

Editor's Note: This article is a revised version of a paper—by the same title—presented at the Sixty-third Anniversary Meeting of the Association for the Study of Afro-American Life and History, Inc., held in Los Angeles, California, October 12-15, 1978. Dr. Huntley is currently serving as Assistant Professor of History at the University of Alabama in Birmingham.

In 1933, the nation embarked upon a new era in labor history. Even the divide-and-conquer tactics of employers and the precariousness of race relations could not stop the new wave of worker organization. The new organizational thrust was sparked by the enactment of the National Industrial Recovery Act of 1933 which guaranteed labor's right to organize without management interference. The act was also designed to cut employment, shorten the work week, insure a decent wage and prevent unfair competition and overproduction.¹ Shortly after the act's passage, the United Mine Workers organized 400,000 coal miners within three months, and several other unions increased their numbers substantially.²

This organizational thrust was national in scope and involved many occupations; however, the focus here is upon the Birmingham, Alabama iron ore mines and the miners who worked them. While white miners did participate in this unionizing drive, black workers were the vast majority. There were five intervening years between the initial organization of the International Union of Mine Mill and Smelter Workers and the Union's first major victory. This victory was realized as a result of the outcome of the 1936 strike when 160 miners lost their jobs because of their strike activities. The Union was finally granted a National Labor Relations Board hearing in 1937 and not only won reinstatement and back pay amounting to \$102,050 for the discharged workers, but also obtained an agreement to negotiate their first contract with Tennessee

Coal, Iron and Railroad Company, a subsidiary of United States Steel.³

This was an important victory for Mine Mill. For two long years, the discharged miners and their families had suffered agony and hunger. The disappointments of those two years, coupled with that of the previous three, had been almost unbearable. The white miners who had remained loyal to Mine Mill had been ostracized both on and off the job for having the audacity to participate in the so-called "nigger union." Black workers had always been relegated to an inferior status and ostracized, so they undoubtedly thought it better to be organized and ostracized rather than simply ostracized.

The Union was in dire need of this major victory, which greatly bolstered its prestige. Jubilation abounded throughout the mining camps. Just as the National Industrial Recovery Act and the Wagner Act had rejuvenated workers' efforts to organize, this triumph served a similar purpose, and white and black miners now flocked into the Mine Mill fold.

Although it would seem that this victory was a blessing, it ironically signaled the beginning of the end for Mine Mill on Red Mountain. This account relates the progression from victory to defeat for an experiment in interracial unionism. The influx of white workers into Mine Mill made it necessary for TCI to devise new tactics of divisiveness. With the Brotherhood of Captive Miners (the company union) having lost popularity among white workers, the possibility of playing it against Mine Mill became quite remote. If the two unions could not be pitted against each other, then TCI's alternative was to pit Mine Mill against itself by dividing it along racial lines.

Some white miners had been concerned about the prominent roles black miners played in Mine Mill, and they became even more concerned when they failed to wrest control from the blacks and thus reverse the union's racial policy of 50-50 official representation. TCI was aware of the white miners' uneasiness and set out to nurture it. Racial fears were highlighted by some whites who reportedly were "company stooges." For its part, TCI assisted by reversing its hiring policy. While the company previously had hired predominantly blacks, they began hiring whites almost exclusively during the decade of the 1940's.

TCI's new hiring policy aroused great concern among black unionists who viewed it as an effort to

*The author wishes to thank the Birmingham Metropolitan Study Project for providing financial support in the presentation of this article. He also extends a special thanks to Asbury Howard, Marion Reynolds, Phil Tindle, Richard Bryant and Anthony Cascone for their time and patience.

¹Irving Bernstein, *Turbulent Years* (Boston: Houghton Mifflin, 1971), p. 30.

²Gordon F. Bloom and Herbert Northrup, *Economics of Labor Relations*, 7th ed., 1950 reprint (Homewood, Illinois: Richard D. Irvin, Inc., 1973), p. 50.

³U.S. Supreme Court Paper Books, 391, U.S. 590, October Term, 1943, IV, 2481. Also see *Alabama News Digest*, May, 1938.

return the Mine Mill Union to the control of white miners. By the late 1940's this concern had spread to the rank and file black miners. For example, in testimony before a congressional committee considering a Fair Employment Practices Act, Eugene Calhoun, a black miner from Bessemer, declared:

I work for the Tennessee Coal, Iron and Railroad Company. One reason why I want to support the fair employment practices is because these people down there are being denied the rights and privileges to have a job and to earn a decent living, because of their color. This particular company, in the last 2 years almost quit hiring Negroes. They hire white about 100 to 1. Of course this is not because of their [blacks'] inefficiency, but because they [TCI] can use them [whites] to bust the labor unions.⁴

Although the "100-1" statement seems an exaggeration, the charge that the company hired whites more frequently than blacks does stand up under investigation. In retrospect, several black miners spoke strongly of the company's efforts to reduce the preponderance of blacks in the mines. One miner stated

⁴U.S. Congress, House, Committee on Education and Labor, *Federal Fair Employment Practices Act: H.R. 4453*, 81st Cong., 1st sess., 1949, p. 254.

bluntly: "The only way for them [TCI] to break the union was to get more whites in the mines and pit race against race. So they stopped hiring Negroes."⁵

The issue of Communism was also never far from the heart of most intra-union conflicts of Mine Mill after the early 1940's. During this period, the iron ore locals on Red Mountain were developing a sensitivity to the alleged "Communist ideology"

⁵Personal Interview, Willie Myatt, former miner, May, 1975. Employee lists for the number 7, 8 and 10 mines of the Wenonah Division for June, 1947 and March, 1948, further substantiate the above statements. These lists account for 1,259 men—598 black, 445 whites and 216 for whom race is not recorded. Of the total number, three-fourths were members of Mine Mill, with black unionists outnumbering white members by two-to-one. These figures point vividly to the fact that of the union members whose race is known, 66 percent were black—a point which clearly illustrates their dominance in the Union. On the other hand, these figures show how that dominance had waned in the ten years since the demise of the Brotherhood. It is also significant that 77 percent of the known blacks and 53 percent of the known whites were union members.

The result was that by March, 1948, 148 of the union members of 1947 had been replaced on the job. There is no way of knowing whether their replacements joined the Union upon receiving these jobs. But it is important that three-fourths of the 148 men dismissed were replaced by whites. Most of the blacks who were replacements probably used seniority to obtain the jobs vacated, whereas the whites were primarily new in the mines.



A view looking down on the Wenonah ore processing plant and associated structures. In Jones Valley below may be seen the small mining community and the miners' houses at Wenonah. Copy of Farm Security Administration photograph; negative on deposit at the Library of Congress; photographic print, Department of Archives and Manuscripts, Birmingham Public Library.

espoused by the leaders, nationally and locally. The charge of Communism anywhere else usually meant the leadership was seemingly following the dictates of the Communist Party in carrying out undemocratic principles. In Alabama, the same charge meant the Union was too liberal in its stance on racial equality, and in fact adhered to the wishes of the majority, which was black. In the South, anything interpreted as an effort to achieve racial equality was termed "Red." The alleged "Communism" within Mine Mill was the excuse some whites in Alabama needed to bolt the union.

White discontent, as has been noted, was evident throughout the 1940's, but it was not until 1948 that white forces gained enough strength to challenge black control of Mine Mill. The impossibility of takeover from within became evident to the discontented whites, so their strategy was changed: secede and affiliate with another union.

In 1948, whites in the Alabama Mine Mill locals contacted the United Steelworkers of America about possible affiliation. In addition to the dissatisfaction with the roles blacks played in Mine Mill, some whites were eager to have locals they could control. Homer Wilson, a former Mine Mill official, was sent to the area by the CIO to investigate and to use his influence in urging the iron ore miners to secede from Mine Mill. Upon arriving at one of the secessionist meetings on Red Mountain, Wilson found only white miners in attendance. He incensed these workers by suggesting they would have to accept blacks into the local. Consequently, Wilson was relieved of his duty by the CIO and replaced with Van Jones, another former Mine Mill representative and Executive Board member from District 5. In contrast to Wilson, Jones appealed to these whites by promising all-white locals of the Steelworkers Union.⁶ Thus began the secessionists' struggle on Red Mountain.

As early as April, 1948, the Mine Mill International representatives on Red Mountain reported uncooperativeness of various local officials. On April 9, 1948, M. C. Anderson, a white Mine Mill representative, discovered that local white officials had made improper reports to the rank and file on important issues relayed to the locals from the International office. He suggested that duplicate copies of all correspondence sent to the financial secretaries—who were white—for Muscoda Local #123, Wenonah Local #157 and Ishkooda Local #153, also be sent to the recording secretaries—who were black.⁷ This was the first official Mine Mill indication of a possible split along racial lines between secessionists and non-secessionists.

Under normal circumstances, two International representatives worked the Alabama locals of Mine Mill with one usually concentrating on the iron ore mines. In January, 1949, four representatives referred to the secessionist-troubled locals in their semi-monthly reports. They were Frank Allen, Asbury Howard, J. P. Mooney and M. C. Anderson. Allen and Howard were black. Howard reported that some officers of Ishkooda Local #153 and Wenonah Local #157 were holding meetings in the rival Steelworkers' Hall. The report went further to say that those attempting to secede from Mine Mill were to elect officers and receive a charter from Steel.⁸ J. P. Mooney reported a meeting between "top officers" in the United Steelworkers Union and "company stooges" in Mine Mill who were preparing for the subsequent raid.⁹ Allen reported meeting with 200-300 men of Wenonah Local #157 with the only indication of secession coming from Leo Kendrick, president of the local.¹⁰

On February 2, Charles Wilson, a white Executive Board member of Mine Mill was appointed administrator of the affairs of Local #153 by John Clark, Mine Mill International President.¹¹ This was the International's attempt to get loyal men to replace the white secessionist leaders.¹²

Between February 3 and February 10, ten persons were suspended from Local #153, "for advocating and attempting secession."¹³ On February 5, Charles Wilson requested that the offices of president, vice president and financial secretary of Local #639, Ore Conditioning Plant, be declared vacant and that P. W. Tindle be designated administrator.¹⁴ Local #639 was all-white because whites only were hired at the plant. That facility would play an important role in the

⁶Letter to Travis, January 31, 1949, OP, Box 95.

⁹J. P. Mooney, Semi-Monthly Report, January 31, 1949, OP.

¹⁰Frank Allen, Semi-Monthly Report, OP.

¹¹Letters from John Clark, February 2, 1949, OP, Box 139.

¹²I am sure the question of who these leaders were looms greatly in the mind of the reader. Many of them were former leaders of the Employee Representation Plans and later the Brotherhood of Captive Miners. Both groups were company inspired and supported. After the demise of the company unions, these men joined the ranks of Mine Mill and continued many of their company-sanctioned policies designed to weaken any worker's organization. Red-baiting and race-baiting were their principle modes of operation against the Union and they failed to distinguish between the two.

It is significant and somewhat contradictory that Asbury Howard, the black former Mine Mill official, said of these men, "they were good Mine Mill people." Many of them had been company unionists, but evidently they worked faithfully in some areas for the Mine Mill program. Yet they could not escape the racism of the time. Howard's explanation was that these men had a risky decision to make: either become a "nigger lover" or aid the "status quo" by attempting to destroy all semblance of racial equality. In the Alabama of the 1930's and 1940's, the latter route was the easiest for those white workers to pursue.

¹³Personal Interview, Asbury Howard, former Mine Mill Official.

¹⁴Letter to John Clark, February 5, 1949, OP, Box 46-10.

⁶Vernon H. Jensen, *Nonferrous Metal Industry Unionism, 1932-1954* (Ithaca: Cornell University Press, 1954), pp. 89-107.

⁷Letter to M. E. Travis, April 9, 1948, in Official Papers (OP) of the International Union of Mine Mill and Smelter Workers, located at the University of Colorado's Western Historical Collection. Also see Jensen, *Unionism*, p. 42.



Officials of the Mine Mill Union are shown here gathered for their Fifty-seventh Convention in 1961. In the center behind the podium is John Clark, the International President of the union, and immediately to Clark's left stands Asbury Howard of Bessemer. Even after its defeat on Red Mountain, Mine Mill obviously retained its bi-racial character. Photograph courtesy of Horace Huntley.

representation election to be held in April, for TCI employed nearly 400 men there. Nevertheless, it was the Ishkooda and Muscoda locals, and not the Ore Conditioning Plant, which led the secessionist movement.¹⁵

George B. Elliott, suspended president of the Ishkooda Local #153, told the local press that his local had withdrawn from Mine Mill, and that the members were applying for affiliation with the United Steelworkers of America.¹⁶ In a few days, it became evident that the Steelworker strategy was to entice the workers to leave Mine Mill by granting charters to the secessionists.

Wilson continually denied the withdrawal of any Mine Mill locals, and he charged that Elliott's statements did irreparable damage to Mine Mill's ability to carry on collective bargaining with TCI and were misleading to the rank and file.¹⁷ In February, 1949, J. P. Mooney reported daily "rump meetings" and wrote:

The secessionist wants a lilly white union, company union, the Negroes and some whites are definitely opposed to their tactics. The city and county

*law enforcement officers are largely on their side, which of course is expected, for the Steelworkers have supported many of the Cut-Throat Politicians, and we have opposed some of them.*¹⁸

On February 15, Asbury Howard reported secessionist activities in the Muscoda Local #123: "Whites trying to go to Steel, said to be installing a Steel charter today at Steelworkers Hall."¹⁹

Sometime in late January or early February, Nicolas Zonarich was dispatched to Birmingham by Jim Thimmes, acting in the absence of Philip Murray, President of the CIO and the United Steelworkers of America (USWA). His mission was to investigate the situation and make recommendations to the Pittsburgh national office. Two weeks later, Zonarich recommended that the Steelworkers grant charters to the secessionists.²⁰

On February 18, John Clark, International President of Mine Mill, wrote Philip Murray requesting a statement denying his organization's support of the secessionists.²¹ The question raised in Clark's letter of February 18 was seemingly answered two days later. On February 20, pictures were taken at Muscoda of men with raised hands, taking the Steelworkers oath

¹⁵Personal Interview, Asbury Howard.

¹⁶Birmingham Post Herald, April 4, 1949, p. 4

¹⁷Union, February 14, 1949, p. 12; Official Mine Mill Complaint, OP. Also see the Birmingham Post Herald, February 9, 1949, p. 4, and The Red Mountain Emancipator, February 25, 1949, p. 2.

¹⁸J. P. Mooney, Semi-Monthly Report, February 15, 1949, OP.

¹⁹Asbury Howard, Semi-Monthly Report, February 15, 1949, OP.

²⁰Interview with Nicholas Zonarich by the Oral History Project, Pennsylvania State University, May 5, 1967, p. 25.

²¹Letter to Philip Murray, February 18, 1949, OP.

of obligation. Only five of approximately 200 men pictured could possibly be recognized as black. Another picture was taken of three men, two white and one black, displaying a charter issued by the Steelworkers. The men in the picture were L. R. Lowe, president, Ben Spears, vice president of the newly-established Muscoda Local #3803 of the USWA, and John Playfair, a representative of the Steelworkers from Pittsburgh. Six of the pictures were published displaying officers of the six locals; Ben Spears was the only black.²²

In a personal interview, Ben Spears, later explained his reasons for accepting the vice presidency with the Steelworkers. He was approached by Nick Zonarich and John Playfair who wished to talk about the Steelworkers. He refused to allow them to visit his home because he feared retaliation by other black workers, so they met elsewhere and asked him to join the Steelworkers Union and to accept the vice presidency. Spears made a special effort to point out that he had only a third grade education, and he suggested to Zonarich and Playfair his lack of preparation for such a position. They assured him that that made little difference. And besides, the two men told Spears, Mine Mill was Communist; and as they further observed, they were certain that he did not want to be one. Mr. Spears said, "I didn't know what that was, but whatever it was I didn't want to be it." At that point he agreed to accept the vice presidency of

the Steelworkers' Local #3803.²³

Apparently, a mixup occurred, because the day before the pictures of the oath ceremony were published, Mine Mill president Clark received a telegram from Dave McDonald of the Steelworkers stating:

*International Office did not issue nor authorize issuance of United Steelworkers of America Charter for Muscoda iron mine. Am advised that some sort of charter has been installed and am attempting to uncover the facts as to what it is and how it came about.*²⁴

This information was widely distributed throughout the troubled locals by Mine Mill. On February 28, J. P. Mooney, a Mine Mill representative, reported to his superiors that the Steelworkers had erred in allowing pictures to be published of the men accepting the USWA charter in Muscoda, and that the incident was adversely affecting the secessionist cause. He thought this blunder was evidence enough to show that the men issuing the charters were lying about the Steelworkers' involvement.²⁵

Mooney further reported that the secessionists offered six black leaders \$300.00 each to have their pictures taken holding the "phoney CIO charter."²⁶

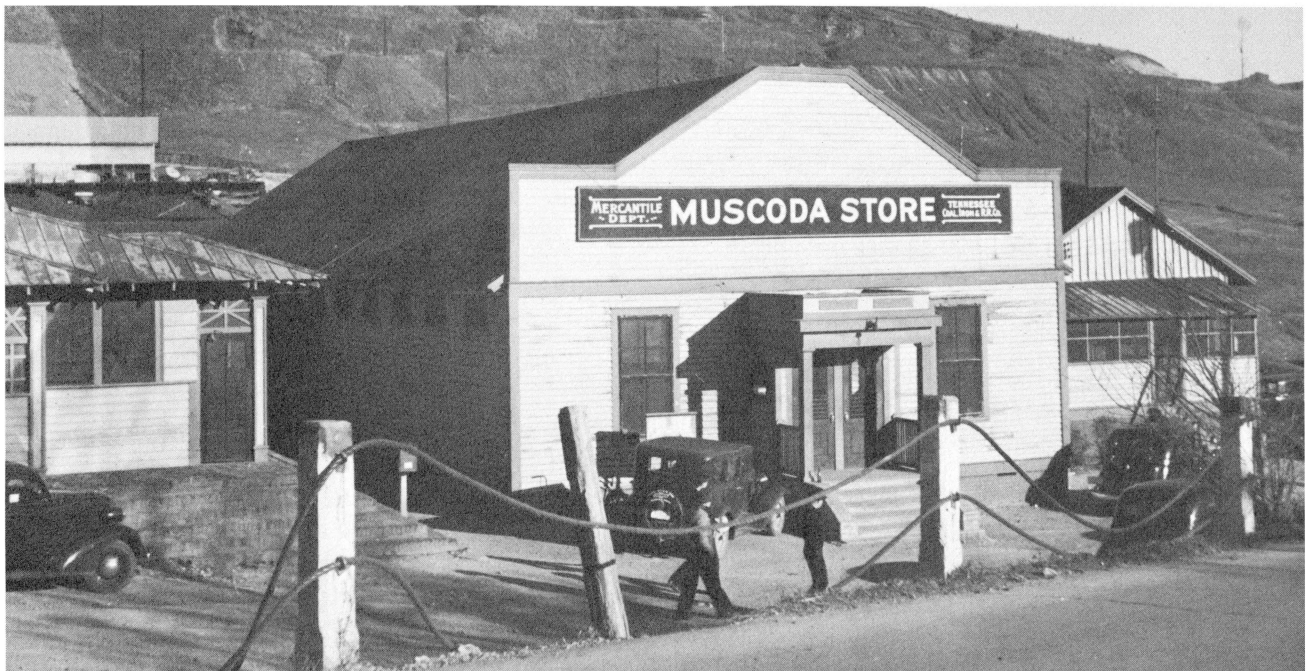
²³Personal Interview, Ben Spears, retired T.C.I. workman, June, 1976.

²⁴Telegram, February 24, 1949, OP.

²⁵Mooney, Semi-Monthly Report, February 28, 1949, OP, Box 95.

²⁶*Ibid.*

²²*The Red Mountain Emancipator*, February 25, 1949.



The "company store" at the mining town of Muscoda, owned by the Tennessee Coal and Iron Company. Before the successful unionization of the miners, they were paid in TCI "scrip" which was redeemable only in stores such as this one, or at other businesses specially designated by the company. Copy of Farm Security Administration photograph; negative on deposit at the Library of Congress; photographic print, Department of Archives and Manuscripts, Birmingham Public Library.



The crude simplicity of the miners' existence was typified by their houses, which for the most part were built by the company and then rented by the miners. This photograph was taken during the height of the Great Depression in the late 1930's, and it was living conditions like this which inspired much of the union activity. Copy of Farm Security Administration photograph; negative on deposit at the Library of Congress; photographic print, Department of Archives and Manuscripts, Birmingham Public Library.

Meantime, Asbury Howard reported that whites attending the Muscoda Local #123 meeting had voted to move the meeting to the Steelworkers' Hall after Charles Wilson informed them that he had been appointed administrator. Most whites voted to move while all blacks voted against the move. The whites then left.²⁷

Mine Mill continually attempted to get the USWA and the CIO to either admit giving support to the secessionists or to make a statement rebuffing them. After McDonald had denied issuing a charter at Muscoda, no further statements were made by the national officers of the Steelworkers or the CIO until mid-March. Nevertheless, the secessionist movement continued with the assistance of Steelworkers' organizers. On March 16, the national silence was broken and McDonald formally replied to specific questions raised by Clark. The reply was brief and to the point:

1. *The United Steelworkers of America did not issue a charter for Muscoda Iron Mines, nor any other Alabama Mines.*
2. *The United Steelworkers of America is not raiding the Mine Mill and Smelter Workers. Your union has disintegrated in Alabama.*
3. *The United Steelworkers of America is not stirring up racial conflict. Mine Mill is doing all in its power to do so in Alabama. If trouble ensues, it will be because of Mine Mill's activities.*²⁸

At this point, Mine Mill's opponents changed their strategy. Rather than issuing USWA charters, the CIO decided to grant local Industrial Union charters. On March 17, Clark wired Murray indicating his outrage at this "violation of the Constitution of the CIO."²⁹ This was the first official act of the CIO in the controversy, but it would not be the last.

On March 22, nine leaders of the embattled Mine Mill locals sent a joint statement to Allan Haywood, CIO Director of Organization in Washington, D.C., condemning the CIO for encouraging and assisting the raiding of their union. The statement accused the recipients of the Industrial Union charters of being "company minded and union wreckers." Why, the letter inquired, had black workers totally rejected overtures from the secessionists? The statement answered:

*The leaders of this outfit were scabbing on Mine Mill strikes and/or leading the T.C.I. company union while the [blacks] were standing firm in Mine Mill during the years when it was tough to be a union member on Red Mountain.*³⁰

Despite the fact that blacks constituted nearly fifty percent of approximately five-thousand miners employed by TCI, less than a dozen had joined the secessionist cause. The letter also stated that only fifteen percent of the white workers were actively supporting secessionists. Haywood was also informed that these

²⁷Howard, Semi-Monthly Report, February 28, 1949.

²⁸Letter to John Clark, March 16, 1949, OP.

²⁹Telegram, March 16, 1949, OP.

³⁰Letter, March 22, 1949, OP.

ANOTHER \$10,000 REWARD!

to anyone, including
DAVID J. McDONALD,

Who can produce an agreement signed by T. C. I. that it will bargain with Steel
after this election

The Popsicles Are Desperate

They Could Not Claim Our First Reward.

They Cannot Claim This One!

If they had an agreement they would print IT instead of a telegram!

TO THEM WE SAY.....

Put up or Shut up
VOTE FOR
MINE - MILL!

INTERNATIONAL UNION OF MINE, MILL & SMELTER WORKERS - C. I. O.

A campaign poster for the Mine Mill Union during the representation dispute in 1949, charging that the Steelworkers Union was lying about a prior agreement with TCI to bargain for the contract of the ore miners. The term "Popsicles" was a derogatory reference to any union which was viewed as a company union. The term derived from the early days of union activity when TCI would furnish popsicles as refreshments at company union meetings. Copy of poster courtesy of Horace Huntley.

were the same men who had for years attempted and failed to destroy Mine Mill from within. Lately, they had resorted to labeling the union "Communist" and calling all whites who remained "nigger lovers." The letter of condemnation concluded by stating that if the CIO continued to support these men in their "raiding, hoodlum-violence, promotion of race hatred, discrimination and company unionism," they were no better than the company which had continually used similar tactics against all independent unionism.³¹

The intensity of the struggle now grew. On April 4, an agreement was signed by J. H. Williamson, Manager of Industrial Relations for the Tennessee Coal, Iron and Railroad Company, Charles Wilson for Mine Mill and R. E. Farr, director of District #36 of the United Steelworkers of America calling for a consent election for the "CIO Industrial Unions." The election was scheduled for April 21, at the TCI properties.³² In addition to the fact that the winner of the election would be the sole bargaining agent for nearly 5,000 TCI employees, the prospect of workers from smaller companies following this lead must have loomed large in the minds of both union leaders.

One of the main points of contention in the last three weeks of the campaign was who, in fact, were the opponents of Mine Mill in the upcoming election. The consent agreement was between TCI, Mine Mill and the Industrial Unions, as Mine Mill continually repeated.

Then on April 14, exactly one week prior to the election, David McDonald sent a telegram to Nick Zonarich, International Representative of the Steelworkers in Birmingham who had been working with the opponents of Mine Mill for approximately four months. The message read:

*Please inform T.C.I. Iron Ore Workers they will be chartered by United Steelworkers of America, C.I.O., after election on April 12. Inform them T.C.I. has agreed to recognize United Steelworkers of America, C.I.O. as their bargaining agent after election is won on behalf of C.I.O. Industrial Union.*³³

This message indicated two things. First, an agreement between TCI and the Steelworkers had been worked out in apparent violation of the agreement between the company, the Industrial Union and Mine Mill. The company thought it was to their advantage for the Steelworkers to win, since the leaders of the Industrial Unions were proven loyal company men. Second, the national representatives of the Steelworkers and the CIO were not willing to risk losing the election by attempting to remain anonymous. Evidently, that anonymity had been desirable previously because it was considered cannibalistic within labor circles to raid other *bona fide* labor organizations.

A lengthy editorial in the *Iron Ore Miner* accused Mine Mill's opponents of inserting the race issue into the campaign. The editorial pointed to the inevitability of the "popsicle gang" resorting to this tactic. The close relationship between TCI and the Industrial Union officials, and the fact that race-baiting was an effective company tactic in defeating independent unionism in the past was also part of Mine Mill's argument. What was most shocking to the writer of this editorial was the support of such tactics by the Steelworkers and the CIO. Dividing the workers by race was one of the oldest anti-union tactics used by companies, and he thought that it was inconceivable that these two groups could now support such efforts.³⁴

Sometime during the last week of the campaign, the importance of the race issue became even more apparent. Mine Mill had been continually referred to as the "nigger union" and white members labeled "nigger lovers," but it was not until the Ku Klux Klan rode that the issue was elevated to its peak. Riding past the Mine Mill District office in Bessemer, approximately 100 Klansmen dressed in their familiar white robes and hoods waved torches, sounded their horns, and officially entered the controversy.³⁵

On the day before the election, each union was to present two separate radio messages from radio station WJLD in Bessemer. The station normally directed much of its programming to a black audience; therefore, it appeared that the final appeals by both unions were to black workers. The first broadcasts took place without incident.³⁶ The second broadcasts, however, were scheduled very close together, and the outcome was violence. The reports of the incident vary, but court records suggest the following. Upon George Elliott's completion of the Steelworkers' broadcast, he and Maurice Travis, Mine Mill's national secretary-treasurer, exchanged remarks. Present in the room where this encounter took place were three Mine Mill representatives and as many as eight Steelworkers. Travis referred either to Elliott's lack of experience in broadcasting or to his previous connections with the company unions. The Steelworkers' account states that Elliott then hit Travis with one punch and knocked him over a table. The Steelworkers prevented the other two Mine Mill representatives from getting involved, while Nick Zonarich prevented the Steelworkers from attacking the two representatives.³⁷ Mine Mill's account differs. It claims that several men attacked Travis and beat him into submission. The other two Mine Mill representatives did not go to the rescue of Travis and could not be provoked to fight, though they received many insults and threats. The police were summoned, but no arrests were made.³⁸ On April

³⁴*Iron Ore Miner*, April 14, 1949.

³⁵Report from Dolan to Clark, OP; Howard interview.

³⁶Jensen, *Nonferrous Metals Industry Unionism*, p. 237-38.

³⁷*Ibid.*

³⁸*Ibid.* Also see Dolan's report to Clark.

³¹*Ibid.*

³²Agreement for Consent Election, April 4, 1949, OP.

³³Telegram, April 14, 1949, Box 46-15, OP.

22, Travis was diagnosed as having had a ruptured sclera, torn superior temporal vortex vein and a circular rupture in the globe of the eye,³⁹ and he remained in the hospital in Bessemer and Birmingham until May 11.⁴⁰ On May 23, Travis' eye was removed as a result of injuries sustained on April 20.⁴¹

It is ironic that the CIO described this incident as a minor altercation between two men which was blown out of proportion by Mine Mill. Obviously, this incident was publicized to the fullest extent by Mine Mill and it is unlikely that this was simply a fist fight between two men. In November, 1949, George Elliott was found guilty of assault in the Travis case and fined \$200.00 and court costs, in the Municipal Court of Bessemer.⁴²

The election went off as scheduled on April 21. Rufus Paret, Director of the voluntary labor arbitration tribunal of the American Arbitration Association said he had never witnessed such a bitter union election.⁴³

Although, Mine Mill termed the campaign as relatively quiet until 48 hours prior to the election, it was far from being all flowers and banner pageantry. Graham Dolan, Mine Mill Education Director, described election day this way:

Thursday, April 21, was election day. We would have been mistaken if we had thought that the incident in the radio station would halt the terror. Repeated reports of intimidation were phoned into our office during the day. Every automobile carrying white workers was stopped and its occupants told by roving gangs of Steel hoodlums that if they did not vote for Steel they would be killed or beaten up. The Steel hoodlums told the workers that they would know how they voted, that they had an arrangement with the Company for so knowing. The Negro workers were not to be intimidated and were not frightened from the polls, which were located at five different places on company property.

Twice during the day, Brother Robinson and I made tours of the polling areas and saw these roving gangs of Steel hoodlums. We had to arm ourselves

*with baseball bats and knives. Twice the Steel gangs tried to stop us, shouting profane threats to Robinson and myself. Had it not been for some astute driving by Brother Robinson, there is no question in my mind that we would have suffered a fate similar to Travis. Once we were accompanied by Mrs. Alton Lawrence, but this did not deter the Steel hoodlums from screeching their vile threats.*⁴⁴

The Industrial Union won the election 2,696 to 2,233.⁴⁵ The four International Representatives of Mine Mill reported the outcome of the election and also that those who had voted for Mine Mill pledged to continue to struggle in its stead.⁴⁶ Mine Mill protested to the American Arbitration Association about tactics used by their opponents during the campaign, but reportedly decided against contesting the result before the Association because of a fear of more intimidation of the workers.⁴⁷

Whether the workers gained or lost as a result of the Steelworkers' victory is a valid question. An analysis of the 1949 Mine Mill and Steelworkers' contracts shows little difference. Even the seniority clause which was so blatantly absent from Steelworkers propaganda prior to the consent election was evident in their new contract. Obviously, the importance was not in the differences in contracts, because even the wage rates were the same. The company resisted additional demands, as well as a cost of living increment; moreover, it received a more tractable union. In this sense, the effort was worthwhile from the Company's perspective. But this was accomplished at the cost of a deterioration in relations between the company and its black employees.

The contract and other "bread and butter" issues were obviously of great importance. But in answering the question of losses, one must be able to delve further. To black workers, Mine Mill was much more than just another labor organization. Many miners related to this writer that prior to Mine Mill on Red Mountain, blacks lived in the "shadow of slavery." For them the Union meant a coming of freedom, justice and equality. That labor organization became a way of life, and one that those workers cherished. With the loss of the election, that way of life was dealt a near fatal blow.

³⁹OP, Letter by Thomas O. Paul, M.D., May 2, 1949. Also refer to letter from J. H. Blue, M.D., May 13, 1949.

⁴⁰*Ibid.*, May 12, 1949.

⁴¹OP, Letter from Derrick Vail, M.D., May 24, 1949.

⁴²Record of Transcript of Criminal Cases From Municipal Court of Bessemer, Case No. 45822, November 9, 1949.

⁴³*New York Home News*, May 11, 1949.

⁴⁴Dolan to Clark, April 26, 1949, OP.

⁴⁵Howard, Semi-Monthly Report, April 30, 1949, OP.

⁴⁶*Ibid.*, Howard, Allen, Mooney and Anderson. Also see the *Union*, May 9, 1949.

⁴⁷Reynolds Interview.



An engraving of the gallows on which Richard Hawes met his death on February 28, 1890. The picture was based on an actual photograph by J. Horgan and appeared on the front pages of both the daily and weekly *Age-Herald*. In a final irony of the case, the gallows was constructed by a juror in the case, J. A. Griffin, who of course had voted for the death sentence. From *The Age-Herald*, May 5, 1890.

THE HAWES AFFAIR: PART II

JEFF NORTHRUP

*And all our yesterdays have lighted fools
The way to dusty death.*

William Shakespeare, *Macbeth*, V, iii, 22 - 23.

In December of 1888, murder was committed in Birmingham. Not that this crime was of and by itself worthy of much notice in the early history of the city. Brawls, beatings, shootings, minor riots and civil disorder in general were almost weekly and certainly monthly occurrences in what bore all the earmarks of a restless frontier boom town. But the victim of this crime seemed in her death to touch even the more calloused hearts of the local citizenry. The body of a little girl, judged to be about twelve years of age and later identified as May Hawes, was found floating on East Lake on December 4, 1888. When, in the ensuing days and weeks, the bodies of her sister Irene and her mother Emma P. Hawes were also found at the bottom of the lake at Lakeview Park, the Birmingham populace, in righteous indignation, cried out for retribution. Circumstantial evidence pointed to the husband and father of the deceased, one Richard R. Hawes.¹

Birmingham was a frontier town in 1888, but it was at least a thousand miles east of any point that any schoolboy might identify as the edge of American civilization. Why had so many rows of corn in north-central Alabama, seemingly passed by time and space, suddenly become a real estate agent's dream? The answer, as all know, lay in the mineral wealth beneath those cornfields. In the twenty years from its founding in 1871, Birmingham matched its birthday with a twenty-fold increase in population. Unencumbered with the gentile nostalgia for antebellum folkways that enveloped so many other Southern cities with longer histories, the Magic City looked forward to an industrial future, not backwards to an agrarian-dominated past. If the Old South was typified by a sort of aristocratic languor, Birmingham typified the New South—sweaty blue-collar industriousness. In the language of the Chamber of Commerce, the city was "wide awake." There was great wealth to be had if one were shrewd at business, and as a result men worked hard, played hard, and lived hard. "Birmingham, in short, was an ambitious, grimy, gangling young giant, an unrefined but robust new metropolis of the New South."²

¹For an account of the Hawes riot and events leading up to it, see: Jeff Northrup, "The Hawes Riot: All the News Unfit to Print," *The Journal of the Birmingham Historical Society*, Vol. V, No. 4 (Birmingham, Alabama: Birmingham Historical Society, 1978), pp. 16-25.

²Carl V. Harris, *Political Power in Birmingham, 1871-1921* (Knoxville, Tennessee: The University of Tennessee Press, 1977), p. 38.

It has been written that those who forget the past are condemned to repeat it. Whether or not Birmingham businessmen knew this maxim, they were aware that boom towns had shown a marked proclivity for going bust. The city fathers, were, therefore, anxious to keep Birmingham's image favorable, or at least as favorable as those melodramatic early years of the town's history would permit. Needless to say, the rather bizarre and grisly nature of the Hawes murders had to be expiated quickly. Too much bad publicity meant bad public relations, and bad public relations meant slower growth, bad business, and lower profits.

The *Age-Herald*, the city's major daily newspaper, took its cue and immediately became chief prosecutor, judge, and jury in the Hawes matter. Months before Dick Hawes was brought to trial, he was convicted in newsprint, and through that medium, recognized as guilty in the minds and hearts of many of the newspaper's readers. The *Age-Herald* must bear some responsibility for the unfortunate series of events following the arrest and incarceration of the accused.



Richard Hawes, who was convicted of the murders of his wife and two daughters, and was hanged for the crime. This engraving was made from a photographic portrait taken by Daniel C. Redington, an early Birmingham photographer. From Goldsmith B. West, *The Hawes Horror and Bloody Riot at Birmingham* (Birmingham: The Caldwell Printing Co., 1888).

Richard R. Hawes was born in Russell County, Alabama, in 1856. His childhood was spent in Columbus, Georgia. He enjoyed little formal education, and his first job, that of a wood-passer on the Selma, Rome, and Dalton railroad, reflected that fact. But Hawes worked hard and faithfully, and was promoted to fireman and then to engineer. He served on several railroads, and at the time of the crime was working for Georgia Pacific, running his engines from Birmingham to Columbus, Mississippi, and back again. In 1880 he married Emma Pettis of Atlanta, a young belle of eighteen years. For undiscernible reasons, Emma soon turned to other suitors and to drink, and the resulting marital difficulties prompted the couple to leave Atlanta for Montgomery, and finally to Birmingham. Dick Hawes thought of divorce, and while still in Georgia began legal proceedings toward that end. Events were later to show that these proceedings were never consummated. Four children were conceived in this ill-starred relationship: one had died in infancy, the others were named May, Willie, and Irene.

The identification of the body of May Hawes on Wednesday afternoon, December 5, 1888, was almost simultaneous with the arrival of a telegram at the *Age-Herald* offices announcing social news of what normally would have been of a secondary interest: the culmination of a wedding that day in Columbus, Mississippi. The groom: R. R. Hawes of Birmingham. The bride: one Mayes Story, of Columbus. This amazing turn of events almost caught the local constabulary off their guard, for they barely had time to rush to the depot and arrest the bridegroom, who by coincidence was passing through Birmingham with his new wife, on their way to a Georgia honeymoon. The local populace, informed of every twist and turn of the tawdry plot by the *Age-Herald*, was filled with anger and confusion. Where was his first wife, Emma? Where were their other children, Willie and Irene? How could Richard Hawes marry again?

The discovery of Emma's beaten and bruised body in the lake at Lakeview on the morning of the eighth of December seemed to answer these questions for the newspaper and its rapidly increasing readership. As the eighth fell on a Saturday, the ranks of the local citizenry were swollen as denizens of the surrounding suburbs came downtown to spend their paychecks, hear the latest gossip, and speculate concerning what was popularly becoming known as the Hawes Horror. Fueled by alcohol and what can modestly be termed intemperate rumor-mongering by the local press, the mood of the townspeople became ugly. No one could afterwards say with any degree of certainty where the mob formed. Every street corner and public house served as a magnet for overly emotional, self-righteous men bent on revenge. By ten o'clock in the evening, a mass of humanity had formed in front of the new jail on Twenty-first Street, between Third and Fourth Avenues, North. Their purpose was the lynching of the prisoner Hawes.

Between the mob and its objective stood the Sheriff of Jefferson County, Joseph S. Smith. Smith had taken the precaution of swearing in extra deputies, and that night was surrounded by forty rifles. As the horde of several thousand began wedging itself into the narrow alley leading to the jailhouse door, Smith drew an imaginary line and ordered the crowd to halt. The mob pressed inexorably forward. A second order also went unheeded. The command to "Fire!" was given, and when the shooting was done, eleven citizens lay dead. Units of the Alabama Militia were called out to clear the streets, which they did successfully, and a macabre quiet settled on Birmingham the next Sunday morning. In less than a week, the unabashed boosterism of the city by its inhabitants was replaced by the stark realization that the future might not be as faultlessly grand as once imagined. A pall fell over Birmingham, fully as dark as the soot spewed into the atmosphere by its blast furnaces. The rabid emotionalism of the preceding days was replaced by a quiet resolve: "justice" must make Richard Hawes pay for the shame and sorrow he had caused the city.

The months following the riot and leading up to the trial were devoid, for the most part, of any significant news concerning the accused. The lake at Lakeview was partially drained, yielding the body of Irene. Willie was found alive, living in Georgia at the home of Hawes' brother, Jim. Just before Christmas of 1888, the Grand Jury indicted the accused for the murder of all three. The trial was scheduled to begin April 22, 1889. Although Dick Hawes was charged with murdering May, Emma, and Irene, the state decided its strongest case included the facts surrounding the death of May Hawes. Accordingly, this indictment was the first to be brought to trial.

As the weeks stretched into months, and the awful events of the previous December faded into memory, tensions subsided somewhat. A maudlin curiosity and fascination concerning the accused replaced the abject hatred earlier directed at the same target. On April 1, 1889 — April Fool's Day — the *Age-Herald* greeted its readers with what appeared to be sensational news: the escape of the prisoner Hawes! With a bold heading and a triple lead, the newspaper's account ran thusly:

At about 3 o'clock Monday morning three men came to the jail, two of whom pretended to be officers bringing in a prisoner. One of the three was securely bound, and when the jailor unlocked the door to admit the pretended prisoner, he was knocked insensible, and fearfully beaten. In the meantime the key to Hawes' cell was secured, the cell unlocked and Hawes liberated. Hawes was up and dressed, evidently knowing that help for his rescue was at hand. The rescuers with Hawes then walked out and disappeared.³

³Quoted under the heading "Dick Hawes at Liberty" in *The Greenville Advocate*, April 3, 1889.

In an amazing change in temperament, the *Age-Herald* had just subjected the city's avid readers to an April Fool's joke.

The principal figure at the trial, obviously enough, was Richard Hawes. Every nuance of facial expression, every sidelong glance was reported, examined, and dissected by the reporters present, and was devoured by the local populace unable to wedge themselves into the courtroom. The coverage of the *Age-Herald* reveals an almost comic game of cat and mouse that must have been played between the defendant and the gentlemen of the press:

Once or twice during the afternoon [Hawes] half shaded his face with his hand and handkerchief, and then, when he caught the newspapermen looking at him, as if conscious that whatever move he made was observed and would be recorded, and that this might be construed as an exhibition of weakness, he would put his cambric aside and look unconcernedly and not unpleasantly at whoever he detected observing him.⁴

On his behalf, Hawes had enlisted the aid of four attorneys. E. T. Taliaferro was the leading counsel, a native of Tennessee (b. 1849) who studied law under

⁴"The Jury Complete," *The Weekly Age-Herald*, May 1, 1889.



An engraved portrait of E. T. Taliaferro, Hawes' chief defense counsel. From the photographs of the Department of Archives and Manuscripts, Birmingham Public Library.



An engraved portrait of James E. Hawkins, the County Solicitor who tried the Hawes case in that spring of 1889. Born in 1851 in Elyton, Hawkins was the son of Dr. Nathaniel Hawkins, an early settler of Jefferson County. From the photographs of the Department of Archives and Manuscripts, Birmingham Public Library.

Governor John C. Brown of that state. After a distinguished career in the Tennessee state legislature (including service as Speaker of the House), he retired from politics in 1880 to devote all his time to the profession of law. In 1885 he arrived in Birmingham, having married Eva Sloss, daughter of Col. J. W. Sloss, six years previously. He rapidly gained a reputation as a criminal lawyer. A commanding figure of over six feet in height, Taliaferro was a striking, central personality in the trial. J. R. McIntosh, born in 1837, was a native of Marengo County. He was educated in the law at the University of Mississippi, served for some time in the legislature of that state, and moved to Birmingham in 1887. John J. Altman, a native of Sumter County and thirty-seven years of age at the time of the trial, practiced law in Livingston, Alabama, until he came to Birmingham in 1886. The youngest of the four, Frank S. Barnett, was only twenty-three years of age. Born in Eufala, he studied law at Vanderbilt and the University of Alabama, and had spent considerable time in Europe. The attorneys for the defense thus provided a formidable array of legal expertise.⁵

Their alter egos on the other side of the courtroom, representing the interests of the state, were no less ex-

⁵"Today's Illustrations," *The Weekly Age-Herald*, May 1, 1889.

perienced. Solicitor James E. Hawkins was born in Elyton in 1851, the son of Dr. Nathaniel Hawkins, also a native of Jefferson County.⁶ Mr. Hawkins was educated at the University of the South, Sewanee, Tennessee, and was an apprentice student of law under Judge Mudd of Birmingham. In 1874 he moved to Shelby County, where in the practice of law and as editor of the *Shelby Sentinel*, he "did some hard work for white supremacy and in redeeming the state from negro rule," according to the *Age-Herald*. In 1883 he was voted into the Alabama Legislature, followed in 1884 by his election as solicitor for Jefferson County. His assistants in the prosecution of the Hawes case were Judge George B. Denison and Charles W. Ferguson. Denison was a native of Ohio, born in 1846. He settled into the practice of law in Memphis in 1873, moving to Little Rock in 1876. In Arkansas he became a judge of the circuit court. Upon moving to Birmingham in 1887, the title became an honorary one. Ferguson was the thirty-four-year-old solicitor for the Tenth Judicial Circuit, and in that capacity assisted at the trial. He was born in Dallas County, and had lived in Birmingham since 1877.⁷

The judge of the Criminal Court of Jefferson County at the time of the Hawes trial was Samuel Earle Greene.⁸ Educated at Washington and Lee University, Greene afterwards taught in the schools of Elyton and Birmingham. He studied in the law offices of Porter and Martin, and was admitted to the bar in 1880. After serving one term in the state legislature, he declined to run again. Interestingly enough, in 1885 he formed a law partnership with James E. Hawkins, the same man who was to argue the state's case in Judge Greene's court. This partnership lasted until 1887, when Greene was appointed judge.⁹

Proceedings began as scheduled on Monday, April 22. By Friday, May 3, the verdict of the jury had been rendered. The first two days of the trial and a portion of the third were taken with jury selection. The process was a tedious one, and many prospective jurors were released because they had previously formed opinions in the case. The defense, in fact, exhausted its quota of exemptions, and several jurors afterwards admitted were objected to by defense counsel. The last five days of the trial, from Monday afternoon, April 29, until Friday morning, May 3, were consumed with closing arguments. In the intervening five days, testimony was given.

⁶His grandfather, Williamson Hawkins, had first settled in the county in 1813, and owned the land on which the Thomas furnace stood.

⁷"Today's Illustrations," *The Weekly Age-Herald*, May 1, 1889.

⁸Judge Greene's parents were descended from old and distinguished Birmingham area families. His father was the son of George L. and Jane Y. Greene, of South Carolina, and was one of the earliest settlers of Jefferson County. His mother was the daughter of Dr. Samuel L. and Harriet H. Earle, also among the early settlers.

⁹"Today's Illustrations," *The Weekly Age-Herald*, May 1, 1889.



The Jefferson County Courthouse where the Hawes case was tried. Completed in 1889, the courthouse was the site of many famous trials, but certainly few matched the drama of the Hawes trial. Photograph from the collections of the Department of Archives and Manuscripts, Birmingham Public Library.

The prosecution's case was built entirely around circumstantial evidence, since no one but the murderer had apparently seen the killing of May Hawes. The state showed, through the testimony of several eyewitnesses, that May had been staying at a boarding house with Fannie Bryant on the night of December 3. Fannie was a mulatto woman who had intermittently served the Hawes family as maid and babysitter. Between the hours of seven and eight p.m., Richard Hawes had arrived at Fannie's boarding house, picked up May, and boarded the Highland Avenue dummy line that circled into the downtown area. A short time afterwards, both father and daughter boarded the East Lake dummy. This was another circular rail line that served East Lake, at that time a resort suburb of Birmingham. Upon reaching the pavilion at East Lake, a scheduled stop on the line and very near the location where May's body was found, the two got off the train. Less than an hour later, on a return run, Dick Hawes, or someone who looked very much like him, boarded the East Lake dummy and returned to Birmingham, alone. On the next morning, Tuesday morning, Dick Hawes left Birmingham for Columbus, Mississippi, and marriage to Mayes Story on Wednesday. His motive? According to the prosecution, May probably knew of the previous murder of her mother and younger sister, all of whom had been regarded by the accused as encumbrances to his forthcoming marriage.

The defense claimed, on the other hand, and in its cross-examining of witnesses attempted to prove, that Richard Hawes had not been at Fannie Bryant's house on Monday night, December 3. Indeed, the en-

tire weight of the case for the accused was based on the memory lapses or outright deceit of those called to the witness stand. The defense agreed that Dick Hawes had been on the Highland dummy with his daughter May, but on Saturday night, December 1, not Monday night, December 3. His purpose in making that trip was not murder, the defense insisted, but a shopping trip. The father and daughter returned home later the same evening around 8:30 p.m. At that point, Hawes then returned to the city a second time, on this trip accompanied by his son, Willie, who was placed on a train bound for Atlanta. Once there, he was to stay at the home of Dick's brother, Jim. Hawes spent several more hours in town, arriving back at his own family's home around one or two a.m. Sunday morning. There he found the door open, his wife and two daughters gone. According to the story constructed by the defense, Saturday evening was the last time he saw those members of his family alive. Sunday Hawes wandered around the area of Lakeview, supposing all the while that his wife had taken his daughters to visit friends. He slept at the house on Sunday night, took care of minor business arrangements on Monday, and left for Columbus, Mississippi, on Tuesday morning. This constituted the alibi of Richard Hawes.

Of all the witnesses introduced by the state, the testimony of Fannie Bryant was probably the most singularly damaging. Since Miss Bryant had been indicted by the grand jury as an accomplice in the murder of Emma Hawes, her veracity was questionable. But her version of the events of the night of December 3 corroborated the statements of many other witnesses who testified that Dick Hawes was with May on that Monday night. Thus, Hawes' own version, which was corroborated by no one other than a black hack driver, was condemned by comparison. Some witnesses, under close cross-examination, could not state with certainty that the accused was, without doubt, the man they had seen either boarding or riding the dummy line four months earlier. There were some conflicting statements and detailed questioning as to whether the man on the train wore a derby hat and overcoat (Hawes maintained he had on neither), or whether he carried a gold handled umbrella (Hawes argued he had never owned one), and disagreements over the length and shape of his mustache. The sworn statements of ex-sheriff S. R. Truss, admitted over the objections of defense counsel, were also damaging. Taliaferro objected to Truss' testimony concerning the disposition of the bodies of Emma and Irene Hawes. Their bodies had been weighted down with a type of heavy cord used extensively in railroading. Although Judge Greene later reversed his own ruling permitting the admissibility of the "weighted cord" statements, the state had managed to connect the defendant to the other two murders, a valuable psychological ploy.¹⁰

¹⁰"A Sick Juror." "The State's Innings," "Hawes' Statement," all in *The Weekly Age-Herald*, May 1, 1889.

Hawes' defense was based almost solely on his own testimony, since no one could be found who would back up his alibi, except for the aforementioned hack driver. Even the witness stand statements of his brother Jim seemed to hinder rather than help his case. The Hawes brothers had been together on the evening of Monday, December 3, but Jim could not say with any certainty that his brother had been with him at the time other witnesses had stated that they had seen the accused on the dummy line. Jim Hawes admitted that their parting had left Dick enough time to pick up May and proceed to East Lake. There were several besides Richard Hawes' brother who were called to speak of the defendant's good character and even disposition, but these endorsements paled when compared to the grisly accounts of the multiple murders.¹¹

The accused protested that Emma Hawes was a drunkard with questionable moral habits. He argued repeatedly that he believed himself to have been divorced from his wife, and that she too recognized the divorce and was fully cognizant of his impending marriage to Mayes Story. At the time of the murders, Hawes claimed he was initiating a plan to place his children in a convent in Mobile. In so testifying, he tacitly admitted an earlier lie made to other witnesses soon after his arrest, wherein he claimed to have already sent his daughters to Mobile. In all other matters, however, the state could not force the accused to admit to other misstatements, or in any other way shake his story.¹²

Final arguments began on the afternoon of Monday, April 29, and continued until the end of the week. Ferguson led off for the state, followed by McIntosh and Barnett for the defense, then Judge Denison for the prosecution, Taliaferro for the defense, and Hawkins concluded for the state. If the newspaper accounts are to be believed, the summations were emotionally intense and eloquently argued. Solicitor Ferguson explained that Hawes' motive was one of lust: marriage to Miss Story was impossible unless his wife and children were put out of the way. McIntosh and Barnett countered by arguing points of law. The former observed that the jurymen should be careful not to allow extraneous matters, such as the unhappy history of the Hawes' marriage, the alleged divorce, and testimony as to the murders of Emma and Irene Hawes, to affect their judgment. Mr. Barnett discussed the problems inherent in trying a man on circumstantial evidence, and urged the jury to consider this when deliberating Hawes' guilt "beyond a reasonable doubt." Judge Denison attacked the veracity of Hawes' statements when compared to the testimony of so many other witnesses arrayed against him. Taliaferro took the floor at 10:45 Thursday morning, and except for a lunch break, spoke until 5:30 that afternoon. In an impassioned speech, the "tall sycamore," as he was

¹¹*Ibid.*

¹²"Hawes' Statement," *The Weekly Age-Herald*, May 1, 1889.



An extremely rare photograph of the Hawes jury made by J. Horgan, Jr. From left to right, the jurors are: first row, D. R. Dunlap; N. F. Thompson; E. T. Cox; G. W. Cross; and Hiram Ellis; standing, second row, J. M. Young; J. R. Rockett; W. W. McGlathery; J. B. Perkins; F. G. Shepard; J. A. Griffin; and T. H. Friel. Photograph courtesy of Mrs. Clair Snider.

nicknamed, reviewed the facts in the trial testimony that tended to favor his client, summarized the arguments of his predecessors, and exhorted the jury to weigh the effect public sentiment must have had in prejudging the testimony of the eyewitnesses. All that was left then were the concluding remarks of Solicitor Hawkins, and these were made on Friday morning. He, too, reviewed the basic facts in the case that tended to prove guilt, reviewed the premises of his cohorts on the prosecution, and called for the death penalty.¹³

In Judge Greene's charge to the jury, he defined four possible verdicts that might be reached by that group of twelve men. If guilty of manslaughter in the first degree, Hawes would be sentenced to imprison-

ment for not less than one nor more than ten years. If guilty of murder in the second degree, the accused would be confined to the penitentiary for not less than ten years, but possibly for a greater period. If guilty of murder in the first degree, Hawes would be sentenced to life imprisonment or to the death penalty, as the jury might decide. The fourth possibility was the verdict "not guilty." And so the jury retired to deliberate the future of Richard Hawes, and to eat lunch.¹⁴

The twelve who composed Hawes' jury were a microcosm of the respectable middle and upper classes of Birmingham's citizenry. Their professions reflect the business of Birmingham — growth, a marriage of land and mineral wealth, a rail center, and a magnet for ambitious men seeking their fortune. All the jurors

¹³"Arguing an Alibi," *The Weekly Age-Herald*, May 1, 1889; "Still in Argument," "Guilty or Innocent," "Hawes Guilty," all in *The Weekly Age-Herald*, May 8, 1889.

¹⁴"Hawes Guilty," *The Weekly Age-Herald*, May 8, 1889.

were white males. N. F. Thompson, a forty-four-year-old lawyer and real estate agent, was elected foreman. E. T. Cox, thirty-three, was with the transportation department of the Louisville and Nashville Railroad. T. H. Friel, twenty-eight, was the son of the owner of the Friel coal mines near Blue Creek. J. A. Griffin was a middle-aged carpenter. J. D. Perkins, born in England thirty-five years before, was in the building and contracting trade. J. M. Young, aged thirty, was a farmer, as was G. W. Cross, thirty-eight years old. D. R. Dunlap, forty-three, was a real estate agent who had been made a U.S. Marshall shortly after Grover Cleveland's election. F. G. Sheppard, in his mid-forties, was English. He was a builder-contractor, who at the time of the trial was operating a coal and wood yard. Hiram Ellis was described as a "prosperous" thirty-seven-year-old farmer. W. W. McGlathery, the oldest of the jurors at age fifty, was a lawyer and merchandiser, and J. R. Rockett, forty-seven, was a lawyer, merchant and business entrepreneur. With this group of rather upper-class peers lay the future of Richard Hawes.¹⁵

Before the jury retired for mid-day dinner, a vote was taken on the question of guilt or innocence. They were unanimous for guilt. Obviously men possessing strong constitutions, they then broke for lunch. After dinner, two ballots were taken on the question of punishment. On the first, eleven voted for the death penalty, one for life imprisonment. The identity of that minority of one has not been recorded, but it was of no real significance. On the second ballot, the jurors were unanimous for death. They had deliberated for fifty-five minutes.¹⁶

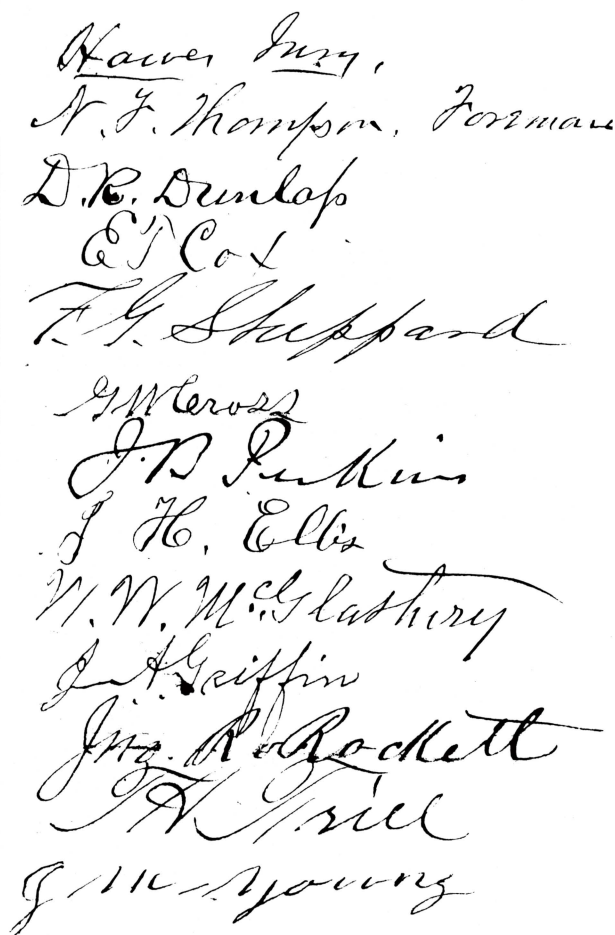
The jury returned to the courtroom, and were directed by Judge Greene to hand their written verdict to the clerk, which foreman Thompson did. The clerk read the verdict before the court, and the *Age-Herald* recorded the dramatic scene that followed:

There was an interval of silence when all eyes were turned on the prisoner.

He had been looking directly at the clerk as the latter read the verdict. Now he swallowed as though there had come a lump in his throat, and passed his hand across his forehead. He let it remain where it would shade his eyes, and resting his elbow on the table, looked down at a bit of paper before him. He did not change color nor was there any sign of emotion beyond those noted.¹⁷

Judge Greene selected a day for the hanging, but that date came and passed without incident. The reason for this was that defense counsel had appealed the case before the Alabama Supreme Court, and that

august body had accepted Taliaferro's petitions of exception. The Hawes case was placed on the fall session calendar, arguments were heard, and a decision reached as to the validity of the criminal court's verdict. The attorneys for the defense filed exception after exception over the conduct of Judge Greene's



Hawes Jury,
 N. F. Thompson, Foreman
 D. R. Dunlap
 E. T. Cox
 F. G. Sheppard
 G. W. Cross
 J. D. Perkins
 J. H. Ellis
 W. W. McGlathery
 J. A. Griffin
 J. R. Rockett
 T. H. Friel
 J. M. Young

¹⁵"A Memorable Case," *The Weekly Age-Herald*, May 8, 1889.

¹⁶"Hawes Guilty," *The Weekly Age-Herald*, May 8, 1889.

¹⁷*Ibid.*

The jury sheet for the Hawes trial, with the signatures of the jurors. Document from the collections of the Department of Archives and Manuscripts, Birmingham Public Library.

court. Primary among their arguments was the rejection of three motions for a change of venue, filed on January 24, February 8, and April 22, 1889. Taliaferro protested that the Hawes riot, the inflammatory nature of the newspaper coverage, and the publication and widespread dissemination of Goldsmith B. West's little book, *The Hawes Horror and Bloody Riot at Birmingham: A Truthful Story of What Happened*, all had prevented Hawes from obtaining a fair and unprejudiced hearing from a panel of his peers in Jefferson County. Defense counsel also argued that the admission of testimony concerning the murders of Emma and Irene Hawes was also prejudicial to the jury. These and other, more legally technical exceptions were taken under advisement by the highest tribunal in the state. On Monday, January 13, 1890, in an opinion written by Justice McClellan, the decision in the appeal of the case of *Hawes vs. the State of Alabama* was rendered: the judgment of the Criminal Court of Jefferson County was affirmed. Every exception had been rejected. The Supreme Court reset the date of execution for February 28, 1890.¹⁸

Richard Hawes, last month in jail proved unsatisfactory for those who wished for a denouement of the murder plot. Straightforward confessions from the lips of the condemned man were not immediately forthcoming. His brother Jim tearfully pleaded with Dick to tell all, so that Jim's own name would be cleared of any wrongdoing in the public eye. His conscience having been touched by sibling devotion, Hawes then admitted to his brother and Sheriff Smith that he had hired one John Wylie to kill Emma, Irene, and May, and that that job had been accomplished on Saturday night, December 1. This was not widely believed, as it still flew in the face of the preponderance of testimony of those who had supposedly seen Hawes with May on Monday night. A few days later Dick allegedly confessed to a guard that he had indeed hired John Wylie to commit murder, but only for the purpose of doing away with Emma and Irene; Hawes explained that he intended to keep May. But when it appeared that May might have some knowledge of the murder of her mother and sister, Hawes admitted that he felt obliged to get May drunk, take her out to East Lake, and drown her. When the guard made this more plausible confession public, Hawes denied having ever uttered the story. However, since he had admitted in both "confessions" that he had either murdered or hired a murderer, the public conscience was mollified.¹⁹

Hangings were not unusual events in Birmingham. Gilbert Lowe, a condemned jailmate of Hawes, swung at the end of rope on February 21. As February 28 approached, however, the collective pulse of the city quickened. Few men's lives had maddened and frus-

trated the righteous people of Jefferson County as had the life of Richard Hawes, and Sheriff Smith was afraid that the condemned man's intentions were to frustrate the local populace again, this time in death by suicide. The Sheriff read all of the prisoner's outgoing letters, and as the day of execution drew nigh, Hawes' notes seemed to indicate a desire to take matters into his own hands. Smith feared that Hawes planned to cheat the scaffold, and took precautions to prevent that. The prisoner was moved to another cell, and presented with a new suit of clothes, so as to prevent him from concealing any intended instrument of death. The guard was doubled: one deputy was stationed within Hawes' cell, another without.²⁰

The morning of the twenty-eighth dawned appropriately gloomy, and rain fell intermittently. The gallows stood in an enclosed courtyard, and once passes had been issued to the gentlemen of the press, there was room for few others. Despite the fact that nothing of the proceedings could be seen, a crowd estimated by the *Age-Herald* at around 5,000 (out of a total population of 20,000) convened on Twenty-first Street and Fourth Avenue, North. Those few who obtained passes were, according to the newspaper, "looked on with open envy." Inside the jail, Hawes was brought his last meal, compliments of the Palace Royal Hotel. It consisted of a tenderloin steak, poached eggs, potatoes, biscuits, and coffee. He ate little. Taliaferro called on Hawes, as did Frank Barnett, the youngest of his defense attorneys, with whom the condemned man had struck up a friendship. At the prisoner's request, Barnett accompanied him to the gallows. The clergy was represented by the Reverend D. I. Purser, the Reverend Dr. Slaughter and Rabbi Risenburg. About 12:45 p.m. Hawes was led out of his cell, neatly dressed in a black cutaway suit, white shirt with a stand up collar, and a necktie. In his buttonhole he wore a bouquet of geraniums and lilies of the valley. As he mounted the scaffold, Hawes was unaware of the final irony of his life: the gallows had been constructed by J. A. Griffin, a carpenter by trade, whose only previous claim to notoriety had been that he had served on the Hawes jury.²¹

Richard Hawes' death on the scaffold ended one of the more appalling episodes in the early history of Birmingham. For most of its citizens, life went on. For those more intimately related to the unhappy events, their lives were forever changed. Hawes was buried in Atlanta, with only a few friends and family members present. No minister served at graveside. Willie Hawes also returned to Atlanta, to live with the family of Jim Hawes. Fannie Bryant was convicted as an accomplice in the murders of Emma and Irene Hawes, and received a life sentence. She was killed in a fight

¹⁸"Affirmed!" *The Weekly Age-Herald*, January 15, 1890.

¹⁹"Hawes' Tale," *The Weekly Age-Herald*, February 12, 1890; and "Suicide!" *The Weekly Age-Herald*, February 19, 1890.

²⁰"Suicide!" *The Weekly Age-Herald*, February 19, 1890.

²¹"Hawes Death on the Gallows," *The Weekly Age-Herald*, March 5, 1890.

soon after entering prison at Wetumpka. John Wylie was also brought to trial for the murders of Irene and Emma, but the case was dismissed for lack of evidence. Mayes Story Hawes filed for a divorce and petitioned the Mississippi legislature in order to restore her maiden name.

As for the city itself, the ugly blemish of the Hawes affair was soon covered and all but forgotten. The renewed fervor of image-conscious entrepreneurs and the passage of time provided a most effective whitewash for Birmingham's historical facade. Its businessmen, newspapers, and public officials prepared for the turn of the twentieth century with a civic pride tempered by the harsh realities of life. Sinclair Lewis's novel of rampant, unfeeling commercialism set in the fictional mid-West metropolis of Zenith was not unlike the unabashed boosterism that enveloped Birmingham's business elite. Fifteen people had been killed in the city as a direct result of the Hawes affair: three had been brutally murdered, one had been hanged for those murders, and eleven had died as a result of the riot in

front of the jail. Responsibility for the deaths of these last was never determined. Although there is little doubt of the ultimate guilt of Richard Hawes, his trial was a farce. The role of the newspapers in reporting "what must have happened" and their conclusion, months before the trial took place, that Hawes was guilty, was reason enough for a change of venue. Besides the widespread and sensational nature of the reporting of the murders, the riot itself was yet another reason to believe that Hawes could never receive an impartial trial from unprejudiced jurors within Jefferson County. But Birmingham was anxious to exculpate itself of the Hawes Horror, with the result that boosterism was served and justice was slighted. It took another seventy years and a still more painful confrontation with unequal justice and painful publicity for Birmingham's business community to realize the importance of impartiality. It was a pity. A lesson that could have been learned in the 1890's might have saved Birmingham from some of the turmoil it suffered in the 1960's.

THE BIRMINGHAM PUBLIC LIBRARY From Its Beginning until 1927 Chapters III and IV

Chapter III GROWING PAINS, 1900 - 1907

By 1900 Birmingham was producing high-grade steel. Furnaces, rolling mills, and other plants for the fabrication of iron and steel products were in operation. Almost overnight Birmingham had become the largest city in the state, with a population of 38,415. This rapid growth was felt in all areas of city life, but nowhere more drastically than in the public schools.

The Enslen Building, where the Ridgely Apartments stand today, still housed the public library—adjacent to Superintendent John Herbert Phillips' office—and 240 high school students.¹ The need for a larger and a separate building for the high school had become an imperative. To meet that need, Central High School, later named in honor of Superintendent Phillips, was built at Seventh Avenue, North, Twenty-third and Twenty-fourth Streets; and the high school moved there in 1906.²

Meanwhile, an interesting development concerning a library building was taking place between the Commercial Club of Birmingham and Andrew Carnegie, who was making funds available for library construction all over the country. The club approached the great philanthropist about a public library building for Birmingham as early as 1901. W. N. Malone, on behalf of the Commercial Club, wrote Carnegie asking if he "would feel favorably inclined . . . for the establishment of a Public Library and what would be [his] requirements of the citizens and the City Council."³

In all library grants that he made, Carnegie required the city to provide yearly ten percent of the amount of the gift for the maintenance of the library. As Carnegie had delegated all decisions about such grants to his secretary, James Bertram, it was Bertram who responded to Malone's letter, enclosing a form "to facilitate Mr. Carnegie's consideration of your appeal."⁴

Six months later Malone returned the completed form to Bertram with apologies for the delay due to

the "embarrassed" condition of the city's finances. This form reveals that the city guaranteed nothing in taxes or otherwise for support of the library.⁵ Malone, however, wrote Bertram that he was hopeful that the city would soon be able to set a definite amount it would pay for the maintenance of a library. But the city never did, and the initial effort of the Commercial Club failed.

The next correspondence with Carnegie came three years later when Superintendent Phillips wrote Carnegie, "The people of Birmingham have long desired to participate in the benefits of your splendid library work. We need a \$100,000 library building for this rapidly growing industrial city. I believe our people are now ready to comply with the conditions of your gift."⁶ Somewhat tartly Bertram replied that "something less than a \$100,000 library building might do for Birmingham in view of what it can get along with at present."⁷ He also wanted a definite statement from the city's Board of Alderman as to what it would provide for maintenance.⁸ Evidently such commitments once again could not be had from the city government.

Carnegie later made grants of \$10,000 each for libraries in Ensley (1906), Bessemer (1907), Avondale (1907), and West End (1909).⁹ These cities, separate from Birmingham at that time, met the ten percent requirement for maintenance.

In 1902 Birmingham city government occupied a newly-constructed city hall at the corner of Fourth Avenue, North and Nineteenth Street. In 1904 the public library moved from the overcrowded high school building to quarters in City Hall.¹⁰ Superintendent Phillips moved his offices also.

Even though located on the fourth floor of the new municipal building, the library was more accessible to more people in its new location. Its quarters consisted of one well-lighted reading room, a small reference room, and a librarian's office, which also con-

¹"Dedication of John Herbert Phillips High School, Board of Education, Birmingham, Alabama," 1923.

²*Ibid.*

³Commercial Club (W. N. Malone) to Andrew Carnegie, November 23, 1901, from Carnegie Foundation Microfilm now on deposit in the Department of Archives and Manuscripts, Birmingham Public Library.

⁴Form, "Free Public Library"; Commercial Club to James Bertram, April 17, 1902, from Carnegie Foundation Microfilm.

⁵*Ibid.*

⁶John Herbert Phillips to Andrew Carnegie, October 10, 1905, from Carnegie Foundation Microfilm.

⁷James Bertram to John Herbert Phillips, November 27, 1905, from Carnegie Foundation Microfilm.

⁸*Ibid.*

⁹*Birmingham Public Library, Fifteenth Annual Report* (Birmingham: n.p., January, 1925).

¹⁰James Saxon Childers, "Our Public Library Is a Public Trust," *The Birmingham News*, September 4, 1938.

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THE COMMERCIAL CLUB

BIRMINGHAM, ALABAMA.

STEEL, IRON, COAL, CORK, RAILROAD, MANUFACTURING,
 AND MERCANTILE CENTRE OF THE SOUTH

FOUNDED
 218 TWENTY FIRST STREET
 TELEPHONE 25

CHAIRMEN OF STANDING COMMITTEES

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J. A. VAN HORN	War & Naval Affairs
R. R. GUNTER	Internal Improvement
	Railroad Development

BIRMINGHAM, ALA., Nov. 23, 1901.

Mr. Andrew Carnegie,

New York City, N. Y.

Dear Sir:-

The Commercial Club of this city have appointed a Committee, of which I am Chairman, to ask if you would consider appropriating whatever amount you feel so inclined to, for the establishment of a Public Library or a School of Technology, and should you feel favorably inclined to the project, kindly let us know what would be your requirements of the citizens, and the City Council.

You have been so generous in this line, that we hesitate to write you a letter of this kind, though our citizens realize the very great importance that such an institution would be to it's community and district, that we will thank you for any appropriation that you might kindly consider.

Begging pardon for trespassing upon your time and patience, I beg to remain,

Yours very truly,

By W. N. Malone
 Chairman.



Portrait of Thomas Dukes Parke, an early and active proponent of a public library and library building. Parke was also later a member of the Library's Board, and he donated his house on Eleventh Avenue, South, to become the Thomas Dukes Parke Memorial Branch, which is the current site of that branch. Photograph from the collections of the Department of Archives and Manuscripts, Birmingham Public Library.

tained the shelves for a circulation department. Mrs. W. L. Murdoch years later recalled that the library had "rows and rows of shelves going up to the ceiling and a ladder like those in shoe stores running along the walls. One must ask for the book wanted and it was brought."¹¹

The new quarters, although more accessible and commodious, were far from ideal. The city jail, located

one floor below, subjected library users to the "ravings of the intoxicated" as well as to the clang of the patrol wagon. Further distractions came from the city market adjoining the building on Fourth Avenue, North, where "the killing of chickens disturbed the children in quiet study."¹² The disadvantages of the library location were continually pointed out in newspaper articles, but to little avail.

¹¹Mrs. W. L. Murdoch, "Vision of Pioneers Realized," *The Birmingham News*, April 16, 1927.

¹²Erna Oleson Xan, "40-Year Battle Gave City a Fine Public Library," *The Birmingham News*, October 11, 1959.

Once again, in 1907, the Commercial Club approached Andrew Carnegie for help in obtaining a public library building.¹³ And again, James Bertram tersely replied that the "city authorities should address Mr. Carnegie on the subject, stating what the city is willing to do for its part."¹⁴

At this juncture Thomas Parke emerged as Birmingham's outstanding volunteer worker for a free public library. Dr. Parke had moved to Birmingham in 1887 from his home in Selma to practice pediatrics, having previously graduated from the Louisville Medical College and the University of New York. He arrived in Birmingham at about the same time as a young nurse who later was to become his wife, Amy Smith from Ontario, Canada. It was she who helped organize and manage a charity hospital for which Parke served as physician and supervisor, and it was the doctor who later founded the Children's Hospital and was instrumental in the creation of the city's first Board of Health.¹⁵

Parke wrote many letters and articles in the *Birmingham News* on the benefits of a library for all. "Birmingham," he observed in one of these articles, "has churches built by the people, beautiful ones. Does she not realize that a library is as essential to the growth of the people? Talladega has a little gem of a library. Selma has her own library. Is Birmingham less interested in the progress of her people?"¹⁶

He also recognized that the first step in acquiring a free library in its own building would have to be the formation of a group of "friends of the library." On May 9, 1907, he was instrumental in gathering interested citizens together at the Majestic Theatre and there, the Birmingham Public Library Association was formed.¹⁷ Its officers were as follows: W. H. Sims, president; T. D. Parke, first vice-president; George B. Ward, second vice-president; Miss Willie Allen, third vice-president; Mrs. James Weatherly, fourth vice-president; Mrs. J. A. Rountree, fifth vice-president; and John Herbert Phillips, secretary and treasurer.¹⁸

William Henry Sims, father of the well-known Birmingham lawyer Henry Upson Sims, had been Lieutenant Governor of Mississippi and Assistant Secretary of the Interior under President Grover Cleveland. Such a prominent figure as Sims for its head augured well for the new group. In 1920, when Sims died, the library benefited from a \$50,000 trust fund created for books in his memory.¹⁹

¹³Commercial Club (Robert L. Leatherwood) to James Bertram, May 15, 1907, from Carnegie Foundation Microfilm.

¹⁴James Bertram to Robert L. Leatherwood, November 19, 1907.

¹⁵The Birmingham Library Board, "A Tribute to Dr. and Mrs. Parke," June 1945, p. 1.

¹⁶Murdoch, "Vision."

¹⁷Membership card, Birmingham Public Library Association, August 28, 1907.

¹⁸Murdoch, "Vision."

Birmingham Needs a Free Public Library

And must provide for it if our city is to keep pace with the progressive cities of the Union. To meet this need, the Birmingham Public Library Association was organized at the Majestic Theatre, May 9th, 1907.

The plan adopted by the association, is to build and equip a library, to be given to, and maintained by the city, as are the public schools.

It is a movement in recognition of the need of providing adult education for our citizens. Statistics show that 90 per cent. of the population of the country leave school before completing the grammar school courses. The modern library endeavors to reach this class and provide the means of self-education.

Every man or woman in our midst, who wishes to become more proficient, who wishes to become more valuable to community and family, should be encouraged by providing free books. No better investment can be made by our community, than to provide means of improving the raw material furnished by our young citizens.

Fill out the membership card on the other side and send it in with your contribution.

MEMBERSHIP COMMITTEE:—T. D. Parke, Samuel Ullman, A. J. Dickinson, C. C. Houston, John L. Parker, W. C. Shackelford, Benton Gilreath, J. W. Stagg.
AUGUST 28, 1907

I herewith enroll myself as a member of the

Birmingham Public Library Association

Contribution _____

Name _____

Street Number _____

ART. 3 OF CONSTITUTION

"Membership shall consist of such persons as shall manifest their interest in the work of the Association by enrolling their names as members, and making a voluntary contribution for the purposes contemplated in the organization."

Materials used in the campaign to raise funds and enroll members for the Birmingham Public Library Association. Copied from the Thomas Dukes Parke Scrapbook in the Tutwiler Collection of Southern History and Literature, Birmingham Public Library.

Thomas Parke, chairman of the membership committee of the newly formed library association, headed a drive for new members. He solicited the aid of local merchants in distributing membership cards, stating, "There are 150,000 people in reach of the streetcar lines of Birmingham. One dollar from each person would make the handsome sum of \$150,000 for a public library. Fill out the membership card on the reverse side and send in your contribution."²⁰ At Thanksgiving, a special appeal was made stating that "the Public Library represents the whole people. . . . It furnishes you the opportunity, Thanksgiving the occasion to make a voluntary contribution."²¹ Thus began the first successful fund raising appeal for a new Birmingham Public Library.

¹⁹*Ibid.*

²⁰Membership card, Birmingham Public Library Association, September 28, 1907.

²¹Membership card, Birmingham Public Library Association, no date.

Chapter IV
GREAT ACHIEVEMENTS,
1908 - 1909

The Birmingham Public Library Association, formed in 1907, had a twofold purpose: first, to develop community support for the library and second, to secure funds to build a library building. Recognizing the need of a professional worker to help carry out these purposes, the association turned to Dr. Thomas M. Owen, Director of the Alabama Department of Archives and History and head of the Library Extension Division, to recommend a suitable person.

Dr. Owen suggested Frances Nimmo Greene.¹ Miss Greene had worked with Dr. Owen, her uncle, traveling the state to stimulate interest in founding municipal and school libraries. Funds were needed to hire Miss Greene; and contributions were received from Birmingham citizens whose names included Kaul, Marx, Hillman, Milner, Talley, Woodward, Jemison, Loveman, Joseph, Loeb, Blach, Saks, Cabaniss, Earle, Rushton, and Pizitz.²

Miss Greene began her work as secretary to the Birmingham Public Library Association in January 1909.³ She was already well known as a teacher and as a writer. Her books included several children's titles on patriotic subjects e.g., *My Country's Voice*. For her first novel, *Into the Night*, she and Marie Bankhead Owen went to New Orleans. There they disguised themselves as Salvation Army workers to get Mafia background for the book. Miss Greene also wrote poems which were published in the *Philadelphia Times*. Frequently she used the *nom de plume* "Dixie."⁴

Brilliant and charming, Miss Greene won many new friends for the library through her talks to clubs and through articles in the newspaper. In an interview in *The Birmingham Ledger* she praised what Birmingham had already accomplished. She said, "There are 10,000 volumes in the library in the City Hall, and I consider it is one of the best collections I have ever seen."⁵ She lauded the work of John Herbert Phillips and urged the addition of more books on technical subjects for people working in the steel mills and industrial plants. She felt that the \$2.00 charge for library users should be abolished and that Birmingham's library should be absolutely free.⁶ She concluded the interview with a

strong plea for a library building. "The promoters of the library movement consider that \$200,000 will be needed for a building. . . . Capitol Park is considered as the most ideal location for the new library," she stated.⁷

Once again, Birmingham turned to the great philanthropist of libraries, Andrew Carnegie, for help in obtaining that \$200,000. On April 12, 1909, Mayor George Ward wrote Carnegie's secretary summarizing Birmingham's library situation. He pointed out that the library, housed on the fourth floor of City Hall, was so far from the street. He added that a public movement had got underway for a new library and that Frances Nimmo Greene had been hired to spearhead the drive as well as to "rearrange the present library in more attractive shape." He then asked if Mr. Carnegie would give \$100,000 if the people of Birmingham would raise another \$100,000 for the building. He was confident that the municipal authorities would provide the site.⁸

Carnegie replied that this was the first time he had been requested to go equal partners in the erection of a library building but that he would be delighted to become a partner with the citizens of Birmingham. He would expect to see the plans before any expenditures were made, however, and recommended that an architect experienced in library construction be hired.⁹

John Herbert Phillips supported Mayor Ward's proposal wholeheartedly and felt there would be no difficulty in raising Birmingham's share by subscription. James Mowron pointed out that Carnegie had profited greatly from the "riches of Birmingham's mineral wealth and there is no reason he should not help with Birmingham's education. His money is good and the opportunity should not slip. He will not live forever."¹⁰

Meanwhile, improvement had to be made in the City Hall quarters of the library. The city spent \$500 to double the space of the library by flooring the area between the balconies of the old council chamber. New shelving was built in all available wall space, and double book stacks were added.¹¹

The greatest need of the library, however, was for a professionally trained librarian to run the library and to organize and catalog the collection. The Library Committee of the Board of Education selected Lila May Chapman, a graduate of the Carnegie Library School of Atlanta, for the job. She was hired for six months to put the library in order.¹² She remained for

¹Thomas D. Parke, Handwritten statement at bottom of "List of Contributions to Fund for Paid Worker," in Thomas D. Parke, A Scrapbook of Newspaper Clippings on the Birmingham Public Library, p. 29. Scrapbook in Tutwiler Collection of Southern History and Literature, Birmingham Public Library.

²*Ibid.*

³*Ibid.*

⁴Anita Rockett, "An Appreciation of the Literary Works of Frances Nimmo Greene" M.A. thesis, Peabody College, 1926.

⁵*The Birmingham Ledger*, January 23, 1909.

⁶*Ibid.*

⁷*Ibid.*

⁸George Ward to James Bertram, April 12, 1909, from Carnegie Foundation microfilm.

⁹James Bertram to George Ward, April 21, 1909, from Carnegie Foundation microfilm.

¹⁰"Citizens Discuss Carnegie's Offer," *The Birmingham Age-Herald*, April 28, 1909.

¹¹*The Birmingham News*, February 12, 1909.

¹²*Ibid.*



Portrait of Lila May Chapman in her early days as the city's librarian. Arriving in Birmingham in 1909 on a six-month contract, Miss Chapman remained in various roles with the Library until her retirement as director in 1947. Photograph from the collections of the Birmingham Public Library.

38 years. Under her supervision the Birmingham Public Library grew to be the largest in Alabama and one of the great library systems of the country.

Born in Dadeville, Alabama, in 1872, Miss Chapman was reared in Macon, Georgia, and graduated from Wesleyan College there in 1890. She taught school in Macon for several years. When the Carnegie Library School opened in 1905, Miss Chapman was among the first ten students to enroll; she was in the first graduating class. During her year of study, Dr. Owen addressed the class about the need for trained librarians in Alabama. While still a student, Miss Chapman was sent by the library school to organize and catalog the books in the new Carnegie Library in Ensley, Alabama. After graduation she cataloged the holdings of the public library at Gadsden, Alabama. Then, she served two years in Corsicana, Texas, as librarian before coming to Birmingham.¹³

¹³Typescript in family history papers furnished by Claire Chapman Harrison, niece of Lila May Chapman.

By May of 1909, Miss Chapman was busy classifying and cataloging books along with her other library duties. She had one assistant, Louise Roberts, a student of Dr. Owen's library science class in Montgomery.¹⁴ Later, Miss Chapman recalled that during the summer of 1909 only 3,329 books were circulated, and her time could be given to classifying books and preparing a card catalog.¹⁵

In July 1909 the Birmingham Public Library Association met in the library assembly room in the City Hall. A. H. Ford, President of Birmingham Railway, Light and Power Company, was elected to succeed W. H. Sims as president. Ford spoke confidently of securing a proper library building soon and urged the association to consider new ways to achieve this goal since the Carnegie grant was doubtful. Thomas Parke, who resigned as vice-president, spoke on the growth

¹⁴Marie Bankhead Owen, *The Story of Alabama*, 3 vols. (New York: Lewis Historical Publishing Co., 1949), III, 282.

¹⁵*The Birmingham News*, March 11, 1926.

of interest in the library and urged each member of the association personally to promote a free library for Birmingham.¹⁶

On October 1, 1909, the real opening of the newly refurbished library was celebrated; and there was cause for celebration. Not only were there better quarters, but, for the first time in its history, Birmingham also had a free public library, the \$2.00 subscription fee having been abolished at last. Newspapers of the day lauded the newly remodeled and expanded quarters of the library. Attention was called to the excellent elevator service to the fourth floor of the City Hall. Under Miss Greene and Miss Chapman, it was noted, there had been a great improvement in library service and a large increase in the number of books in the library — from 19,000 to 20,000. An attractive folder of information for the public was prepared and widely distributed. It pointed out that the library area was quiet and attractive and that it had an excellent reference collection with many bound periodicals, a children's library, and a depository for

¹⁶*The Birmingham Ledger*, July 16, 1909.

government documents. The library was open from 9 a.m. to 6 p.m., except on Friday and Saturday when it remained open to 9 p.m. to serve working people.¹⁷

During the first month of operation in its refurbished and enlarged quarters, the library enrolled 835 persons as members, circulated 1,904 books.¹⁸ At the same juncture Thomas Parke was continuing his canvass for supporters of the Library Association with a series of four "short talks" published in *The Birmingham Age-Herald* in October and November 1909. He pointed out that 500 volumes had been donated by the women's clubs and that the Tennessee Coal, Iron and Railroad Company had given valuable technical works. In addition, the association had raised \$1,600 for the purchase of books. But, Dr. Parke reminded his readers, "the present library is inadequate. Books are needed. A building is needed."¹⁹

¹⁷*The Birmingham Age-Herald*, September 26, 1909.

¹⁸Lila May Chapman, "Librarian's Report," in *Annual Report of the Birmingham Public Schools for the Year Ending June 30, 1910* (Birmingham: n.p., 1910), pp. 63-65.

¹⁹Parke, Scrapbook.

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