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THE DEVELOPMENT OF THE NATIONAL GUARD
OF WASHINGTON AS AN INSTRUMENT
OF SOCIAL CONTROL, 1854-1916

by

PATRICK HENRY McLATCHY

A dissertation submitted in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

UNIVERSITY OF WASHINGTON

1973

Approved by Robert E. Beebe
(Chairman of Supervisory Committee)
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(Departmental Faculty sponsoring candidate)
Date 23 May 1973

UNIVERSITY OF WASHINGTON

Date: 8 May 1973

We have carefully read the dissertation entitled The Development of the Washington National Guard as an Instrument of Social Control, 1854-1916

submitted by
Patrick H. McLatchy in partial fulfillment of
the requirements of the degree of Doctor of Philosophy
and recommend its acceptance. In support of this recommendation we present the following joint statement of evaluation to be filed with the dissertation.

Mr. McLatchy has investigated the development of the institution of the National Guard in Washington State, with an emphasis upon its non-military aspects. He describes the evolution of a militia system in territorial days. He shows the ways in which the guard, in its several forms, came to be recognized as an instrument of social control, a device to assist in the preservation of "law and order" in those circumstances where civil power was considered by the governors and their associates to be insufficient. He shows in detail the ways in which successive territorial and state governors made use of the guard. He tells how the guard, with its elitist connotations in an increasingly egalitarian-minded society, survived and prospered in spite of the hostility of the leaders of organized labor (and their political allies). By 1916, when the National Defense Act made the National Guard a joint federal-state instrument, the National Guard of Washington had reached its "modern" form as a permanent part of the state's governmental machinery.

Mr. McLatchy has based this substantial dissertation upon the papers of the Governors and Adjutant Generals in the Washington State Library and Washington State Archives. He has also made full use of a number of newspaper files. He has read widely in the secondary literature on problems that touch upon his subject. Very little of this literature deals directly with the Guard.

We feel that this dissertation adds a new dimension to this state's political and social history and that it is a case study which will interest many scholars from outside this region. We recommend acceptance.

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Doctoral Dissertation

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CHAPTER I

Introduction

As a first-line reserve to the United States Army, the National Guard today occupies a major position in the national military establishment. As one of the executive departments of the State of Washington, it occupies a major position in state government. Immediately prior to World War I, the Military Department had become one of the largest of the state's institutions. Its personnel and property were distributed throughout the state, and it managed and controlled at least as many buildings and as much land as any other state institution. In addition, it managed federal stores and property and expended federal funds worth more than a million dollars.¹ The first public biennial appropriation for the state military force, granted in 1893, was \$80,000. For the biennium 1915-16, the appropriation totalled \$270,000. In the 1968-69 biennium, the National Guard of Washington spent \$32,274,000. Of that sum, nine percent, or \$3,192,000, was state funds. The remaining ninety-one percent was federal funds.² Yet, in spite of its phenomenal growth, and in spite

¹State of Washington, Military Department, Office of the Adjutant General, Biennial Report, 1915/16, p. 4. Hereafter cited as A. G. Report.

²Ibid., 1893/94, p. 16; Ibid., 1915/16, p. 38; Ibid., 1968/69, p. 71.

of its obvious power, the modern National Guard of Washington has received scant attention from state historians or political scientists. Most of the attention it has received has come to its purely military aspects.

The development of the National Guard as an instrument of social control in the State of Washington is a basic segment of the history of the state's struggle to find ways to solve new problems and to maintain order in its post-frontier era. The socio-economic conflict that erupted from the conditions of the nation's new industrial society arrived in the Puget Sound country in the 1880s, during Washington's last decade as a Territory. This study examines one of the responses to that conflict.

The evolution of Washington's militia into the modern National Guard was triggered by the changing times as Washington emerged from her Territorial frontier. Following the national trend, the earlier Territorial residents and legislators paid little attention to their statutory right to raise an organized state military force. During the 1880s, the National Guard of Washington was maintained at the expense of an elite few private citizens until traumatic social and economic events nourished increasingly receptive attitudes toward a permanent, standing state military force supported by public taxes. Changed too were the purposes for such a state force.

Before 1880, the first line of police power in the Territory existed at the level of county government. The keeper of the peace was the sheriff and his regular deputies,

reenforced at critical times by the special, temporary deputies of the posse comitatus.³ The early organizations of Territorial militia were temporary forces, formed for fighting Indians by men who volunteered only for the immediate emergency. After 1880, need for a police force more professional than the posse comitatus emerged as the more simple life of the frontier was abruptly invaded by a budding industrialism with its turbulent economic and social conditions. The volunteer militia, forerunner of the National Guard, was the traditional, therefore obvious, instrument for the established civil authorities to develop and employ in maintaining social control.

While this study delineates the developmental process by which the territorial militia of 1854 became the dual federal-state National Guard in 1916, it focuses as well on the use of the organized militia as a police force, and on attitudes toward such use. Consequently, details of the military history of the National Guard and its development into a ready reserve of the United States Army are omitted. Search, rescue, and relief work has come to be a significant function of the state military force, but these duties likewise are not the primary concern of this study.⁴

³The sheriff's posse of western fiction is merely a shortening of posse comitatus. In a sense, the posse comitatus is the common militia of the county. It is both a legal concept, and a body of men obligated to respond to the call of the sheriff to assist in preserving law and order and the public peace whenever he needs extra assistance.

⁴For a study of the changing emphasis of the National Guard toward these duties, see Bennett M. Rich and Philip N. Burch, "The Changing Role of the National Guard," American Political Science Review, L(September, 1956), 702-06.

The complexity of the term "militia" is a plague. Jim Dan Hill aptly expressed it when he said, "No noun in the military lexicon has been more frequently abused and more thoroughly misunderstood."⁵ That complexity is partly the result of the changing character and expanding nature of the militia. Originally it was more simply a twofold term referring to the concept of an obligation to serve the state, and to the actual body of able-bodied males of prescribed ages (usually between 18 and 45) who were available and obligated to serve when called. The founding fathers of the United States, in dividing the powers of government, gave to the states the power to draft male citizens into the military service of the state. Compulsory military service to the federal government did not exist until the passage of the United States draft laws and the National Defense Act of 1916.⁶ Today, it has been established by law and by practice that each American male citizen has a dual legal responsibility--separate and distinct obligations to

⁵Jim Dan Hill, The Minute Man in Peace and War, A History of the National Guard (Harrisburg, Pennsylvania: The Stackpole Co., 1964), p. 1.

⁶The history of the development of the concept of a national militia responsibility in the United States is an important part of Jim Dan Hill's The Minute Man ... In general, the section of the militia clause of the U.S. Constitution and the U.S. Militia Act of 1792 made every able-bodied male eligible to be "drafted" by his state government. No such militia or draft obligation existed for the national government, hence, the national government had to rely on volunteers or pass a special draft law. Such a law was never passed until the Civil War, and then the tradition of non-obligation to the central government was so strong, North and South, that dissent against the national draft resulted in violence, see especially, pp. 66-71.

serve in the military of the state and of the nation. A call to the service of the federal government takes precedence over any call made by the state.⁷

A second element adding to the complexity of the term "militia" is the multiplicity of names that have identified two fundamentally different and distinct classes or types of militia. The difference between these two classes of militia, well known in the early 19th century, is now often overlooked even by military writers.⁸ One military authority identified these two classes as "Volunteer Militia" and "common militia." The Volunteers, he said, had "uniforms, equipment, training, esprit de corps, and organization--perhaps only of a sort, but none the less real. The latter class [the common militia] possessed none of these attributes and had little desire to obtain them."⁹ The Volunteer Militia has also been called the Volunteer Independent Companies,¹⁰ the Organized Militia,¹¹ and

⁷Edmund R. Beckwith et al., Lawful Action of State Military Forces (New York: Random House, 1944), p. 9.

⁸Frederick P. Todd, "Our National Guard: An Introduction to Its History," Military Affairs, V(Summer, Fall, 1941), 74; and Hill, p. xii.

⁹Todd, Military Affairs, V, 75. For more detailed definitions of militia and related terms, see Ibid., pp. 73-74, and Hill, pp. 26-31. For a view of the two classes of militia as they affected the American martial spirit (and vice versa), see Marcus Cunliffe, Soldiers and Civilians - The Martial Spirit in America, 1775-1865 (Boston: Little, Brown and Company, 1968), especially chapters vi, vii, and xii.

¹⁰William H. Riker used this term in his Soldiers of the States: The Role of the National Guard in American Democracy (Washington, D. C.: Public Affairs Press, 1957).

¹¹George Fielding Eliot, in the Foreward to Hill, p. xii.

in more recent years, the active militia.¹² The common militia is synonymous with the enrolled militia,¹³ the inactive militia, the unorganized militia, and the usual contemporary term, reserve militia.¹⁴

Today a state militia, including that of Washington state, consists of two categories of members--active and reserve. The active militia is organized and uniformed, and is called the National Guard. The militia reserve is the unorganized militia, consisting of all other persons liable for state military service but not enlisted in the active organized force.¹⁵ The average state resident probably is unaware of this responsibility, but every man, unless specifically exempt by legislative action, is a militiaman.

The lineal descent of the National Guard is from the Volunteer Militia.¹⁶ Todd described the relationship more precisely:

¹²Beckwith et al., p. 9.

¹³Hill, pp. xii, 11, 27.

¹⁴Beckwith, et al., p. 9.

¹⁵Ibid.

¹⁶The National Guard likes to claim that the Minute Man was not a militiaman, but a volunteer, and therefore is the forefather of the National Guardsman., George Fielding Elliot, in the foreward to Hill, p. xii; the title of Hill's book also attests to that claim.

From another viewpoint, it seems that the Minute Man was technically neither a common militiaman nor a volunteer militiaman. Rather he was a volunteer member of an organized force rebelling against the established government. This view precludes the idea that militia of either class can represent other than the established government and still be called militia.

The National Guard, popular belief and legislation to the contrary, is not descended from the common militia. In fact, its development has been in opposition to, and frequently in spite of, this body. It is a lineal descendant of the Volunteer corps, for the Guardsman is essentially an amateur soldier; the militiaman was ever a civilian.¹⁷

The name National Guard gradually came into use to identify that new type of Volunteer Militia which developed during the second half of the 19th century. In the United States, the term was first applied to a state militia organization in 1824 when the 7th New York Regiment assumed for itself the title National Guards. This was done as a compliment to Lafayette who was then visiting the United States and who had used the term for a military force in France.¹⁸ The term was in common usage by the 1890s. One author claimed that by 1892, nearly every state had established an organized militia and was calling it the National Guard.¹⁹ The National Guard Association claimed that, by 1896, only three states still used "Militia" to identify their military forces and that "National Guard" became "practically universal" in a short

¹⁷Military Affairs, V, 74.

¹⁸National Guard Association of the United States, The Nation's National Guard (Buffalo, New York: Baker, Jones, Hausauer, Inc., 1954), p. 10. Renata Adler described the name as a "misnomer" in "A Reporter at Large," The New Yorker (October 3, 1970), p. 42.

¹⁹Martha Derthick, The National Guard in Politics (Cambridge, Massachusetts: Harvard University Press, 1965), p. 16.

while.²⁰ It really was not that simple. The state rights tradition retarded acceptance of the national title.

The Dick Act of 1903, the first U. S. law to bring the state military forces under the shared responsibility of the federal government, suggested, but did not require, that the Organized Militias of the various states and territories call themselves National Guard.²¹ By 1895, only 36 states had officially designated their Organized Militia forces as National Guard. Three states (Massachusetts, Rhode Island, and New Mexico) retained the term militia in their titles. Ten states, all of them Southern including Arkansas and Texas, still referred to their Organized Militias as State Guard, State Troops, Volunteers, State National Guard, State Volunteer Troops, and Volunteer Guards.²²

In Washington State, the term National Guard was coming into vogue in the 1880s with the emergence of the volunteer

²⁰ National Guard Association, The Nation's National Guard, p. 10.

²¹ United States, Statutes at Large (1903), c. 196, sec. 1. This law is also reprinted in full in Washington State, Military Department, Office of the Adjutant General, Washington National Guard Pamphlet: The Official History of the Washington National Guard. Vol. V, Washington National Guard in World War I, compiled by Virgil F. Field (mimeographed [1961]), 424. Hereafter cited as The Official History of the W.N.G.

²² United States, War Department, Office of the Adjutant General, Military Information Division, The Organized Militia of the United States, No. 7, (Washington: Government Printing Office, 1898), p. 302. Three years later, eleven states still retained titles lacking the words "national guard," Ibid., No. 29 (1900 [for 1898]).

companies of that decade. By March of 1884, the governor had recognized seven volunteer companies under the newly acquired name "Washington National Guard."²³ However, it was not until 1888 that the territorial legislature officially titled the Organized Militia as the National Guard of Washington, and levied a military tax for maintaining a standing military force.²⁴

The modern National Guard is a complex organization. That complexity stems primarily from 1916 when it was formed as a dual federal-state organization with crossing and inter-lacing lines of authority and responsibility. It has been called a "unique" and "curious military force"--curious, because its allegiance to two governments, two legislatures, and two chief executives (commanders-in-chief) is a contradiction of the military tradition of a single commander; unique, because it is the only such military force with a divided command that is actually intended for use in warfare.²⁵ This duality has played a primary role in the confusion involved in identifying

²³The Official History of the W.N.G., IV, 320.

²⁴Washington Territory, Laws (1888), Art. II, sec. 4.

²⁵Riker, p. 1. Riker examined the militia as an institution which has experienced the problems begot by joint federal-state administration. Political scientist Riker opposed any government institution under divided (dual) administration. He found the duality in the Guard to be established from political rather than military demands and he argued that Charles Beard's economic interpretation of the Constitution distracted attention from an equally valid military interpretation, p. 119.

the purpose of the National Guard. As late as 1941, the purpose for its existence was uncertain: to preserve domestic tranquillity; to assist in the national defense; to stimulate a military spirit among the citizens; or to act as a safety valve for the more martial citizenry? "Whom," it was asked, "does the Guard serve?"²⁶ A recent critic of the Guard identified it as "an uneven, crazy, dangerous collection of state military forces whose purpose is undefinable and which it is impossible either to train for some national purpose or to disband."²⁷

The few monographs on the National Guard have emphasized its military function and its role as a political entity in the American federal structure of government.²⁸ The in-depth history of the National Guard as a police force remains unwritten.²⁹ Since the purpose of this study is to examine the

²⁶Todd, Military Affairs, V, 74.

²⁷Renata Adler, "A Reporter at Large," The New Yorker (October 3, 1970), p. 42.

²⁸The most complete, but thoroughly partisan, history is General (and Ph.D.) Jim Dan Hill's The Minute Man ... The abbreviated history by Todd ignored the Guard's police role, Military Affairs, V, 73-86, 152-170. A recent publication, aptly titled, adds little that is new, Colonel R. Ernest Dupuy, The National Guard, A Compact History (New York: Hawthorne Books, Inc., 1971).

Derthick and Riker stressed the political nature of the Guard, as did Samuel P. Huntington, The Soldier and the State, The Theory and Politics of Civil Military Relations (Cambridge: The Belknap Press of Harvard University, 1957).

²⁹The fullest treatment of the Guard's police role is by Riker.

role of the National Guard of Washington as an instrument used to maintain social control, it is pertinent first to overview the non-military history and reputation of the National Guard as a whole.

The common militia system established by the United States Constitution and the Militia Act of 1792 was a failure because it did not produce organized bodies of troops.³⁰ It simply required that all able-bodied males gather once a year to answer roll call or, failing to muster, to pay a fine. By the 1840s, it was defunct.³¹ In its place a substitute system had evolved. This was the system of Volunteer Militia, or Independent Volunteer Militia companies.³² These were special companies often called "uniformed militia" because members provided their own uniforms, and met their own expenses. They were also called the "active militia" because members met and trained with some regularity.³³ Often they were simply social clubs with dues-paying soldier-members representing the middle and wealthy classes.³⁴ The National Guard traces its lineage

³⁰Todd, Military Affairs, V, 156.

³¹Cunliffe, pp. 202-212. For labor's complaints with the common militia system, see Joseph G. Rayback, A History of American Labor (New York: Macmillan, 1959), pp. 65-67, 89-90.

³²The Militia Act of 1792 permitted states to incorporate private companies that could be attached to the state militias, Riker, p. 42.

³³Ibid.; see also Todd, Military Affairs, V, 82.

³⁴Ibid.

from these companies, not from the defunct common militia system.

The golden age for the independent companies was 1800 to 1860.³⁵ From about 1865 to 1875, they sank to their lowest ebb as over two-thirds of the states were without Organized Militias following the Civil War. In the North, no more than twelve states had units with some semblance of training and organization. The Southern states, during Reconstruction, maintained Organized Militias although they supposedly had lost their right to organize militias.³⁶ Suddenly, in the late 1870s and early 1880s, volunteer companies again became numerous. Disagreement still exists as to the cause of the sudden, rapid growth of the nascent National Guard at that time. The simplistic, but most probable, version points its finger at the changing socio-economic conditions of that era.³⁷

William H. Riker claimed that the fundamental reason for the sudden revival was the growth of the labor movement. As

³⁵Ibid., p. 83.

³⁶In convincingly refuting Riker's contention that there were no militia units in the South after the Civil War, Hill described the "uses and abuses" to which the Organized Militias of the Reconstruction governments were assigned. Volunteer companies were permitted to form by the Radical Republican Congress, and were used as instruments of power politics in keeping Carpetbag and Scalawag governments in power, pp. 104-116.

³⁷For articles published in the 1880s which propounded this argument, see Derthick, p. 182, footnotes 2 and 3.

the Knights of Labor swelled from 5,000 members in 1877 to 50,000 members two years later, they terrified the property classes. But, argued Riker, the overt action that triggered the revival of the disintegrating Volunteer Militia system was the "great railroad strike of 1877."³⁸ Out of that uprising a class consciousness emerged in American society, the word insurrection came into vogue, and substantial taxpayers became willing to pay for a large internal police force.³⁹ Robert V. Bruce, in his history of the violence of 1877, identified the strengthening of the militias by the states as one of the after effects of the riots.⁴⁰ A more extreme expression of this view was made by a recent severe critic of the National Guard. After 1877, wrote Renata Adler, the National Guard entered modern history in something "like its current form and spirit...as a strikebreaking force...and earned a reputation as a business-financed, elitist, repressively anti-labor force."⁴¹

Though the violence of 1877 and the growing organization of labor undoubtedly served as the principal, if not crucial,

³⁸Riker, pp. 44-47. The railroad strike of 1877 was more properly a series of strikes, riots, and rebellions against industrial conditions that took place in several states in 1877 and was, in effect, the first national strike in the United States. It was an epic, landmark event in American social history, see, Samuel Yellen, American Labor Struggles (New York: Harcourt, Brace and Co., 1936), chap. i; see also, Robert V. Bruce, 1877: Year of Violence (New York: Bobbs-Merrill Co., 1959).

³⁹Riker, pp. 48, 51.

⁴⁰Bruce, p. 311.

⁴¹The New Yorker (Oct. 3, 1970), p. 42.

catalyst, it is unrealistic to attribute the sudden growth of the Organized Militia solely to attempts by business interests and state governments to maintain domestic order. Martha Derthick identified several factors that contributed to the development of the National Guard in the 1870s, factors not directly related to industrial conflict. One of these was a martial enthusiasm that was rekindled in that decade. Another was the fraternal, social, athletic, and public service functions of the Guard that satisfied many needs of the growing group of office and factory workers in the North. The nationalistic fervor of the era was a third factor as evidenced by the adoption of the name National Guard by many state forces, and by the formation of the National Guard Association as a national lobbying organization.⁴²

It is natural that Guard spokesmen would reject the validity of the anti-labor claims made against their organization. General (and Ph.D.) Jim Dan Hill, author of the only in-depth history of the National Guard, vehemently did so. William Riker's criticism of the Guard so incensed General Hill that he went to some length in not only making a rebuttal but also in attacking Riker's ability as a scholar.⁴³ Hill argued

⁴²Derthick, pp. 17-19. The existence of a martial spirit within an anti-military society is an interesting paradox. For one explanation of that phenomenon after the Civil War, see George M. Fredrickson, The Inner Civil War (N. Y.: Harper and Row, 1965), ch. xiv, "The Moral Equivalent of War."

⁴³Hill, pp. 128, 130-131. For references to periodical literature about the National Guard, see Todd's footnotes, Military Affairs, V.

that the National Guard was an innocent force caught between the extremists of capital and labor; that the Guard unjustly received more abuse than the Army for its activities in industrial conflicts; and that the Guard's growth, training, and military goals suffered damage from that conflict. Therefore, the Guard neither sought nor desired strike duty.⁴⁴ The real enemies of labor during that turbulent era, according to the one-sided view of General Hill, "were never those who stood for law, order and justice within the dreams and objectives of true Democracy, as did the National Guard."⁴⁵ Labor's cause, proclaimed Hill in another curious statement, "between 1877 and 1879 suffered more from its own undisciplined excesses and its identification with bomb-throwers, dynamiters, and anarchistic journalism, than from any repression from either the National Guard units or the Regular Army."⁴⁶ Hill's bias is understandable, but the Organized Militia was, in fact, an arm of state government, and governmental involvement in industrial conflicts usually sided with management in "protecting the principles of private property and freedom of contract."⁴⁷

⁴⁴Hill, pp. 125, 132.

⁴⁵Ibid., p. 127.

⁴⁶Ibid., p. 126.

⁴⁷Yellen, p. xiii.

For a while after its revival, the Organized Militia continued with strike duty as its major function. But near the end of the 19th century, the primary function became military. The cause of that change in emphasis is difficult to identify. Riker's view was that the change was necessary for the Guard's continued existence as the need for the police function declined. Had the Militia not changed its purpose, that system would have again slipped into insignificance. Thus, it became crucial to the survival of the newly-revived Militia that it de-emphasize its strike-breaking function.⁴⁸ Hill, on the other hand, argued that it was the changing times, with labor becoming less "gullible" and industrialism maturing, rather than any change in official National Guard policy that brought about that conversion from strike duty emphasis to military emphasis.⁴⁹ Both explanations seem overly simplistic and reflect the bias of each author. The question is worthy of deeper study.

But whatever the cause, change did occur. With businessmen donating some of the camp grounds, summer camps of instruction became more common during the 1890s. Although riot drill was a part of camp instruction in that decade, the new emphasis--that of an official reserve force to the Regular Army--grew out of those summer training camps and out of

⁴⁸Riker, pp. 51-52.

⁴⁹Hill, pp. 131-132.

increased training. In addition, that changing emphasis was nourished by the social club and entertainment features that were stressed then, and the new efforts in lobbying aimed at convincing Congress that the Guard's value to the nation was greater as a military force than was its value to the states as a police force.⁵⁰ By about 1900, with a push from the war with Spain, the National Guard was well under way in its development as a military reserve. After the Dick Act of 1903 made the Guard's new military function more of a reality, emphasis on its police function declined.⁵¹ Concurrently, the Guard increased its activities in natural disasters, and the first state police systems began to be developed.⁵²

This, then, is the broader setting in which one of the smaller parts was Washington with its own changing times between 1854 and 1916, and its volunteer militia changing in nature and purpose as it evolved into the National Guard of Washington.

⁵⁰Riker, pp. 51-61.

⁵¹Ibid., p. 64. The object of the Dick Act of 1903 was to have the National Guard recognized under federal law as the (national) Organized Militia, Derthick, p. 16. Legal recognition was important for financial assistance from the federal government.

⁵²Riker, p. 65; Hill, pp. 131-132.

CHAPTER II

The Volunteers of the 1850s

An overview of the military history of the Territory of Washington between 1853 and 1879 shows that the pioneers were scarcely interested in organizing a permanent militia. Prior to the 1880s, the territorial legislatures made little more than token responses to gubernatorial requests for laws that would establish an effective militia. The Indian wars of the 1850s produced two separate regiments of Washington volunteers. Both were formed under dubious legal territorial authority and no federal authority.¹ The Civil War produced a third volunteer regiment in addition to several common militia companies. In the decade of the 1870s, it was again Indian warfare that was primarily responsible for the organization of several volunteer companies.

¹Roy N. Lokken, "Frontier Defense in Washington Territory, 1853-61," (unpublished Master's Thesis, University of Washington, 1951), pp. 70, 89, 98, 104-5. The organization and activities of these regiments are described and analyzed in Lokken's thesis. For official documents and correspondence involving these regiments and an unquestioning interpretation of their legality, see The Official History of the Washington National Guard, Vol. I: Heritage of the Washington Territorial Militia, pp. 31-39; and Ibid., Vol. II: Washington Territorial Militia in the Indian Wars of 1855-56.

The existence of so many volunteer organizations indicates that the territory's militia system failed and that a volunteer system filled the vacancy left by that failure and by an under-sized regular U. S. Army. The fundamental factor behind the failure of the common militia in Washington Territory was inherent in the militia system itself. The territory's failure was similar to that of the national common militia system which proved to be an inadequate substitute for a large standing army for the nation at large. At both levels of government, the common militia system was replaced by the volunteer system. The volunteer system ultimately produced the National Guard.²

Compounding that inherent flaw in Washington were the poorly worded, unrealistic laws passed by the Legislative Assembly. Not until 1888 was an effective territorial militia law passed which encouraged the volunteer system and accepted public responsibility for financial support of a permanent, organized Militia. The passage of the Militia Act of 1888 would reflect the significant changes that had taken place in Washington's social and economic conditions as the frontier era ended after 1879.

With this general overview of the years between 1853 and the 1880s in mind, it is possible to view more closely the role of the militia in the 1850s. Since the National Guard of Washington descended from the volunteer system initiated during Stevens' administration, it is the purpose of this chapter to

²For a description of the failure of the militia at the national level, see above,

identify the military forces Governor Stevens had available and the non-military use to which he assigned them. First, it might be well to evaluate the first two territorial militia laws and to identify the volunteer regiments.

The Militia Laws of 1855 and 1858

A governmental mitosis in the Pacific Northwest in 1853 brought a new territory into existence. Congress divided the huge Oregon Territory and organized its northern portion into the Territory of Washington on March 2nd. The first governor, Isaac I. Stevens, arrived in Olympia November 25, 1853. He immediately established a schedule and procedure for electing legislators and other territorial officers. As a result of that executive action, the First Annual Session of the Legislative Assembly convened in February, 1854, and heard the young governor call for the enactment of several programs with which he hoped to inaugurate government in the territory. Among those requests was a military defense plan. Governor Stevens wanted the territory to be able to handle its own defense. The new territory's Organic Act ignored the militia system except to identify the governor as its commander-in-chief.³ Therefore, Stevens asked the legislature to establish an "efficient militia system." To supplement the militia, he requested that military training be required in the higher grades of the public schools. According to the wording of his

³The Organic Act is in Washington (Territory), Laws (1855), pp. 32-42. Hereafter cited as Wash. Terr. Laws.

address, the governor was concerned only for defense from foreign invaders. He expressed no fear of Indians or dissident citizens.⁴

The legislators of that first session were generally responsive to the desires of the talented Stevens. They enacted into law all of his requests except one. That lone rejection was the proposal for an efficient militia system. Thus began a long territorial rejection of the militia. In December, 1854, the Second Annual Session of the Territorial Assembly convened. In his message to the second session, Governor Stevens repeated his request for a militia. That address emphasized the rising Indian threat as well as the Crimean War which Stevens claimed he expected to involve Canada and Alaska. Stevens told the legislators that he was urging the national government to provide coastal defenses in the Northwest. He informed them that the federal government could not issue arms to any state or territory that did not have an officially enrolled and recognized militia. To drive home his point, Stevens reminded the legislators that his request for arms and ammunition during an earlier Indian alarm had been rejected by the War Department because the territory had no enrolled militia.⁵

⁴Stevens' first message, February 28, 1854, in Charles M. Gates, ed., Messages of the Governors of the Territory of Washington to the Legislative Assemblies, 1854-1889 (Seattle: University of Washington Press, 1940), p. 8. Hereafter cited as Gates, Messages of the Governors. For an analysis of Stevens' military plan see Lokken, Ch. ii.

⁵Gates, Messages of the Governors, p. 10.

This time the legislators responded with an affirmative vote for militia law. On January 26, 1855, they passed the first Militia Act of Washington Territory.⁶ Stevens' personal influence was probably less significant in affecting the legislative votes than was the fact that the Indian scare had appreciably increased during the summer and fall of 1854. Although he apparently did not immediately recognize it, Governor Stevens had little reason to celebrate since the new law was a monumental farce.

Omissions and contradictions within the statute doomed any possibility of organizing a militia out of its provisions. Three contradictory sections of the act made it almost useless by providing three conflicting methods for electing and appointing company officers.⁷ Omissions were even more plentiful and debilitating. For example, the law avoided any clear statement of whether or not it was compulsory for the regimental districts to organize companies. Although it did permit volunteer companies to organize, the act contained no provision for specific training requirements. The act also failed to grant specific authority for the governor to call out

⁶Wash. Terr. Laws (1855), pp. 19-21. This Act is also reprinted in full in The Official History of the W.N.G., I, 36-37. For an analysis of this law, see Lokken, p. 22.

⁷Sections 2, 12, and 14.

the militia.⁸ Finally, of much more fundamental importance, was the failure of the Act of 1855 to provide public funds for maintaining a permanent force, or even to provide any means of compensating a temporary force called into emergency service of the territory.⁹

One of the consequences of the first Militia Act was confusion over the legality and status of the two volunteer regiments which came to be organized in 1855 and 1856 during the Indian wars. The statute gave those regiments a false semblance of legality.¹⁰

When the Third Annual Session of the Territorial Legislative Assembly convened on December 5, 1855, Governor Stevens was in Eastern Washington organizing his own volunteer companies and preparing for treaty councils with the Spokanes and the Nez Perces.¹¹ The serious fighting of the Indian war of 1855 had commenced three months earlier--in October. Acting

⁸Lokken described the shortcomings of the Act of 1855, but either missed or ignored the omission of gubernatorial authority to call out the militia--perhaps because of the fact that U.S. law did not grant such authority to territorial governors, pp. 26-27.

⁹Other factors besides the inadequacy of the Act of 1855, which contributed to the territory's inability to organize a militia included the poverty of the young government, and the smallness and sparseness of its population, Lokken, pp. 27, 69-70.

¹⁰The illegality of the Volunteers is described below, pp. 30, 38.

¹¹Stevens had hurried back to Washington Territory as soon as he learned of the outbreak of fighting and arrived in what is now eastern Washington near the end of November or early December, Lokken, p. 58.

Governor Charles H. Mason had already officially recognized the failure of the common militia system by calling for the volunteer force that became the First Washington Volunteers. In his address to the third session in December, Mason pointed out how the Indian war of the preceding months had brought out the deficiencies in the Militia Act of 1855. He recommended that the legislature pass a law which would provide for the election of the four general officers (brigadier, adjutant, quartermaster, and commissary generals). In addition to a system of enrollment of all men capable of bearing arms in all the counties, Mason asked for a volunteer militia system.¹² In spite of the Indian war in progress, Mason's request went unheeded.

One year later, Governor Stevens again recommended revision of the Militia Law. Basically he repeated Mason's request for an enrollment of all able-bodied men and for encouragement of volunteer organizations.¹³ In addition, he wanted four ranger companies as a permanent, trained part of the militia. An attempt to grant the governor his wishes by amending the Act of 1855 was defeated December 10, 1856, by the Whig-dominated Council of the Legislative Assembly. By then the Indian scare had lessened and the Democratic administration

¹² Mason's address, Dec. 7, 1855, in Gates, Messages of the Governors, p. 20.

¹³ Stevens' message, Dec. 3, 1856, in Gates, Messages of the Governors, pp. 43-44.

of Stevens was under vigorous attack by Whigs and anti-Stevens Democrats.¹⁴

Isaac Stevens resigned as governor in July, 1857, after he had been elected territorial delegate. His successor, Fayette McMullan, continued the quest for an improved militia. On December 12, 1857, McMullan asked the convening legislature for an amendment of the militia law to allow the formation of volunteer companies. This time, gubernatorial persistence was rewarded with passage of the Militia Act of 1858 amending the original law. However, it was again a victory of limited value. While the new law did provide in greater detail for volunteer companies, including authorization for them to levy fines for missing drills and meetings, it did not provide specific training requirements. While it did provide the governor with the authority to call out the militia in an emergency, the new law retained the previous fundamental weakness of refusing public financial support of the Militia. It failed even to provide any payment for active duty.¹⁵

One reason for their failure to write a stronger law was the legislators' disinterest in a militia. After 1856 the regular Army had assumed full responsibility for fighting

¹⁴Stevens was attacked for his treatment of some Volunteers, ie., Company A of Seattle commanded by A. A. Denny and Judge Edward Lander; his declaration of martial law; and his Indian policy, Lokken, pp. 211-214.

¹⁵Wash. Terr. Laws (1858), pp. 15-19. This law is also reprinted in full in The Official History of the W.N.G., III, 172-174.

Indians in Washington Territory. The only need for a militia was for military defense and Washingtonians preferred to rely on the United States government for territorial defense.¹⁶ Self defense would have been an expensive undertaking for the undeveloped Territory. Not until 1861 were any companies organized under the 1858 militia measure.¹⁷

In sum, the Militia Acts of 1855 and 1858 fell far short of the desires of Governors Stevens, Mason, and McMullan for an effective militia system. When the emergency of the moment demanded a military force to fight Indians, the lack of an organized, enrolled militia forced the territory to resort to temporary, volunteer militia. The volunteer militia was organized outside of, and perhaps even in spite of, the first two militia laws. The volunteers were formed into two distinct regiments--the First Washington Territory Volunteers in 1855 with its three-month enlistments; and the six-month Second Washington Territory Volunteer Regiment in 1856.

The First Regiment, Washington
Territory Volunteers, 1855

In addition to being in command of the northern survey of the Pacific transcontinental railroad, Stevens served in two other official capacities when he first arrived in the

¹⁶Lokken, p. 215.

¹⁷Field stated that there is no record of companies ever organizing under that law, The Official History of the W.N.G., III, 175. But he subsequently identified six militia companies organized in the spring of 1861 that must have been formed under the Act of 1858, Ibid., p. 186.

Northwest. He was governor of Washington Territory and Superintendent of Indian Affairs in the Territory.

Superintendent Stevens commenced making a series of treaties with Indians in December, 1854, establishing what his opponents claimed was an incendiary policy. In June, 1855, as Superintendent Stevens, he left the territory to journey to the upper Missouri river country to treat with the Blackfeet. During the governor's absence, in late September, 1855, the tempo of the Indian war increased. The territory seemed to be in need of a defense force to support the small regular Army, but Acting Governor Charles H. Mason had no militia.

In accordance with the Militia Act of January 26, 1855, the legislature had elected George Gibbs as the first brigadier general of the Territory of Washington to command the proposed brigade-size militia organization. That act also stipulated that the voters of each Council district (consisting of one or more counties) elect the senior officers who would command the proposed regiment that each district was expected to raise and organize. Those officers were elected, but they never commanded any troops. Perhaps largely due to the contradictory wording of the act, nothing had been done about organizing companies. Consequently, there were no captains to enroll the militia in the company districts. By late September, 1855, when serious warfare seemed imminent, the territorial militia consisted of only six regimental districts, each with an elected colonel, lieutenant-colonel, and major. There were no organized units

of any size. In fact, there apparently was not even an enrolled militiaman.¹⁸

As war activity increased in August and September, 1855, the under-sized United States Army in the Pacific Northwest proved to be insufficient. A small punitive force under Major G. O. Haller was defeated in the Yakima country on October 6th. Anxiety increased after Haller's defeat was followed by some other minor Indian victories. An enrollment of the militia was hurriedly taken and forwarded to General Gibbs. That action enabled Gibbs to request the War Department to forward to the territory 1,000 rifles with which to arm the militia. And that was the extent of action taken by the territory's legal militia force in the Indian war of 1855-56.¹⁹ In the absence of the militia, the volunteers organized.

On October 9, Major Gabriel J. Raines, commanding the U. S. Fourth Regiment at Fort Vancouver, W. T., requisitioned

¹⁸Lokken, pp. 40-41; The Official History of the W.N.G., I, 39.

¹⁹This failure of the militia was also noted by Thomas W. Prosch, "Chronological History of Seattle from 1850 to 1897" (typewritten copy, 1900, 1901), p. 68. Field, on the other hand, did not recognize it as a total failure. Referring to the establishing of the military districts and the electing of the senior officers of those districts, and to Gibbs' success in getting the War Department to issue 1,000 muskets to the Territory in December, 1855, Field said, "The prompt and efficient action taken by General Gibbs and other Territorial Officials in at least establishing the nucleus of a Militia is credited by many early historians as saving the citizens of Washington Territory from complete annihilation in the Indian Wars of 1855-56." The Official History of the W.N.G., I, 39.

Acting Governor Charles H. Mason for two companies of volunteers.²⁰ That request by Raines is now one part of the argument that emphasizes the illegal nature of the volunteers. Raines had no authority to ask the territory for volunteers because the War Department had already specifically denied a blanket request by Major General John E. Wool, Raines' commanding officer, for the authority to call out territorial volunteers.²¹ Legal or not, Mason obliged Major Raines. Lacking an organized, enrolled militia, the acting governor turned to the expediency of the volunteer system. On October 14, 1855, he called for volunteers at Olympia and Vancouver. The First Washington Territory Volunteers began as a two-company regiment as of that date.²²

The First Regiment of W.T.V. was a regiment in name more than in function. By October 28, it consisted of eight companies, but four of those companies had been mustered into the service of the United States Army and were therefore not under the authority of the governor.²³ About one month later, Isaac Stevens re-entered the territory upon his return from the

²⁰ Lokken, pp. 42-44; Major G. J. Raines to C. H. Mason, Oct. 9, 1855, in The Official History of the N.G.W., II, 44.

²¹ Lokken, pp. 13, 89, 105-106.

²² Mason to Raines, Oct. 14, 1855, in The Official History of the W.N.G., II, 45. Lokken, p. 43. Lokken evaluated and described the circumstances involved in organizing the First W.T.V., Chapter 4. For official correspondence pertaining to the regiment and to the Indian Wars of 1855, see The Official History of the W.N.G., Vol. II, Chapter 1.

²³ Lokken, p. 49.

upper Missouri and immediately organized his own volunteer companies. The final muster rolls of the First W.T.V. included even the companies organized by Stevens in eastern Washington, although Stevens had no knowledge of the regimental organization at the time he called for his own volunteers.²⁴ The patchwork collection of companies that made up the First Regiment, W.T.V. never did function together as a regiment.

Before the end of 1855, the question of the legality of the Volunteers was being raised. Until mid-December, 1855, there had been close cooperation between the U. S. Army, under Major Raines, and the territorial Volunteers. That cooperation was eroded as other Army officers, especially General Wool, began to challenge the legality of the volunteer forces.²⁵ There was ample ground for the challenge. None of the companies organized by Mason was founded by any legal authority. Neither the territorial Militia Act of 1855 nor any federal statute authorized the governor to call out either volunteers or militia. And, as explained above, the Army had been denied the authority to call out volunteers.

The fundamental premise in the argument that the Volunteers had no legal authority is the claim that they were a distinctly different force from the militia that was provided

²⁴Ibid., p. 69.

²⁵Ibid., pp. 67-68.

for under the Act of 1855.²⁶ The exclusion of the territory's brigadier general of the militia, George Gibbs, from participation in the Volunteers is strong evidence of the difference between the two separate forces. In accordance with the Militia Act of 1855, Gibbs had been elected to his position of militia commander. However, he apparently attempted to take no action to organize a force nor is there any evidence that he was directed to do so by either governor, Stevens or Mason.²⁷

Gibbs never held any jurisdiction over the First W.T.V. nor did he even participate with the Volunteers.²⁸ He did not oppose the Volunteers or their role in the Indian War. There is no evidence that Gibbs was at all concerned about being by-passed. It was not until Governor Stevens' declaration and enforcement of martial law that Gibbs vigorously raised his voice in protest against Stevens' actions.²⁹ The exclusion of Gibbs from the Volunteers remains an unresolved curiosity. It could have been the result of political conflict. Gibbs was

²⁶This argument is supported by Lokken, pp. 44, 69. The compiler of The Official History of the W.N.G. simply assumed that there was no distinction between the two types of forces.

²⁷Lokken, p. 44.

²⁸Ibid., p. 121.

²⁹Ibid., pp. 141, 143. Later, Gibbs criticized Wool's conduct, then criticized the Army's actions (under Colonel Wright) east of the mountains, but praised the Army's work west of the mountains (under Colonel Casey), Letters to James G. Swan, July 31, 1856, and Jan. 7, 1857, in Swan's The Northwest Coast: Or, Three Years' Residence in Washington Territory (New York: Harper and Brothers, publishers, 1857), pp. 390, 428.

an active Whig and Stevens and Mason were Democrats. Or it could have been rooted in a personal conflict between Stevens and Gibbs, or between Mason and Gibbs. Gibbs and Stevens differed in their views toward a proper Indian policy for Washington Territory.³⁰ A highly plausible explanation for Gibbs' exclusion would be that it was an overt recognition by the governors that General Gibbs' Militia authority did not extend to the Volunteers.

Although Gibbs was its brigadier general, the territorial militia had no adjutant general in 1855. Upon organizing the First W.T.V., October 14, 1855, Mason appointed James Tilton, the surveyor general of the territory, to the office of adjutant general of the Volunteers.³¹ If the Volunteers were militia, which they were not, the appointment of Tilton was a violation of the Militia Act of 1855 which provided for the

³⁰Hazard Stevens, in his highly biased biography of his father, belittled Gibbs' opposition to martial law as a result of personal animosity. Gibbs, an "unsuccessful and disappointed" man "nursed a grievance, in that the governor had rejected an extensive and ambitious policy of Indian treaties and Indian management which Gibbs had elaborately set forth in his report on the Indians, and which, if accepted, would probably have furnished a good position for himself." The Life of Isaac I. Stevens (Boston and New York: Houghton, Mifflin and Company, 1900-1901), II, 246. Vernon Carstensen, in a brief biographical sketch of Gibbs, noted that Stevens gave Gibbs a "mild reproof" for going beyond the governor's orders in making recommendations regarding Indian policy, "Pacific Northwest Letters of George Gibbs," OHQ, LIV (September, 1953), pp. 194-195. For evidence of Gibbs' expertise in Indian affairs see Carstensen, Ibid., pp. 192-194, and Ella E. Clark, "George Gibbs' Account of Indian Mythology in Oregon and Washington Territories," OHQ, LVI (December, 1955), p. 293.

³¹Lokken, p. 43; A. G. Report, 1891/92, Schedule B, p. 11.

legislature to elect the adjutant general. Tilton was later appointed to the same position in the Second W.T.V. by Governor Stevens.

With Gibbs out of the running, the Volunteers were without a brigadier general, ie., field commander. This matter was temporarily rectified on October 30, 1855, when Mason appointed U. S. Army Major Raines to be brigadier general in command of the First Regiment, W.T.V.³² General John Wool later criticized Raines for accepting the territorial commission.³³ Raines was not re-appointed to the Second Regiment which served without a brigadier general.

By the end of 1855, the Militia Act of January, 1855, had proved its deficiencies. It had failed to produce an organized

³²A. G. Report, 1891/92, Schedule B, p. 28; Hubert Howe Bancroft, History of the Pacific States of North America, Vol. XXVI, Washington, Idaho, and Montana 1845-1889 (San Francisco: The History Company, Publishers, 1890), p. 114; Lokken, 51. Interpretations vary as to the purpose of Raines' appointment as brigadier general of Volunteers. Leslie M. Scott said that Lieut. Philip H. Sheridan claimed it was by some "hocus pocus." But, said Scott, Stevens appointed Raines to that rank so that the federal officer would outrank Colonel James W. Nesmith, commander of the Oregon Mounted Volunteers, in "Military Beginnings of the Salmon Highway," OHQ, XXXV (September, 1934), 229. This position was taken also by Elwood Evans, in History of the Pacific Northwest: Oregon and Washington, II (Portland, Ore.: North Pacific History Company, 1889), 593. According to Ray Howard Glassley, "The Oregon Volunteers had a Brigadier-General of their own, John K. Lamerick, and while Major Raines was acknowledged by all to be the logical commander in the field, embarrassment because of rank was obviated by the Washington commission." Pacific Northwest Indian Wars (Portland, Oregon: Binsford and Mort, 1953), p. 116.

³³Glassley, p. 116.

force of common militia, and it had failed to provide legal status for a volunteer force. Acting Governor Mason, convinced of the need for territorial troops, had not allowed legal technicalities to impede his power or thwart the defense of the territory.³⁴ He had formed the First Washington Territory Volunteers as an expedient substitute for the non-existent common militia. The three-month enlistments of the First Regiment began expiring in January, 1856. Governor Stevens disbanded the regiment on February 1, 1856,³⁵ and immediately replaced it with the Second Regiment.

Second Regiment, Washington
Territory Volunteers, 1856

As Superintendent of Indian Affairs in the Territory of Washington, Stevens proposed to force the recalcitrant tribes to occupy permanently the reservations he had assigned them in his treaties of 1854 and 1855. The only alternative he offered was death. Stevens' policy seems to have been in conformity with federal land policy. The Donation Land law encouraged settlers to take up land, but prohibited them from obtaining clear title to their claims until the Indian title had been extinguished. Stevens' treaties were aimed at hastening the

³⁴Lokken, pp. 69, 71.

³⁵General Order no. 3, Feb. 1, 1856, in The Official History of the W.N.G., II, 60; Lokken, p. 74.

process of extinguishing Indian title to the land in the Territory of Washington.³⁶

Thus, Superintendent Stevens' militant Indian policy was a basic part of Governor Stevens' broader program of speeding up the process of settling Washington Territory. Stevens was willing, if not eager, for the territory to participate actively in any necessary military enforcement of his policy. The war against the Indians began as a cooperative effort by the First W.T.V. and the U. S. Army, but degenerated into a full scale federal-territorial squabble personified by the Wool-Stevens conflict. With his Second W.T.V., Stevens pursued a completely independent war program in the face of

³⁶Lokken, pp. 10, 28-30, 76-77, 106. An excellent capsulized description of the problems is Wilfred V. Airey, "A History of the Constitution and Government of Washington Territory," (unpublished Ph.D. dissertation, University of Washington, 1945), p. 52. Another brief and objective discussion of Stevens' Indian policy is Charles H. Carey, A General History of Oregon (Portland, Oregon: Metropolitan Press, 1936) II, 570-580. A more extensive discussion of the donations land law and Stevens' Indian policy is in Clinton A. Snowden, History of Washington (New York: the Century History Company, 1909) III, Ch. 43. An article by C. F. Coan centers on the role of Oregon's Joel Palmer, but contains some discussion of Stevens' role, "The Adoption of the Reservation Policy in the Pacific Northwest, 1853-1855," OHQ, XXIII (March, 1922), 9-14. A brief overview up to the Dawes Act is Francis Haines, "Problems of Indian Policy," PNQ, XLI (July, 1950), 203-12. See also, D. W. Meinig, The Great Columbia Basin, A Historical Geography, 1805-1910 (Seattle: University of Washington Press, 1968), pp. 157-158, 193-198, 502.

active opposition from Major General John E. Wool, commander of the U. S. Army on the Pacific coast.³⁷

General Wool objected to sharing defense responsibility with the territory. To him, that duty belonged solely to the United States Army or to Volunteers under Army authority. He considered his small army to be a peace-keeper, not an offensive fighter.³⁸ Wool also disagreed with Stevens' Indian policy. Wool proposed to prevent the white immigrants from entering and taking up land in the Indian country east of the Cascade Mountains. By keeping the whites west of the Cascades, the Army would separate the two races, and in effect, enforce the peace by protecting the Indians from encroaching settlers.³⁹ Wool's program would have inhibited rapid development of the Northwest.

After the Indians had fought the Volunteers and the Army to a stand-off by December of 1855, Stevens decided to wage all-out war. General Wool's opposition made it apparent that

³⁷Lokken, pp. 12, 104, 106-7. A sympathetic view of Wool and his policy was taken by Robert Carleton Clark, "Military History of Oregon, 1849-59," OHQ, XXXVI (March, 1935), 14-49. Studies which treat Wool unfavorably include: Hazard Stevens, I, 431, 439, II, 162, 164, 165-6; Snowden, III, 314, 342-3, 358, 374, 402, 433-39; Elwood Evans, in History of the Pacific Northwest, I, 549, 597, 619-20; Haines, PNQ, XLI (July, 1950), 203-12; Glassley, pp. 78, 97, 116, 118, 141-42. For a more objective treatment of Wool's role, see Carey, II, ch. 23. See also, Kent Richards, "Isaac I. Stevens and Federal Military Power in Washington Territory," PNQ, LXIII (July, 1972), p. 81.

³⁸Lokken, pp. 89, 90, 104, 106.

³⁹Ibid., pp. 216-17.

Stevens could not rely on the full support of a strong regular Army so he turned to a volunteer force to employ as an instrument for enforcing his own Indian policy.⁴⁰ In January, 1856, Governor Stevens organized his own military force, one that would be completely independent of the authority of the regular Army--the Second Washington Territory Volunteer regiment.⁴¹

Just before he disbanded the First W.T.V., Stevens called for volunteers to sign up for six months with his new regiment. The original call was for six companies, but the territory's militiamen showed little enthusiasm. Only two companies answered that initial call.⁴² February 1, 1856, was the date of organization of the two-company Second W.T.V.⁴³ Discharge of companies commenced in mid-July.⁴⁴ The last two companies were released October 17, 1856.⁴⁵ By the time the Second

⁴⁰This is a dominant theme in Lokken's study of Washington's frontier defense. See especially, pp. 77, 84, 294.

⁴¹Ibid., pp. 84, 85. For official correspondence pertaining to the Second W.T.V., see The Official History of the W.N.G., II, 60ff.

⁴²Some of the probable reasons for the reluctance to volunteer included general disinterest, concern that they would not be paid for their services, and political differences between the Whigs and Stevens' Democrats, Lokken, pp. 85-87. Distaste for service away from home with spring planting time approaching may have also been a factor.

⁴³Ibid., p. 84.

⁴⁴Ibid., p. 192.

⁴⁵Ibid., p. 203.

Regiment was disbanded on October 30, it had included a total of 18 companies and 1,060 men.⁴⁶

The status of the Second Washington Volunteers is unclear. One factor helping to confuse its status is the impreciseness of the term "militia." Related to that factor is the doubtful legitimacy of Governor Stevens' actions in forming his regiment. Several arguments give weight to the charge of illegality although that is a problem that has concerned historians more than it did the territorial residents of the 1850s.

Territorial governors were not authorized by federal law to call out either the militia or volunteers against Indians. Federal statutes specified that only Congress and the President had that power.⁴⁷ This source of authority had been definitely withheld from Stevens when Congress rejected the request by Secretary of War Jefferson Davis that Congress give to President Franklin Pierce the authority to call out a mounted regiment of volunteers for military defense in the Territory of Washington. Secretary Davis had then refused to grant General Wool's request for the authority to call volunteers into the service of the United States.⁴⁸

⁴⁶Ibid., p. 206. Rosters of the companies vary. For the U. S. version, see The Official History of the N.G.W., II, 128-145; for the Territory's version, see A. G. Report, 1891/92, Schedule B., pp. 11-187. See also Bancroft, XXVI, pp. 160, 166-67.

⁴⁷Lokken, p. 105.

⁴⁸See above, note 21.

Stevens was hard pressed to find legal justification for an accomplished executive act. He made no pretense of identifying the Militia Act of 1855 as the source of his authority to organize the Volunteers. He claimed two other sources of authority--the Organic Act and his authority as the chief agent of the President in the territory. On March 9, 1856, Stevens cited the Organic Act as the basis of his authority.⁴⁹ But since the Organic Act specified the governor as commander-in-chief only of the militia, Stevens must have recognized the weakness of his claim. On March 16, he vaguely referred to federal authority when he emphasized that he had mustered his Second Regiment into the service of the United States, not the territory. He did so, he said, in his capacity as the "highest federal officer of the territory...I am commissioned by the President, and I act under authority of the laws of congress..."⁵⁰

A contemporary territorial court ruling declared that Stevens lacked any authority, federal or territorial, for calling out his Volunteers. Judge of the Third Territorial Judicial District, F. A. Chenoweth, issued a formal court opinion at the peak of the martial law episode in May, 1856,

⁴⁹Lokken, p. 84. Virgil F. Field identified the Organic Act as sufficient authority for Stevens' Volunteers, The Official History of the W.N.G., I, 33. Lokken claimed that authority did not extend to the Volunteers or to conducting Indian warfare independently of the U. S. Army, p. 105.

⁵⁰Letter from Stevens to Lt. Col. Silas Casey, U.S.A., March 16, 1856, in Message of the Governor (Olympia: Edward Furste, Public Printer, 1857), p. 203. See also, Lokken, p. 105.

that must have shocked many of the territorial residents. He argued that the Volunteers were not a legal military force of any kind and were therefore not subject to military courts, discipline, or orders. Chenoweth said that U. S. law authorized only two kinds of military forces--the regular army and the militia. That rule had one exception, he said, which was the volunteer type of force which could become a legal military force only by special act of Congress authorizing the President to raise a volunteer force. Such a force would then temporarily become a part of the regular Army. The Washington Volunteers, argued Chenoweth, were not militia because the militia as provided for by the Militia Act of 1855 did not exist; and the Organic Act gave the governor authority only over the militia. Nor were the Volunteers part of the U. S. Army since neither Congress nor the President had authorized them.⁵¹

The crux of the controversy lies in the recognition of the differences between the common militia and the volunteer militia. This distinction is significant and deserves closer attention by modern writers and historians. For example, The Official History of the Washington National Guard identified the governor's power as commander-in-chief of the militia as stated in the Organic Act as sufficient authority for

⁵¹Wash. Terr., 3rd District Court, Opinion, May 24, 1856, [F. A. Chenoweth], in Message of the Governor; see also, Lokken, p. 159.

Governor Stevens to call out his military forces.⁵² Such a view ignores the fundamental difference between militia and volunteers.⁵³

If the Volunteers were not militia, what were they? Judge Chenoweth, in his Opinion of May 24, 1856, concluded that they were groups of citizens voluntarily rallying to their mutual defense. As such, they were under no binding, legal authority of the governor. They would have to rely on the sense of justice of Congress for payment for their services and expenses.

Congressional reaction, however, was indecisive and failed to establish a definite legal status for the Volunteers. In 1856, the territory submitted its claims for expenses of the Indian Wars of 1855-56 to the federal government,⁵⁴ basing its claims on the idea that Stevens had mustered his volunteers into the service of the United States rather than the Territory of Washington. The Secretary of War recommended payment of the

⁵²Vol. I, p. 33.

⁵³The compiler of The Official History of the W.N.G., Colonel Virgil F. Field, subsequently recognized the problem and tried to resolve it in order "that some of the controversial statements made by historians regarding 'Volunteers' of the Indian Wars in the Northwest may be once and for all settled and the true status of Washington Territory participants therein determined," IV, 311. Using a logic that escapes this writer, Field jumped to the bewildering conclusion that none of the territorial forces before 1880 were volunteers. They were "Territorial Militia," some of which were ordered into the service of the United States and some of which were ordered into the service of the Territory of Washington, IV, 311-311.1.

⁵⁴Bancroft, XXVI, p. 175.

claims in full,⁵⁵ but in 1859, the Treasury Department reported unfavorably on the claims. The Treasury's Third Auditor was confused not only by the careless methods of record keeping but also by the status and legality of the Volunteer regiments. He was unable to determine whether the Volunteers were militia or something else. So confused was he that he made the practical, but unheeded, suggestion that Congress provide specific legislation that would recognize and govern volunteers in special emergencies.⁵⁶

After much debate, Congress rejected the claims in 1859. Two years later, the lame duck 36th Congress, in session prior to Lincoln's inauguration, reversed that decision and appropriated money to pay the Indian war debt claims of both Oregon and Washington. One probable reason for the change of Congressional attitude may have been a desire to keep the Northwest citizens loyal to the Union during that time of crisis.⁵⁷ But there apparently was a slip between the promise

⁵⁵Ibid.

⁵⁶Lokken, pp. 239-240.

⁵⁷Ibid., p. 244.

and the payment as the Volunteers never did receive full compensation for their services or expenses.⁵⁸

Non-Military Employment of the Volunteers

This chapter has so far shown that the Militia laws of Washington Territory in the 1850s were incapable of producing an organized militia. It has also identified the volunteer military forces organized by executive fiat, especially the Second W.T.V. Regiment. That regiment was organized by Governor Isaac I. Stevens so he could conduct warfare independent of U. S. authority. The significance of all this to this study is that Stevens' volunteer force was one of the fore-runners of the modern Washington National Guard. Therefore, it is necessary to evaluate the non-military functions of the Volunteers. Had the territorial volunteer militia been

⁵⁸ A. G. Report, 1891/92, p. 18. A veteran of the Volunteers later said he was paid in 1865 only \$222 real money on his claim for about \$1,400 for services and horse feed sold to the government, "Van Ogle's Memory of Pioneer Days," WHQ, XIII (October, 1922), 281. Field found no records of payments to anyone except the Nez Perce Auxiliaries though he noted that payments could have been made directly to individuals and not through the Territorial government. In 1909 and 1911, the State of Washington appropriated money to pay survivors of the Indian Wars at \$2.00 per day, The Official History of the W.N.G., II, 145-146. In his discussion of the delay in payment of the Indian War debt, Charles H. Carey said the State of Washington appropriated funds for payment of veterans in 1903 and 1913, II, 622-23. In his study of territorial government, Airey described the debate in Congress over the debt as a major conflict in federal-territory relations, pp. 52-57. According to Thomas W. Prosch, less than one fourth of the money due the people was paid, but he did not specify whether this was a federal payment, "The Indian War of Washington Territory," an address delivered Dec. 19, 1914, reprinted in OHR, XVI (March, 1915), 15.

used solely for defense against attacking Indians, then those early regiments would merit only brief mention in this study. Had the governor of the territory not simultaneously been both maker and enforcer of the Indian policy that was so closely connected with the Indian wars of 1855 and 1856, then he would have but a limited place in this study. But more than simple military defense was involved in Stevens' actions.

When he organized his Second Regiment, W.T.V., Governor Stevens took the first of his two gubernatorial steps in using the volunteer militia as an instrument of social control. The purpose of Stevens' military force, besides defense, was to enforce his Indian policy, to punish violators of his treaties. His Indian policy, in turn, was a fundamental part of a broader civil policy that Stevens was pursuing--rapid settlement and development of the Northwest. Step number two, which is of more direct interest to this study, came with the governor's use of his own quasi-legal troops to enforce his illegal martial law by preventing two civil courts from functioning.

His attempt to proclaim and enforce martial law was probably Stevens' one great professional error. An adulatory biographer, by conveniently ignoring the martial law episode, was able to write, "Stevens' life was a series of cumulative brilliant achievements, ending in a highly dramatic death."⁵⁹ Another brief assessment was more accurate when it claimed

⁵⁹Helen Addison Howard, "Isaac Ingalls Stevens, First Governor of Washington Territory," Journal of the West, II (July, 1963), 337.

that the Indian war and martial law "blackened his name and obscured his brilliance."⁶⁰ The martial law episode may not have fully blackened Stevens' name, but it did at least taint his reputation as a governor. As one recent historian suggested, Stevens' hero death in the Civil war has prevented contemporary critical views of Stevens "from receiving the consideration they merit in appraising the administration of Isaac I. Stevens as governor of Washington Territory."⁶¹

On first glance, one cannot help but wonder how Stevens permitted himself to become ensnared in the martial law episode. But a deeper look suggests that his actions at that time were not inconsistent with his personality and character. The image that emerges from the Stevens literature is that of an exceptionally talented executive; a natural leader who possessed extraordinary ambition and energy; an army officer accustomed to being obeyed but willing to challenge superior officers; a man whose superior intellect did not save him from needlessly alienating men who disagreed with him.

That bold, autocratic declaration of martial law in 1856 apparently did not prick the conscience of the self-confident, strong-willed military officer, long accustomed to obedience,

⁶⁰ Mercedes S. Gleason, "The Territorial Governors of the State of Washington, 1853-1889," (unpublished Master's thesis, University of Washington, 1955), p. 6.

⁶¹ Carstensen, OHQ, LIV (September, 1953), 197. For a brief discussion of the basic areas of controversy surrounding Isaac I. Stevens' administration, see Keith A. Murray, "A Governor's Place in History," PNQ, XLIV (April, 1953), 58-60.

who found himself in the relatively powerless office of governor of a frontier territory facing what he considered to be a wartime emergency. Stevens had to overcome the handicap of being a short man. The army boots of the young lieutenant of engineers may not have raised him to a height of five feet three inches. His short, bowed legs inspired one of his temporary enemies at one point to refer to him as a "bandy legged tyrant."⁶² His intelligence is undisputed. Evidence of that was apparent at West Point when, in 1839, he graduated first in his class. His genius for mathematics had earned him an appointment as assistant professor of that subject in his third year at the military academy.⁶³

One author identified Stevens' outstanding character trait as his ambition, his "legitimate desire to succeed, to achieve something worthwhile."⁶⁴ He was ambitious, said his uncritical biographer-son, Hazard Stevens, "but with a lofty ambition, not to aggrandize himself, but to serve his country, ever ready to sacrifice personal interests and feelings to the public service."⁶⁵ He has been called conceited and obstinate.⁶⁶ In

⁶² Joseph T. Hazard, Companion of Adventure; A Biography of Isaac I. Stevens, First Governor of Washington Territory (Portland, Oregon: Binfords and Mort, 1952), pp. 2, 31, 210.

⁶³ Ibid., pp. 3, 5-7.

⁶⁴ Howard, Journal of the West, II (July, 1963), 336.

⁶⁵ Hazard Stevens, The Life of Isaac I. Stevens, I, 234.

⁶⁶ Caleb William Prall, "A Study of the Methods of Persuasion in Selected Speeches Delivered by Isaac Ingalls Stevens," (unpublished Master's thesis, University of Washington, 1943), p. 66.

a letter to his wife during the Mexican War, Stevens said, "Ever since I joined the army, I have been too impetuous, too headstrong."⁶⁷ His extreme self-confidence is manifest in a letter telling of his new appointment as executive officer of the Coast Survey, his first important administrative position. "The Coast Survey needs me (Stevens' italics) to overhaul it. I feel that the Army has a representative in me it has not had in Washington in years. I know my position,--my strength, --and I swear...I will put it forth."⁶⁸

Perhaps related to his great ego was an impatience that opened him to the charge of being tactless and undiplomatic.⁶⁹ He apparently was a "born leader of men."⁷⁰ He actively sought positions of authority and responsibility, such as the governorship and the command of the northern Pacific railway survey.⁷¹ He may well have identified with the strong leader

⁶⁷Ibid., p. 127.

⁶⁸Ibid., p. 243. This letter must have been written circa October, 1849.

⁶⁹Gleason blamed Stevens' tactlessness for the unfortunate conflict between the governor and General Wool, p. 6. In his interesting and revealing analysis of Stevens' Congressional speeches, Caleb William Prall blamed Stevens' lack of diplomacy and tact for his failure to achieve some of his goals, pp. 57, 58, 99.

⁷⁰Hazard Stevens, I, 286.

⁷¹Ibid., I, pp. 281, 284-85. Stevens was willing to seek a new life outside the Army because he recognized that a peacetime Army offered only limited opportunities and "...feeling the powers and ambitions of a leader, he was not content to remain longer a subordinate." Ibid., p. 280.

in history. Cromwell was one of his favorite historic characters.⁷² In Mexico, he admired the "iron will" of Cortez; and considered the career of Santa Ana, after that authoritative leader's return to Mexico from exile, to be "glorious and remarkable." To Stevens, Mexican leadership had degenerated from its earlier Castilian grandeur. "Is not here a work for a Moses or an Alfred? Is he not needed? And must he not arise?" Stevens wrote, "With the time must come the man."⁷³

Isaac I. Stevens was the dominant personality in the first years of the Territory of Washington. Perhaps he was convinced that he was "the man" that the times and the Northwest frontier called for. He must have failed to foresee the furor that would erupt over his attempt to suspend the writ of habeas corpus. That decision, which occurred during the spring campaign of the Indian war of 1856, seems to be the major error in his professional life.

Near the end of March, 1856, a detachment of the Second W.T.V. arrested five Muck Prairie settlers accusing them of treasonous aid to the hostile Indians. Stevens determined to try them before a special military commission (court) rather

⁷²Ibid., p. 231.

⁷³Ibid., p. 161.

than in a civil court.⁷⁴ Attorneys for the accused asked the district court to issue a writ of habeas corpus for the release of the prisoners from military custody. In order to prevent issuance of the writ, Stevens declared martial law in Pierce County, April 3, 1856.⁷⁵ That proclamation initiated a struggle for power between the judicial and executive branches of territorial government. The martial law episode is a concern of this study only because, in enforcing his military rule over the civil courts, Stevens relied on his volunteer troops. In that police-type of duty, Stevens employed detachments of his Second W.T.V. regiment on three occasions.

⁷⁴It is not clear why Stevens was determined on a military trial. Lokken suggested it was because Stevens had arrested the settlers before he had sufficient evidence to convict them in a civil court, p. 123. Another writer had it that Stevens heard a report that the Steilacoom residents wanted the settlers out of jail so they could wreak vigilante justice on them. Therefore, Stevens sought to protect the accused, Airey, p. 321. Airey conjectured that Stevens' actions were simply aimed at stalling for time until the Indian danger had passed, p. 324.

⁷⁵Lokken has provided the most detailed description of events of the martial law episode. His two works on the topic, which tend to be critical of Stevens, are well documented and analytical. See his "Frontier Defense...", and "The Martial Law Controversy in Washington Territory, 1856," PNQ, XLIII (April, 1952), 91-119. A broader view of the episode was expressed in the Ph.D. dissertation by Wilfred J. Airey, "A History of the Constitution and Government of Washington Territory," ch. 7. Captain Samuel F. Cohn, U.S.A., was critical of Stevens in "Martial Law in Washington Territory," PNQ, XXVII (April, 1936), 195-218. For favorable views of Stevens' martial law activities, see Snowden, History of Washington, III, 483-97; and Elwood Evans, in History of the Pacific Northwest, I, 581-84.

On May 7, Judge Edward Lander attempted to open the Third District Court in Steilacoom, Pierce County, contrary to Stevens' declaration of martial law in that county.⁷⁶ The governor's Assistant Adjutant General, Benjamin F. Shaw enforced the martial law edict. Leading a company of volunteers, all of whom were residents of Oregon, Lieutenant Colonel Shaw closed the court and arrested Judge Lander. Violence was prevented when Lander requested his guardian force not to resist. That guardian force was a posse comitatus which had been organized by the Pierce County sheriff, and which included leading Pierce County Whigs, including militia Brigadier General George Gibbs. Lander was a Democrat, but Pierce County was Whig country.⁷⁷

Lander, on May 12, 1856, having been released from temporary confinement, convened the Second District Court in Olympia, Thurston County. The following day, he issued a writ of habeas corpus on behalf of the five arrested settlers. To nullify that writ, Governor Stevens declared martial law in

⁷⁶ Lander was chief justice of the Territorial Supreme Court and Judge of the Second District. On May 7, 1856, he was substituting for the regular Third District judge, F. A. Chenoweth, Lokken, pp. 135-36. Lander had resigned from the Second W.T.V. as Lieutenant-Colonel and military aide to the Governor, May 1, 1856, A. G. Report, 1891/92, Schedule B, p. 11; he resigned as captain of Company A (Seattle), May 9, 1856, Ibid., Schedule B, p. 39.

⁷⁷ For the effects of the controversy on party politics in the territory, see Robert W. Johannsen, "National Issues and Local Politics in Washington Territory, 1857-1861," PNQ, XLII (January, 1951), 3-31; see also, James Wickersham, "Life, Character, and Public Service of Elwood Evans," The Washington Historian, I (January, 1900), 57, 60.

Thurston County. After Judge Lander issued an order for the governor himself to appear in court, a detachment of Captain B. J. Miller's volunteer company forcibly entered Lander's court and placed him in confinement. Most of Miller's Company J were residents of Marion County, Oregon Territory.⁷⁸

On May 24, Judge Chenoweth, his health regained, convened his delayed Third District Court at Steilacoom, Pierce County. Stevens had warned Shaw that Chenoweth would probably issue a writ of habeas corpus if he opened his court. To prevent the issuance of such a writ for the release of the accused, Stevens ordered Shaw to enforce martial law "at all hazards."⁷⁹ Shaw sent a 30-man detachment of the Second W.T.V. to Steilacoom under the command of Second Lieutenant Silas B. Curtis. When Chenoweth opened court, Curtis hesitated to order his troops, who were probably mostly Washingtonians, to an action which seemed certain to end in combat with the fifty or sixty armed and determined posse comitatus members who were there to protect

⁷⁸ Company roster from U. S. Treasury, Third Auditor's vouchers, in The Official History of the W.N.G., II, 139. A different roster is in A. G. Report, 1891/92, Schedule B, pp. 156-57.

⁷⁹ Stevens to B. F. Shaw, May 21, 1856, Stevens Papers, outgoing Correspondence, Box 4, Folder 12, Washington State Library.

Judge Chenoweth.⁸⁰ While Curtis hesitated and requested further orders from his superiors, the judge opened his court and served a writ of habeas corpus upon Lieutenant Colonel Shaw to release the accused settlers. Governor Stevens ended martial law that same day, May 24, 1856, and did not again use his own military force to enforce his own decision.

Stevens' proclamation of martial law was an illegal act. The governor had no legal authority whatsoever to take such a course. District Judge F. A. Chenoweth stated in his opinion delivered May 24, 1856, that the Organic Act did not give the governor the authority to declare martial law.⁸¹ In July, 1856, Michigan's Senator Cass, a retired general, and Tennessee's Senator Bell were appalled by the reports coming out of the Northwest about martial law. They requested a Senate investigation. Cass said, "...an officer, either civil or military, stationed in the remote sections of the Republic, has no power to proclaim martial law. It is unknown to our Constitution and our institutions." Cass was fearful of what

⁸⁰In a letter to Gov. F. McMullen, Chenoweth later said the posse was armed and he was prepared to defend himself "with his life," March 6, 1858, McMullen Papers, Box 3, Folder 3, Washington State Library. On the company roster, Curtis was listed as 2nd Lieutenant of the "Washington Mounted Volunteers" of Clark County, W.T., commanded by Capt. H. J. G. Maxon, in The Official History of the W.N.G., II, 135. A different roster of Maxon's and Curtis' 88-man Company A [Vancouver] listed 15 men from Oregon, A. G. Report, 1891/92, Schedule B, pp. 42-3.

⁸¹Washington Territory, Third District Court, Opinion, May 24, 1856, [by F. A. Chenoweth] in Message of the Governor; also in U. S. Senate Executive Document, no. 41, p. 12.

such a precedent could lead to if every frontier officer could proclaim martial law on every Indian incursion.⁸² In September, 1856, President Franklin B. Pierce reprimanded his friend and appointee, Governor Stevens, for the double declaration of martial law especially since its purpose was to prevent the civil process.⁸³

Martial law was an almost unexplored factor in American jurisprudence when, in February, 1857, the United States Attorney General wrote his official opinion on the case.⁸⁴ He recognized that neither the U. S. Constitution nor U. S. statutes established rules for it. The case in Washington Territory, he said, was one in which martial law was declared

⁸²The Oregon Statesman (Salem), September 16, 1856. In the same issue, the editor expressed fear of the precedent: "If he did it once, he can do it again, as can any officer in command of troops... Is the liberty...of a people safe, where such an extraordinary power is permitted...? If the people of Washington Territory...do not look with disfavor upon Gov. Stevens' conduct, they are less vigilant in guarding their liberties than any other..."

⁸³Marcy, writing for the President, to Stevens, Sept. 12, 1856, in U. S. Senate Executive Document, no. 41; Lokken, p. 202; see also, Bancroft, XXVI, p. 204. Robert W. Johannsen said that the President was so displeased that he attempted to replace Governor Stevens by appointing Joseph Lane to that office, PNQ, XLII (January, 1952), 7. The Oregon Statesman carried a report from the east that Stevens would be removed and replaced by R. H. Gillet, Aug. 26, 1856.

⁸⁴United States, Department of Justice, Office of the Attorney General, Official Opinions, VIII (Washington: R. Farnham, publisher, 1858), 365-74. Another writer, a military lawyer, noted in 1892 that "there have been few examples of the enforcement of martial law in the Territories of the United States. The Territory of Washington furnishes two instances," William E. Berkhimer, Military Government and Martial Law (Washington, D.C.: James J. Chapman, 1892), p. 400.

"to prevent the use of the writ [of habeas corpus] in behalf of certain persons held in confinement by the military authority..."⁸⁵ He concluded that "the power to suspend laws, and to substitute the military in the place of the civil authority, is not a power within the legal attributes of a governor of one of the Territories of the United States."⁸⁶

Governor Stevens had violated the law and he made little effort to defend his conduct on legal grounds. He and his supporters relied on necessity as the justification for his declaration of martial law--urgent, pragmatic, wartime necessity.⁸⁷ Stevens' angry opponents denied both the legality and the necessity of martial law. It was not necessary, they protested, since the Indian threat had already lessened in Pierce County.⁸⁸

Two modern writers have also rejected the claim that martial law was a necessity. Captain Samuel F. Cohn, U.S.A.,

⁸⁵U. S. Attorney General, Official Opinions, VIII, 373.

⁸⁶Ibid., p. 374.

⁸⁷Isaac I. Stevens, "Vindication of Governor Stevens, for Proclaiming and Enforcing Martial Law in Pierce County, W. T., [May 10, 1856], p. 8, in Senate Executive Document, no. 98, microfilm, University of Washington Library. The sympathetic Pioneer and Democrat (Olympia), April 10, 1857, said that "necessity, with an eye to the public welfare, furnished full and ample justification" for the declaration of martial law.

⁸⁸George Gibbs and H. A. Goldsborough to Secretary of State Marcy, May 11, 1856, in Senate Executive Document, no. 98; F. A. Chenoweth to Governor Fayette McMullen, March 6, 1858, in McMullen Papers, Box 3, Folder 3, Washington State Library.

writing in the 1930s, said that Stevens wanted to try the accused settlers by military commission, but such a court had no jurisdiction "unless military law existed in the county" (Cohn's italics). Hence, Stevens proclaimed martial law in Pierce County. Cohn concluded that a governor should declare martial law only in extreme necessity which means "...more than the mere existence of a state of war in the territory, or the fact that unlawful acts have been or are being committed; it involves a complete breakdown of the civil power... with the civil courts powerless to function ..."⁸⁹ A more recent scholar, in his study of the Indian war, also concluded that martial law was not absolutely necessary. The civil courts had not ceased to function nor were they threatened. Even the Indian danger in Pierce County, he argued, was not as acute as claimed by Stevens.⁹⁰

Thus, in his efforts to try in a military court the men accused of treasonous aid to the Indians, Governor Stevens exceeded his legitimate executive powers by declaring martial law. Then, in enforcing that declaration, Stevens successfully used non-resident Volunteers twice and unsuccessfully used resident Volunteers once. Those Volunteers themselves were organized without lawful authority, but were accepted by Washington residents as long as their use was restricted to

⁸⁹ "Martial Law in Washington Territory," PNQ, XXVII (April, 1936), 200-201.

⁹⁰ Lokken, pp. 128, 138, 145.

military duty.⁹¹ Although their police action against the courts was not the primary purpose for which the Volunteers were organized, it brought criticism upon them and Stevens; and later it severely injured their claims to the federal government for payment of the expenses and wages of the Indian war. It also became Washington's first precedent in the use of voluntary militia as an instrument of social control.

⁹¹Lokken said that the declaration of martial law "disturbed deep-rooted American traditions" opposing military and executive power; that the incident was vital to the issue of civil rights and was a close parallel to Lincoln's use of martial law in wartime; and that Stevens, who had no militia, "assumed his powers from his control of volunteer troops... which had not been authorized either by the federal government or by the territorial legislature," "Martial Law Controversy in Washington Territory, 1856," PNQ, XLIII (April, 1952), 91, 119, 92.

CHAPTER III

The Enduring Frontier Apathy Toward a Militia, 1860-1879

For two decades following the Indian wars of the 1850s, Washington Territory continued to exhibit little interest in a militia. Fear of Indians continued to be the primary factor behind the few volunteer units that were organized.

The 1858 amendment to the Militia Act of 1855 had not improved the ability of the territory to raise a militia. In fact, three years after passage of the amending Act of 1858, the territory's militia system was given another opportunity to show what it could do--and again it failed. Following that failure, a third volunteer regiment did three years of anti-Indian, Civil War duty within the territory in the service of the United States.¹

The Militia Failure

May 10, 1861, Acting Governor Henry M. McGill responded to President Lincoln's calls for men from the militias of the loyal states. McGill issued a command to place the Washington Territory militia in readiness to meet any requisition from the

¹For documents relating to the organization and operations of this regiment, see The Official History of the Washington National Guard, Vol. III, Washington Territorial Militia in the Civil War, chapters iii and iv.

President or the governor.² He called for all male citizens, liable to militia duty, to report immediately to the adjutant general of the territory, Frank Mathias. They were to organize themselves into companies and elect their own company officers under the provisions of the Territory's Militia Acts of 1855 and 1858. On the 14th of May, General Mathias established the procedure to follow and assigned the personnel responsible for taking the militia muster rolls in each county.³ After the Vancouver (Wash.) Chronicle questioned McGill's motives and patriotism, Olympia's Washington Standard, a Republican newspaper, denied that the acting governor was merely seeking a new federal appointment for himself in calling for the organization of the militia. When McGill, a Democrat, left office in August, the Standard again praised his patriotic service and suggested that opposition to the organization of militia came from the "traitorous" wing of the Democratic party.⁴

Some militia organizational activity did occur following McGill's proclamation. Six companies totalling 336 men and

²Proclamation by McGill, May 10, 1861, in Ibid., p. 185.

³General Orders, AGO, May 14, 1861, in Ibid., p. 185.

⁴June 1, Aug. 24, 1861.

18 officers were organized.⁵ A count of territorial arms showed 335 muskets, 25 rifles, 20 pistols and 3 howitzers.⁶ That was apparently the extent of Washington's militia operations until January, 1862. The yet-to-be-organized First Infantry Regiment, Washington Territory Volunteers did not include these militia companies.

The First Infantry, W. T. V., 1862

During 1859 and 1860, about twenty regular Army companies were stationed in Washington Territory to prevent further Indian troubles. As the possibility of a war over the right to secede increased following Lincoln's election, Washington Territory began to lose its federal guardians. In January, 1861, two artillery batteries (companies) were removed from the territory and were followed late in April by a third. Several more companies of regular Army were withdrawn in May and June.⁷

⁵Compiled from company figures, in The Official History of the W.N.G., III, 186. Hubert H. Bancroft claimed that Washington Territory then had about "six thousand men between the ages of sixteen and sixty capable of bearing arms," History of the Pacific States of North America, XXVI: Washington, Idaho, and Montana (San Francisco: The History Company Publishers, 1890), 228.

⁶When the territory's officials requisitioned arms from the Army, they were informed that they would be provided with necessary arms only in case of an emergency, The Official History of the W.N.G., III, 186. Two years later, in 1863, the Secretary of War recommended the Army issue no arms to militia companies not in the services of the United States, Ibid., p. 216. These actions seem to indicate a distrust of militia and a desire by the Army to maintain control of the defense system.

⁷Ibid., p. 179.

In early June, Governor McGill, perhaps not yet knowing what response his call for the territorial militia would bring, protested against the removal of the remainder of the federal units.⁸ His protest brought a response from the Army's Department of the Pacific that the remaining troops would stay. He was further assured that, if the diminished U. S. force proved insufficient to defend the territory, Colonel George Wright, commander of the Oregon District, had been granted authority to accept volunteer forces to aid in defense.⁹ That temporarily stopped the federal exodus. In mid-September, all Army units except one artillery battery were ordered out of the Northwest, although that order was unknown in the Northwest until mid-October.¹⁰

Some Washington residents expressed dismay when they learned that California Volunteers were going to replace the regular troops. One objection to the Californians stemmed from the conviction that Washington could handle its own defense with its own volunteers; and to do so would demonstrate

⁸Letter from McGill to General E. V. Sumner, June 3, 1861, Washington State Library, Governors' papers, Henry M. McGill.

⁹Letter from Major R. C. Drum to McGill, July 5, 1861, in The Official History of the W.N.G., III, 187, 188.

¹⁰Puget Sound Herald (Steilacoom), October 17, 1861. This article reported that California volunteers would relieve the regular troops. On October 24, the Herald informed its readers that the regulars would not evacuate the military posts until relieved by the Volunteers.

loyalty to the Union.¹¹ A militia captain based his opposition to the Californians on the nature and character of volunteers in general. He warned the acting governor that he knew volunteers and "how they treat private property."¹² A newspaper carried reports of "fears and doubts" about the character as well as the lack of discipline and efficiency of California volunteers.¹³

At the same time that the fuss over the California Volunteers was going on in the Northwest, the movement to organize a Washington Volunteer regiment was underway in Washington, D. C. Without indicating why the militia was being ignored, the War Department, on October 12, assigned Colonel Justus Steinberger to raise and command a regiment of infantry volunteers in Washington Territory and its

¹¹Letter from I. G. Hyatt to McGill, October 20, 1861, in The Official History of the W.N.G., III, 189. Field cited McGill as the recipient of that letter, but L.J.S. Turney had assumed office as Secretary of the Territory and Acting Governor, August 19, 1861, The Washington Standard, August 24, 1861.

¹²Letter from Captain William H. Wood to Acting Governor Turney, October 11, 1861, Washington State Library, Governor's papers, L.J.S. Turney.

¹³Puget Sound Herald (Steilacoom), November 7, 1861. The editor himself seemingly felt no undue concern over these military matters.

surrounding country.¹⁴ The proposed regiment was titled the First Infantry Regiment, Washington Territory Volunteers and was a part of the regular Army.¹⁵ The authority of the governor over the regiment was limited to approval of all its commissioned officers except the commanding colonel.¹⁶

Colonel Steinberger was ordered to Vancouver, W. T. in December, 1861, to recruit his regiment. Army authorities told him that they expected that the sparse population and the "intense excitement" caused by the gold discoveries on

¹⁴Letter from Acting Secretary of War Thomas A. Scott to Colonel Justus Steinberger, October 12, 1861, in The Official History of the W.N.G., III, 190. Steinberger was mustered into the service of the United States October 18, 1861, Ibid.; see also, A. G. Report, 1891/92, Schedule A, p. 4.

For tidbits of information about Steinberger, a one-time resident of Pierce County and a "long time" resident of Portland, see. Bancroft, History of the Pacific States of North America, Vol. XXV: History of Oregon, Vol. II (San Francisco: The History Company, Publishers, 1889), 493n; Bancroft, XXVI, 228; Charles H. Carey, A General History of Oregon Prior to 1861, II, 630; Elwood Evans et al, History of the Pacific Northwest, II, 16; Clinton A. Snowden, History of Washington, IV, 121-122; Edgar I. Stewart, Washington Northwest Frontier (New York: Lewis Historical Publishing Company, 1957), II, 33; The Washington Standard (Olympia), Jan. 4, 1862; T. W. Davenport, "Recollections of an Indian Agent," OHQ (March, 1907), VIII, 17-19, 31-34.

¹⁵The regiment was "organized" October 18, 1861, The Official History of the W.N.G., III, 190; A. G. Report, 1891/92, Schedule A, p. 4.

¹⁶It is not clear who appointed the officers of the regiment. According to the Washington Standard, Steinberger had the power of appointment of staff and company officers, Jan. 4, 1862. Scott's letter to Steinberger, Oct. 12, 1861, stated only that the officers would have the governor's approval, in The Official History of the W.N.G., III, 190. "The other officers [other than the colonel] were to be appointed by the Governor," Snowden, IV, 105.

the Salmon river would make it impossible to raise a regiment of men from Washington Territory itself.¹⁷ Apparently to investigate the accuracy of that pessimistic expectation, Steinberger went to Olympia early in January, 1862.¹⁸ Discussions with territorial legislators there convinced him the Army had prophesied correctly.¹⁹

Although its relationship to Steinberger's visit is unclear, there was a second effort to organize the militia in January and February, 1862. The assistant adjutant general of Washington Territory, J. W. Johnson, in the middle of January issued a frantic plea, "To Arms, To Arms, To Arms, To Arms," in calling for organization of the militia. Johnson named enrolling officers in each county as General Mathias had done the preceding 14th of May. An organized militia, proclaimed Johnson, was necessary in order that Washington would be prepared to defend itself from the "ruthless savage" or from even England or France.²⁰

Little came of the second effort to organize the militia either. However, a verbal battle in the press indicates that

¹⁷Letter from Brigadier General George Wright to Brigadier General Lorenzo Thomas, Dec. 10, 1861, in The Official History of the W.N.G., III, 190-91.

¹⁸Steinberger arrived in Olympia, Jan. 2, 1861, The Washington Standard, Jan. 4, 1862; Snowden, IV, 105.

¹⁹Portland Oregonian, Jan. 10, 1862; The Washington Standard, Jan. 4, 1862.

²⁰Circular, Jan. 15, 1862, in The Official History of the W.N.G., III, 191-92; also in PNQ (April, 1916), VII, 176-77.

it was more than just gold, limited population, and an ineffective law that impeded organization. As it had after the initial call for militia organization, partisanship interposed itself. One editor thought highly of Johnson's "patriotic" proposal.²¹ It was opposed by the Portland Advertiser, a newspaper which was under constant attack by the Washington Standard as a "traitorous rag." The Standard carried Johnson's unrestrained, emotional philippic against the Advertiser's "assault" on himself and the Washington Territory militia.²²

Meanwhile, Colonel Steinberger, convinced that filling three companies would "exhaust the extreme capacity of the Territory" to provide soldiers, early in February, 1862, requested and received authority to recruit in California.²³

²¹ Unidentified, undated editorial in The Official History of the W.N.G., III, 192-93. Field suggested that Johnson's proclamation and this editorial were efforts to influence recruiting for the First Infantry Regiment, p. 191. However, the wording of the circular and of the newspaper articles indicates that it was, instead, a second effort to organize militia and was probably not connected with Steinberger's recruiting program except for the possible goal of raising the militia and then mustering it as a unit into the service of the United States.

²² The article was a direct response to the Portland Advertiser of Feb. 1, The Washington Standard, Feb. 15, 1862. It would be easy to over-simplify the reasons for the low martial spirit in Washington Territory in 1861. Snowden observed that Washington was still recovering from the destruction and exhaustion of the Indian wars, IV, 103.

²³ Letter from Colonel Justus Steinberger to Major R. C. Drum, Feb. 6, 1862, in The Official History of the W.N.G., III, 193; Letter from Drum to Steinberger, Feb. 7, 1862, in Ibid., p. 194.

Composed of Californians, the first four companies of the new regiment arrived at Fort Vancouver, W. T. May 5, 1862.²⁴ There they relieved the California Volunteers who then returned to their home state.²⁵ By the end of 1862, the organization of the First Infantry, Washington Territory Volunteers was complete with ten companies mustered into the U. S. service.

²⁴The origin of these four companies is erroneously ascribed to Washington Territory by Bancroft, XXVI, 229, and Stewart, II, 33. Other historians are more vague, but imply the same error, Carey, II, 630, Elwood Evans, in History of the Pacific Northwest, II, 16, and Frances Fuller Victor, "The First Oregon Cavalry," OHQ (June, 1902), III, 137-38. The error seems to have originated with Bancroft who cited as his source The Steilacoom Herald, March 20, 1862. The Herald, with unfulfilled optimism, named four specific towns where companies were "being raised" for Steinberger's regiment. Bancroft erroneously identified those four companies as Washington's contribution to the First Infantry, W.T.V. Yet ten weeks after the first four California companies of the First Infantry, W.T.V. had arrived at Vancouver, W. T., there was not yet "a single company of this regiment raised in the Territory, though originally contemplated that all should be recruited here; and an earnest effort will now be made to enlist at least one company in the Territory for a regiment bearing its name," The Steilacoom Herald, July 24, 1862. Two historians were closer to the facts when they identified eight California companies and two Washington companies as composing the Regiment: Snowden, IV, 107; and Aurora Hunt, The Army of the Pacific (Glendale, California: The Arthur H. Clarke Company, 1951), p. 228.

²⁵Puget Sound Herald (Steilacoom), May 5, 1862; The Official History of the W.N.G., III, 195. For documents regarding the military operations of the First Infantry during its three-year career, see Ibid., ch. v. Snowden briefly described the regiment's assignments, IV, 104-108. In July, 1864, the total military force in the Territory of Washington had grown to include six companies of Oregon Cavalry Volunteers, one company of the Fourth Infantry, California Volunteers, and the First Infantry Regiment, W. T. V., Letter from General Benj. Alvord to Lt. Col. R. C. Drum, July 11, 1864, in The Official History of the W.N.G., III, 226, see also, Ibid., 209.

Of the ten companies making up the First Infantry, W.T.V., only Company K was recruited entirely in Washington. Company F was composed of both Oregon and Washington residents. Company H was recruited in California, but included many men from Oregon and Washington.²⁶ The remaining seven companies were all recruited in California. Thus, it was a Washington organization in name more than in membership.²⁷

The Civil War was nearing its conclusion early in 1865, and companies of the First Infantry, W.T.V. were not replaced as the three-year enlistments expired. The first two companies were mustered out January 31, 1865, and the last two October 31, 1865.²⁸ By the end of 1865, the regulars of the United States Army once again possessed sole responsibility for territorial defense.²⁹

Thus, as in the 1850s, the territory's common militia system proved to be inadequate in time of need. Once again

²⁶ The Official History of the W.N.G., III, 247. For company rosters, see Ibid., 240-47; also A. G. Report, 1891/92, Schedule A, pp. 4-10. According to a former member of Company F, his company "never came into contact" with the regiment--it was never noticed by Col. Steinberger, Letter from Dr. George W. Easterbrook to Frank A. Kittredge, May 31, 1907, in WNQ (October, 1907), II, 37-8.

²⁷ A total of 1,021 enlisted men and 38 officers served with the regiment. Of these, 264 were commissioned or enlisted in Washington; 125 were from Oregon. There were 209 desertions, The Official History of the W.N.G., III, 239. "...although the majority of the men comprising the First Washington Territory Infantry were enlisted in California, the regiment insofar as the War Department was concerned, was credited to Washington Territory....," Ibid., 248.

²⁸ Ibid., p. 236; also company rosters in Ibid., pp. 240-41, 243, 246.

²⁹ Ibid., p. 237.

the volunteer system was instituted in its stead. Another consequence of that failure of the common militia at the outset of the Civil War was the passage of the third territorial military law--the Militia Act of 1863.³⁰

The Militia Act of 1863

Acting Governor L. Jay S. Turney urged in his message to the legislature in December, 1861, "prompt, efficient and thorough organization of the militia of the Territory." He foresaw that before the Civil War should end Washington would have to defend itself from "savages...mormons, friends of a Pacific Republic, and other traitors, all combined."³¹ Nothing in his address suggested any apprehension about possible civil disturbances.

Apparently the 9th legislature did not act on Turney's militia proposal. In December, 1862, the 10th Session heard Governor William Pickering's address to the legislature which did not repeat the request for a militia. The 10th Session passed a new militia law anyway. The Act of 1863 failed to overcome the fundamental failing of the earlier laws as it continued the tradition of refusing to finance the territorial force out of public funds. It would be eighteen years (1881) before a governor of Washington Territory would again ask a

³⁰Washington Territory Laws (1863), pp. 532-38. Hereafter cited as Wash. Terr. Laws. This law is also reprinted in full in The Official History of the W.N.G., III, 212-13.

³¹Turney message, Dec. 19, 1861, in Gates, Messages of the Governors, p. 97.

legislature to provide for organization of an effective militia; and it would be twenty-five years (1888) before a territorial legislature would feel strongly enough about the need for a militia to provide for the organization of a permanent, volunteer force supported by public funds.

The Indian Wars Volunteers, 1870s

The territory continued through the decade of the 1870s without a permanent, organized militia. The common militia remained as a paper organization consisting mostly of lists of names of men eligible for military service. The annual counts of the enrolled militia were used by the adjutants general to order quotas of arms from the War Department. Only senior officers actually participated.³² Each Legislative Assembly through that of 1875 duly elected the four militia officers of the rank of general--brigadier, adjutant, commissary, and quartermaster generals.³³ After 1875, the officers were elected by the voters of the territory in conformity with the United States Militia law of 1873. The militia, during that time, was so little valued that nominations for the general offices were "peddled out by the [party] conventions to whomsoever could be induced to accept" them.³⁴ Such was the

³²For the names of these officers, see The Official History of the W.N.G., IV: Washington National Guard in the Philippine Insurrection, 250, 320.

³³Ibid.

³⁴A. G. Report, 1891/92, p. 5; see also, The Official History of the W.N.G., IV, 250.

general condition of the common militia system of the territory. But the Indian wars of the 1870s did stimulate some volunteer militia activity.

In the Pacific Northwest, the major conflicts involved principally the Modoc, Nez Perce, and Bannock tribes in the 1870s. Because Washington was situated on the periphery of most of the action of those tribal rebellions, the territory's involvement was quite limited. While at least eight temporary volunteer companies were organized in the 70s, only three of those companies saw actual duty.

The 1873 war against the Modoc Indians under Captain Jack resulted in the formation of the Washington Guards, a company of 45 officers and men in Walla Walla. The company formed on April 24, 1873, after the U. S. troops from Fort Walla Walla had been ordered south to fight the Modocs near the Oregon-California border. The residents of Walla Walla feared being defenseless while the regulars were chasing Modocs. Out of that general fear, the Washington Guards were organized. The company existed only until the regular Army returned to the Fort.³⁵

Efforts to force Chief Joseph's band of Nez Perce to abandon the Wallowa Valley and to settle on the Nez Perce Reservation in Idaho led to the infamous Nez Perce War of 1877. A company of about 100 Walla Walla citizens volunteered, June 19, 1877, but only 20-25 of them, commanded by

³⁵Ibid., p. 251.

Captain Thomas P. Page, actually participated in an eight-day stint of duty with U. S. troops.³⁶ A second unit raised during the Nez Perce war was a "small company" of mounted volunteers from Dayton commanded by a Captain Hunter. They joined General O. O. Howard's U. S. command July 2, 1877, but missed getting into combat when they and some Idaho volunteers left their positions before the fighting started in what Howard called the "battle of the South Fork of the Clearwater" on July 11-12, 1877.³⁷

In May, 1878, the Bannock Indians were violently resisting their exclusion from Camas Prairie in Idaho Territory. The resulting campaign against the rampaging Bannocks was primarily the responsibility of the U. S. Army plus Idaho and Oregon volunteers. However, some volunteer forces from Washington became involved as the fighting spread to eastern Oregon and seemed ready to expand even to the north.

³⁶W. S. Clark, written Sept. 21, 1917, from notes made in 1877, in Ibid., IV, 264. See also, Bancroft, XXVI, 501, 502.

³⁷Howard's report, in Ibid., IV, 265, 266, 269; see also, Bancroft, XXVI, 501-504. It is not clear why these men left their position, but it probably was because they were serving only an eight-day enlistment.

In his plan to pursue the Nez Perce into Montana Territory, General Howard planned for two companies of Washington Territory Mounted Volunteers (to consist of about 200 men) to accompany one of his two columns to Missoula, General Field Orders, no. 3, July 23, 1877, in Ibid., IV, 271. But these units either did not get organized or they simply failed to present themselves to the Army for duty, Colonel Frank Wheaton's report, August 10, 18, 1877, in Ibid., IV, 278, 280.

During the summer months of 1878, settlers living around Goldendale fled to that town fearing that hostile Indians would cross the Columbia river. A company of mounted riflemen organized during the scare, and that company "is reputed to be the first company of Militia organized under the Militia Laws of Washington Territory. (1863)." (sic.). This was the Klickitat Rangers commanded by Enock W. Pike, captain. The Rangers were never called into service.³⁸

Walla Walla was in a high state of excitement in late June and early July, 1878, as the Bannock warfare spread to north-eastern Oregon. Frightened settlers fled in large numbers into towns such as Pendleton, Oregon and Walla Walla, W. T. Washington's governor, E. P. Ferry, assured Walla Walla residents that he was keeping his eye on the situation and would provide help in case any hostile Indians entered the territory, or in case any Washington Indians joined in support of the hostiles. He cautioned against panic resulting from vague fear, alarms, or rumors.³⁹

Ten men left Walla Walla to join the fighting in Oregon. They were probably the volunteers under a Captain Winter who departed town on the Fourth of July.⁴⁰ By July 6, one Walla Walla company had already been formed. It is not clear whether that company was a separate unit or the same company that

³⁸Ibid., IV, 309.

³⁹Walla Walla Statesman, July 6, 1878.

⁴⁰Ibid., July 6, 13, 1878.

called itself the Walla Walla Guards. The gray-uniformed 80-man Walla Walla Guards formed in July, 1878, under the command of Captain J. H. Smith. They were armed with .45 caliber breech-loading rifles furnished by the territory.⁴¹

By mid-July, the excitement had increased. The need for a permanent, militia company seemed apparent. On July 13, the Walla Walla Statesman reported "great anxiety" in town regarding the course of action Chief Moses would take. Moses and his people had been peaceful but it was feared that he might go to war as a result of "Major Wilkinson's wild raid up the Columbia." In that same issue, a letter to the editor called for "permanent organization of our citizens," to be armed and endorsed by the territory. Such a method of self-defense was necessary, it said, because of the town's isolated location "within the domain of the treacherous Indian."

The governors of Oregon and Washington, Chadwick and Ferry, cooperated in forming a Volunteer Militia company composed equally of residents of both Oregon and Washington. W. C. Painter, of Walla Walla, was elected captain. The company was organized at Walla Walla July 14, 1878, and was disbanded August 26, 1878. During its tour of duty, this

⁴¹The Official History of the W.N.G., IV, 317-18. Walla Walla Statesman, July 6, 1878. The "Guards," according to The Official History of the W.N.G., apparently organized as a result of "newspaper accounts that more Indian trouble might erupt when action was taken by the Indian Department to place Chief Moses and his tribe on a reservation, IV, 317.

company patrolled the Columbia river to prevent any hostile Indians from crossing that river from the south.⁴²

In January, 1879, Dayton's mayor and 35 citizens responded to reports of possible Indian uprisings by forming themselves into "The Columbia Mounted Infantry" company under Captain E. R. Burke.⁴³ This may have been a re-organization of the mounted volunteer company organized two years earlier, during the Nez Perce scare of 1877.

It is apparent then that after the Civil War the primary purpose of the militia continued to be Indian fighting and most units were formed out of fears generated by fighting in neighboring areas. It is also apparent that, as in the 1850s and during the Civil War, it was the volunteer militia that was actually organized, not the common militia. The companies discussed above were formed in three eastern Washington communities adjacent to large Indian reservations. They were temporary volunteer companies organized during the Indian "wars" of the 1870s. Four (and possibly five) of them were Walla Walla companies, two were Dayton companies, and one was Goldendale's Klickitat Rangers.

Only one company is known to have existed west of the Cascade Mountains during the era of the Indian wars of the 1870s. That company was the Olympia Light Guards. The Light Guards were apparently poised in the background of a

⁴²Ibid., IV, 305.

⁴³Ibid., IV, 318.

labor-management conflict that took place in the Fall of 1873. That incident provided a fleeting intimation of the future some dozen years away when the militia would be assigned to duty against fellow citizens involved in domestic disorder.

The Olympia Light Guards

Little is known of the Olympia Light Guards except that such a company already existed in late November, 1873, when angry construction workers on the first railroad into the territory aggressively enforced a work stoppage on the new road bed. One recent description of that incident had it that the Olympia Light Guards were "called out to quell the disturbance."⁴⁴ However, contemporary newspaper reports indicate that statement to be in error.

About 400 men stopped laying the Northern Pacific track into Tacoma near the end of November, 1873, because the sub-contractor of the railroad company owed them 3-4 months back wages. Between 60 and 110 of them organized themselves as the "Regulators." On November 29, some were armed as they moved onto the track, pitched camp, and set up a barricade of ties. They took possession of the bridge over Clover Creek

⁴⁴ A notice in the Puget Sound Daily Courier (Olympia), Dec. 3, 1873, announcing a meeting of an organization by that title, was signed by N. E. Griffin, First Sergeant. The Official History of the W.N.G. credited to an unidentified historian the claim that the company was called out, IV, 251. Herbert Hunt and Floyd C. Kaylor briefly described the incident but did not indicate any participation of militia, real or potential, Washington West of the Cascades, I, (Chicago, Seattle, Tacoma: The S. J. Clarke Publishing Company, 1917), 256-257.

which they had just completed and refused to permit a new gang from Portland to finish the track laying.⁴⁵

The day before the track seizure, General J. W. Sprague, N. P. general superintendent, sent a telegram to Governor E. P. Ferry. "I am creditably informed," he warned the governor, "that an armed mob will attempt to stop tracklaying tomorrow. Our tracklayers are now 26 miles north of Tenino -- I respectfully ask you to enforce order."⁴⁶

The following day, Sprague sent Ferry another telegram, curiously dated Nov. 28, 1873, 9:30 a.m., announcing that the act had been committed. "A party of 48 armed men drove a party of bridge builders from their work by force this afternoon." That message was followed at 7:30 p.m. on the same day by another in which Sprague indicated that the method of mediation would succeed. "Sixty armed men are encamped at Clover Creek Crossing...I wish you would go there in person -- I believe difficulty can be prevented in that way. I have asked sheriff of Pierce Co (sic) to be there, I suppose you will go by carriage and direct from Olympia."⁴⁷ Sprague was apparently confident of his influence in the governor's office.

⁴⁵Puget Sound Daily Courier, Nov. 28, Dec. 4, 1873; Puget Sound Dispatch (Seattle), Dec. 4, 1873; Olympia Transcript, Nov. 29, 1873; Telegram from Sprague to Ferry, Nov. 28, 1873, Washington State Archives; Governors' papers, E. P. Ferry. Hereafter cited as Ferry papers. Reports received by Governor Ferry varied between 50 and 80 as the number of men at the barricade.

⁴⁶Sprague to Ferry, Nov. 27, 1873, Ferry papers.

⁴⁷Telegram from Sprague to Ferry, Nov. 28, 1873, Ferry papers.

The governor's nephew C. P. Ferry of Tacoma, was worried about the incident and feared that "like all mobs, they will stop only when overpowered by a superior force." The available evidence neither supports nor denies the veracity of nephew Ferry's concluding statement to his uncle that, "they claim they are protected by the law, having a telegram from you as governor that you will not interfere and they waited only for this assurance to start. I was satisfied that it was not so and endeavored to reach you by telegraph this morning but the line was down."⁴⁸

Pierce County Sheriff D. W. C. Davidson became involved on November 29th. Accompanying Sprague to the camp on the tracks, the sheriff was rebuffed in his effort to clear the defiant, angry men from the track. After his confrontation with the workers, Davidson informed the governor that there were no public arms in Pierce county; that the workers had the public sympathy; and "...to sum the whole thing up, I am at a loss to know how to proceed -- for no handfull of men will deter them...therefore refer this matter to your excellency hoping that you may devise some way of settlement without bloodshed."⁴⁹ Another informant reported to Ferry that Sheriff Davidson had said that the men were willing to come

⁴⁸C. P. Ferry to E. P. Ferry, Nov. 28, 1873, in Ferry papers.

⁴⁹Letter from Sheriff D.W.C. Davidson to Ferry, Nov. 29, 1873, in Ferry papers.

to terms with a part payment of their back wages and a promise of full payment later.⁵⁰

The workers did have support. The Olympia Transcript, which billed itself as opposed to "monopoly," admired the "hard fisted laborer" who was "too often swindled out of his just dues by irresponsible agents." The editor did not know how the governor would respond to Sprague's request for "aid to enable the railroad company to resume the laying of track..." But he presumed that "Captain Hayden and company will be subject to marching orders."⁵¹

The Puget Sound Dispatch (Seattle), which was hostile to Sprague and the N. P. company, claimed that "General Sprague has asked the governor for military aid in defrauding the laborers... but ...the governor has no lawful authority to call out the military to dispossess the men until civil process has been exhausted," or until the peace was endangered. The writer belatedly cautioned the governor against bloodshed.⁵² Unknown to the Dispatch, the dispute had already ended by the time that warning was published. The Olympia Light Guards were not called out. After involving Governor Elisha P. Ferry and Supreme Court Chief Justice Roger S. Greene as on-the-spot

⁵⁰Letter from F. H. Lamb to Ferry, Nov. 29, 1873, W.S.A., Ferry papers. It was on these terms that the brief strike ended.

⁵¹Nov. 29, 1873.

mediators, the workingmen and the agents of the company agreed on terms for payment of the debt and work resumed.⁵³

On December 4, the Puget Sound Daily Courier of Olympia published the railroad company's version of the incident. It accepted the claim of the company agents that there had been no threat or desire on their part to resort to force; and that "they did not directly or indirectly request the governor to call out the military, but only desired him to use his influence to secure an amicable settlement." That version apparently was at least partially correct. Sprague's first message to Governor Ferry was discreetly worded. He did not use the words "military" or "force." In that telegram, received by Ferry on November 27th, Sprague concluded, "I respectfully ask you to enforce order."⁵⁴ It is not clear from the available evidence what Sprague had in mind by "enforce order"--a strong force of men, as suggested by C. P. Ferry, or the governor's personal and official influence.

While there is no record of Ferry's opinion, it would seem that his actions were practical. Force was impractical if not impossible. Though the militia company at Olympia did exist, there is no record of its strength or its ability to act as an effective police force against a large, desperate group of workers who were convinced they were defending a just cause. More important was the fact that time was of the essence for

⁵³Puget Sound Daily Courier (Olympia), Dec. 3, 1873.

⁵⁴Telegram from Sprague to Ferry, Nov. 27, 1873, W.S.A., Ferry papers.

the Northern Pacific. It was under contract to the government to complete the track by mid-December. A lost day was crucial. So there was no time to import a U. S. force or reinforcements to go against the workers.

Conclusions

The three decades preceding the 1880s was a time in which there was little need for a territorial military force. Consequently there was little interest in development of a permanent, organized militia. The few efforts to improve the militia seem to have been pushed from the gubernatorial end of the political power structure and not from popular demand. Awareness of the burden of the expenses required to maintain a permanent force undoubtedly helped to dampen the occasional desire for a military force.

As was generally true in the nation-at-large, the common militia system failed in Washington Territory and was replaced by the volunteer system during sporadic emergencies that demanded, or seemed to demand, forces for military purposes. Volunteer units themselves were formed in spite of inadequate legislation. Had it not been for the Civil War, and for the proximity of Indians angered by the increasing, land-hungry settlers, it seems likely that the territory might have existed during its first three decades without any militia law being written, and few, if any, forces being organized.

Neither the governors of the early territory, in their official requests for a militia, nor the wording of the Militia Acts of 1855, '58, and '63 hinted of any apprehension about

contemporary or future civil troubles for which a large territorial police/military force would be desirable. But, the territorial officials were not unaware of a need for provisions for riot control.

The First Session of the Legislative Assembly of Washington Territory defined riot and stated that the means of preventing or ending riot was the responsibility of the local peace officer (sheriff, deputy sheriff, justice of the peace, marshal, constable, mayor, or alderman).⁵⁵ It granted such officers the authority, in time of need, to "call out armed force." Later, in 1891, a unanimous state Supreme Court would decide that "armed force" alluded only to the sheriff's posse comitatus, not to the militia.⁵⁶

Before the 1880s, the posse comitatus was the traditional instrument for supporting law and order in cases where the ordinary force of the county sheriff was inadequate to do so. The posse comitatus is both a concept and a specific body of men. As a concept it includes all military-age male residents of a county available for use by the sheriff. As a body of men it is the sheriff's posse, a temporary organization of volunteer or drafted citizens, legalized as sheriff's deputies. It is an "old and honored institution...sanctified in the

⁵⁵Wash. Terr. Laws (1855), "Offenses Against the Public Peace," p. 87; and "An Act Creating the Office of Sheriff," p. 434.

⁵⁶Chapin v. Ferry, 3 Wash. 393 (1891).

Anglo-Saxon system of jurisprudence."⁵⁷ In many aspects, the posse comitatus is the county version of the state's unorganized militia.

In the 1880s, the posse comitatus became inadequate to control rioting as changing social conditions altered the nature of riots. The following chapter identifies some of the fundamental changes in the society and economy of Washington Territory that produced real and threatened disorder on a large scale. As it became obvious that the posse comitatus system was obsolete, those in political and economic power turned to a larger and more general system--the state militia, or to be more precise, the volunteer militia which later became known as the National Guard of Washington.

⁵⁷William E. Birkhimer, Military Government and Martial Law (Washington, D.C.: James J. Chapman, 1892), p. 404. By definition, the posse comitatus is "The power of the county. The whole body (under the common law all male persons over 15 years of age) which the sheriff may summon to assist him in law enforcement: also the body he summons." Dictionary of American Politics, Edward Conrad Smith and Arnold John Zurcher, eds., (New York: Barnes and Noble, Inc., 1963), p. 296.

CHAPTER IV

The Fading Frontier, 1879-1883

For nearly three decades after its inception as a territory in 1853, Washington did without the services of an Organized Militia. But, after 1880, basic changes occurred in the social structure and the economy of the territory. Accompanying those changes was an increasingly receptive attitude toward a standing military force whose principal purpose would be to serve as a territorial police force.

Before 1880, the Organized Militia did not develop because there was little or no need for it. The short-lived Indian wars were fought by temporary, for-the-emergency-only volunteers--sometimes with and sometimes without the support of the United States Army. Thus, there was little necessity for a standing territorial military force and those, such as Governor I. I. Stevens, who desired one were disappointed by less than enthusiastic legislators. Nor was there a need for the police services of a Militia. Before the 1880s, Washington's population was so homogenous that it lessened the likelihood of social conflict; and so small and sparse that it made large scale disobedience and disorder exceedingly remote possibilities. Even local police forces were small. When John H. McGraw became

a Seattle policeman in the late 1870s, the police force consisted of only four men.¹

Frontier Conditions, Pre-1880

One student of the economic history of western Washington has described the years from 1850 to about 1880 as a frontier era with a relatively classless society economically dominated by a shortage of both labor and capital and by an abundance of land and natural resources available for the taking.²

As late as 1877, Washington Territory had no reason not to feel snug and safe from the urban, industrial problems which were then manifest in eastern states. Other dangers seemed closer to Washingtonians. The exploits of Chief Joseph and the Nez Perce attracted attention in 1877 while the eastern states suffered from their first experience with inter-state labor trouble and destruction on a massive scale during that "year of violence."³ In May, 1877, editor C. B. Bagley expressed confidence that the railroad would bring labor and capital to the territory to make Washington the richest state. Bagley noted the poverty of the working class in the East, but observed that conditions in the West were just the reverse.

¹ Clarence B. Bagley, History of Seattle (Chicago: The S. J. Clarke Publishing Co., 1916), II, 770.

² John Reid Watt, "Introduction to the Economic and Labor History of Western Washington (unpublished Masters' thesis, History Department, University of Washington, 1942), chapter viii.

³ The events of that year are detailed in Robert V. Bruce, 1877: Year of Violence (Indianapolis: Bobbs Merrill Co., 1959).

Unemployment in the West, he said, was a problem only for the lazy; plenty of opportunity existed for anyone willing to work. The need in the West was for immigrants.⁴

In his address to the 6th Annual Session of the Territorial Legislature, Governor E. P. Ferry expressed the feeling of contentment. In that address, delivered October 3, 1877, Ferry said that all was going well in the Territory. He contrasted that well-being to the depression and the erupting capital-labor troubles in the East which he said was amounting to near civil war, requiring combined state and national governments to suppress it. He was pleased, he said, that the trouble did not reach Washington Territory.⁵

But it was not long before the ingredients for social troubles found their way into the isolated Pacific Northwest, as Washington began to experience its transition from a frontier to a modern society. Railroading came to Washington after the long depression ended in 1878, and Washington's great population boom began.⁶ The Walla Walla Statesman called in

⁴Puget Sound Daily Courier (Olympia), May 3, 5, 7, and 15, 1877.

⁵Charles M. Gates, ed., "Messages of the Governors of the Territory of Washington to the Legislative Assembly, 1854-1889," University of Washington Publications in the Social Sciences, Vol. XII, August 1940, p. 193. Hereafter cited as Gates, "Messages of the Governors..."

⁶For a description of the rapid increase in population during the decade following 1878, see Edgar I. Stewart, Washington Northwest Frontier (New York: Lewis Historical Publishing Co., 1957), II, 33. The slow growth rate of the early 1870s was noted by Clinton Snowden, History of Washington (New York: The Century History Co., 1909), IV, 263-64.

March, 1879, for immigrants who were willing to work. In promoting the prosperous condition of the territory, the Statesman said Washington was a good country for the capitalist, mechanic, professional man, merchant, or anyone. Capitalists could make money, skilled labor was always in demand and day laborers were rarely out of employment if they wanted to work. In early April, 1879, the same paper proudly announced that there were no idlers in Walla Walla and prospects were never better.⁷

In October, 1879, Governor Ferry noted the growth in wealth and population. Since high employment and "remunerative" wages are signs of any prosperity, he argued, Washington Territory was prosperous. He pointed to the continuous demand for amply paid manual labor, while in much of the nation a large demand for labor was so limited that a new class of men had grown--the unemployed--"who in many cases resort to lawlessness, violence and crime." He expressed pleasure that this condition was unknown in the Territory of Washington. He gave assurance that, "wise and beneficent laws will tend to increase this prosperous condition of our affairs."⁸

In the earlier days, property-seeking immigrants were intent on joining the proprietary class as land owners. Such social mobility had been relatively simple for the earliest

⁷ March 15, April 5, 1879.

⁸ Address to the 7th Annual Session of the Legislature, Oct. 6, 1879, in Gates, "Messages of the Governors...", pp. 205-206.

newcomers in the 1850s. But the Homestead Act of 1862 and later land laws, or to state it more accurately, the numerous loopholes of those laws eventually altered the accessibility of land. In western Washington, most of the good agricultural land was, by the 1880s, already owned by corporations, speculators, or earlier settlers. Timber land increased in value after 1880. Thus, most of the land around Puget Sound was no longer available to the average immigrant.⁹

Conditions Change, After 1880

As the total population grew rapidly, and as quick and easy social mobility from the working and farming classes to the proprietary class was ending about 1880, a new class emerged in the Territory of Washington. It was a dependent, non-propertyied working class. At the same time, on the other end of the class structure, a new class of wealthy and increasingly powerful men emerged--the land speculators and larger property owners. Class alignment in the early 1880s was largely determined by the date of arrival in the territory. "The first comers became proprietors (land owners), industrialists, and landlords; later comers became shop-keepers and yeomen, and the last comers became proletarians, precisely as the store of available land and resources became restricted." Along with the emergence of these groups, came something else

⁹Watt, chap. viii; Frederick J. Yonce, "Public Land Disposal in Washington" (unpublished Ph.D. dissertation, University of Washington, 1969), pp. 249, 270-71.

that was new to the territory--large scale class consciousness and antagonisms.¹⁰ That changing social structure was perhaps a predictable consequence of the great population growth of the 1880s.

In spite of the depression of 1884-87, the decade of the 1880s was a period of phenomenal growth. The accompanying table (Table 1) indicates the population changes that took place in the territory, changes that deeply affected social conditions. The figures illustrate the rapid growth in aggregate population, percent of increase, and density of population.

TABLE 1				
POPULATION OF WASHINGTON, 1853-1890*				
	1850-60 (1860)	1860-70 (1870)	1870-80 (1880)	1880-90 (1890)
Aggregate	11,594	23,955	75,116	349,390
Number of increase	11,594	12,361	51,161	274,274
Percent of increase	--	103.16	213.57	365.13
Density per square mi.	.06	.36	1.22	5.22

* from Compendium of the 11th Census (1890), pp. 2, 45, 6.

¹⁰Watt, p. 174. Watt noted evidence of seedling class antagonisms as early as 1861 in the territory, p. 171. But the popular image at that earlier date was one of classlessness; one of a society of equal and hopeful property owners-to-be.

The 365 percent population growth between 1880 and 1890 involved a basic change in the make up of the social body of the territory. The working class grew rapidly, increasing from nearly 3,500 industrial employees in 1880 to nearly 19,000 ten years later.¹¹ Large numbers of workingmen entered the territory as jobs became plentiful in the lumber camps, the coal mines, and in construction work. Feverish construction of Seattle business houses and private homes, for instance, created a high demand for local lumber while it provided hundreds of jobs in the city itself. Railroad construction brought hundreds of men, including Chinese laborers to the territory. In the summer of 1882, labor was in such short supply that the Northern Pacific Railroad failed to satisfy its demand for workers even when it offered five dollars a day wages for work in the Yakima area.¹²

In the frontier era, before 1880, the population west of the Cascades was decentralized and fairly evenly spread among the villages and towns of the Puget Sound-Cowlitz River Basin. Walla Walla was the center of activity in the wheat land area of southeastern Washington. In 1880, Walla Walla was nearly

¹¹Watt, 124-25. For population counts and number of voters, 1853 to 1889, see Keith A. Murray, "The Movement Toward Statehood in Washington" (unpublished M. A. thesis, University of Washington, 1940), p. 157.

¹²Alexander N. MacDonald, "Seattle's Economic Development, 1880-1910" (unpublished Ph.D. dissertation, University of Washington, 1959), p. 290.

equal in size to Seattle.¹³ The rapid growth of cities and concentration of population west of the Cascades after 1880 was another manifestation of the end of the economic frontier. Seattle and Tacoma led that urban growth as they jumped far ahead of the other towns in population. Walla Walla remained dominant east of the mountains.¹⁴ From 1880 to 1883, Seattle's population doubled, growing from about 3,500 to nearly 7,000 as that town began its move from an isolated frontier town to the dominant city in the territory.¹⁵ By the autumn of 1883,

¹³Watt, pp. 125-26. Edgar I. Stewart described the population boom in eastern Washington, in Washington Northwest Frontier (New York: Lewis Historical Publishing Company, 1957), II, 145. See also Dorothy O. Johansen and Charles M. Gates, Empire of the Columbia, A History of the Pacific Northwest (New York: Harper and Row, Publishers, 2nd Ed., 1967), "The Boom of the Eighties," chapter xx.

Walla Walla County, in 1880, counted 8,716 persons while King County could muster only 6,910 residents. Ten years later, Walla Walla County, diminished from its original physical size, had a population of 12,224 while King County's was nearly 64,000, United States, Department of the Interior, Census Office, Compendium of the Tenth Census (June 1, 1880), p. 552, and Compendium of the Eleventh Census (1890), p. 45.

¹⁴Watt, pp. 126-27. Watt offered evidence that homesteads gave way to urban "settlements" as the place to go in the 1880s, Ibid.

¹⁵MacDonald, p. 77. Robert C. Nesbit said that Seattle "thrived on the Villard boom," growing from 3,600 in 1880 to 8,000 in 1884, in "He Built Seattle;" A Biography of Judge Thomas Burke (Seattle: University of Washington Press, 1961), p. 55.

Seattle claimed 9,000 persons in January, 1884, Olympia Transcript, Jan. 12, 1884. Near the end of 1884, the U. S. land commissioner in Walla Walla said that Seattle had a population of over 10,000, Tacoma, 6,000, Olympia, 2,500, and Walla Walla, 6,000, in the Post-Intelligencer, Dec. 13, 1884.

Seattle was a city bustling with activity. A large transient population seemed to offer proof that it was the hub city on the Sound.¹⁶

From 1880 to 1883, an economic boom of major proportions excited the territory.¹⁷ Special beneficiaries of the boom were land speculators as the phenomenal increase in population paralleled the mushrooming values of real estate. Such a beneficiary was Thomas Burke. Burke had been a lawyer of modest means until 1881. In that year, he began actively investing in Seattle property. By October, 1882, he had come out ahead in several small real estate deals. He then bought a piece of property for \$10,000, held it for eleven months, and sold it for \$100,000. By 1883, Burke had become a man of wealth and property.¹⁸ This new class of wealthy property holders added a new dimension to Washington's social structure as it made class consciousness more likely in the face of the new, large working class.

The Militia Before 1880

The pioneers were apathetic toward a militia. Seven or eight temporary, volunteer companies existed from time to time throughout the decade of the 1870s. The impetus for their

¹⁶Nesbit, p. 55.

¹⁷For a description of the boom and the role played by the railroads, see Nesbit, chapter 3; see also, MacDonald, pp. 75-82.

¹⁸Nesbit, pp. 42-44; Keith A. Murray also discussed the real estate orgy in his thesis, pp. 122, 149.

existence was the threat of Indians, not laborers or radicals. No public funds were made available under the Militia Act of 1863. County enrollments, ie., lists of men eligible for military duty, were taken with at least some consistency, but no units were organized from those lists. The four general officers were elected by the people every two years. Most of the prestige went to the office of brigadier general, with little attention going to the offices of adjutant, quartermaster, and commissary generals. Nominations for the non-salaried offices had to be forced on disinterested party members even though "generals" gained military titles, had few if any responsibilities, and cost the taxpayers nothing. The annual enrollments and the biennial elections of generals did little more than satisfy the federal militia law and make the territory eligible to receive occasional orders of muskets and ammunition.¹⁹

A Limited Military Spirit Emerges, 1880-1883

As frontier social and economic conditions changed during the boom years of 1880 to 1883, attitudes toward a territorial militia changed. Apathy slowly began to give way to a new, though limited, interest in the militia from 1880 to 1884, an interest that would burst to full blossom in 1886 during Seattle's anti-Chinese conflict.²⁰

¹⁹ A. G. Report, 1891/92, p. 5.

²⁰ The anti-Chinese movement is discussed in chapter V, below.

It is easy to identify a budding interest in the militia after 1880, but it is more difficult to determine the precise causes of that new interest.²¹ Governor E. P. Ferry's personal interest in a militia may have affected the movement.²² The Official History of the W.N.G. claimed that an order by Governor Ferry, July 8, 1879, for 2,000 muskets from the federal government "apparently had the desired [my underline] effect of fostering interest in the organized militia."²³ Another factor in the slowly growing martial ardor was unknowingly provided in the general election of 1880. That was when the man who has been called the "father" of the National Guard of Washington was elected Quartermaster General of the Territorial Militia. He was Rossell G. O'Brien. Born in Ireland in 1846, O'Brien saw a variety of military service during America's Civil War. He first enlisted as a private in the Illinois Governor's Guard. Later, he was in combat for about six months as a second lieutenant with the Illinois Volunteers. From 1865 to 1870, he served as a first lieutenant in the Governor's Guard (Chicago). In 1870, O'Brien accompanied newly-appointed Governor Edward S. Salomon to

²¹Heafield noted that new interest after 1880, but offered no explanation for it, in Washington State, Military Department, Office of the Adjutant General, "A Brief History of the Washington National Guard," compiled by Reginald Heafield (mimeographed, 1952), p. 11. Hereafter cited as "A Brief History of the W.N.G.," (Heafield, 1952).

²²Ibid.

²³The Official History of the W.N.G., vol. IV, Washington National Guard in the Philippine Insurrection, p. 318.

Washington Territory and was appointed Deputy Collector of Internal Revenue in 1871. O'Brien was an active politician.²⁴

O'Brien did not at first actively seek out a new career in the territorial militia, but he quickly assumed the responsibility when it was handed to him. In 1880, E. P. Ferry was chairman of the Republican convention and R. G. O'Brien was secretary. Against their "vigorous protests," three members of the convention were nominated as the party's candidates for the general offices of the territorial militia: M. R. Hathaway of Clarke County, adjutant general; D. K. Bush of Pacific County, commissary general; and R. G. O'Brien of Thurston County, quartermaster general. In the general election, all three were elected by large majorities, but O'Brien's was the largest majority ever received by a candidate upon either ticket up to that time. At the request of the reluctant Hathaway, Quartermaster General O'Brien also took over the duties of the adjutant general during that two-year term. O'Brien, more

²⁴A. G. Report, 1891/92, pp. 5-6; The Official History of the W.N.G., IV, 323-324.

Some of O'Brien's political activities included: Chief Clerk of the House of Representatives, 1877, and clerk of the Territorial Supreme Court, 1878, Ferry papers, box 2-23, University of Washington Library. He was elected to the first city council of Olympia in 1882, Hunt and Kaylor, Washington, West of the Cascades, I, 474. In 1884, O'Brien was part owner of valuable real estate in Olympia's Capital Addition, Olympia Transcript, Nov. 15, 1884.

In 1890, O'Brien was vice president and manager of the Olympia Real Estate Loan and Insurance Agency, April 19, 1890, Ferry papers, box 4-1, U. W. library.

enthusiastic than his predecessors, soon gathered \$10,000 worth of military equipment from various parts of the territory. Thus, an active and interested man finally entered office with the intent to provide some direction for the budding interest in the militia.²⁵ But he had more equipment than he did organized units.

In the 1870s, most of the militia activity had occurred in eastern Washington. Apparently only one of those temporary companies was still organized at the beginning of 1880. That was Walla Walla's Grant Guards.²⁶ By the end of 1880, two other companies had been organized, both in eastern Washington.

A second Walla Walla company was organized May 18, 1880.²⁷ It was formed as artillery Battery A, but never received any field guns. The battery received territorial muskets and equipment in July. In late September, company Captain L. T. Vennigerholz complained to Governor Ferry about the failure of Brigadier General John H. Smith, also of Walla Walla, to forward commissions to the officers.²⁸ Smith had

²⁵A. G. Report, 1891/92, pp. 5-6.

²⁶According to The Official History of W.N.G., the Grant Guards had originally been called the Walla Walla Guards when they organized in July, 1878, IV, 320. This company may have been the first uniformed militia company in the territory and was apparently the oldest, continuous company in the territory during the 1880s.

²⁷The Official History of the W.N.G., IV, 319. The available record does not clearly identify these two Walla Walla companies. See also, A. G. Report, 1884/85, p. 4.

²⁸Letter, L. Theo Vennigerholz to Gov. E. P. Ferry. Sept. 25, 1880, in Ferry papers, box 4-36, Washington State Archives.

told Vennigerholz that he (Smith) and the governor were not on friendly terms and Smith did not want to ask favors of the governor. The captain apparently never received his commission and Battery A was never formally recognized by the governor. One can only surmise that political sentiments may have been stronger than the feeling of need for a militia in 1880. The third militia company in eastern Washington in 1880 was the Dayton Greys who elected J. T. Burns to be their commander when they organized December 11, 1880. The lieutenants were D. C. Guernsey and C. N. Clark.²⁹ These three eastern companies tried to organize into the First Regiment of the Washington National Guard, probably early in 1881. But the governor withheld recognition of the proposed regiment because of the insufficient number of companies.³⁰

It was not until 1881 that Militia fever gradually began to appear in western Washington. In the summer of 1881, some businessmen organized the Tacoma Rifles, commanded by Captain George Bachman. Their first lieutenant was W. J. Fife, who later became an active senior officer in the National Guard of

²⁹The full roster of the Grays is in The Official History of the W.N.G., IV, 319-20.

³⁰Ibid., p. 320.. Eastern Washington played second fiddle to western Washington when it eventually lost its campaign to be honored with the title of First Regiment when the W.N.G. formed into two regiments in 1887.

Washington. F. B. H. Wing was second lieutenant. A requisite for membership in the Rifles was a "social standing."³¹

Apparently none of these four companies of 1880-81 was formally recognized by the governor. General O'Brien reported that "at this time seeming to refer to 1880-82 there were no military organizations in the state with any standing under the law, which of itself was so inadequate in its provisions as to bar encouragement in the organization of the militia of the territory."³²

In 1881, for the first time since the Civil War, a Washington governor, in his message to the legislature, expressed interest in building up the Militia. At the opening of the eighth Biennial Session of the territorial

³¹Ibid.; also Herbert Hunt, Tacoma - Its History and Its Builders (Chicago: The S. J. Clarke Publishing Company, 1916), I, 259-60. The Tacoma Rifles may have been organized earlier than 1881. A retired N.G.W. captain, writing from memory about 1911, suggested that the Tacoma Rifles was organized by "some businessmen" "some time" after the year of 1879.

They elected a "Mr. Bochman (sic) as captain; Chas. A. Sprague, first lieutenant, and Stephen Baker, second lieutenant. James Junette and Charlie Evans were members. The company drilled irregularly until 1881 and then the martial spirit lay dormant until 1886 when the "Tacoma Guards" was organized by the younger businessmen.

It elected Captain Plate and Lieutenants Bair and Baker. "Stock was liberally subscribed by the businessmen and fine uniforms were purchased" and they drilled frequently. A requirement for membership was "a social standing," E. M. Howell, "The Early History of the N.G.W. of Tacoma," in Historical Review of the Tacoma Guardsmen (n.p., n.d. [circa 1911]), no pagination.

³²A. G. Report, 1891/92, p. 6.

legislature, October 5, 1881, Governor William A. Newell (1880-1884) told the legislators, "A well regulated militia, encouraged and patronized by the State, is useful and necessary at times when civil authority is powerless to prevent, or to redress national, or minor wrongs." He observed a "proper military spirit" in some parts of the territory and identified that spirit as "the outgrowth of a patriotic sentiment, infused by Civil War veterans." He hoped more companies would form and asked the legislators to approve of the militia bill which would be presented to them.³³

R. G. O'Brien had become a willing candidate when he was nominated and elected adjutant general in 1882.³⁴ Serving without pay, O'Brien continued his personal efforts to develop an organized militia. In 1883, he organized, and temporarily was captain of, an Olympia company called the Capitol Guards.³⁵

In the early autumn of 1883, Governor Newell informed the legislators that the territory had an abundant supply of arms and equipment for the military provided by the federal

³³In Gates, "Messages of the Governors," p. 225.

³⁴He was continuously re-elected to that office until he retired under pressure in 1895. He served without pay until March 27, 1890 at which time the Legislature set his salary at \$1,500 a year, A. G. Report, 1891/92, p. 8.

³⁵Ibid., p. 6. Field said that the Capitol Guards organized in 1882, in The Official History of the W.N.G., IV, 320.

government "whilst we have no vital militia system." He then made his second ineffectual plea for a law which would provide such a militia, but he suggested no fear of potential domestic troubles.³⁶ His request was ineffectual because the legislature was not yet interested in levying a tax to provide for a militia for which there was no need.

Thus, there were signs of increasing interest in an organized militia after 1880, but that interest produced limited results. Only four militia companies formed during the boom years of 1880-83, and apparently none of the four was recognized by the governor. 1880 to 1883 were good years for the economy of Washington, but poor years for the development of the militia. By the end of 1883, economic conditions were again changing. 1884 was the beginning of a depression that would last until 1887. A major reaction to that depression would emerge in the form of the anti-Chinese movement which in turn would produce an active enthusiasm for a permanent militia organization in Washington Territory.

³⁶ Address to Ninth Annual Session, Oct. 3, 1883, in Gates, "Messages of the Governors," p. 240.

CHAPTER V

The Beginnings of a Permanent Militia, 1884-1885

By the end of 1883, the good times were ending. Railroad construction declined rapidly late in 1883 with the completion of several lines. The golden spike of the transcontinental Northern Pacific was pounded into place midway between Helena and Missoula in Montana Territory on September 8. The N. P. line connecting Seattle and Tacoma was completed. Villard's railroad linking Seattle and the Oregon Improvement Company's coal fields was finished.¹ By 1884, the gloom of a depression had replaced the exhilaration of the boom. Although the depression of 1884-87 was also a national slump, it was particularly severe in Seattle because of the previous boom activity.² Seattle soon found itself hosting a large unemployed population as workers laid off at logging camps and construction jobs drifted into Seattle.³ Other towns also felt the change. In January, 1884, Port Townsend's newspaper editor was worried

¹Seattle Post-Intelligencer, June 10, 1884. The "railroad empire" of Henry Villard was broken up by January, 1884, see Nesbit, "He Built Seattle," pp. 56, 78.

²MacDonald, "Seattle's Economic Development, 1880-1910," pp. 79, 81, 290-291.

³Ibid., p. 82.

that the "tramp nuisance" might become serious. "Prosperity," he said, "brings them along with thieves and other undesirable gentry."⁴

The fortunes of the militia improved as the economy slumped. In 1884, the first full year of the depression of 1884-87, the militia began to take its embryo shape as a unified territorial force. The timing of the emerging martial enthusiasm suggests that one of its fundamental causes was the rapidly changing social-economic conditions in the territory after 1883.⁵

Increasing Militia Activity

Evidence of the increased tempo of military activity in 1884 and 1885 includes the official recognition of six militia companies, an attempt to organize a seventh company, and the distribution of small arms around the territory. Less dramatic, but equally important, was the improvement in administration of the territorial militia sufficient to produce the first published biennial report from an adjutant

⁴In, Olympia Transcript, January 12, 1884.

⁵One historian sensed the relationship between the changing conditions and the rising military spirit, though he lacked specific evidence for his generalization. John Reid Watt was referring to Seattle when he argued that "in 1884 the proprietor class began to sense the feeling of the majority of the population." As a consequence, he said, the two militia companies of Seattle were organized along with the University Cadets. "The purpose of these troops is obvious," ie., to be used in the service of the state during labor strikes and troubles, "Introduction to the Economic and Labor History of Western Washington," (unpublished M. A. thesis, University of Washington, 1942), p. 177.

general. It was in that report that the unofficial title "National Guards of Washington" first appeared in official records.⁶

"Since the month of March, 1884," wrote Adjutant General O'Brien in the fall of 1885, "there has been organized and mustered into the service of the territory..." six companies of militia.⁷ He listed those six companies in the following order: the Capitol Guard (Olympia), the Seattle Rifles, the Queen City Guard (Seattle), the Grant Guards (Walla Walla), and the Klickitat County Guards (Goldendale). The Olympia, Tacoma, and Walla Walla companies had been organized prior to 1884, as described above, pp. 94-96, but the record does not indicate their dates of muster into the service of the territory. However, usual practice was to list companies in order of seniority.

The Capitol Guard, listed first in O'Brien's 1884/85 roster of units, later became Company A when the First Regiment, N. G. W., organized in 1887. That would indicate that it was the first company mustered into the Territorial service in 1884. Therefore, if O'Brien meant what he said,

⁶ A. G. Report, 1884/85, p.3. General O'Brien was obviously promoting recognition as a "National Guard," in this rare document which is available at the Washington State Library. Portions of this report are reprinted in The Official History of the W.N.G., IV, 321-323.

⁷ A. G. Report, 1884/85, p. 4. The Official History of the W.N.G. confused the chronological history of the companies during that two-year period of nascency of the N.G.W. by erroneously altering the above quotation from O'Brien's report to read, "As of March 1884, five other companies had been recognized by the Governor....," IV, 320.

the Capitol Guard may have been mustered in as early as March, 1884.

The Tacoma Rifles, listed third in the 1884/85 roster, was later designated Company C, N. G. W. The Tacoma Rifles had first formed about 1881 or earlier, but quickly disintegrated. On July 28, 1884, they reformed under Captain Albert Whyte, a wealthy land speculator. When Whyte resigned in 1885 because of the press of his business, he was succeeded by Augustus N. Plate. Whyte then received a new commission as assistant adjutant general with the rank of captain.⁸

Of the six companies on the roster at the end of 1885, only two were in eastern Washington and they too had earlier roots. Paul d'Heirry was commissioned captain of Company A (Grant Rifles), Second Regiment, on May 15, 1885.⁹ That is the probable date of official entrance into the service of the Territory for his company. "Grant Rifles" was apparently a misnomer for the Grant Guards of Walla Walla. The history of the other eastern company, the Klickitat County Guards (Goldendale), is also vague. It was apparently the sixth company to be mustered into the Territorial Militia, between

⁸A. G. Report, 1891/92, p. 214; see also, below, note 81. Albert Whyte, an ex-British Army officer, had arrived in Tacoma in 1883 as a lawyer, but quickly became wealthy as an investor in real estate.

Included on the roster of the Tacoma Rifles were such men as privates James M. Ashton, W. J. Fife, George W. Fife, W. W. Sprague, and banker Henry Drum, Hunt, Tacoma - Its History and Its Builders, I, 324-326.

⁹A. G. Report, 1886/87, p. 73.

May and September, 1885.¹⁰ It is likely that it was either a re-organization of the earlier Klickitat Rangers, or at least found its nucleus from some of the membership of the Rangers. The Rangers, as described above, p. 71, organized in the summer of 1878 under the command of Captain Enoch W. Pike. Pike was also captain of the Klickitat County Guards in 1885.¹¹

The two completely new units were the two Seattle companies, the Seattle Rifles (Company B) and the Queen City Guards (Company D), both organized in 1884 as the depression began, and mustered into the territorial service that same year. Seattle's militia spirit emerged early in 1884. The University of Washington produced the first military company in Seattle in the 1880s when the University Cadets organized with about twenty-five members, February 22, 1884, and elected Charles A. Kinnear, captain.¹² The Cadets were not mustered into the Territorial Militia, although they did see temporary service during the 1886 anti-Chinese outbreak in Seattle.

Thirty-eight men signed up on April 3, 1884, with a new company called the Seattle Rifles.¹³ Four weeks later, the

¹⁰The Goldendale company was listed sixth in the unit roster, Ibid., 1884/85, p. 4.

¹¹A. G. Report, 1884/85, p. 4; see also, above, p.

¹²Clarence B. Bagley, History of King County Washington, (Chicago-Seattle: The S. J. Clarke Publishing Company, 1929), I, 354; also in Bagley's History of Seattle, II, 475.

¹³T. W. Prosch, "Chronological History of Seattle from 1850 to 1897" (unpublished manuscript, 1900, 1901), p. 315, Northwest collection, University of Washington Library.

Post-Intelligencer published an editorial that must have been aimed at promoting the idea of a Seattle Rifles in particular and a militia in general. The editor observed that the states and territories depended on the militia for military defense and to put down insurrections. He complained about the practice of the federal government of failing to provide adequate financial support to the militias. Locally, he wrote, a well-organized and well-disciplined militia company was an indication of community pride and safety. It should be more than merely ornamental. The editor reminded his readers that a militia added to the security of every citizen because it was ready to aid civil authorities in "preservation of property or protection of life." He identified the "recent Cincinnati riots" as proof of the need of a military force, "While it is utterly unlikely that any such contingency may ever arise in this city, a militia company in our midst cannot fail to have a most conservative and beneficial effect."¹⁴

The Seattle Rifles elected their first set of officers on May 14, 1884--J. C. B. Heberd, captain, Joseph Greene, first lieutenant, and E. M. Carr, second lieutenant.¹⁵ On November 4, the company was officially recognized as Company B of the Territorial Militia.¹⁶ New officers were elected

¹⁴Seattle P. I., May 7, 1884.

¹⁵Prosch, p. 315; Bagley, History of Seattle, II, 474, and History of King County, I, 353.

¹⁶Prosch, p. 315; also The Official History of the W.N.G., IV, 320.

November 4th, all of whom eventually became high ranking officers in the National Guard of Washington. They were Joseph Greene, Captain, and E. M. Carr and C. L. F. Kellogg, lieutenants.¹⁷

The second Seattle company was organized September 18, 1884, as the Queen City Guards.¹⁸ The original officers of the company were Captain E. P. Edsen, and lieutenants E. T. Huff, and C. K. Robb. The Queen City Guards were commissioned as Company D of the Territorial Militia on December 7, 1884.¹⁹ New officers elected in December were John C. Haines, captain, John H. McGraw, first lieutenant, and E. M. Hunt, second lieutenant. McGraw was the King county sheriff, a former Seattle police chief, Seattle land owner, and future governor.²⁰ Haines, a lawyer, would later become a well known politician and National Guard officer.

An attempt to organize a seventh company during the 1884-85 biennium failed. William Peel, who was elected brigadier general of the Territorial Militia in 1884, may have been behind the efforts to organize the Chehalis County

¹⁷Prosch, p. 315.

¹⁸Bagley, History of Seattle, II, 474. Prosch said September 24, p. 315.

¹⁹Prosch, p. 315.

²⁰General Order No. 1, Jan. 4, 1892, sketched Haines' N.G.W. career and dated his captaincy of Company D as Dec. 7, 1884, in microfilm index 48, N.G.W. Headquarters, Camp Murray. The Official History of the W.N.G. identified Haines and McGraw as the original officers of the company, IV, p. 320.

Guards (Montesano), in 1885.²¹ O'Brien, as acting quartermaster general, issued sixty rifles to Chehalis county for that unit, but it apparently failed to complete organization.²²

Other factors besides the appearance of new companies indicate the growing desire for a militia force. Territorial arms had been issued to the six recognized militia companies, to the unrecognized and partially organized Chehalis county Guards, and to two posts of the Grand Army of the Republic. The G. A. R. posts may have wanted the rifles mostly for drill and parade purposes, but the existence of those organizations of veterans shows that there was a military spirit present in the territory.²³ That spirit in the militia, however, was dampened by the lack of public financial support.

The militia units in the mid-80s were basically private organizations. The territory provided none of their support. When recognized by the governor and mustered into the territorial service, companies became eligible to receive federal rifles and equipment under U. S. militia law. But uniforms and expenses came out of private pockets. Militiamen could expect no public money for training or even for active

²¹The Republican nominees for the generals of militia included Peel, O'Brien, D. B. Jackson, Quartermaster General, and H. W. Livingstone, Commissary General, The Olympia Transcript, Sept. 13, 1884. All four were included on the roster of the governor's 1884-85 military staff in The Official History of the W.N.G., IV, 321.

²²A. G. Report, 1884/85, pp. 4-5, 14.

²³Quartermaster General's Report in Ibid., p. 14.

service performed in the name of the territory. These companies were kept together "solely through the military ardor of the members, and the martial spirit of their friends..."²⁴

Members of the Seattle Rifles paid an entrance fee of \$2.50 plus fifty cents a month dues.²⁵ That was a fairly stiff expense for those days when incomes in Seattle averaged between four and five dollars a day.²⁶ So it is little wonder that Company B attracted few laborers to its ranks. In the summer of 1884, the Tacoma Rifles collected \$800 from Tacoma businessmen for uniforms.²⁷ Social benefits may have been as significant to members as martial spirit. A dance given in October, 1884, by the Capitol Guard was called the "greatest social success of the season." Fifty couples attended the gaily decorated affair. It was the second of the year, and a third dance was scheduled for later that month.²⁸

O'Brien attempted to establish an esprit de corps and to mold his scattered militia companies into some kind of single, disciplined force by organizing a summer encampment in 1885. He invited the four companies from the Puget Sound area to

²⁴A. G. Report, 1891/92, p. 6.

²⁵Prosch, p. 315.

²⁶The figure for average incomes is derived from the monthly averages of \$85-\$90 per month as claimed by The Olympia Transcript, May 10, 1884.

²⁷Hunt, Tacoma - Its History and Its Builders, I, 333.

²⁸The Olympia Transcript, Oct. 25, 1884.

attend the training camp, August 20-27, but only portions of two showed up on the first day--Olympia's Capitol Guard and the Seattle Rifles. About thirty men of the Queen City Guards along with about ten additional members of Seattle Rifles arrived on the 25th and participated in two days of training and the closing parade and ceremony.²⁹ The Tacoma Guards did not attend. The low attendance is understandable since the officers and enlisted men paid their own subsistence. Businessmen helped some. Olympia merchants sold food at reduced rates. The Puget Sound Transportation Company provided free transportation to Olympia. Olympia liverymen carried the men and their baggage free of charge to the camp on Chambers Prairie near Olympia. O'Brien himself contributed \$103 to complete the purchase of 21 tents.³⁰

Early commanders had done so little in the way of organizing the militia, that they did not even prepare biennial reports. The first printed report to the Legislative Assembly on the condition of the militia was compiled by Adjutant General Rossell G. O'Brien, dated September 30, 1885.³¹ In that report, O'Brien attempted to convince the legislators of the need for a new law that would support and encourage a

²⁹ Seattle Post-Intelligencer, August 23, 24, 1885.

³⁰ A. G. Report, 1884/85, pp. 6-7; also in The Official History of the W.N.G., IV, 321-322.

³¹ A. G. Report, 1884/85. Portions of this report are reprinted in The Official History of the W.N.G., IV, 321-323.

permanent, organized militia. He and other militia officers were then preparing a new militia bill which they presented to the legislature of 1885-86.

The boom of 1880-1883 had greatly enlarged the territory's population. Then the depression began in 1884 and dumped the problems of large scale industrial unemployment into the laps of Washington officials for the first time. The tone of O'Brien's report of 1884/85 suggests a concern about the new conditions although he did not specifically identify the depression, the unemployment, the growing class conflict, or the rising anti-Chinese movement. However, by the end of September, 1885, all those problems were well under headway and the businessmen-property owners of Seattle were becoming worried.

When he wrote his report, O'Brien was undoubtedly influenced by more than just changing conditions in the territory and by more than merely a martial spirit. In the nation-at-large, the National Guard movement was gaining strength. O'Brien identified the mission of the militia as something larger than just answering the call of civil authorities. It was also to "protect the state...and to defend the nation...thus indeed, becoming a 'National Guard.'"³²

But in Washington Territory, the domestic troubles, violence, and disorder which had seemed so far away in the late 1870s and early 1880s were beginning to appear, and with

³²A. G. Report, 1884/85, p. 3.

them came the opportunity to stress the need of a territorial military force. "The necessity for the use of a well organized, well disciplined militia...[is no longer debatable and] is increasing as our territory develops its great resources."³³

O'Brien complained that difficulties in recruiting men lay not in the lack of willing men with military spirit, but in the lack of any public funds for purposes of organization or maintainance. Prejudice against the militia was the chief difficulty faced by the military department in peacetime, O'Brien reported. Such prejudice was more "the creature of ignorance, than the after thought of reason, and comes generally from a class of citizens who never knew what war was, or if they did were dissatisfied with the final result." This curious statement by a Civil War veteran seems to imply that O'Brien considered opponents of the militia to be either Civil War draft dodgers or sympathizers with the lost cause of the Confederacy. On the other hand, it gave him "great pleasure to say, that many of our leading men are strongly advocating the establishment of an effective 'national guard' in this territory, and are giving such encouragement as circumstances will permit."³⁴

The biennium of 1884-85 can be considered as the first significant two-year period in the history of the active,

³³Ibid.

³⁴Ibid., pp. 3, 5.

organized, uniformed militia of Washington. Between March, 1884, and early October, 1885, six companies of militia had been mustered into the service of the territory. They claimed 301 enlisted men and 18 officers.³⁵ The growth of those two years was a relative growth, significant when compared with the inactive past. The six companies provided little real security. When Governor Squire became determined in the fall of 1885 to prevent the forced removal of Chinese from Tacoma and Seattle by enforcing the federal law, he had to rely on organizations other than his inadequate militia. When the traditional posse comitatus proved to be inadequate, he called for the regular Army. Out of the whole episode would come a new, receptive attitude toward an Organized Militia.

The Anti-Chinese Movement

The Chinese question, which had begun earlier as a California problem, shifted to a national issue about 1876. In 1877, violence committed against the Chinese in San Francisco placed the issue in the public eye. As a result of the militant California movement against the Chinese, Congress passed the Exclusion Act of 1882, suspending all Chinese immigration into the United States for ten years.³⁶

³⁵In his address to the Legislature, Dec. 9, 1885, Gov. Squire reported an additional four companies enrolled and ready to be organized, in Gates, "Messages of the Governors...", p. 256.

³⁶Carey McWilliams, Brothers Under the Skin (Boston: Little and Brown and Company, 1944), pp. 79, 82, 88-9. For a bibliography on the Chinese question, see Jules A. Karlin, "The Anti-Chinese Outbreak in Tacoma, 1885," Pacific Historical Review (August, 1954), XXIII, 271.

Large numbers of the low-paid aliens had been brought into Washington Territory by the railroads to help in construction. When the railroad construction boom ended after 1883, Chinese and whites alike found themselves unemployed. The failure of the United States government to enforce the Exclusion Act led to large numbers of Chinese illegally entering the territory from British Columbia.

Racial and cultural prejudice against the Chinese had created a deep hostility against "coolie" laborers even in good times. During hard times, with wages low and jobs scarce, it was easy for white workers to blame all their troubles on the cheap labor of the Chinese. Prejudice against the Chinese had existed in Washington Territory in the 1860s and 1870s, but hostility intensified rapidly as the unemployment increased and the depression deepened in 1884.³⁷ At first, hostilities focused on the Chinese, but as the agitations increased they began to take on the image and rhetoric of the class struggle. The muscle of the anti-Chinese movement in Washington was

³⁷Shuman noted antagonisms to the Chinese in the mines of eastern Washington as early as the 1860s, in "The Role of Seattle's Newspapers in the Anti-Chinese Agitation of 1885-1886" (unpublished M. A. thesis, University of Washington, 1968), chap. vii; Nesbit cited anti-Chinese newspaper articles of the 1870s, in "He Built Seattle...," pp. 169-170; some Chinese coal miners were driven out of Newcastle in 1874, and the Black Diamond Company agreed in 1877 to discharge its Chinese miners, C. William Thorndale, "Washington's Green River Coal Company: 1880-1930" (unpublished M. A. thesis, University of Washington, 1965), p. 50; the first debates in Washington opposing Chinese immigration were in 1878, W. P. Bonney, History of Pierce County Washington (Chicago: Pioneer Historical Publishing Company, 1927), I, 451.

provided by labor. By 1884, the former relatively classless society of the frontier had a new dependent working class in its midst. This class had begun to increase in 1878, slowly at first, then rapidly as the transcontinental railroads rushed to completion, and as the growing fishing and lumbering industries expanded. By 1884, railroads had linked the nation together and as the first rush of construction abruptly ended a host of laborers, white and Chinese, were laid off and left adrift in the towns along Puget Sount.³⁸ Tacoma hosted the beginnings of the anti-Chinese movement.³⁹

In March, Tacoma's water company hired some Chinese to lay pipe. This action, taken in the face of increasing numbers of unemployed whites, angered the Tacoma carpenters' union which condemned the employment of Chinese, and cooperated in forming the Workingman's Union.⁴⁰ The Workingman's Union played a significant part in the election in May of a new mayor, R. Jacob Weisbach, a Tacoma grocer, who ran as the working man's candidate and as an anti-Chinese.⁴¹

A trickle in 1884, the anti-Chinese movement became a torrent the following year. Highlights of Tacoma's anti-Chinese agitations in 1885, in addition to several mass meetings, included the passage in early February of some

³⁸Nesbit, pp. 167-68.

³⁹For a monograph on the Tacoma events, see Karlin, PHR, XXIII (August, 1954), 271-84.

⁴⁰Bonney, I, 455.

⁴¹Karlin, PHR, XXIII (August, 1954), 271.

anti-Chinese city ordinances and the organization in June of the Anti-Chinese League.⁴² In September, the peaceful preliminaries gave way to violent direct action inspired by the murder of eleven Chinese coal miners by a Rock Springs, Wyoming mob. Apparently stimulated by news of that massacre, a small band of hops workers in the Squak Valley east of Seattle, on September 5, murdered three Chinese hops workers. Violence then spread to the coal fields of King county as all the Chinese coal miners were run out of Newcastle and Black Diamond on September 11 and 18 respectively.⁴³ By the end of September, 1885, the anti-Chinese agitations which had begun as a loose, unorganized hostility to the Chinese, had become a regionally organized movement with a specific goal--the departure of all Chinese from the territory by November 1, 1885.

A significant factor in the development of the anti-Chinese movement was the organizing of the Knights of Labor. At least three lodges of the Knights organized in the

⁴²Ibid., p. 271; Bonney, I, 457, 459, 460.

⁴³Nesbit, pp. 171-172.

territory in September, 1885.⁴⁴ The Knights of Labor was a national industrial union in the midst of a major growth period in 1885. Nationally, it organized in 1869. It was to reach its peak in 1886 and decline rapidly thereafter.⁴⁵

Organizers first established a lodge at the coal mining town of Newcastle early in 1885. The Oregon Improvement Company closed it for a while, but in September it reorganized in an atmosphere of open animosity.⁴⁶ Since many people believed the Knights were preparing for a nation-wide revolution, one can readily imagine the consternation among the businessmen of Tacoma and Seattle when lodges of the growing union were organized in each of those towns in September. The leaders

⁴⁴The increasing size of the labor force in Washington Territory meant that efforts to organize could not be far behind. The first union in the Pacific Northwest organized in Portland in 1869. In 1870, only three local unions existed in the Northwest--all three in Portland. Washington Territory had no unions until the mid-1880s. By 1890, more than twenty trades had unions in Portland and unionism had spread elsewhere in Oregon and to Seattle, Tacoma, Olympia, Spokane, and Aberdeen, W. T., Harry W. Stone, "Beginning of the Labor Movement in the Pacific Northwest," Oregon Historical Quarterly (June, 1946), XLVII, 157, 179, 164.

"Early Northwest labor unions multiplied rapidly in the 1880's, a decade in which the Knights of Labor reached for control of King County coal fields," Thorndale, p. 48.

⁴⁵Gerald N. Grob, Workers and Utopia: A Study of Ideological conflict in the American Labor Movement (Evanston, Illinois: Northwestern University Press, 1961), pp. 35-36.

⁴⁶MacDonald, "Seattle's Economic Development, 1880-1910," p. 296; Nesbit, p. 174; Thorndale, p. 48. Thorndale used the term "lodge." The Knights were organized as "assemblies," according to Grob, p. 35.

of the Knights became some of the principal figures in the anti-Chinese movement.⁴⁷

At Seattle, the anti-Chinese organized as the Liberal League. At a mass meeting, dominated by labor leaders, on September 20, they made plans for a large regional anti-Chinese congress to convene in Seattle the following week, on September 28.⁴⁸ The radical tone of the September 20 meeting alarmed Seattle's proprietary class. Mayor Henry Yesler, a major property holder, called for "tax payers and property owners" to meet on September 23rd to plan how to prevent "further bloodshed and destruction of property."⁴⁹

Yesler's meeting, attended by 1,000, was dominated by property owners and conservative politicians such as Cornelius Hanford and Governor Watson P. Squire. Hanford was then the

⁴⁷Bonney, I, 460; Watt, p. 183. For the role of the Knights of Labor in the anti-Chinese movement in Washington, see Watt, pp. 182-183. In Seattle, Knight organizers included John Keane, Daniel Cronin, and Louis Kidd. They opposed the Chinese and the "well-established propertied class represented by Henry Yesler, A. A. Denny, Thomas Burke, and John Leary," MacDonald, p. 296.

Daniel Cronin apparently brought with him from California, San Francisco's militant anti-Chinese mood, a volatile mood that needed little fuel in Washington to convert it to direct action, Nesbit, p. 171.

Bonney stressed the role of the Knights of Labor at Tacoma, I, chap. xix.

⁴⁸Nesbit, pp. 173, 177. Watt discussed the possible connection between Seattle's Liberal League and the Red International in 1885, p. 201.

⁴⁹Jules A. Karlin, "The Anti-Chinese Outbreaks in Washington, 1885-86," PNQ, XXXIX (April, 1948), 106.

young assistant U. S. attorney and the city attorney. Governor Squire, "an important property holder in Seattle," warned that the businessmen and tax payers would not tolerate lawlessness.⁵⁰ The meeting ended with a pledge to seek removal of the Chinese, but to do so by lawful means.⁵¹

The conservative defenders of the Chinese had both economic and political motives. As cheap industrial and domestic labor, the Chinese could keep wages down. Many Seattle businessmen had direct and indirect interest in railroads. For instance, the Oregon Improvement Company's railroad connecting the Green River coal mines to Seattle was built with \$100,000 of Seattle money and by many Chinese who had worked at half wages in the summer of 1884.⁵² The property owners had to take action if they were to maintain the authority and power they had built up. If they permitted the violation of federal law, ie., the forced removal of Chinese, they would be admitting that the non-property owning mass of workers held the balance of power.

The big regional anti-Chinese congress of September 28th came off in Seattle on schedule. It was attended by delegates of labor unions, labor groups, and interested fraternal organizations from towns all around the Sound.⁵³ Property

⁵⁰Nesbit, pp. 174-175.

⁵¹Ibid., p. 176; Karlin, PNQ, XXXIX (April, 1948), 106.

⁵²Thorndale, pp. 36, 51.

⁵³Nesbit, pp. 177-78.

owners viewed it as a radical gathering. A conservative historian concluded that every "socialist and anarchist who could walk or steal a ride to Seattle was a self-elected but none the less welcome delegate."⁵⁴ The congress adopted a region-wide plan in which each participating town was to convene a meeting to elect a local committee responsible for notifying the Chinese in its town that all Chinese had to be gone from the territory by November 1.⁵⁵

Thus, by the end of September, 1885, Washington's populace had generally agreed that the Chinese had to go, but was polarized on how and when the departure should occur. The Anti-Chinese demanded immediate action, by any means necessary. The "law and order" group wanted removal to maintain a full semblance of legality, meaning city ordinances and territorial statutes that would discourage the Chinese from remaining in the territory, or boycotts of Chinese goods and services. Also by the end of September, society was rapidly polarizing along class lines abetted by the partisan press of both groups.⁵⁶

The "law and order" group was dominated by government officials--city, county, and territorial--and by businessmen

⁵⁴ Bagley, History of Seattle, II, 485.

⁵⁵ Nesbit, p. 177.

⁵⁶ For an analysis of the role of the press in the anti-Chinese movement, see Shuman's master's thesis. The Post-Intelligencer spoke for the law and order force. The Seattle Daily Call was the voice of the Knights of Labor and of the anti-Chinese.

and lawyers. Many were attorneys for, or investors in, railroads and other corporations. Most of them were owners of real property.⁵⁷ Because of the radical image of the Knights of Labor held by the conservatives, and because vocal socialists supported the anti-Chinese movement, and probably merely for propaganda purposes, the conservatives soon identified the agitators simply as "a rabble egged on by fools, socialists, anarchists, communists, demagogues, and prospective looters."⁵⁸

The anti-Chinese supporters probably included the majority of the population of western Washington. Workers predominated among the followers, while the movement was led by union leaders, small businessmen, a few professional men, and some socialists. The unfortunate Chinese became the pawns in the larger struggle.⁵⁹ Throughout October, the anti-Chinese were active with mass meetings, secret meetings, demonstrations, and street parades. The "law and order" group, fearing the

⁵⁷"The chief proprietors of Seattle, for example, were the Dennys, Squires, Colmans, Yeslers, Learys, Bells, Kinnears, Rentons, Hortons, McNaughts, Collinses, and Terrys. These families may be said to have 'owned' the town," Watt, pp. 172-173. Seattle's property owners were at first divided over the Chinese question, but by September, were unifying in alarm, Ibid., p. 186.

⁵⁸Nesbit, p. 182; Watt, pp. 183-84; Post-Intelligencer, Oct. 4, 1885.

⁵⁹See Shuman, chap. vii; see also, Watt, pp. 180-84. For an analysis of the developing class warfare overtones, see Robert E. Wynne, "Reaction to the Chinese in the Pacific Northwest and British Columbia 1850 to 1910" (unpublished Ph.D. thesis, University of Washington, 1964), pp. 212-213.

the growing radicalism, also held public and private meetings. But more significantly, they prepared for trouble by organizing special sheriffs' posses in Pierce and King counties.

The Posse Comitatus, King County

Seattle's property owning civic leaders were especially diligent in preparing to maintain control. R. G. O'Brien presided over a "military convention" at Seattle on October 2, 1885. The purpose of that unpublicized gathering was to prepare a bill that would provide for the organization of the territorial militia and, more importantly, for means for the territorial government to finance it. One of the men attending was John C. Haines, Seattle lawyer-politician and captain of the Queen City Guards (Company D).⁶⁰

Apprehension over the increasing overtones of radicalism and anarchism of the anti-Chinese, led Mayor Henry Yesler, ex-mayors John Leary and Bailey Gatzert, Thomas Burke, and others to deliver private invitations to carefully selected business and professional men to meet October 3, 1885.⁶¹ The

⁶⁰Granville O. Haller, Diary, 1885-1886, Oct. 2, 1885, in University of Washington Library. Haller was a retired Army colonel who was apparently used by the city officials and the law and order leaders mostly for his influence with the U. S. Army authorities and the federal authorities.

⁶¹Two historians dated the "secret" meeting at Frye's Opera House as October 2, Nesbit, p. 177, and Wynne, p. 212. Both cited the Post-Intelligencer, Oct. 4, 1885, which merely said "a recent meeting." October 3 was the date according to G. O. Haller in his diary, Bagley, History of Seattle, II 459, and Gov. Squire in Report of the Governor of Washington Territory to the Secretary of Interior, 1886 (Washington: Government Printing Office, 1886), p. 912, hereafter cited as Report of the Governor... 1886.

primary purpose of the meeting was to organize a force that could resist the anti-Chinese. Only men with invitations were permitted to attend. Mayor Yesler chaired the elite meeting. Its secretary was G. M. Haller, Burke's law partner, and son of retired Army Colonel G. O. Haller. A resolution introduced by Orange Jacobs pledged its signers to support of "the constituted authorities within this jurisdiction...Federal, territorial, county, or municipal, to aid them to the fullest extent in the suppression of all attempts to destroy life or property or to endanger the public peace or tranquility."⁶² About six hundred men attending the meeting were invited to sign the resolution.⁶³ Nearly 200 declined to do so and withdrew from the meeting. About 400 stayed to sign the resolution and be sworn in as the special deputies of Sheriff John H. McGraw's posse comitatus. There is no known roster of

⁶²Bagley, History of Seattle, II, 459.

⁶³Wynne, p. 214.

the posse.⁶⁴ The select, secret meeting then "proceeded in a business-like way" to prepare for the oncoming conflict.

C. H. Hanford read and explained the statutes defining the powers, duties and immunities of the sheriff and his deputies in any conflict that might arise in dispersing rioters.⁶⁵

The following day, October 4th, McGraw organized his new 400-man force into twenty-one companies, each headed by a

⁶⁴Report of the Governor... 1886, p. 912; Haller's Diary; and Bagley, History of Seattle, II, 459.

The closest approximation of a roster seems to be the Loyal League's membership roll. But the precise history of the Loyal League is vague. Bagley said it formed "during the progress of the troubles" and all of its members were sworn in as deputies under Sheriff McGraw. He added that, "Most of these citizens were also members of the Home Guards under Capt. George Kinnear or one of the military companies." It had thirty members and he named twenty-eight of them. Bagley himself was one, History of King County, I, 351-352. Eleven of his twenty-eight do not appear on the roster of any Home Guard or militia company.

C. H. Hanford wrote that, "Most of the citizens who had served in the home guards...were enrolled as members of the Loyal League..." He was referring to the League as it was in the summer of 1886 when its members had joined together in a political alliance to oppose the People's Party (anti-Chinese) in the city elections. They nominated A. A. Denny for mayor, but he lost. Hanford's roster of the Loyal League totals 300 men and women. One can only presume that it included the bulk of McGraw's posse of deputies, Seattle and Environs, 1852-1924, (Chicago and Seattle: Pioneer Historical Publishing Co., 1924), I, 207-10.

⁶⁵Hanford, I, 200.

captain.⁶⁶ He assigned each company to a specific district of town in time of trouble. At the same time, McGraw arranged for Seattle's two militia companies to aid him if necessary.⁶⁷ Since two of the sheriff's new posse captains were also the militia captains, John C. Haines and Joseph Greene, it is not clear how efficient McGraw's plan really was.⁶⁸ In addition to the twenty-one posse captains, McGraw appointed ten of the new deputies as his aides, chief of whom were Cornelius H. Hanford and G. Morris Haller.⁶⁹ About two o'clock the afternoon of October 4th, the twenty-one captains met with the sheriff and arranged for getting more ammunition for the

⁶⁶The posse captains were George W. Stetson, George W. Bullene, E. A. Turner, J. G. Scurry, William Robertson, J. W. Edwards, F. J. Burns, William G. Latimer, George W. Hall, William J. Colkett, Robert Russell, John Langston, George Kinnear, W. R. Forrest, C. T. LeBallister, E. J. Powers, David Kellogg, George D. Hill, Joseph Greene, John C. Haines, and G. O. Haller, Post-Intelligencer, Oct. 4, 1885; also in Bagley, History of Seattle, II, 459-460.

⁶⁷McGraw's Report to Squire in Report of the Governor... 1886, p. 912.

⁶⁸McGraw himself was still first lieut. of Company D as late as Aug. 26, 1885, Seattle Post-Intelligencer, Aug. 26, 1885. The original structure of the posse was changed at the suggestion of General Gibbon while the Army was occupying the town in November. The new organization divided between three and four hundred men (the posse seemed to be shrinking) into three separate armed "military companies to improve their efficiency," McGraw's report to Squire in Ibid., p. 913.

⁶⁹The sheriff's new aides were Cornelius H. Hanford, George B. Adair, George C. Lyon, William H. Pumphrey, G. Morris Haller, Charles Hopkins, Richard Osborn, Charles F. Munday, L. Robbins, and Harry A. Bigelow, Bagley, History of Seattle, II, 459-460; also in Post-Intelligencer, October 4, 1885.

"militia muskets," for organization of the posse, for arming the men with clubs and revolvers, and finally for a system of bells to call the posse comitatus to the court house.⁷⁰

When the posse was formed, the authorities may have hoped that its mere existence would intimidate would-be disturbers of the peace. Instead, it increased the class conflict nature of the agitation. For example, the Post-Intelligencer editorially denied that only members of the "capital and monopoly" class were invited to the exclusive meeting on October 3rd. Yet, in a separate news story, it reported that the meeting was called by "'officials and property holders'".⁷¹ Robert Nesbit observed that, besides increasing class prejudice, the posse also gave Seattle a national image of turbulence and lawlessness; encouraged the Chinese to stay; and confirmed accusations that "there were prominent men in the community whose objective was to keep the Chinese in the territory as a source of docile, cheap labor."⁷²

George V. Smith called the organizing of an armed command of five or six hundred citizens an unusual act.⁷³ But it was unusual only in the secrecy of the meeting and the select

⁷⁰Haller diary, October 4, 1885. Haller was a captain of the new posse comitatus. The Post-Intelligencer, October 4, 1885, published the plan.

⁷¹The Post-Intelligencer, October 4, 1885. This contradiction is noted by Nesbit, p. 180.

⁷²Nesbit, p. 183.

⁷³Nesbit, p. 181.

nature of the deputies. The posse comitatus was the customary instrument of social control in pre-industrial days. Its organization in Seattle in 1885 was quite consistent with American tradition and territorial law. In many ways the posse comitatus is nothing more than the unorganized militia of a county. No other local source of power, other than pure vigilantism, was available to the civic leaders and the social and economic elite of the community as they felt their property and their authority threatened.⁷⁴

Meanwhile, Governor Watson P. Squire, watching from Olympia, expressed his determination to enforce the law without the "humiliating" aid of the U. S. Army. Statehood was approaching, and Squire wanted to prove that the territory could govern itself. Recognizing the weaknesses of, and unreliability of, his small and scattered territorial militia, Squire was forced to rely on the traditional power of the county sheriffs.

About the middle of October, the governor expressed his belief that a strong posse comitatus could overawe any turbulent element. He asked King County Sheriff McGraw and Pierce County Sheriff Lewis Byrd in Tacoma if their forces could handle any situation without the aid of federal troops.

⁷⁴The October 3rd meeting had a definite air of vigilantism about it. Several weeks after the meeting, the claim was made that, at that exclusive meeting, former Governor Ferry had introduced a resolution calling for Daniel Cronin to be driven from the community; and C. H. Hanford was accused of proposing that a little judicious bloodletting would dampen the ardor of the anti-Chinese, Nesbit, p. 181.

Faced with that threat, Byrd assured the governor that a sufficient number of "good, substantial businessmen" were ready to assist him.⁷⁵ Similarly, McGraw indicated no sense of undue concern. He thought the lawless element was few in number and "in case of any disturbance nineteen-twentieths of our able-bodied men can be depended upon as a posse comitatus."⁷⁶ It soon became apparent that Byrd had devious intentions and McGraw was unduly optimistic.

Expulsion in Pierce County

On October 20th, Squire again urged Sheriff Byrd to organize "a positively reliable posse comitatus in sufficient numbers to insure protection against disturbances of the peace." Byrd replied by sending the governor a list of members of Tacoma's Knights of Labor whom he was swearing in as deputies. He also swore in fifty deputies in Puyallup. These were in addition to about two hundred "good, substantial citizens of Tacoma" who had volunteered earlier. He repeated his reassurance to Squire that peace would be maintained by the Pierce County civil authorities.⁷⁷ General J. W. Sprague, president of Tacoma's Chamber of Commerce, assured Squire that

⁷⁵Report of the Governor...1886, p. 871; Bonney interpreted Squire's statement as an overt threat, History of Pierce County, I, 467; Karlin said Squire's mention of the Army was a veiled threat, PHR, XXIII (August, 1954), 277.

⁷⁶McGraw to Squire, October 18, 1885, in Report of the Governor...1886, p. 868.

⁷⁷Byrd to Squire, in Ibid., pp. 871-872.

he and several other "leading citizens of Tacoma" were supporting their "efficient and vigilant" sheriff.⁷⁸

November 1, 1885, which had been the proclaimed deadline for removal of all Chinese from the territory, passed with many Chinese still living in their crowded quarters in the towns around the Sound. On November 3, the "Tacoma method" was executed. This was a secretly planned maneuver that forcibly removed about 200 Chinese and their belongings from Tacoma without assaulting anyone. The same procedure was followed in Puyallup the following day.⁷⁹ Both Mayor Weisbach and Sheriff Byrd supported the anti-Chinese. Since Byrd's deputies did not recognize the forced removal itself as violence, they offered no interference to the expulsion.

Squire retreated from his initial tough stand in the face of the overwhelming popularity of the anti-Chinese movement in Tacoma. The official correspondence regarding the Tacoma events leaves a definite intimation that Squire played a double game there, that he knew of, and accepted, the proposed peaceful removal before it occurred although he publicly

⁷⁸In Ibid., p. 873. Two of the "leading citizens" signing Sprague's letter were to become important senior officers in the Washington National Guard after the anti-Chinese uprising. They were W. H. Fife, and James M. Ashton. In 1881, Fife was First Lieutenant of the Tacoma Rifles, but he was not on the officers' roster of Company C in A. G. Report, 1884/85, p. 4.

⁷⁹A. G. Report, 1891/92, p. 9.

opposed it.⁸⁰ Yet, what else could the governor have done? Not only were the authorities of Tacoma and Pierce county supporters of the anti-Chinese, neither was the militia capable of enforcing the law at Tacoma. The Tacoma Rifles consisted of about forty to sixty men, and it is a high probability that many of them were personally sympathetic, along with the majority of Tacomans, to the removal.⁸¹

⁸⁰Wynne, pp. 192-196. Wynne discounted such an accusation since Squire "took his official duties seriously and he would not have retained the confidence of the President had he done otherwise," p. 192.

But, Wynne did find Squire's role to be confusing, and did not know how to interpret the evidence indicating that Squire had been informed in advance of the planned no-trouble Tacoma removal, p. 193.

Karlin noted Squire's softening may have been due to his being lulled by Tacoma's business leaders, or to political expedience, PHR, XXIII (August, 1954), 277-278.

⁸¹Company C had thirty-eight men according to the A. G. Report, 1884/85, p. 4; Bonney claimed it had sixty men, History of Pierce County, I, 475. Squire wrote to Secretary of Interior Lamar that he could not rely on the weak and scattered militia and that its members were not reliable to oppose the anti-Chinese, Nov. 7, 1885, in Report of the Governor...1886, p. 882.

Albert Whyte was assistant adjutant general with the rank of captain in 1885, The Official History of the W.N.G., IV, 321. See also, above, p. 102. Bonney related the tale that "Captain Whyte" had been issued "by the authorities" two boxes of revolvers. From that supply he provided the pistol packing Presbyterian parson of Tacoma, the Reverend W. D. Mc Farland, with a brace of Army revolvers after that man of God had become aroused by threats from the anti-Chinese, History of Pierce County, I, 466.

When four companies of U. S. troops went to Tacoma in November, 1885, Whyte was sworn in as a special deputy sheriff and employed to identify anti-Chinese leaders for the Army to arrest, Bonney, I, 474. An anti-Chinese asked Whyte if he would obey orders to call the Tacoma Guards (sic) on duty. When Whyte replied in the affirmative, the man warned him that 500 armed men would wipe out his sixty guards at one volley, Bonney, I, 475.

Seattle's Expulsion Attempt

The successful Pierce County removals triggered a series of events in Seattle that resulted in the admitted failure of the King County posse comitatus, the organization of an even more elite and militant Home Guard unit, and the arrival of U. S. soldiers in Seattle.

At Tacoma, the mayor, sheriff, and police chief all had supported the removal. Even the Chamber of Commerce had divided over the issue. But in Seattle and King County, the anti-Chinese forces faced a stronger and more determined opposition. There the civil authorities--excepting the chief of police--were opposed to forced removal. And they were supported by a large number of business and professional men who were substantial investors in Seattle property.

Fearing that the "Tacoma method" of November 3rd would be attempted at Seattle, Governor Squire, from his office in Olympia, issued a proclamation on November 4th. He cautioned the citizens against violence and intimidation; he ordered the sheriffs and all "good citizens" to uphold the laws; he reminded all of the fact that U. S. troops could interfere; and he cautioned that Washington's desire to become a state was partly dependent upon its ability to maintain "self-control."⁸²

Sheriff McGraw had sworn in about 400 special deputies for his posse comitatus on October 3, 1885. He had organized the men into twenty-one companies or squads, each commanded by a "captain," and he had devised a plan for the posse to follow

⁸²Report of the Governor...1886, p. 879.

if called to duty. His plan included support of the posse by Seattle's two companies of militia. McGraw claimed that his arrangements dampened the ardor of the agitators, but made the "patriotic citizens" over-confident and convinced many that the preparations had been unnecessary. This in turn renewed the confidence of the agitators.⁸³ It seems likely that McGraw had intended his posse to be capable of doing more than just creating a deterrent by its intimidating existence. Yet, after the Tacoma removal, McGraw suffered an almost instant loss of confidence in his posse's ability to prevent or control disorder, and he called for the regular Army.

On November 5th, when the abandoned Chinese quarters in Tacoma were burned, the apprehension in Seattle became intense. Sheriff McGraw, Mayor Yesler, Assistant U. S. Attorney/City Attorney Hanford, and ex-Governor Ferry hastily asked Governor Squire to request Secretary of the Interior Lamar to send U. S. troops.⁸⁴ The call for the Army indicates loss of faith in the posse even before any attempt was made to use it. McGraw was convinced that use of his posse comitatus or the militia would trigger violence and only U. S. troops could prevent the Tacoma expulsion from being repeated at Seattle.⁸⁵

The federal administration rejected that first call for military assistance. Squire secretly informed McGraw that

⁸³Ibid., p. 912.

⁸⁴Nesbit, p. 185.

⁸⁵McGraw's report to Squire, in Report of the Governor... 1886, p. 888.

Lamar urged the territory to use "vigorous measures of precaution" but that it would take an "extreme necessity" to involve interference by federal troops. Lamar advised the governor that the federal government would pay the extra expense involved in organizing "such local force as you may have to use..." Hence, Squire told McGraw to use the "Territorial military organization when necessary."⁸⁶ Later that same day (Nov. 5th) McGraw received a dispatch from Squire telling the sheriff to proceed "at once in perfecting reliable organization, military and otherwise. Consult best men and act vigorously, keeping me advised."⁸⁷ This order may have inspired the organization the following day of a force called the "Home Guard," which is described in more detail below, pp. 135-38.

The fact that the request for the Army was rejected was kept secret. In the afternoon of November 5, the more moderate leaders of both factions and the Chinese bosses reached a compromise. The Chinese agreed to leave as soon as possible and the anti-Chinese agreed to extend the November 6 deadline for departure from Seattle.⁸⁸ That night, November 5, a

⁸⁶ Squire to McGraw, Nov. 5, 1885, in Ibid., p. 881.

⁸⁷ Ibid.

⁸⁸ For details of the compromise meeting, see Nesbit, p. 186; or Wynne, pp. 218-220. Retired Army Colonel, G. O. Haller, unaware of the negotiations for troops, interpreted the compromise conference as a humiliation forced on the civil authorities by the failure of Squire to request troops, Haller diary, November 5, 1885.

so-called peace meeting which was to announce the compromise inexplicably failed to do so, creating instead more hostility.⁸⁹ But, the leaders of the anti-Chinese, seemingly satisfied, called for a "victory" meeting for November 7. The conservatives, ie., the "better element," of Seattle became worried that the "victory" meeting would trigger trouble. They may have believed that the anti-Chinese leadership would not be able to control its members as had been the case at Tacoma. The leadership there had proved to be divided and the militants secretly made separate plans and carried them out in the forced removal of November 3.⁹⁰ There is no evidence of visible threats to law and order.

McGraw and Judge Roger S. Greene both had reported to Governor Squire late November 5, that things looked better in Seattle.⁹¹ Nevertheless, on the morning of November 6, frantic calls for help by the Seattle civil authorities indicated a sudden panic, the cause of which is not evident.⁹² Mayor Yesler, Sheriff McGraw, ex-governor E. P. Ferry, and Chief Justice Roger S. Greene each separately urged the governor to

⁸⁹See, Nesbit, pp. 186-187; or Wynne, pp. 221-222.

⁹⁰Wynne, ignoring the possible effectiveness of a small, secret, militant group similar to Tacoma's Committee of Nine, belittled such fears in Seattle where, he said, the people (the anti-Chinese) were behind their leaders and the leaders were trying to avoid trouble, p. 225.

⁹¹Report of the Governor...1886, p. 879.

⁹²Wynne, p. 228. Nesbit said the call for troops was made since "there apparently was some fear that there were persons in the community who would not be content to wait for the orderly departure of the Chinese," pp. 192-193.

send United States soldiers to Seattle.⁹³ Thus, before any overt action was taken by the anti-Chinese at Seattle, McGraw had lost confidence in the ability of his 400-man posse and the two partially trained companies of territorial militia. McGraw claimed that he needed the troops at once as he had "not sufficient time to organize military force."⁹⁴

Governor Squire, at Olympia, accepted the opinions of the civil authorities at the scene and for the second time in two days, wired Secretary Lamar for troops. At the same time, he requested Secretary of War Endicott to send the U. S. revenue cutter "Wolcott" with troops.⁹⁵

Governor Squire defended the necessity of his request for federal assistance as "simply that of protection to the Chinese..." He reported that the forces available to support the law were inadequate, and he could not even rely on the territorial militia as it was too weak and widely scattered and its members not reliable in case of confrontation with the anti-Chinese.⁹⁶ This time the federal officials were convinced. The "Wolcott" arrived that night, November 6,

⁹³Report of the Governor...1886, pp. 878, 880; also discussed in Nesbit, p. 193, and Wynne, p. 229.

⁹⁴Report of the Governor...1886, p. 881.

⁹⁵Ibid., p. 880; also Wynne, p. 229.

⁹⁶Squire to Lamar, November 7, 1885, in Ibid., p. 882.

without troops. It anchored alongside the dock, and pointed its cannons at the center of the peaceful city.⁹⁷

November 6, 1885, had been a busy day for Seattle's defenders of law and order. Although there was no visible evidence of trouble, the authorities were calling for the Army, while Sheriff McGraw was purchasing from a local hardware store twenty-six shotguns and twenty-eight Winchester forty-fours. And, what is more significant to this study, a group of private, prominent citizens were organizing a Seattle Home Guard. That organization apparently received the fifty-four new small arms bought by McGraw.⁹⁸ The sheriff, claiming to fear a disturbance before the federal troops could arrive, assembled and armed his deputies, including the new Home Guard, at the court house. He held them in readiness during the night of the November 7th "victory" meeting.

The victory meeting proved to be a peaceful gathering of about 700 contented workingmen and a few women. They knew that earlier in the day, President Cleveland had ordered 350 soldiers from Vancouver Barracks to Seattle, but they did not criticize the action.⁹⁹ They seemed to share with George V. Smith the

⁹⁷The next day, the people seemed more amused than alarmed as they pondered the results should the guns go off, Post-Intelligencer, November 8, 1885.

⁹⁸Karlin, PNQ, XXXIX (April, 1948), 113. McGraw vaguely identified "part" of his deputies as recipients of these small arms, in Report of the Governor...1886, p. 913. The itemized bill from Gordon Hardware is dated Nov. 9, 1885, in Bagley papers, box 5-26, U. W. library.

⁹⁹Wynne, pp. 228-229.

feeling that the Chinese were leaving, and that the U. S. Army should not affect their departure.¹⁰⁰ The troops arrived at Seattle the next morning, November 8, and stayed nine days. Their presence ended the promised exodus of Chinese.¹⁰¹

The Home Guard

Sheriff McGraw's 400-man posse comitatus, supported by two militia companies, had failed to give some Seattleites the proper sense of security. Consequently, an even more select and aggressive force was organized. That elite force was the Home Guard which immediately became a part of the posse comitatus. About eighty armed men joined the Home Guard when it was organized on November 6, 1885, by George Kinnear, a prominent Seattle real estate dealer.¹⁰² It was a privately organized, force of private citizens granted legal status as special deputy sheriffs.¹⁰³

¹⁰⁰Ibid., p. 234.

¹⁰¹Elwood Evans et al, History of the Pacific Northwest, p. 53. The first contingent left three days later, November 11, and the last left on the 17th, Wynne, pp. 236-237.

About 400 Chinese were in Seattle in early November, 1885, and the same number was there three months later when trouble flared anew, Wynne, p. 240.

¹⁰²Writers disagree as to the date the Home Guard organized, but November 6 seems to be correct. See, Snowden, History of Washington, IV, 333. C. H. Hanford was an advisory editor of Snowden's history. See also, Bagley, History of Seattle, II, 352; and Wynne, p. 229.

¹⁰³November is stressed here because it seems that there was a belated effort to give militia status to the Home Guard in February, 1886.

The men who signed up with the Home Guard were apparently more militant, aggressive, and determined than most of their fellow deputies. Watt has simply identified the Home Guard as, "truly the private militia of Seattle's ruling class."¹⁰⁴ This appears to be an accurate, if ideological evaluation. Another scholar, Robert Wynne stated that, "The Sheriff, not knowing whether the President would authorize troops or not, ordered the formation of some eighty Home Guards armed with breech loading rifles to support the two companies of the militia, the Seattle Rifles, University Cadets and special deputies."¹⁰⁵ Wynne was in error--certainly in referring to the Seattle Rifles as something other than one of the two militia companies; and seemingly in stating that McGraw ordered the formation of the Home Guard. For this information, Wynne cited Bagley. Bagley's source was George Kinnear. Neither of these claimed that Sheriff McGraw was responsible for the idea of a Home Guard. However, Governor Squire and Secretary of Interior Lamar did seem to give the sheriff the green light for forming such an organization when the call for U. S. troops was rejected on November 6. McGraw, curiously enough, did not even mention the formation of that elite Home Guard in his report to the governor.

George Kinnear, a leading Seattle property owner, was the principal figure behind the organization of the Home Guard.

¹⁰⁴Watt, p. 186.

¹⁰⁵Wynne, p. 229.

Kinnear claimed that he and ten or twelve other men met and decided to organize an armed force. Kinnear wrote about twenty-five years after the events he described, and was confused and vague about some dates. He could also have been confused about his reasons for forming the Home Guard, but he claimed that at an anti-Chinese meeting one of the leaders declared that their aim was to drive out the Chinese, burn the city, pillage the stores and banks, and drive out any white opposition.¹⁰⁶

Therefore, said Kinnear, the following morning he and ten or twelve others agreed they would not be run out, but would instead organize a force of twenty-five men, arm themselves with breech-loading guns and stand off the "vicious mob." These dozen men then recruited about seventy others who elected Kinnear as captain, William G. Latimer and John G. Scurry as lieutenants.¹⁰⁷ Thus, the Home Guard was spawned in an aura of vigilantism, but was officially recognized as a segment of the county police force.

It is not known precisely why the Home Guard was thought to be necessary when a 400-man posse comitatus was already

¹⁰⁶ George Kinnear, Anti-Chinese Riots at Seattle, Washington Feb. 8, 1886 (Seattle: reprinted from Post-Intelligencer, Jan. 1, 1911), p. 5. Kinnear seemed to place this meeting in 1886, but he must have been referring to the "peace" meeting of Nov. 5, 1885, though none of the press reported such inflammatory oratory.

¹⁰⁷ Ibid., p. 5. Bagley identified the first officers of the Home Guard. "Soon after" the Home Guard organized, Scurry transferred to the Seattle Rifles and was succeeded as lieutenant by J. A. Hatfield, History of Seattle, II, 473; also History of King County, I, 352.

formed and awaiting the sheriff's beck. One reason that has been given for its formation was the "well-known unreliability of the Seattle police."¹⁰⁸ The police were anti-Chinese, but that fact does not explain the need for the Home Guard-- especially since the Guard, apparently composed mostly of members of the original posse, did not increase the size of the sheriff's force. For instance, Kinnear, Latimer, and Scurry had been captains in the original posse comitatus.

The arrival of the U. S. troops plus the lack of any overt action on the part of the anti-Chinese made it unnecessary for the Home Guard to be used in the month of November, 1885. That elite unit then had to wait three months before it could perform in its stellar role in resisting the anti-Chinese movement.

Conclusions

The depression years of 1884 and 1885 witnessed the recognition by the territorial government of six volunteer, privately financed militia companies, and the beginnings of an effort to organize them under a single head. But when trouble seemed imminent in the autumn of 1885, the six, widely scattered militia companies provided the authorities with

¹⁰⁸Wynne, p. 230. For this conclusion, Wynne cited the Post-Intelligencer, November 8, 1885, but that article blamed the failure of the police only for making it necessary to call in the U. S. Army, "But as the police force of the city failed in this crisis, the police force of the Nation has intervened." Bagley criticized the police support of the anti-Chinese, in History of Seattle, II, 467.

almost no sense of security. The Militia Law of 1863 did not subject militiamen to the discipline and authority of their commanding officers, hence they could not be compelled to stand up against their fellow citizens.

Lacking an adequate and reliable militia, Governor Squire called upon the power of the counties and that power failed. In Pierce County, it failed to prevent expulsion of Chinese. In King County, it failed to provide civic leaders with a sense of confidence, so they called for the U. S. Army. The failure of the county forces gave a new lustre to the idea of an effective militia.

By the end of 1885, Governor Watson Squire was eager for a more efficient militia system for the territory. In his message to the Tenth Biennial legislature on December 9, 1885, he reported the condition of the territory's six-company militia, stressing the importance of having an "efficient military organization" for the preservation of order. "The mere fact of the existence of a loyal, obedient, disciplined force," he said, may prevent outbreak, riot, and bloodshed. He hinted about the militia's unreliability:

The element of reliability is all important... The first duty of a soldier is obedience to law and to his authorized commanders. During the past few weeks we have seen the need of an organized military force in our midst...[if the territory would become a state] she must show her power to maintain the law and to preserve order.¹⁰⁹

¹⁰⁹ Message, December 9, 1885, in Gates, "Messages of the Governors," pp. 256-257.

In a restrained understatement, the governor observed that the old Militia Law of 1863 was "not well suited to our present requirements." A new law was necessary, he said, to provide a well-drilled, well-armed, effective force which would receive pay when on duty in summer camp or on active service. He also urged a provision similar to one in the old law "providing for more generally calling out those subject to military duty in case of extraordinary emergency."

Early in 1886, the Tenth Biennial Legislature would reject Squire's request for a more satisfactory militia law. But the U. S. Army had merely postponed resolution of Seattle's Chinese problem. Dynamic events in February, 1886, would give almost instant birth to a truly significant militia movement and the permanent organization of the nascent National Guard of Washington in spite of the inadequacy of the Militia Law of 1863 and in spite of the reluctance of legislators to provide for an effective, publicly supported volunteer militia.

CHAPTER VI

Seattle's Anti-Chinese Affair, 1886

The nine-day occupation of Seattle by the United States Army in November, 1885, merely postponed settlement of the Chinese question. Under protection of the Army, the Chinese remained in Seattle, while others continued to illegally enter Washington from British Columbia.¹ Agitations and mass meetings against the Chinese resumed.

Early in January, 1886, Seattle's proprietors were reminded that the issue was not merely the Chinese. On January 16, speakers at a mass public meeting talked more about wages and the conditions of labor than they did about the Chinese. Daniel Cronin claimed that the Chinese were a side issue, a local issue in the more basic conflict of labor versus capital. His speech and the general tone of that meeting seemed to make it easy for "the bourgeoisie to imagine that a new social order, by revolution if necessary, was the aim."² Though he seemed to invite his audience to take action as had been done at Tacoma, Cronin's speech was less than a clarion cry for violence or revolution. In fact, Cronin called for

¹Wynne, "Reaction to the Chinese in the Pacific Northwest...", p. 241.

²Ibid., p. 245.

his followers to use the coming July elections to achieve their goals.

Most Washingtonians agreed that the Chinese had to go. Disagreement centered on the means of removal, with the "law and order" forces holding out for legal means. Territorial laws forbidding economic activities by Chinese would make it unprofitable for the aliens to remain in the Territory and they would leave voluntarily. Such laws would have satisfied many conservatives by permitting them to believe, or pretend to believe, that removal was effected within the law. In November and again in early December, 1885, the anti-Chinese had demanded that the territorial legislature pass laws which would discourage Chinese from remaining in the territory. The Seattle city council did pass some anti-Chinese ordinances on December 2, 1885, and again on February 5, 1886.³ Little opposition was expected to four anti-Chinese bills introduced in the territorial legislature in January, 1886. Both anti-Chinese and "law and order" advocates generally supported the four bills which would have ultimately ended the ability of Chinese to own laundries, to hire out their labor, or to own land. All four bills passed in the House of Representatives on January 20. But, a few days later the Council, or upper house, stunned the city of Seattle by defeating three of the four bills.

³Ibid., pp. 239, 247.

Engineering that defeat had been Orange Jacobs and the railroad lobby in defiance of the majority of the public.⁴ The fourth bill, the one which the railroad did permit to become a law, was the one that prohibited aliens who were incapable of becoming citizens from owning land. Such an obvious and insensitive power play could only have incensed the already highly frustrated anti-Chinese element. On the same day that the House passed the four anti-Chinese bills, January 20, the legislature passed a joint resolution justifying Governor Squire's use of regular Army troops in November.⁵ Thus, official actions added to the frustration of the anti-Chinese. On the other hand, neither the county nor the territory improved its military organization.

Militia Bill, 1886

The events of November, 1885, and the continuing agitations of January, 1886, failed to convert a sufficient number of legislators to a martial attitude. An attempt to re-organize and strengthen the territorial militia failed in late January. John R. Kinnear, King County Republican representative, had introduced a militia bill on December 18, early in the session. The House Committee on Military Affairs recommended a substitute bill January 9, 1886, titled "An Act

⁴Karlin, PNQ, XXXIX (April, 1948), 103-130. For details of the unexpected defeat of the anti-Chinese legislation and the railroad lobby's role in that defeat, see Nesbit, "He Built Seattle...," p. 196.

⁵Report of the Governor...1886, p. 884.

to Provide a Military Code for Washington Territory."⁶ If the response of the press to the pending bill was representative of either popular or elite opinion, then one can assume that the idea of a militia was still only a dream in the heads of a relatively few of the urban military enthusiasts even after the first anti-Chinese crisis of November, 1885. The only newspaper which editorialized on the 54-page bill was the Seattle Daily Call, voice of the Knights of Labor and the anti-Chinese.

The Call's editor expressed no opposition to a militia. He wrote that, "It would be a good thing to have our young men more generally trained in the art of bearing arms and military maneuvers." He ridiculed the bill only for its detailed content, most of which, he declared, was more properly the subject of a military manual than a statute. "The fault of this bill," wrote the editor, "is that it seems to lack simplicity and condensation...too much verbosity, complexity and cumbersomeness for an initial militia system for this

⁶"Journal of the House of Representatives of W. T. 1885-1886," Tenth Biennial Session (typed manuscript, n.d.), University of Washington Library, pp. 87, 165. Hereafter cited as "House Journal."

John R. Kinnear, brother of George, went to Seattle in 1883 from Illinois. In Washington, he was a lawyer and an active politician. He served in the House of Representatives in 1884 and 1886, and was elected to the Council in 1888 but did not get to serve because of statehood. He made a strong bid to be the Republican party's first gubernatorial candidate, but lost to E. P. Ferry. Kinnear was elected to the state senate during the first two sessions under statehood, Bagley, History of Seattle, II, 804-05; see also Seattle Daily Times, April 1, 1912, p. 3.

back-woods Territory..." The editor reminded the legislators that they were legislating for 1886-87, not 1986-87.⁷

The bill came to a vote January 25. William Fudge, of Walla Walla County, moved to postpone indefinitely--parliamentary procedure for diplomatically killing a bill.⁸ The principal opponents of the bill were J. W. Arrasmith, representing Whitman and Adams Counties, and Fudge. Olympia's Washington Standard declared that the bill was opposed quite strongly by the country delegations.⁹ Objections to the bill apparently were rooted in the cost. Fudge and Arrasmith declared the militia to be more ornamental than useful and that certain persons benefitted while taxpayers paid. Fudge argued that there should be no appropriations for military

⁷The Seattle Daily Call, January 12, 1886. The editor's ridicule was gentle, "The bill is as long as the book of Leviticus with Deuteronomy tacked on..." Chapter one of the bill described membership eligibility. Chapter two minutely defined details of organization, such as assigning specific rank to the offices of the generals. It provided public funds to pay maintenance expenses in caring for militia property and for clerical work, but not for salaries. The proposed plan unrealistically called for organization into three regiments of infantry with six to ten companies per regiment, and for four troops of cavalry, and two batteries of artillery, Ibid.

After reading the proposed bill, retired U. S. Army Colonel G. O. Haller "amused" himself by suggesting some improvements which were ignored by O'Brien. Haller proposed two classes: Class 1, the Militia of Washington; Class 2, the National Guard of Washington. And he had a plan for transferring members of Class 1 to Class 2, G. O. Haller, Diary, 1885-1886, University of Washington Library.

⁸"House Journal," p. 272.

⁹January 29, 1886.

purposes. Kinnear, who was joined by King County's C. F. Munday in defending the bill, assured the opponents that there would be no appropriations for salaries, and that the bill merely established rules for a militia so that it would be organized in case Congress increased appropriations to the state militias. Two other legislators said they would favor the bill if it would not cost money. Kinnear argued that there were many petitioners who favored organization of the militia. After Arrasmith claimed that the petitioners were not taxpayers, Kinnear read the King County petition which he noted was signed by "merchants, lawyers, and professional men."¹⁰ The legislators then rejected Fudge's motion to postpone, and passed the militia bill, 15-8.¹¹ The next day, January 26, S. J. Crutcher, of Whitman, moved to reconsider the previous vote and his motion won, 16-6.¹² On the 27th, Fudge again moved to postpone the bill indefinitely. This time he won, and the bill was defeated, 18-5. Those who remained loyal to the militia bill were: B. F. Dennison, Clarke County; M. Z. Goodell, Wahkiakum County; J. A. Wells, Whitman County; J. R. Lewis and J. R. Kinnear of King County. King County's C. F. Munday was absent.¹³ The only visible consequence of the defeat of the militia bill was the disbanding of Company A,

¹⁰The Post-Intelligencer, January 27, 1886.

¹¹"House Journal," p. 272; Washington Standard (Olympia), January 29, 1886; Post-Intelligencer, January 27, 1886.

¹²"House Journal," p. 285.

¹³Ibid., p. 293. The defeat of the bill produced little press reaction.

Olympia, on February 6. Its members blamed lack of public interest and support as the principal cause for disbanding.¹⁴

The Expulsion

Early Sunday morning, February 7, 1886, the Seattle anti-Chinese resorted to direct action in a move patterned after the Tacoma method. Small bands of white men entered the Chinese quarters in Seattle and ordered those hapless aliens to pack their belongings. The conspirators then escorted the Chinese to a wharf where a passenger steamship, the "Queen of the Pacific" lay docked awaiting its 1 p.m. departure time for San Francisco. The removal proceedings were cheerfully followed by a crowd which eventually grew to about 1,500 persons according to the sheriff. Sheriff John H. McGraw was informed of the activities at about 9 a.m. He learned that the police were unable, or unwilling, to do more than prevent destruction of property or physical assault on the Chinese. The sheriff orally ordered the mob to disperse and received jeers and taunts in return. He then called out his deputies and the two militia companies. He had earlier received Governor Squire's authority to use the Militia.¹⁵

¹⁴A. G. Report, 1886/87, p. 7.

¹⁵McGraw's Report to Squire, in Washington State Historical Society Publications, Vol. 22, 1907-1914 (State Historical Society, 1915), p. 393.

Seattle's Military Forces

Seattle's three "military" companies answered the sheriff's call to duty. They included the two territorial militia companies, B (the Seattle Rifles) and D (the Queen City Guards), and the small unit of University Cadets. All three companies had organized in 1884 as the depression of 1884-86 was getting under way, perhaps in response to a growing awareness of possible domestic disturbances. The anti-Chinese conflict apparently also had an adverse effect on militia membership. The official rosters suggest that many enlisted men withdrew from Companies B and D between September 30, 1885, and February 7, 1886. The rosters of Company B show a decline from 58 to 38 officers and men during that time. Company D lost twenty-six men during those four months, dropping from 86 to 60 members.¹⁶ Such a major loss of membership could have been a consequence of emigration or disinterest due to the depression. Or, it could be a clue to why the reliability of the militia was suspect and why the Home Guard seems to have been assigned the dominant role in police duties after February 7.

It is likely that during the first two days of the conflict, and especially during the shooting affair of February 8, the Seattle Rifles could not have mustered forty men. The official roster which purported to name the men "who answered the call to duty" totalled only thirty-eight men

¹⁶ A. G. Report, 1884/85, p. 4; Ibid., 1886/87, pp. 19-20.

including the officers, Captain Joseph Greene, First Lieutenant C. L. F. Kellogg, and Second Lieutenant L. R. Dawson.¹⁷ The company was composed of men referred to as the solid type of citizen--business and professional men. The commanding officer, Captain Greene, was a merchant. Kellogg was a lawyer, and Dawson, a physician. Of the company's thirty-five enlisted men, nineteen were in white collar occupations--clerks, book-keepers, and one journalist. Nine of the men were professional men--three lawyers (including L. C. Gilman, brother of capitalist D. H. Gilman), three engineers, plus a dentist, a banker, and an accountant. Four were students and only three were workers--a machinist, a painter, and a printer.¹⁸

Company D was more of a workingman's company. By February 7, 1886, its sixty officers and enlisted men included only fifteen who could be called white collar, business, or professional men. Four were students while most of the remaining forty-one were skilled tradesmen who were predominantly teamsters, machinists, and men in the construction trades.¹⁹ Sheriff McGraw had been first lieutenant of Company D as late

¹⁷A. G. Report, 1886/87, pp. 19-20. James W. Bixby, a private in Company B, claimed that only 32 men rushed to the support of Kinnear's Home Guard company when they heard the shooting on Feb. 8th, clipping in Dubuar Scrapbook No. 75, p. 10, U. of W. Library. Bixby may have been accurate since six members refused to answer the call to duty on Feb. 7, 1886, A. G. Report, 1886/87, pp. 62-63.

¹⁸Ibid., p. 20.

¹⁹Ibid., pp. 20-21.

as September 30, 1885.²⁰ Sometime between that date and February 7, 1886, he must have resigned without leaving a record of the transaction. It would seem that the office of sheriff and Militia lieutenant were conflicting interests during emergencies when both officers were called to duty. In February, 1886, E. E. Hunt was first lieutenant and Daniel McKeon, a city fireman, was second lieutenant. McKeon died in early February, and on February 5, the company elected "James B. Metcalf, Esq." to replace him.²¹

Commanding Company D was Captain John C. Haines, a prominent lawyer and an influential Republican. Haines would become one of the more important moderate figures in the anti-Chinese agitations of February, 1886. He was apparently trusted by the working men after he had successfully defended the five white men and two Indians who had been charged with killing the Chinese hops workers in September. Then in January, he successfully defended the anti-Chinese leaders charged with inciting disorder in November.²² In late February, Haines would again help defend the anti-Chinese leaders who had been arrested for inciting the expulsion of Chinese on February 7. Three other lawyers joined Haines at the February preliminary hearing--Lieutenant Metcalf,

²⁰Ibid., 1884/85, p. 4.

²¹Seattle Daily Call, February 6, 1886.

²²The trial ended January 16, 1886, and its testimony was covered in detail by the Daily Call. See also, Nesbit, p. 171.

James Hamilton Lewis, at that time a private in Company B, and Junius Rochester, who was one of the accused.²³ Metcalfe and Lewis were Democrats.

The third "military" company in Seattle was the University Cadets. When the signal bells tolled on February 7, 1886, the Cadets, a small but well-drilled unit, quickly assembled and double timed to the rendezvous.²⁴ There they were sworn into the service of the territory and attached to the Seattle Rifles.²⁵ The Cadets had organized February 22, 1884. Two years later, when they answered McGraw's call to duty, they were still commanded by the same three young officers including their 18-year-old Captain Charles A. Kinnear, son of George Kinnear. Apparently twenty-three Cadets reported for duty on February 7, which would have brought the combined strength of the Seattle Rifles up to less than sixty men.²⁶

²³See the Daily Call, February 8-15, 1886.

²⁴A. G. Report, 1886/87, p. 19.

²⁵Frederick James Grant, ed., History of Seattle, Washington (New York: American Publishing and Engraving Company, 1891), p. 205n.

²⁶Twenty-three Cadets were listed in the roster, A. G. Report, 1886/87, pp. 21-22, which is apparently the list of membership as of February 7, 1886.

Bagley published a second roster of Cadets naming forty-one members. Bagley's roster probably indicates membership well after February 7, following the response to the call for volunteers, History of Seattle, II, 475; also, History of King County I, 354.

There was some cross-over of membership, e.g., three names appear on the rosters of both Company B and the Cadets--Chas. (C. A.) Kinnear, O. C. McGilora (sic), and A. L. Sutton, A. G. Report, 1886/87, pp. 20, 21.

In addition to the military companies, McGraw may have had around 400 deputies and deputized Home Guards making up his posse comitatus. George Kinnear's original Home Guard company had probably remained basically intact after its organization in November, 1885.²⁷

The Authorities Counter Attack

The removal scheme functioned smoothly until the Chinese arrived at the dock. There it was discovered that most of the Chinese were penniless and could not buy tickets to board the "Queen." While a public collection was being taken--to which such men as McGraw and Haines contributed--the territorial court instigated an effective delaying tactic. Chief Justice Roger S. Greene signed a writ of habeas corpus ordering the captain of the "Queen" to appear at the courthouse the following morning along with his Chinese passengers so that the court could determine whether or not each Chinese was leaving voluntarily. Other activities of the civil authorities that day included a gubernatorial proclamation calling for the

²⁷There are two different Home Guard rosters. One claimed to list the men who were on duty at the time of the shooting, Feb. 8, 1886. It named 79 officers and men, George Kinnear, Anti-Chinese Riots at Seattle, Wn. Feb. 8, 1886 (Seattle: privately printed, 1911), pp. 16-17.

The second roster identified the men on active duty on February 8, 1886. It named 76 officers and men, A. G. Report, 1886/87, pp. 22-23.

McGraw said he was caught by surprise and that it took "several hours" for his various organizations to form, but he thought that their response was as prompt as could be expected and that thereafter they all performed well, McGraw's Report to Squire, in Report of the Governor...1886, p. 913.

citizens to disperse or to help uphold the laws; an unanswered call for the U. S. Army; a successful counter-move that blocked an anti-Chinese plan to use a train to carry the Chinese to Tacoma; the posting of patrols at strategic locations throughout town, and the maintaining of roving patrols.

The night of February 7th was quiet. The people seemed content and satisfied with the day's work. The Chinese were removed from their quarters and those not already aboard the "Queen" were huddled in a warehouse at the dock guarded by anti-Chinese activists. There is no recorded act of violence committed that day. During the night the "law and order" forces began their counter moves. About 3 a.m., February 8, a company of Home Guardsmen took control of the dock and assumed custody of the Chinese after arresting the skeleton guard.²⁸ Then, in a surprise move at about 7 a.m., the authorities arrested eight of the anti-Chinese leaders. About 7:15 a.m., armed deputies escorted the passengers who had boarded the "Queen" the day before to the court house.²⁹ There Judge Roger S. Greene informed the Chinese that they could stay and expect protection by the authorities but that the majority of Seattle's citizens did not want them. Sixteen said they wanted to stay. The Chinese were then escorted back to the waiting "Queen" which sailed shortly after noon with a capacity passenger load including nearly 196 Chinese. Left on

²⁸ Bagley, History of Seattle, II, p. 468; Grant, History of Seattle, p. 197; Karlin, PNQ, XXXIX (April, 1948), 122.

²⁹ A. G. Report, 1886/87, p. 13.

the wharf were approximately 150 unhappy Chinese, most of whose ticket money had already been collected and who wanted to leave.³⁰

The decision of what to do with the Chinese who were left behind by the "Queen of the Pacific" would prove to be a fateful decision that would give the non-violent course of the Chinese expulsion a turn in the opposite direction. The consequences of that decision suggest either the inability of the sheriff to handle such a large scale disorder, or an intentionally provocative show of authority by the aggressive, elite Home Guard. Either way, it points to the failure of the posse comitatus as a peace keeping force. Thus, it is worthwhile to view more closely the making of that decision.

After the "Queen" pulled away, John McGraw had to decide what to do with the Chinese who were left behind. As King County sheriff, he was in command. He and some of his aides discussed the question with George Venable Smith, J. T. Jordan and other representatives of the anti-Chinese movement.³¹ The record does not reveal who McGraw's aides were, but it is known that among the Home Guard present on the wharf that day in

³⁰Wynne said 150 remained, p. 262. He apparently selected this number as a middle point between various estimates which ranged from 100 to 200. McGraw estimated 90-100 Chinese left behind, Report of the Governor...1886, p. 915. Years later, an eye witness, C. O. Young, claimed that the "Pacific Queen" had carried 2,000 Chinese to Victoria, B. C. from San Francisco just two months earlier, and that the captain would have taken all the Chinese aboard; but "some marine official" refused him permission to do so, Seattle Union Record, July 9, 30, 1910.

³¹A. G. Report, 1886/87, p. 15.

addition to its captain, George Kinnear, were C. H. Hanford, and Thomas Burke. Home Guard officers Carr and Hatfield were there as was Joseph Greene, captain of militia Company B (Seattle Rifles). The anti-Chinese leaders, the sheriff, and the sheriff's aides mutually agreed that the remaining Chinese could stay in town until February 14, when the next passenger ship, the "George W. Elder," was scheduled to depart.³²

But where would they stay? This was a fundamental question, but evidence regarding the response to it is conflicting. The Seattle Daily Call, on February 8, 1886, reported that "it was determined to keep the Chinese on the wharf until the Elder arrived." McGraw, writing six months after the event, said that the group on the dock agreed that the remaining Chinese would be allowed to return to their dwellings.³³ According to Murray Morgan, George Venable Smith at first suggested that the remaining Chinese wait for the "Elder" right there on the dock.³⁴ Wynne proposed that because quartering the refugees at the dock would have posed many problems and great expense for the authorities, McGraw may have preferred the Chinese to do their waiting at their own quarters.³⁵ Whatever his reasoning, McGraw decided that the

³²Ibid.

³³Report of the Governor...1886, p. 915.

³⁴Murray Morgan, Skid Road, An Informal Portrait of Seattle (New York: Viking Press, rev. ed., 1960), p. 98.

³⁵Wynne, p. 262.

Chinese could not stay on the dock, and the next question was when would the move to the Chinese section of town be made?

The response to this question would become the most significant decision of Seattle's anti-Chinese movement. It directly led to the confrontation of the Home Guard and the anti-Chinese crowd which, in turn, led to martial law. Yet no specific information about the making of that crucial decision has been left to history. All that is known is that the order was given to remove the Chinese from the dock and return them to their recently abandoned homes.

The crowd, steadily growing larger, filled the streets adjacent to the wharf. The 150 or so unfortunate and undoubtedly frightened Chinese were lined up between a small unit of about forty Home Guardsmen under Kinnear and about twenty University Cadets under Kinnear's son. The procession started up Main Street toward a huge, and until then, good natured crowd. The crowd, unaware of the agreement to let the Chinese wait for the "Elder," became angry and attempted to turn the procession back. Violent words soon turned to clubbing and scuffling and finally to shooting. The crowd, apparently surprised that the rifles and shotguns were loaded, fell back. Five wounded men, one of whom died the next day, were removed to the hospital.³⁶

The shooting brought the Militia units hastening to the scene. The Seattle Rifles, about thirty-two strong, doubletimed

³⁶ A. G. Report, 1886/87, pp. 16-17.

up from the wharf a couple blocks away where they had been left to guard the baggage of the Chinese. The Rifles, Cadets, and Home Guard surrounded the Chinese, and faced the angry crowd with loaded weapons at ready. After about one half hour, Company D, under John Haines, arrived from the court house where it had been doing guard duty. The crowd was howling for revenge against some of the leaders of the Home Guard whom they blamed for the shooting, especially Thomas Burke. They cheered the arrival of Company D thinking it would arrest Burke and the other deputies. Haines, after conferring with the other commanders, addressed the crowd and informed it that the Chinese would be leaving in one week on the "Elder," and, in response to angry accusations of murder against Burke, Hanford, and Carr, Haines promised that if anyone had done anything wrong legal action would be taken. He advised everyone to go home. One of the anti-Chinese leaders asked the people to return to their homes and they began to give way about fifteen minutes later, and the Chinese returned to their homes. The whole affair had lasted about forty-five minutes.

Regardless of whose idea it was, or who supported the plan to march the Chinese through the teeming street, Sheriff McGraw, as officer-in-charge, was ultimately responsible for the fateful decision. At its best, that decision was ridiculously unwise.

At its worst, it was an act of deliberate provocation.³⁷ Several factors support the argument that the sheriff and the Home Guard were eager to provoke the crowd into making an overt act of violence in order to prove their power and authority.

It is impossible to imagine anyone seriously believing that the massive crowd of Chinophobes would passively give way and permit the Chinese to pass through their midst without first being informed of the agreement for the Chinese to remain until the following week. Snowden claimed it was impossible to inform the crowd of that fact.³⁸ However, it seems impossible only if it had been impossible to delay the move. The urgency that required an immediate march through the streets has never been, and probably never could have been, explained.³⁹ Hind-sight, as well as common sense, indicates that a delay in the removal would have been wise if the avoidance of violence had been the goal. Therefore, McGraw and his aides must have had some other goal in mind.

³⁷Wynne called it provocative, p. 264. C. O. Young, an eye witness in 1886, was an organizer for the American Federation of Labor in 1910 when he claimed that the shooting was unnecessary because the Home Guard leaders had deliberately refused to explain to the crowd why the Chinese were returning to their quarters. Young specifically charged that "vigilantes and other Home guard element...were determined to bloodshed," Seattle Union Record, July 30, 1910, pp. 5, 8.

³⁸Snowden, History of Washington, IV, 339.

³⁹Morgan claimed that George V. Smith suggested that the transfer be delayed until evening when the streets would be empty, but the Home Guard overruled that suggestion, Skid Road, p. 98.

Wynne has made the plausible suggestion that George Kinnear may have desired to make a show of force, to "'show the crowd who was boss.'" Kinnear admitted that they anticipated trouble. He was already receiving reports from the street that the crowd was threatening to take away the weapons from the Home Guard. He ordered his Guards to load before the march began and he told them it was their right to defend themselves and shoot if necessary.⁴⁰

That the idea of a show of force could have been harbored by the law and order leaders is suggested by court testimony which had earlier accused C. H. Hanford of stating his regret that a riot had not occurred in November so that fifteen or twenty of the anti-Chinese could have been killed, apparently believing that strong action would keep the agitators in line.⁴¹ Although other witnesses denied that statement was ever made, some conservatives later considered the February bloodletting to be a good thing. For instance, a contemporary newspaperman-historian, Frederick James Grant, thought that the Portland Oregonian's view of the use of local forces to shoot

⁴⁰Wynne, p. 264. This was in contrast to the militia companies which loaded after arriving at the scene of the shooting. Archie Binns placed responsibility on Kinnear as well as McGraw, Northwest Gateway. The Story of the Port of Seattle (Portland: Binford and Morts, Publishers, 1941), 264.

⁴¹This information was part of the testimony given at the trial of the anti-Chinese accused of inciting lawlessness in November, The Daily Call, January 15, 1886.

their fellow townsmen was just and fair. He quoted from that newspaper:

'It was infinitely better that this thing should be done...by citizens of the territory under territorial authority, than by Federal troops. It is not well to lean helplessly on the national power... Never so long as this affair is remembered will it be imagined that the Washington militia "won't fire." The citizen soldiery has made itself respected, not only...[now] but for the future... The lesson is wholsomer [sic] and more lasting from having been given precisely as it was.'⁴²

A final factor suggesting that the shooting incident was the result of a deliberate act of provocation by McGraw and the leaders of the Home Guard is the use of the Home Guard rather than the militia for the delicate mission of forcing a way through a large, hostile crowd. After the shooting, the Daily Call suggested that there would have been no trouble had "the home guard, deputy sheriffs, or whatever they are" not appeared on the streets.⁴³ The deputies, as armed private citizens, had created resentment from the beginning. In

⁴²Quoted in Grant, History of Seattle, pp. 205-206. This statement again illustrates the lack of concern about identifying the home guard and the militia as two separate forces under separate authority. It was the Home Guard, not the militia, that did the shooting. The militia seems to have been intentionally withheld from confronting the crowd, and was used primarily as a reinforcement for the Home Guard.

Wynne noted that the Oregonian (Portland), Feb. 9, 1886, called the shooting a "Test of Americanism." Wynne cited this as evidence that the conservatives believed the Seattle riot to be a test of law against disorder, patriotism against treason; and that both Cronin and the conservatives, by the time of the shooting, believed the Chinese were merely a side issue in the more basic class struggle, p. 281.

⁴³February 9, 1886.

January, some of the leaders of the anti-Chinese had been tried for conspiracy to incite lawlessness in November. On the tenth day of that trial, The Seattle Daily Call headlined an article, "The Deputy Sheriffs and Hanford on Trial." Testimony that day argued that the deputies were a class group with an incendiary purpose.⁴⁴ As discussed earlier, the Home Guard seems to have been an organization consisting of deputies who were even more aggressive, militant, and perhaps even violence-prone, than the average of their businessmen-brother deputies. On February 7, the day before the shooting, a Home Guard detachment had been assigned to escort the U. S. marshal when he read Governor Squire's proclamation calling for obedience to the law. That squad of Home Guard was hurriedly removed from the streets when it became obvious that the presence of those armed, un-uniformed capitalists, business and professional men was creating trouble.⁴⁵

Though the Home Guard was the more provocative of the two available units, it was not necessarily the stronger unit. It was only a detachment of about forty men of the main Home Guard company. The Seattle Rifles, numbering 32-38 men, could have nearly matched the Home Guard's numerical strength, and should have been able to surpass its policing ability. The militiamen had two-foot bayonets attached to their rifles, and were a uniformed and relatively disciplined organization. Today we

⁴⁴January 16, 1886.

⁴⁵Kinnear, p. 6.

can only debate whether the crowd would have been as likely to have attempted to take away the bayoneted weapons of Company B as they did the shot guns and rifles of the Home Guard. James W. Bixby was a bank messenger and a private in the Seattle Rifles in 1886. Fifty years later, he claimed that when the 32 members of his company charged through the crowd of "thousands," the crowd fell back and let them through because of respect for the militia uniform.⁴⁶

No reasons were ever given for assigning the militia units to the more isolated defensive positions and the Home Guard to duty that would inevitably lead to confrontations with the crowds.⁴⁷ The reliability of some of the militia was in doubt. Company D had a predominantly working man membership and was led by John Haines, who, as a lawyer, had defended the anti-Chinese and who apparently had the confidence of the anti-Chinese even though he was an advocate of "law and order." But, Company B had a safe, conservative membership commanded by a man who apparently was a cool, steady leader and a local businessman. There is no known suspicion of any reluctance on the part of Company B to oppose the anti-Chinese. The selection of the Home Guard as the escort for the Chinese on February 8, adds to the argument that its leaders and McGraw desired to establish once and for all, at any cost, that the

⁴⁶ Seattle Times, February 9, 1936, clipping in Dubuar scrapbook, No. 75, p. 10.

⁴⁷ Nesbit argued that the shooting resulted from the use of the Home Guard rather than militia Company D under Captain Haines, p. 206..

crowd was not free to do anything it wished, that law would be, and could be, enforced; and that some Home Guardsmen may have believed that it would require some blood to establish that point conclusively.

To send the half-strength Home Guard company directly into the midst of a crowd that had already exhibited extreme hostility to that organization took more than courage. It also required a complete disregard for human life, and a goal other than that of preventing violence. It smacks of crowd-baiting, of being a deliberately provocative move intended not to keep the peace, but to establish power. Above all, it stands as a classical example of the failure of a posse comitatus to prevent violence in a large scale disturbance.⁴⁸

At the court house, immediately after the shooting, Governor Watson Squire again called for U. S. troops. He had not received a reply to his request of the preceding day for the Army. So he sent a triplicate telegram to the Secretaries of War and Interior and to General Gibbon informing those officials that conflict had occurred and that the critical

⁴⁸ Olympia successfully employed a posse comitatus in preventing the removal of its Chinese. Nearly 150 deputies broke up the expulsion attempt by about 30-60 anti-Chinese Feb. 9, 1886, Ibid., pp. 32-33, 87. As in Tacoma, the Militia played no part in defending law and order in Olympia. Company A had disbanded immediately after the House of Representatives defeated the militia bill a few days before the Chinese expulsions began at Seattle. The company members were convinced that "little interest was manifested in such organizations, either by the law-making power, or the people," Ibid., p. 7. N. H. Owings, Sheriff Billings, and William McMicken were credited with the success of the posse in Olympia, Snowden, IV, 344. Chinese were successfully removed from Sumner, Puyallup, Carbonado, and Snohomish between Feb. 9 and 11, Ibid., p. 89.

situation threatened to worsen that night as he expected miners from the nearby coal mines to reinforce the mob. His force guarding the Chinese was being threatened with violence and lynching, he wrote, and therefore, "I respectfully call upon the United States Government for immediate military assistance. Instant action necessary, before night if possible."⁴⁹ This seems to be a clear request for help from the U.S. Army, although Robert E. Wynne argued that it was not a clear call for troops and therefore none were ordered at that time to Seattle.⁵⁰ On the other hand, perhaps the request was explicit enough, but the federal authorities were more cautious when, for the second time in three months, the territorial officials thought the Army was needed--especially since the November use of troops seemed to some to have been unnecessary.

Martial Law

Another subject under discussion at the court house following the shooting was the question of martial law. Squire and his aides were aware of the opinion written by the United States Attorney General denying a territorial governor the legal authority to declare martial law. That opinion had been written in the wake of the declaration of martial law by Isaac I. Stevens during the Indian war of 1856.⁵¹ Probably at about the same

⁴⁹ Squire to Secretary of Interior Lamar, February 8, 1886, in A. G. Report, 1886/87, p. 82.

⁵⁰ Wynne, p. 269. Wynne blamed Squire "who perhaps hoped that his pleas were such that troops would come without his explicit request," Ibid.

⁵¹ The Stevens martial law episode is described in chapter 2.

time that Squire was calling for military assistance, Roger S. Greene, chief justice of the territorial supreme court, and William H. White, United States Attorney, dispatched a telegram to President Grover Cleveland. They told the President that there was a need in Seattle for a declaration of martial law and the suspension of the writ of habeas corpus. Greene admitted that he doubted the governor's power to make the declaration. If martial law could be declared, said Greene, the local deputies and Militia could handle the situation, but without martial law, U. S. soldiers would be necessary. Greene concluded by claiming that "the great need from time to time as a case arises is the sudden supervention of strong governmental power." Squire added two words, "I concur."⁵² In other words, when statutory law is deemed inadequate to satisfy the goals of those holding governmental power, then those officials can justly fill in the vacuum with pure physical force.

Before the civil authorities received replies to their messages, the anti-Chinese attempted a non-revolutionary maneuver that directly and immediately resulted in the declaration of martial law by Governor Squire. The anti-Chinese filed a warrant in a justice court charging four Home Guardsmen, including Burke, Carr and Hanford, with murder. To prevent the arrest and trial of those four deputies, Squire finally committed himself to an extreme position. Noting that his proclamation of the previous day was being ignored, claiming that the city of Seattle was in

⁵²Greene to Cleveland, February 8, 1886, in A. G. Report, 1886/87, p. 83.

an active state of insurrection which the civil authorities had proved powerless to suppress, Squire assumed military command of the city, suspended the writ of habeas corpus and declared martial law within the city of Seattle.⁵³

This was an extreme position especially since the active insurrection had consisted only of a brief street fight provoked by actions of the civil authorities, of verbal threats against the agents of that provocation, and a legal attempt to use the court system to prosecute officers of the Home Guard. Nor were the governor's fears for the night realized. The city remained quiet as the citizen-soldiers patrolled the streets, enforced a curfew, and closed the business houses and saloons. There is no information available which explains why the territorial court, Militia, and county deputies could not handle the situation under the conditions of martial law and suspension of the writ of habeas corpus as declared by Greene, White, and Squire immediately prior to the proclamation of martial law.

⁵³A. G. Report, 1886/87, pp. 83-84. The martial law episode is described in nearly every history of Seattle's anti-Chinese disturbance of 1886. An interpretative treatment is Wilfred J. Airey, "A History of the Constitution and Government of Washington Territory" (unpublished Ph. D. dissertation, University of Washington, 1945), pp. 372-383. Especially valuable is Airey's analysis of the parallels and differences between Squire's martial law in 1886, and Stevens' martial law in 1856, pp. 384-386.

If the U. S. Attorney General had been correct, then both governors were in error. Their cases rise or fall together for both "attempted to thwart the ordinary processes of civil courts by the extraordinary and extra-legal method of proclaiming martial law," Ibid., p. 386. Yet, both went on to greater successes in politics, Stevens became U. S. Delegate, Squire, U. S. Senator.

Under martial law, Squire, as governor, assumed military command of the city. The civil authorities had not only been caught by surprise by the expulsion movement, they had also been caught unprepared. They had no pre-planned organizational structure that included leadership at a level higher than the county sheriff. The governor had a military staff in 1885, yet only a single member of that staff, went to Seattle to participate in the enforcement of martial law, and he did not arrive until after the shooting and the declaration of martial law.⁵⁴

A key leadership role had been assumed on February 7, by Thomas Burke who was at that time rapidly building a fortune from his real estate and legal interests. Burke, though he was a major political influence in the Democratic party and had considerable influence in the Republican party, was, in February of 1886, neither an elected nor an appointed officer of any level of government. But he took charge on Sunday, when the expulsion first was discovered, by setting up his own law office as military headquarters, and by having Governor Squire "fetched" to that office.⁵⁵ Burke's partner was G. Morris Haller.

The first order of business for the governor following his

⁵⁴It does seem unusual that the civil authorities would be no better organized in February, 1886, than they had been in November, 1885. Wynne called them "careless and inept," p. 254. Perhaps this is unfair. Seattle and the territory had not yet experienced the need for a police organization with a strong central authority. The anti-Chinese outbreak was the first large-scale disturbance, and the frontier heritage of volunteer, untrained, temporary, for-the-emergency-only type of defensive measures was still strong.

⁵⁵Nesbit, p. 200.

declaration of martial law was to appoint his military staff: Assistant Adjutants General, G. O. Haller and G. Morris Haller; aides J. H. McGraw, George C. Lyon, C. H. Kittinger, and L. S. Booth; Judge Advocate General Henry G. Struve; Quartermaster General James McNaught; Provost Marshal A. E. Alden; Commissary General George D. Hill; and Surgeon General Dr. T. T. Minor.⁵⁶ McGraw's authority as sheriff ended the moment Squire assumed military command, but his deputies continued to serve under the governor and McGraw himself as aide on the governor's military staff.

No one apparently ever challenged the legality of two military staffs, and perhaps for the duration of martial law, anything was legal. However, the duality of staffs did create some minor confusion. Colonel G. O. Haller was generally identified as the adjutant general although Squire, perhaps forgetting that he already had an adjutant general of Militia, had intended Morris Haller to be his adjutant general.⁵⁷

⁵⁶General Order No. 1, Feb. 8, 1886, in A. G. Report, 1886/87, p. 50; also in The Official History of the W.N.G., IV, 328-329. McNaught and Hill were listed as "assistants" Quartermaster General and Commissary General in Report of the Governor ...1886, p. 894. Squire invited this original staff of eleven to pose for a photograph, Haller Diary, February 22, 1886. O'Brien was not included.

⁵⁷Grant, p. 201; Karlin, PNQ, XXXIX (April, 1948), 123. In his diary, Feb. 8, 1886, G. O. Haller told of the appointment: "Governor Squire spoke of making Morris his Adjutant-General as I understood him. Judge Greene spoke up in his favor, and when I answered the Governor that he was my son, the Judge said that was why he spoke. I asked the Governor if he still thought of Morris for Adjutant-General -- after some time in composing the proclamation [of martial law] and he said 'yes.' So I told Morris and suggested what he should do.

"The Chronicle tonight announces me as the Adjutant-General and Morris as Assist. Adj. Genl...."

The official adjutant general of the territory in February, 1886, was Rossell G. O'Brien, who had been elected by the people in the general elections in 1882. Until O'Brien arrived to take over the duties of adjutant general, the general orders were signed by Colonel Haller and the special orders were signed by G. Morris Haller, both as assistant adjutant general.

By noon of Tuesday, February 9, federal troops still were not enroute so another dispatch was hastened to President Cleveland. This telegram expressed the concern of the territorial officials over the legality of the governor's proclamation of martial law and said, "We need immediately here 200 regular troops...."⁵⁸ This telegram was followed by a barrage of messages to C. S. Voorhees, the territory's delegate in Congress, and to senators and cabinet members.⁵⁹ President Cleveland finally ordered General Gibbon and his troops to Seattle that same day, February 9.⁶⁰ Eight companies (300 men) of the U. S. Army arrived at Seattle February 10, and had replaced the local

⁵⁸Squire to Cleveland, Feb. 9, 1886, in A. G. Report, 1886/87, p. 85.

⁵⁹Wynne argued that additional pleas for aid would have been unnecessary had Squire "made the situation quite clear and asked for troops outright after the shooting incident," p. 272.

⁶⁰Cleveland to Squire, Feb. 9, 1886, in A. G. Report, 1886/87, p. 86. Judge Roger S. Greene was so concerned about President Cleveland's failure to explicitly ratify the governor's martial law edict that he offered to resign since he had urged it, Karlin, PNQ, XXXIX (April, 1948), 125. The legality of the governor's action was never brought to trial because Washington became a state three years after the event. But in 1888, two suits were filed in District Court in Seattle to test the question, Bagley, History of Seattle, II, 477.

forces by 9 o'clock that night.⁶¹ The city remained under a partial saloon closure, a strict night curfew, and a military court until Squire revoked martial law February 22nd.

The regulars were not removed immediately upon the return of civil law to Seattle. General Gibbon, Judge Greene, and other "law and order" advocates thought the Chinese were being used as an excuse for socialistic outbreaks and thus considered it necessary to maintain some U. S. troops in Seattle even after martial law ended.⁶² Therefore, the Army pulled out gradually over a period of six months. Half of Gibbon's command returned to their Vancouver barracks February 24, leaving four companies in the Queen City. Two more companies left Seattle in April. The last two were scheduled to leave May 5, but this plan was revised when Mayor Yesler's request for them to remain longer was supported by the Knights of Labor. The Knights feared that the growing militia forces would be used to prevent a free municipal election in July. So the last of the regulars stayed in Seattle until August 19, 1886.⁶³

Summary

Until the shooting incident, there had been no property damage, no physical assaults or blood letting involved in the

⁶¹For details of the Army's arrival, see Grant, History of Seattle, p. 203.

⁶²Karlin, PNQ, XXXIX (April, 1948), 127; Wynne, p. 278. Thomas Burke suggested a permanent Army post be established near Seattle, Wynne, p. 277. G. O. Haller made the same suggestion, Haller Diary, Feb. 18, 1886.

⁶³Karlin, PNQ, XXXIX (April, 1948), 126-129.

expulsion of Seattle's Chinese population, although the act of expulsion itself was a violation of federal law. The posse comitatus, which had first failed to prevent the expulsion, then failed to maintain the peace. In fact, it created the violence that did occur, and the U. S. Army was called to serve the police function of restoring order and maintaining the peace.⁶⁴ The militia had been used as the reinforcement for the posse, rather than as the dominant force perhaps because it was not completely trustworthy and because the Home Guard was more militant. Militia members served under a limited discipline and were responsible to neither civil nor military law if they refused to obey an officer's order. Those who refused to answer the call to duty could only be kicked out of the club. Yet, if keeping the peace had been the principal objective of the civil authorities, it would seem that the militia, even as it was, should have been quite capable of achieving that objective. But if, as seems to have been the case, the objective had been to make a strong show of force, then the Home Guard, that elite corps of the posse comitatus, undoubtedly was the more effective organization to send against the crowd.

⁶⁴ Some U. S. Army officers in the late 1800s thought it proper for the Army to assume the police function for the states. William E. Birkhimer, an Army officer, wrote that the failure of the posse comitatus during Seattle's anti-Chinese troubles led to a better substitute, ie., the U. S. Army, Military Government and Martial Law (Washington, D. C.: McGill and Wallace Press, 1892), p. 404.

But the businessmen-property owners of Seattle and the territory would not again be caught without a military police force to defend their interpretation of law and order. The anti-Chinese movement triggered a new militaristic mood within the proprietary class that began in the Puget Sound area and rapidly spread throughout the territory.

CHAPTER VII

The Birth of the National Guard of Washington, 1886-1888

Following Seattle's anti-Chinese outbreak of February, 1886, and while the soldiers of the regular Army were still policing Seattle, the local authorities had been building up the police power of the city and of the territory.¹ Before the revocation of martial law, the only complaint against the temporary additions to the city police force was that single men were being hired when married men were more needy.² By the fifth of March, criticism of the enlarged police force was aimed at its size and its cost to the taxpayer. The Daily Call claimed that the new force of four officers and twenty-two patrolmen was too large for the quieted city, and called for it to be cut to two officers and seven patrolmen. Only the bigger taxpayers, claimed the paper, wanted the larger force.³

Volunteer Companies, February, 1886

The militia was strengthened and new military companies were formed. One of the first acts of Governor Squire's new

¹ Bagley, History of King County, I, 355; Hanford, Seattle and Environs, I, 207; Grant, History of Seattle, p. 210.

² The Seattle Daily Call, February 19, 1886. The Call was sympathetic with the anti-Chinese movement.

³ March 5, 1886.

military staff, appointed immediately after the shooting on February 8, 1886, had been to call for volunteers to enlist in the military service of the territory to serve in the city of Seattle.⁴ A large number of volunteers were sworn in, armed, and assigned to guard duty and to curfew enforcement duty. Companies B and D were strengthened with new recruits. Under martial law, McGraw's Home Guard and the rest of his posse comitatus, in order to retain their legal authority, were sworn into the service of the territory. Within a few days the volunteers had swelled Kinnear's original Home Guard company to about 178 men. On February 19, while U. S. soldiers patrolled the peaceful streets, that company divided into two companies, Home Guard No. 1, and Home Guard No. 2.⁵

The members of the new Home Guard companies intended to form permanent organizations.⁶ Officers of company no. 1 were

⁴The orders issued during martial law are in Washington State, Military Department, Office of the Adjutant General, Biennial Report, 1886/87, pp. 50-62. Hereafter cited as A. G. Report; see also, Report of the Governor...1886, pp. 894-896.

⁵Bagley, History of King County, I, 352; also Bagley, History of Seattle, II, 473. Bagley avoided dating the division into two companies. In fact, he implied that it could have occurred in November, 1885. George Kinnear claimed that a few days "after February 10--looking ahead to removal of U. S. troops, the local force was augmented with recruiting until the companies of Home Guard, Seattle Rifles, and Company D were filled to 100 men each." And then, he said, another company was formed under E. M. Carr, captain, with 100 men all armed, in Anti-Chinese Riots at Seattle..., p. 10. That date may be accurate as the local troops were relieved from duty Feb. 10 by the U. S. Army. The 100-man companies may have been an exaggeration since none of the known rosters indicates such large membership except Kinnear's own.

⁶Grant, History of Seattle, p. 208.

George Kinnear, J. A. Hatfield, and William G. Latimer, all of whom had held the same positions in the original company. Most of the members remained with this large company so it numbered 128 officers and men, including prominent figures as Daniel H. Gilman, G. Morris Haller, Thomas Burke, M. J. Carkeek, G. A. and L. G. Colman, and other influential, conservative citizens.⁷

Captain Eugene M. Carr, First Lieutenant W. T. Sharpe, and Second Lieutenant Joseph F. McNaught, a prominent corporation lawyer, led the forty-seven men of Home Guard company no. 2.⁸ Eugene Carr was a 25-year-old lawyer when he was elected in April, 1884, to be the initial second lieutenant of the Seattle Rifles.⁹ He resigned in September, 1885, just as the anti-Chinese agitations were coming to a boil. In November, 1885, he became the top sergeant of George Kinnear's original Home Guard company and was one of the deputies accused of murder after the shooting of February 8. Nine years later, Carr would be elected brigadier general of the Washington National Guard.¹⁰ Many of the men of company no. 2, such as Sharpe, C. H. Hanford, Frank Hanford, and others, also had been among the members of Kinnear's

⁷Bagley, History of Seattle, II, 473-74. Membership counts are approximate. Membership was fluid. In Bagley's rosters, some names, such as E. M. Carr and Dr. F. A. Churchill, appear in the ranks of both companies no. 1 and no. 2. C. H. Hanford later claimed that G. Morris Haller "was the initiator" of the National Guard movement in the territory, in "Members of the Seattle Bar Who Died Young," WHQ, XVI (April, 1925), 127.

⁸Bagley, History of Seattle, II, 475.

⁹He had been elected first lieutenant at least by Sept. 1884, and had formerly been an officer in the Vermont National Guard, A. G. Report, 1891/92, p. 212.

¹⁰A. G. Report, 1895/96, p. 6.

original Home Guard company.

By March 1, 1886, Seattle was claiming six "military" companies totaling 425 men.¹¹ They included Company B (Seattle Rifles), with a new enrollment of 77 men, and Company D (Queen City Guards), grown to 84 men, and the University Cadets, expanded to about 40 members.¹² The three new units which were formed by the first of March included the two companies of Home Guards and the Seattle High School Cadet Corps. The Cadet Corps organized March 1, 1886, as a direct result of the February turbulence.¹³

¹¹This was General Gibbon's count, Karlin, PNQ, XXXIX (April, 1948), 126; and Wynne, "Reaction to the Chinese in the Pacific Northwest," p. 274. Bagley's rosters of companies total 422 officers and men, History of Seattle, II, 473-76, and History of King County, I, 352-55. Bagley's rosters are undated, but apparently indicate membership as of March 1, after the ranks of the companies were swollen with recruits following Squire's call for volunteers on February 8, but prior to their muster in to the territorial service.

¹²At least four Cadets were named on two company lists, their own and Company B's. C. A. Kinnear served in both companies, Bagley, History of Seattle, II, 474, 475.

¹³Bagley gave the date, March 1, History of Seattle, II, 475. Bagley was quite vague in establishing dates, and was probably in error here. The Daily Call, March 8, 1886, reported that they organized March 6, and published the list of forty boys, 14 to 18 years old, and 5'2" to 6' in height.

On March 9, they elected ten new members and named their officers: E. T. Huff, Captain, Fred Struve, first lieutenant, and D. Daly, second lieutenant, Seattle Post-Intelligencer, March 9, 1886. An E. T. Huff also had been, in April 1884, first lieutenant of the Seattle Rifles.

The First Battalion, "N. G. W.," March, 1886

Four of the six companies were private, volunteer organizations who held themselves ready to answer any call to duty. Only the two militia companies had any legal standing after the revocation of martial law on February 22, 1886. This was remedied in part by a renewed effort to organize the Territorial Militia in western Washington. This time the effort was successful, bringing the infant National Guard of Washington into being as a battalion on March 9th. A battalion is a military component of two or more companies united under the command of a lieutenant colonel.

Little newspaper publicity was given prior to the muster in ceremony of the new battalion. On the day of the big event, the Post-Intelligencer reprinted an article from another paper which argued that the Seattle riot showed the need of, and value of, a state militia. It praised the militia as the mainstay of the city's defenders without mentioning the Home Guard; and it praised Governor Squire and the militia for promptly subduing the rioters without federal aid. U. S. troops, the article announced, had found the city quiet in "the hands of the Governor and his Territorial police."¹⁴ The Daily Call reported the large number of ladies and gentlemen who witnessed Adjutant General O'Brien inspect and muster in the "local militia." Governor Squire was there to see the "magnificent appearance" of the companies in their exhibition drills. The men of the new

¹⁴Post-Intelligencer, March 9, 1886.

battalion, who had signed up for one-year enlistments, elected George D. Hill, King County treasurer and retired Army captain, as lieutenant-colonel to command the battalion. The elected S. W. Scott as major, second in command.¹⁵ Hill and Scott, both Civil War veterans, had served on the governor's military staff during the February fracas. Scott had also been a member of Kinnear's original Home Guard company.¹⁶ No roster of the battalion exists today, but only three companies formed that organization on March 99--Seattle's companies B and D, and Home Guard company no. 2 (Carr's), which was mustered into the territorial service as Company E, with the nickname "Home Guards."¹⁷

During the summer and fall of 1886, Companies B, D, and E drilled frequently, held social functions, and sponsored a fund-raising boat excursion to buy uniforms for the battalion band.¹⁸ Although economic conditions began to improve during the summer, Seattle remained tense.¹⁹ Politics was based on class. The

¹⁵The Daily Call, March 10, 1886; A. G. Report, 1886/87, p.6; also The Official History of the W.N.G., IV, 340.

¹⁶In January, Hill and Scott were among the incorporators of the W. D. Scott Commercial Company along with E. P. Ferry, J. Neadman, and W. D. Scott, The Daily Call, Jan. 9, 1886.

¹⁷A. G. Report, 1886/87, p. 73. When O'Brien later claimed that there were enough companies in 1886 to have organized as a regiment, he neglected to explain why they waited one year before doing so, Ibid., p. 6.

¹⁸Seattle Daily Times, July 20, 1886.

¹⁹Evidence of the tensions in Seattle in May, 1886, can be found in Special Order No. 24, May 7, 1886, by which Governor Squire insured the immediate availability of the militia in case of another outbreak at a time when the governor was not able to communicate with the officers of the militia. He authorized George D. Hill, commander of the First Battalion, to use the military force in Seattle if asked by the civil authorities to help in maintaining order, see A. G. Report, 1886/87, pp. 63-64.

Seattle Daily Times, prior to the city election in July, published daily diatribes against "the so-called people's party." The editor wondered why the workingmen were forming a class political party based on class lines. "Are they oppressed by the capitalist, or what?" he asked, "...it is an issue raised by demagogues and socialists... who urged ...the workingman to run a ticket against businessmen."²⁰ The Times was the voice of the loyal citizen's party which it identified as being composed of true patriots "who have spent the best years of their lives in the up building of Seattle...started our mills... opened our coal mines...and they require no advice from the mushroom people's party" as to what was best for the welfare of Seattle.²¹ In other words, the welfare of the businessmen and the welfare of Seattle were one and the same.

The anti-Chinese, or People's party, won most of the city contests in July. One of the few "loyal citizens" to win was Militia Captain Joseph Greene who was elected to the city council from the loyal citizen-dominated third ward. Greene had been in the fruit and produce business in Seattle for two years. Militia Major S. W. Scott lost in his bid for chief of police.²²

In November, R. G. O'Brien was again the Republican candidate for adjutant general. George Hill, lieutenant-colonel commanding the First Battalion, ran on the same ticket for brigadier general of the Territorial Militia. In that election,

²⁰ July 1, 1886.

²¹ Daily Times, July 15, 1886.

²² Ibid., July 10, 13, 1886.

the voters of King county swung to the People's party but the Republicans picked up sufficient votes in other counties to give both O'Brien and Hill two-year terms in office. The People's candidate, William Cochrane, defeated John McGraw's bid for re-election as King county sheriff.²³

The Port Blakely Strike Duty, 1886

The newly-formed military organization on Puget Sound did not have long to wait before an opportunity for service arose. On November 23, 1886, the Post-Intelligencer announced that the movement for the ten-hour day was appearing in the lumber mills on Puget Sound. Soon afterwards, a strike by some of the employees of the Port Blakely Mill Company, across the Sound from Seattle, led to the first strike duty for Washington's Organized Militia, then unofficially calling itself the National Guard of Washington.²⁴

The strike began in late November as part of the 10-hour day movement when 70-80 men demanded an end to the 11½-hour day. The company quickly agreed to the reduced hours and the workers returned to the job. Then the company discharged one man who was apparently an organizer for the Knights of Labor. He took out 65-70 men with him. The company officials immediately commenced paying off the striking men and replacing them. Some

²³Post-Intelligencer, Nov. 11, 1886.

²⁴No information regarding this use of militia ever appeared in any adjutant general's Report. All the above information is from the Post-Intelligencer, Nov. 30, 1886. The P-I's reporter interviewed only mill company officials, so the Knights' side of the story remains untold.

strikers returned to work but the company refused to take back any of the men known to be leaders in the strike. Then the company attempted to eject the strikers from company cabins which they were occupying free of rent. The men refused to go. They offered a proposal to return to work if the company would recognize the Knights of Labor, give it a place to hold meetings, and re-hire all strikers. The company manager, Captain William Renton, refused.²⁵

On Sunday, November 28, rumors were telling of more "agitators" coming from Tacoma to prevent the loyal employees from working Monday morning. Kitsap county Sheriff Joseph Comstock, summoned to Port Blakely from Madison, was convinced trouble was going to erupt. He wired Governor Squire that his own force was insufficient to preserve the peace and protect property at Port Blakely where "a riot is likely tomorrow--I request you to send a company of the 1st Battalion, N. G. W." Governor Squire agreed and Lieutenant-Colonel Hill at 6 p.m. Sunday ordered Captain Haines and his Company D to embark immediately for Port Blakely.

Although it was the militia company's first totally unexpected call to duty, the response was effective. At 10:30 p.m., thirty-four officers and men, clad in blue fatigue uniforms,

²⁵William Renton, a retired sea captain, had first arrived on Puget Sound in 1853. He had been continuously in the lumber business since his first arrival, Snowden, IV, 354. For a brief history of the Port Blakely Mill Co. and Renton's anti-union activities, see Richard C. Berner, "The Port Blakely Mill Company, 1876-89," PNQ, LVII (Oct., 1966), 170-71.

boarded the steamboat "W. F. Munroe" and headed across the rough waters of the Sound. All three officers, Haines, Hunt, and Metcalfe, had answered the call. Among the privates who were singing patriotic songs and playing cards on the trip across the Sound, was J. H. McGraw.

They arrived at Blakely at 11 o'clock and found armed guards, who were deputized employees of the mill company, patrolling the streets and wharves. The town was quiet, but expecting trouble in the morning. At seven o'clock Monday morning, about fifty or sixty strikers gathered to watch the militiamen march to and fro. They had not been reinforced from Tacoma and they exhibited no overt hostility. Deputy Sheriff John Malcolm, left in charge by the sheriff, informed Haines that the civil force could handle it and asked the Militia to remain only until he could hand the strikers formal notice of ejection from the cabins. The Militiamen then took in the sights of the town. Captain Renton denied that he was making war against the Knights of Labor, claiming that he warred only against trouble makers and agitators. Renton gave D Company a check that provided each man with two dollars. The "boys in blue" then boarded another steamer and were back in Seattle by about noon, Monday, November 29. In Seattle, Company B had been ordered on stand by at eight o'clock that morning, and about forty-five men of Company E reported at the armory at noon in fatigue uniforms, but were immediately released.

From this evidence, it would appear that the Militia was sent to Blakely in advance of any real violence, riot, or destruction of property. It seems to have been a premature

response to a threat of riot. The Militia was used simply to protect private property before any overt action was taken against that property, or before the power of the county had proved to be insufficient to protect the peace. After calling for the Militia, the sheriff apparently became so little concerned that he delegated his authority to a deputy and returned to Madison while the troops were in Blakely. Because it was an unwarranted use of troops may have been why the adjutant general neglected to report the incident in his biennial report. But, the editor of the Post-Intelligencer was publicly pleased by the incident, and used it as a springboard for a lengthy editorial praising "The National Guard." He noted that the protection of valuable property threatened with destruction showed that as long as the young men of the territory were ready to defend the law and to take up arms when property was threatened, then life and property would be safe.²⁶ Thus, the first usage of Washington's Organized Militia in strike duty proved little more than that the troops were available and that Governor Squire would feel little restraint in using them to oppose labor.

²⁶The editor identified the many places where the National Guard had been called to duty elsewhere in the nation in the past decade and protested that the National Guard was undeserving of the ridicule and criticism it was attracting. He said the men had proved reliable, and most every larger city had needed them in the past ten years. The Guardsman's goal was to prevent violence, not to take sides, yet "the rage of the lawless turns on him....He stands for the conservative element of American citizenship" and without him a great deal more blood would have been shed in the past decade. Guardsmen volunteer in order to perpetuate the military instinct or for patriotism, but not for personal gain, Post-Intelligencer, Nov. 30, 1886. Yet, Renton bragged of calling on the Militia to "drive off" the Tacoma crowd, Berner, PNQ, LVII (Oct., 1966), 171.

The anti-Chinese agitations and the growing labor unrest may have accelerated the growth of the Militia, but another factor in that growth was the social popularity of amateur militarism. Company B, especially, was "high society." In December, 1886, the company was getting frequent publicity for its skill in exhibition drills. Its social standing was an established fact, and the "boys in blue" entertained a large number of socially prominent guests at their December ball with an hour of exhibition drilling before the dancing. Governor Squire, "a warm friend" and admirer of Company B attended. The next day, the company traveled to Portland where it was defeated in drill competition by Portland's Company G before an audience of two thousand.²⁷ Another genteel social function was highlighted by twenty young ladies of the "broom brigade" who entertained over 300 ladies and gentlemen at the armory with a skillfully executed broom drill. Their drill master was Captain Greene. It was an era when a military title was a highly desirable social coup.²⁸

As the tumultuous year of 1886 ended, two more companies increased the strength of the sprouting battalion. On the 29th of December, Company C (The Tacoma Guard) and Company F were

²⁷Post-Intelligencer, Dec. 12, 1886.

²⁸Ibid., Dec. 19, 1886. Nesbit observed that younger lawyers "found glory in the territorial militia" while the older ones had military titles from the Civil War, "He Built Seattle.." p. 24.

For information on earlier broom brigade activities elsewhere in the nation, see Lewis O. Saum, "The Broom Brigade, Colonel Donan and Clementine," The Bulletin, XXV (April, 1969), 192-200.

mustered into the First Battalion in separate ceremonies.²⁹

Company F was formerly Seattle's Home Guard company no. 1, commanded by George Kinnear. In the Militia, it became Company F, nicknamed "the Old Guards."³⁰

Militia Organization Increases, 1887

As though it were contagious, the militia fever of the Puget Sound area spread to eastern Washington. The older Grant Guards, of Walla Walla, and the Klickitat County Guards, of Goldendale, were joined by five unattached companies in forming the Second Regiment, N. G. W., on March 26, 1887.³¹ The officers of the seven companies met in convention at Walla Walla on that date and formed the regiment. They elected Charles M. Anderson to be colonel commanding the regiment, Enoch W. Pike, of Goldendale, lieutenant-colonel, and J. F. Burns, of Dayton, major.³² The officers of the new regiment asked to be granted the title of First Regiment since the western companies were formed as a battalion and there was no First Regiment. Their request was

²⁹General Orders, Nos. 17 and 18, both dated Dec. 16, 1886, in A. G. Report, 1886/87, pp. 54-55. December 29 was also the date of commission for Captain W. J. Fife, commanding Company C., Ibid., p. 72, although he was elected to that office in late November, 1886, following the resignation of Captain E. W. Lyons, Post Intelligencer, Nov. 30, 1886.

³⁰A. G. Report, 1886/87, p. 73. For some inexplicable reason, Kinnear's commission as captain of Company F was dated February 6, 1886, while the commission dates of the two lieutenants, W. V. Reinhart, and D. H. Gilman, were omitted, Ibid.

³¹A. G. Report, 1886/87, pp. 7-8.

³²Anderson was an assistant adjutant general on the governor's staff when he moved to Walla Walla in the summer of 1886 to join the faculty of Whitman College. Through his efforts four companies were organized, Ibid., p. 7.

denied and the pioneer regiment of the National Guard of Washington became the Second Regiment.³³ The seven companies of the new regiment were: Company A (Grant Rifles), Walla Walla; Company B, Goldendale; Company C, Centerville; Company D, Waitsburg; Company E, Walla Walla (soon disbanded); Company F (a reorganization of the old Dayton Greys); and Company G, Spokane Falls.³⁴

Western Washington's Militiamen were not to be outdone by their militaristic brethren in the more rural areas of the territory. Two new companies joined the five companies of the First Battalion and formed as the First Regiment, N. G. W., April 28, 1887. The seven companies of the western regiment included the new Company G (Blakely Rifles) and Company H, Vancouver, in addition to the four Seattle companies, B, D, E, and F, and Tacoma's Company C. The Blakely company apparently had formed as a result of the labor troubles at the Port Blakely Mill Company. The officers of six of the companies (Company H was not represented) met at the law office of John C. Haines, captain of D Company, and elected Haines as colonel to command the new regiment. Elected as second in command was S. W. Scott. Tacoma's

³³Ibid., p. 49.

³⁴Ibid., p. 8. For the officers of these companies as of March 26, 1887, see Ibid., p. 48. For the officers as of September 1, 1887, see Ibid., pp. 73-74. For the officers as of October 1, 1887, see Ibid., pp. 42-43. The October 1 roster is also in The Official History of the W.N.G., IV, 342. Company E was disbanded, August 11, 1887, Ibid., p. 70.

Charles Evans was elected major, third in command.³⁵

The Beginnings of Governor Semple's
Struggle for Authority

During the one-month interim between the formation of the two new regiments, the Territorial Militia had a new commander-in-chief. Eugene Semple, a Democrat appointed by Grover Cleveland, became governor, April 23, 1887. Semple was relatively unknown in Washington when he received his appointment. He was then a resident of Vancouver where he owned a small lumber mill. Previously, in Oregon, he had been active in politics and had made a living at a variety of occupations including law and the newspaper business.³⁶

The territory was rapidly emerging from the depression that had started early in 1884. A new boom was getting under way. The population was nearly 200,000, double the 1880 census, and within the next three years it would again double. But many problems lay beneath the new prosperity, problems such as

³⁵The Daily Press (Seattle), April 30, 1887. For a roster of officers as of April 28, 1887, see Post-Intelligencer, May 1, 1887. For officers of the First Regiment, see same as above, note 34.

The U.S. Congress had appropriated only a total of \$200,000 annually to all the states for their militias during most of the 19th century. In February, 1887, it increased that federal aid to \$400,000, A. G. Report, 1886/87, p. 35. The Washington Militia had been over-drawn from the federal government by \$3,500 and its share of the new appropriations lowered that debt to about \$1,000, Ibid., p. 36.

³⁶For information about Semple, see Alan A. Hynding, "The Public Life of Eugene Semple: A Study of the Promoter-Politician on the Pacific Northwest Frontier" (unpublished Ph. D. dissertation, Univ. of Washington, 1966). For a brief biography, see H. K. Hines, An Illustrated History of the State of Washington (Chicago: The Lewis Publishing Co., 1893), p. 393.

continued unrest over the unresolved Chinese question, and the ten-hour day movement which was appearing in the coal and lumber industries around Puget Sound. These problems were agitated by the activities of the Knights of Labor as that union attempted to gain recognition and larger membership.

Semple had been outspoken in his anti-Chinese sentiments since the immediate post-Civil War years. During Seattle's anti-Chinese troubles in February, 1886, he had taken a public stand against the Chinese and had supported the agitators. His best known statement was his strenuous objection, as an unnecessary act, to the martial law proclamation by Governor Squire.³⁷ As governor, one of the first major decisions Semple was forced to make involved the anti-Chinese movement.

Jobs were becoming more plentiful, and the Northern Pacific was bringing in more Chinese, but the objections to them seemed to be diminishing until April, 1887, when rumors began circulating in Seattle that another expulsion attempt was scheduled for May 1, 1887. United States Attorney William H. White, a fellow Democrat, wrote the new governor on April 26, advising him of the rumors. On the 30th, White asked that Brigadier General Hill be given a general order to use the National Guard at any time to suppress any such movement. White thought it important that Semple personally order the Seattle companies to stand by under arms at their armory that night.³⁸

³⁷Martial Law at Seattle, W. T. An Inquiry into the Necessity Therefor (Vancouver, W. T.: March 8, 1886).

³⁸White to Semple, April 26, 30, 1887, Semple papers.

Sheriff William Cochrane, candidate of the People's party who had defeated the conservative John McGraw in the election in November, 1886, placed Semple in a dilemma by denying on April 30th that any trouble was expected and claiming that he could handle it if it did occur.³⁹ Semple's anti-Chinese sentiments were well-known so there was a question of whether or not he would commit the forces of the territory in support of local authorities to prevent any lawlessness. Yet the fears were probably exaggerated since Semple had objected only to martial law, not to the use of the posse comitatus or the militia. Thus, Semple made no major shift in his position when he responded to the calls for troops by authorizing General Hill to use any militia force necessary to keep the peace.

Company B was held in readiness at its armory on the night preceding May Day. Companies D and E were ordered to keep themselves available. Though the rumors apparently were groundless, Semple's action was comforting to the law and order element of Seattle. General Hill assured Semple that the National Guard had served as a necessary deterrent to the plotting of the Liberal League. In addition, he claimed, an independent military company of forty or fifty men, called the "Fensibles" had formed and would probably support the "lawless element."⁴⁰ The Post-Intelligencer applauded the governor's order as a "prompt and manly order" which showed that Semple had the "metal" (sic) to

³⁹ Cochrane to Semple, April 30, 1887, Semple Papers, Univ. of Washington Library. Hereafter cited as Semple papers.

⁴⁰ Hill to Semple, May 1, 1887, Semple papers.

support law and order.⁴¹

As commander-in-chief of the Militia, Semple intended to be in full command, but in attempting to achieve that goal, he was frequently frustrated by the senior commanders. The Fourth of July, 1887, produced his initial conflicts with the officers of the Militia. Portland's skilled drill company G was invited to the Tacoma celebration and the invitation opened a low key, but intense, conflict between the governor and his adjutant general as Semple made his first move to assume what he must have considered to be civil supremacy over the military. Semple objected to the fact that Company G's invitation, which required permission for troops of another state to enter the territory, had not gone through the governor. O'Brien seemed a little surprised when he answered Semple's inquiry about the matter. Permission for troops to cross state lines, said O'Brien, had been handled in other states by the military commanders alone. "This matter may, however, present to your mind a phase not thought of by the Executives of other states."⁴² Semple won that round, but the big celebration brought the governor into another hassle with his Militia, one which he could not really win.

The officers of the First Regiment had initiated plans for a summer encampment of instruction to be run in conjunction with

⁴¹Post-Intelligencer, May 1, 2, 1887. The Daily Press also commended Semple's action, May 2, 1887. See also, Hynding, "The Public Life of Eugene Semple....," pp. 159-62.

⁴²O'Brien to Semple, July 2, 1887, Semple papers.

Tacoma's Fourth of July celebration so that the companies could march in the holiday parade.⁴³ The purpose of such a camp was to provide the newly-born regiment with an opportunity to come together as a unit so as to improve its efficiency. Instead, the effort to camp publicized the weakness of the new organization, and initiated Governor Semple to the facts of his limited authority.

The encampment, planned for July 3-6, was a failure. The regiment did not even march in the parade. The Post-Intelligencer lampooned the "mosquito fiasco," but the governor was not amused. He had signed the order committing the military to camp, and to perform in the parade, and he wanted to know why his order was not carried out. He learned that Colonel Haines had assigned Tacoma's Second Lieutenant W. W. Sprague to prepare the camp grounds, near Tacoma. It involved erecting borrowed Army tents and providing facilities for cooking and sleeping. Companies B, D, E, and G (Kinnear's Company F did not participate) arrived at 1 a.m. to find Sprague and about six men (two of them drunk) working feverishly, but far behind in their assignment, although Sprague had earlier informed Haines that the camp was already set up. The new arrivals were then attacked by hordes of mosquitos and they retreated from the "blood-stained" field to bivouac in a Tacoma school building. The next day, instead of marching in the

⁴³At Seattle, the Daily Press bragged that the Fourth of July celebration was purely industrial and "not one note of martial music...nor a military feather or cockade fanned the breeze," July 5, 1887.

parade, the regiment constructed its camp. When the governor began to chastise Sprague for his careless response to public duty, the other officers defended the lieutenant, reminding the commander-in-chief that the National Guard was not the Army. All activities in the Guard were done at the expense of the men and they should not be held to such strict account for failure to perform all its duties.⁴⁴ For what good it did, the governor got in the last word. He told the officers that, "These men took an oath to the service of the Territory and when they receive orders under it, they must obey."⁴⁵ In truth, it was wishful gubernatorial thinking.

By the end of that holiday, Semple surely must have become aware of the struggle for authority over the Militia that lay before him. But in spite of the problems of authority and discipline and financial support, the Militia grew significantly in the year following Seattle's anti-Chinese conflict. The troubles and agitations associated with the Chinese had provided the impetus for the Organized Militia's new rapid growth between March 6, 1886, and April 28, 1887. The growth was spearheaded by the socially prominent, politically influential, property-owning residents of the rapidly growing Seattle, men who sensed in the

⁴⁴Post-Intelligencer, July 7, 1887.

⁴⁵Summer camp information is from A. G. Report, 1886/87, pp. 34-35, and the Post-Intelligencer, July 2, 5, 7, 1887. See also, Hynding, "Public Life of Eugene Semple....," pp. 142-43. Haines accepted Sprague's explanation that it was a much larger task than he had anticipated, but Haines was perturbed by Sprague's false report the day before that the camp was ready.

socialist rhetoric of the anti-Chinese Liberal League and in the industrial arguments of the leaders of the Knights of Labor a growing threat to their own economic power and political leadership. To defend their own interpretations of law and order, they followed the pattern then being established in eastern states, i.e., the development of the volunteer militia as an instrument of social control.⁴⁶

The Nascent National Guard

In Washington as well as the nation, the new military movement of the 1870s and 1880s differed in many ways from the old militia. One indication of that difference, was the assumption by the new troops of the title "National Guard" and their objection to the term "militia."⁴⁷ By 1887, the term National Guard (or Guards) of Washington was in common, though unofficial, use by newspaper editors, the adjutant general, and the governor himself.

At the end of the biennial period of 1886/87, General O'Brien reported with some pride on the growth of the "National Guard of Washington," and with some frustration on the problems his growing military force faced as a consequence of the inadequate militia law of 1863 which contributed almost nothing to the organization, maintainance, and discipline of a volunteer militia. His report, written to the Legislative Assembly in

⁴⁶Field noted the parallel with the national trend "sweeping the country following the railroad and other riots in the larger cities in the East and Middle West," The Official History of the W.N.G., IV, 338.

⁴⁷Ibid., p. 339.

the early autumn of 1887, was aimed at convincing the legislators of the need for the "just treatment" of the Militia "which seemingly without reason, has heretofore been denied."⁴⁸

O'Brien emphasized the police function of the Guard, with its membership "composed of the best blood of the territory...of young men...not only (w)illing but (anxious) to prove that their organizations are for a purpose, and that (his italics) purpose the protection of life, property, and maintenance of peace...."⁴⁹ Because it is the last resort of the state, O'Brien thought the military arm of the state "may be rightfully termed 'extraordinary police.'" He played down the cost to the taxpayer of maintaining an effective Militia, arguing that it was much less than the thousands of dollars that often "goes up into smoke" and the loss of lives that result from unrestrained mobs. O'Brien recognized that the growing industrial strife was going to be a part of Washington's future too:

In these times of contention between capital and labor, and strife between race within our borders; where the turbulent elements are so easily excited to deeds of violence by unscrupulous demagogues; the better classes of society, in the failure of the organized police to protect their families, property and lives, naturally turn to a stronger force than can be put forth by an individual effort, and this force is the military (his italics) arm of the state, which by its unity of action and thorough discipline, becomes the 'peace maker,' upholding the law and destroying anarchy.⁵⁰

⁴⁸ A. G. Report, 1886/87, p. 3.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 4.

The military of a state should be efficient and useful, not ornamental. Therefore, a state militia should be properly equipped with the most modern supplies so that in case of a local emergency, "the militia would feel that they were formidable, because their arms were excellent and their use understood." This emphasis on rifle practice and marksmanship was also a part of the new training emphasis of the fledgling National Guard of the nation.⁵¹ Almost as an after thought, O'Brien argued for the importance in the national defense system of the National Guard.

In the autumn of 1887, the nascent National Guard of Washington consisted of a brigade of two regiments of infantry with a full complement of field, staff and line officers, plus one troop of cavalry.⁵² Though it looked fairly strong on paper, the new brigade was built on a flimsy foundation. A fundamental weakness was the traditional lack of financial support. The territorial government paid only the expenses involved in caring for and protecting the arms provided by the federal government. It paid no salaries and no per diem for training, or for active service such as the Seattle riot duty, or the Blakely strike duty. Washington's share of the federal militia appropriation was a mere \$2,765 paid only in arms and supplies.⁵³

⁵¹General George W. Wingate, in The Official History of the W.N.G., IV, 339.

⁵²Troop A, Sprague, had been mustered into the service of the territory as an unattached unit, June 28, 1887, A. G. Report, 1886/87, p. 74.

⁵³Ibid., p. 35.

Money problems affected O'Brien's ability to conform to the federal law requiring him to keep an accurate count of the enrolled militia. Territorial law assigned responsibility for enrolling the militia to the county assessors, but many of them declined to do so because their county commissioners refused to pay the cost for taking the census. O'Brien asked for a law that would rectify that problem.⁵⁴

As adjutant general, O'Brien found his own work load increasing as the Militia expanded. His office had no stationery, no paper, no furniture, no files, no record books, none of the simple necessities to run an office other than those purchased by himself and other officers. His discouragement was clear when he declared that "...when I determined on the establishment of the militia in this Territory, when first commissioned Adjutant-General in 1883, had I realized the lack of interest that has until recently, been manifested in this behalf, I would hardly have attempted so great an undertaking." O'Brien probably thought of himself as representative of "the best blood of the territory" who served at great personal sacrifice for the public good.⁵⁵

Another fundamental weakness of the Militia in 1887 which called for correction by the legislature was the lack of discipline. The Militia Act of 1863 provided no legal means by which members of the Militia could be subjected to the orders of

⁵⁴In 1887, only eighteen out of thirty-three counties sent enrollment lists to O'Brien, Ibid., pp. 78-79.

⁵⁵Ibid., p. 36.

their superiors. For instance, the only punishment possible for six men of B Company who failed to report for duty at the call of the governor during the Seattle anti-Chinese outbreak was reduction in rank for two corporals, and dismissal from the service for another corporal and two privates.⁵⁶ They could not be jailed or fined.

When Governor Semple addressed the legislature in October, 1887, at the beginning of the Eleventh (and last) Biennial Territorial Session, he let O'Brien's report carry the argument for public financial support of the Militia. Semple's primary concern was the Militia's freedom from discipline. He asked the legislators to place the "National Guard" on a secure footing under a law which would make it "possible to maintain a strict discipline. A body of armed men, without discipline is one of the most dangerous things that can be devised...." Unless the military can be completely controlled by the civil authority it should not exist, he argued, and for that reason, "all officers and men of the National Guard should be amenable to a court martial."⁵⁷

The N. G. W. is Born--The Militia Act of 1888

The military enthusiasts of the territory received a little taste of satisfaction early in 1888 when the last session of the Territorial Legislative Assembly passed an act "for the more

⁵⁶Ibid., pp. 62-63.

⁵⁷In Gates, "Messages of the Governors," p. 269. Semple's concern with discipline was also the dominant theme in his report on the National Guard, in Report of the Governor...1887, p. 61.

efficient organization and discipline of the militia."⁵⁸ The new law, approved January 28, 1888, was not a final answer to the needs of the Militia, but it did place it on better footing. It provided more specifically for the volunteer militia by establishing two classes of militia--the volunteer, or active militia, and all those men subject to military duty, i.e., the inactive militia. The active militia was granted the statutory title of the National Guard of Washington. The name became official in February, 1888.⁵⁹ The new law improved the enrolling of the militia by making county assessors subject to penalty for failure to forward militia lists of their counties to the adjutant general.

The previous severe weakness of almost total lack of public financing was only partially remedied by the new law, but the remedy was sufficient to satisfy some military leaders who perhaps recognized it as at least the foot in the door. The new law provided a general tax of 1/5 mill on property which would go into the military fund out of which each recognized it as at least the foot in the door. The new law provided a general tax of 1/5 mill on property which would go into the military fund out of which each recognized company would be paid up to \$300 a year for expenses in renting and maintaining an armory. An armory would provide each company with a headquarters, a drill room, and a place to store and protect arms and equipment. The uniforms of the non-commissioned officers and the privates were

⁵⁸Wash. Terr. Laws, 1887/88, p. 147.

⁵⁹General Order No. 2, n.d. [issued after Feb. 4, 1888], in A. G. Report, 1888/89, p. 41.

to be furnished by the territory. Commissioned officers still had to provide their own uniforms. Finally, Guardsmen were to be paid for attendance at the required summer camps of instruction at \$1.50 per day, and for any active duty. They were also required to drill twice a month in two-hour sessions, without pay.

The new law also seemed to take care of the matter of discipline. It made Guardsmen subject to courts martial, the decisions of which were to be supported by the civil courts. The governor continued as commander-in-chief and was expressly granted the power to call out the militia in time of war or civil disturbance.

The editor of the Post-Intelligencer was pleased by the passage of the law. His emphasis was on the military function of the Guard because, he said, the nation needs a disciplined, trained defense force. He claimed that the system of private maintainance of the National Guard had caused interest in the militia in Seattle to decline since the summer of 1887. Now that members could serve without personal expense, he predicted, interest would pick up and enlistment would again become "universal" among the young men.⁶⁰ By the end of the year, Governor Semple could report that more companies had been formed during 1888 than the law allowed, and so many men were offering to enlist that the Guard could demand a higher standard of qualifications. He was satisfied that the National Guard then

⁶⁰ Jan. 29, 1888. The militia attracted little popular attention in the 1880s. For example, the Washington Standard (Olympia), Feb. 3, 1888, discussed some of the most important laws passed by the legislature, but did not mention the militia act.

could "be relied upon in any emergency."⁶¹

Though it did generate a new interest in the National Guard among some, the new militia act did not make membership in the military organization universally attractive. The increased discipline and obligations under the new law directly led to the discharge of Seattle's Company F (the Old Guards) which had originated as George Kinnear's company of Home Guard during the anti-Chinese agitations. Kinnear resigned his commission after refusing to accept the new requirements of Militia Act of 1888 and his entire company was honorably discharged March 7, 1888.⁶²

Privately financed armory construction also got under way in Seattle in 1888. The officers of the Seattle militia companies had already leased some lots from the University of Washington by the time the Militia Act of 1888 was passed.⁶³ In March, they organized the First Regiment Armory Association and began constructing an 80 by 160-foot building that would cost \$12,000. The new armory not only fulfilled its military function, it also served as a center for the biggest conventions, meetings, and exhibitions of the growing town.⁶⁴

⁶¹Report of the Governor...1888, p. 44. The Militia Act of 1888 established a maximum of twelve companies of infantry and one troop (company) of cavalry, of between 24 and 60 men per company, Article III. Thus, when the young N.G.W. claimed 750 officers and men at year's end, it appeared to at maximum allowable strength.

⁶²General Order No. 3, March 7, 1888, in A. G. Report, 1888/89, p. 43. John McGraw, captain of Company D, Second Regiment, resigned at the same time, Ibid.

⁶³Post-Intelligencer, Jan. 29, 1888.

⁶⁴T. W. Prosch, "Chronological History of Seattle," II, 353.

But Governor Semple soon learned that being commander-in-chief still had its limitations even under the new Militia Act. Soon after passage of the law, he and the Military Board began to challenge one another's powers. The Military Board consisted of the adjutant general (O'Brien), the brigadier general (Hill), and another officer appointed by the governor. Colonel C. M. Anderson, commander of the Second Regiment, initially served as the third officer, but was replaced in the summer of 1888 by John Haines, colonel of the First Regiment.⁶⁵ The Militia Act of 1888 left it to the Military Board to determine the details for governing and regulating the N. G. W., and for approving of the payment of bills against the military fund. However, the law also stipulated that all these actions must be done with the approval of the governor.

Semple objected when the Board began approving payments for furniture and office supplies for O'Brien's office, and for weapons, uniforms, and rations without also obtaining his approval. The officers apparently believed these matters too trivial to warrant the approval of the commander-in-chief. On April 24, the Military Board asked the governor to have the territory's attorney general write an opinion which would "establish the authority of the Military Board" for approving claims against the military fund.⁶⁶ Attorney General James B.

⁶⁵General Order No. 1, Feb. 4, 1888, in Ibid., p. 41. E. W. Pike's commission as colonel of Second Regiment was dated June 1, 1888, Ibid., p. 48.

⁶⁶Military Board to Semple, April 24, 1888, Semple Papers.

Metcalfe received the question, but did not deliver his opinion until November.⁶⁷

In the meantime, the power struggle continued. The day after it asked for the legal opinion, the Military Board without securing the governor's approval announced adoption of the Code of Regulations for the guidance and government of the National Guard of Washington.⁶⁸ Semple objected. He ordered O'Brien to publish no orders or instructions to the N. G. W. without the governor's approval.⁶⁹ O'Brien accordingly assured Semple that he was withholding distribution of the special orders relating to the adoption of regulations until they had the governor's approval. In November, Attorney General Metcalfe delivered his opinion that the Militia Act gave the governor the power to approve or not approve any expenditure from the military fund, or any matter regarding provisions, rules, or regulations for the organization, government, and compensation of the National Guard of Washington.⁷⁰

⁶⁷Metcalfe was a Democrat appointed by Semple in January, 1887. He was second lieut. of Company D from about Feb. 1, 1886, until December, 1886. He formerly was the law partner of Junius Rochester who became one of the legal voices for the anti-Chinese. Metcalfe had served in the Confederate Army, Grant, p. 493; also, Hines, pp. 301-02.

⁶⁸General Order, No. 3 $\frac{1}{2}$, April 25, 1888, Semple papers; see also Hynding, "The Public Life of Eugene Semple....," p. 144.

⁶⁹Semple to O'Brien, July 2(6?), 1888, Semple papers.

⁷⁰Metcalfe, "Opinion," Nov. 14, 1888, Semple papers. By the end of 1888, the N.G.W. had purchased regulation uniforms after deciding not to permit companies to wear their older, and diverse, dress uniforms, O'Brien to Semple, Dec. 26, May 28, 1888, Semple papers.

By the end of 1888, Semple had established a semblance of gubernatorial authority over the military and its Republican high command, and he felt some satisfaction in the condition of the 750-man, maximum strength National Guard of Washington.⁷¹ But trouble in the coal industry soon produced an additional challenge to Semple's administration of the N. G. W.

⁷¹Report of the Governor...1888, p. 44. Early in 1888, Metcalfe, supporting the appointment of James Hamilton Lewis to the governor's military staff, reminded Semple that "the managing element of the Militia is almost entirely in the hands of the opposition," May 9, 1888, Semple papers.

Hynding described the military as one of the areas in which Semple "succeeded on a more limited scale in clarifying the authority of the governor where it was still uncloarly defined," Hynding, "The Public Life of Eugene Semple....," pp. 141-42. Semple's conflict with the military department was only one part of his struggle to define lines of authority within the territorial government, see Ibid., chap. vi.

CHAPTER VIII

Industrial Conflict and the Question Of Authority, 1888-1889

While Governor Eugene Semple was struggling with Adjutant General R. G. O'Brien for internal administrative authority over the N. G. W., industrial warfare was increasing. The economy had begun to recover from the depression of 1884-86 by the autumn of 1886 and a new boom period was getting under way in Washington Territory. Though the economy rapidly improved, the conflict between labor and capital continued, flaring into sporadic violence. Since there were no statutory provisions for handling economic problems, the parties involved resorted to any means possible for achieving their goals and both sides began to employ extra-legal methods. As labor increasingly added the weight of rifles and dynamite to its arguments, management developed the use of private police, armed and organized as military forces, such as the detective agencies symbolized by the Pinkertons. This was the national trend and it had reached Washington Territory's coal mines by 1888.¹

County sheriffs were assigned the statutory responsibility for maintaining the peace in their own areas of jurisdiction. Less specific was the authority of the governor as a keeper of

¹In 1888, a Congressional committee denounced the private police forces of a number of coal, railroad, iron, and steel companies in Pennsylvania, Philip Taft, Organized Labor in American History, (New York: Harper and Row, Publisher, 1964), p.105.

the domestic peace and order. Under the governor as commander-in-chief, the militia could attempt to play a neutral role or it could take sides in industrial disputes. In November, 1886, Governor Watson Squire had set the first precedent when he ordered Seattle's Company D to protect the Blakely Mill Company in a move that was less than neutral. Colonel Hill and Captain Haines had enthusiastically carried out that order. However, Governor Eugene Semple proved to be less eager to use the power of the territory in support of either labor or management. He believed that the territory should serve as a neutral force in maintaining the peace, but found it a difficult course to follow.

Semple's second year in office, 1888, was a year of almost constant tension and conflict in the coal mines of Washington. Following Seattle's anti-Chinese troubles, the struggle between labor and capital focused at Roslyn and Newcastle. At those mining towns, located at the eastern and western feet of the Cascade Mountains, the Knights of Labor faced increasingly stiff opposition from the management of the coal mining companies. The Oregon Improvement Company at Newcastle and the Northern Pacific Coal Mining Company at Roslyn were fighting to maintain their autonomous authority over their labor forces.² The Knights of Labor opposed both companies as well as the United Miners and Mine Laborers Society, better known as the Miners Union whom the

² Some social background in Marilyn Tharp, "Coal at Newcastle," PNQ, XLVIII (Oct., 1957), 120-26; the only monograph on the coal mining troubles of 1888-89 is Alan A. Hynding, "The Coal Miners of Washington Territory Labor Troubles in 1888-89," Arizona and the West, XII (Autumn, 1970), 221-36. See also Hynding, "The Public Life of Eugene Semple...", chap. vii.

Knights accused of becoming a front for professional strike breakers.

Trouble at Newcastle, 1888

The Knights, seeking recognition, higher wages, and safer working conditions, struck at Newcastle in May, 1888. Even after some fights had occurred, King county Sheriff William Cochrane refused to send deputies to protect company property. He denied the company's claim that he did so because he was affiliated with the Knights. The strike dragged on and life at Newcastle continued amidst tension and uneasiness. Near the end of July, Colonel Haines tried to prepare the way for the use of his troops at Newcastle. He wrote to Brigadier General George Hill, July 28, 1888, informing him that company contractors were going to start work on the following Monday and striking miners at Newcastle, Gilman, and McAllister were going to try to prevent it. The officers of the OIC had no confidence in Sheriff Cochrane as a result of his inaction during the May strike when Gilman miners had stopped non-union miners from working, wrote Haines. But, he was confident that sufficient military force, available on short notice could prevent serious trouble. Therefore, he told Hill to ask the governor for authority to use any necessary portion of the First Regiment "for the purpose of preventing a riotous violation of the law and for the purpose of protecting the property and men of the Oregon Improvement Company...." Haines told Hill that if he (Hill) could get the requested authority, to make arrangements so that troops could be ordered to Newcastle within two hours. Haines also requested 1,000

rounds of ammunition.³

Hill forwarded Haines' statement, along with his own endorsement of it, to Governor Semple. On July 29, the governor telegraphed Hill that he would provide prompt assistance to civil authorities if he were called upon to do so, but hoped that King county could enforce its own order. Semple's concluding sentence in that telegram is significant in view of later events: "Keep me advised but make no move except upon orders from these Head Quarters."⁴ Semple supplemented his telegram with a letter in which he criticized Haines' role, clearly stated the governor's views on the use of the National Guard, and chastised General Hill for his tone of admonition in his endorsement of Haines' request.⁵ Semple informed Hill that the duty of troop commanders was to furnish facts, not simple assertions and rumors about disorder; provide the governor with the sources of information regarding potential disorder; "then await orders." Semple objected to the practice of military officers, subordinate to himself, consulting with citizens who were asking for troops upon the assumption that the civil officers would neglect their duty in any given emergency. This practice, he wrote, "cannot be encouraged" since it might indicate that the "National Guard would be pleased at an opportunity for a conflict with their fellow citizens," an impression he felt would be "unfortunate" and "unjust." The

³Haines to Hill, July 28, 1888, Semple papers.

⁴Copy of telegram, July 29, 1888, in letter, Semple to Hill, July 30, 1888, Semple papers.

⁵Semple to Hill, July 30, 1888, Semple papers.

governor reminded Brigadier General Hill that the military arm of the government could only be used in support of the civil authorities when called upon by them to do so. He expected the civil officers to exhaust the power of the county before appealing to the governor.

Semple would learn later that it would take more than letters of chastisement for the commander-in-chief to gain full control of his Organized Militia, but for the moment he seemed to be the victor. Although Semple sent no troops and Sheriff Cochrane sent no county deputies to Newcastle, the rumored violence failed to occur in early August, 1888.⁶ It had been only a few days earlier, on July 26, that the governor had ordered General O'Brien to submit to the commander-in-chief all orders, circular letters, or instructions to the troops prior to publishing them. This order had come about as a result of Semple's objection to the Military Board's attempt to publish the new Military Regulations without the governor's approval.⁷ In August, more serious troubles emerged on the eastern side of the Cascades at Cle Elum's neighboring town of Roslyn.

Trouble at Roslyn, 1888

Governor Semple, "an outspoken if ineffectual champion of the white workingman," strenuously objected to the attempt by the Northern Pacific Railroad's coal mining company's alleged use of the federal government to protect the importation of

⁶Hynding, Arizona and the West, XII (Autumn, 1970), 228-29.

⁷See above, p. 202.

about fifty Negro strikebreakers to its Roslyn mine.⁸ The company hired at least forty guards who were reported to have claimed authority as United States deputy marshals. Semple ordered an investigation to determine whether or not the guards, who were employees of Portland's Thiel Detective Agency, had actually impersonated federal officers. Kittitas County Attorney Henry Snively found that the armed force had indeed escorted the black workers from Pasco to Roslyn, but could not produce specific evidence that the detectives had impersonated U. S. deputies. Semple, accompanied by one of his military aides, Lieutenant Colonel Gwin Hicks, and Attorney General James Metcalfe, went to Roslyn to see for himself what was happening.

At one of the mines near Roslyn, Semple saw an armed, uniformed body of Thiel detectives organized as a military company complete with log and earthen fortifications protecting a mine.⁹ But the governor was convinced that he was powerless to involve the territorial government in the conflict. He disappointed an orderly crowd of workers by informing them that he had no authority to intervene except where riot, insurrection, or violation of law occurred.¹⁰ He rejected a request by William H. Galvani, head of Spokane's Knights of Labor, to intervene, stating that the authority of the territory was limited to

⁸Hynding, Arizona and the West, XII (Autumn, 1970), 223.

⁹Ibid., p. 225.

¹⁰Ibid.

answering calls for assistance from county authorities.¹¹

On August 27th, Semple ordered Colonel E. W. Pike, commanding the Second Regiment at Goldendale, to be prepared to move one full company of National Guard to the nearest point on the Northern Pacific Railroad.¹² On the same day, he informed Sheriff Packwood that the detectives had no authority as U. S. deputy marshals, and that an armed body of men in the employ of a corporation was a "reflection upon the law abiding people of Kittitas county and an offence against the Sovereignty of W. T." He advised Packwood to inform the governor if he needed help.¹³

On the 28th, Semple rejected an angry demand from J. M. Buckley, general manager of the Northern Pacific Coal Company, that the governor intervene to protect company property at Roslyn. Semple denied that he had given any "orders" to Packwood and repeated what he had told Packwood on the 27th. He firmly reminded Buckley that the governor "does not require any admonitions" as to his line of duty.¹⁴ He then sent another message to Colonel Pike, reminding the colonel that the dispatch of the 27th was merely an order for Pike to formulate a plan by which such a movement of troops could be made in case they were needed. But, Semple cautioned, "take no step and make no public

¹¹ Semple to Galvani, Sept. 6, 1888, Semple papers. Galvani claimed he meant only "unofficial interference," Galvani to Semple, Sept. 16, 1888, Semple papers.

¹² O'Brien to Pike, Aug. 27, 1888, Semple papers.

¹³ Semple to Packwood, Aug. 27, 1888, Semple papers.

¹⁴ Semple to Buckley, Aug. 28, 1888, Semple papers.

mention until further orders."¹⁵

While Semple tried to maintain a neutral official position, his personal views were less than neutral. He looked upon privately armed and controlled organizations as usurpations of the police power of the territory and the counties. Private armies, he said, were serious menaces to free institutions, and the armed men were ruffians used as "instruments of the rich and strong for the oppression of the poor and weak." He noted that the practice of hiring private police had been increasing for the past twenty years, but he wanted it known that he considered it "an outrage."¹⁶ Semple's discovery that the arming of private military organizations was not illegal led him to request the territory's code commissioners to prepare a bill for the next legislature, a bill which would prohibit such armed forces.¹⁷

Attorney General Metcalfe shared the governor's opinions. Metcalfe was concerned about the claim that detectives were being deputized as federal officers while employed by private corporations. He considered such a situation to be "reprehensible, dangerous to our liberties, and censurable in the highest degree."¹⁸

¹⁵Semple to Pike, Aug. 28, 1888. This order must have been leaked as a few days later Semple asked Pike for a report on his plan for getting a company to the railroad, reminding the colonel that the National Guard should be prepared to act in any emergency, and again cautioning him against allowing orders to gain publicity, Semple to Pike, Sept. 1, 1888. It would seem that here was a case of the governor usurping his adjutant general's duties unless he did not trust O'Brien to carry out his instructions.

¹⁶Report of the Governor...1888, p. 49.

¹⁷Ibid., also Semple to Code Commissioners, Sept. 23, 1888, Semple papers.

¹⁸Metcalfe to Semple, Aug. 24, 1888, Semple papers.

Newcastle Strike Duty, 1889

Towards the end of 1888, the OIC hired some non-union miners and then rejected an ultimatum from the Knights of Labor to dismiss the new men by December 24, 1888. Consequently, the Knights resorted to direct action, inadvertently bringing in the new year with yet another challenge to Governor Semple's authority over the National Guard, this time from the high command of the Guard itself.

On January 4, 1889, about fifty Gilman Knights, some with guns, marched to Newcastle to prevent the non-strikers from working. In the ensuing battle, one Knight was killed and nine others on both sides wounded or injured. The violence had already ended when two companies of National Guard under the personal command of Colonel Haines arrived the following morning. The Post-Intelligencer reported that after exaggerated accounts of the battle had reached Seattle, accounts telling of five or six dead and the whole countryside being under seige, Companies D and E had started for Newcastle on a special train. They left at 4:30 on the afternoon of the shooting, but the engine "became disabled" and the companies returned to Seattle. At midnight, Sheriff Cochrane called for twelve soldiers in civilian clothes, but Haines decided that if the sheriff wanted any men at all he should get "ample" so "it was concluded to order out forty men from Companies D and E."¹⁹

¹⁹Post-Intelligencer, Jan. 5, 1889. The article included what it called "Circular Letter No. 1" which later gained some notoriety as Special Order No. 2, Jan. 4, 1889, discussed below.

Haines was with them as they left Seattle at 4 a.m., January 5, on a special train. Although the Knights were rumored to be seeking revenge, all was quiet at Newcastle when the citizen-soldiers arrived and Cochrane decided that one company was enough. That brought up the question of which company should remain. Company E, a company of former home guardsmen of anti-Chinese riot fame, was still commanded by Captain E. M. Carr, who had been one of the deputies accused of murdering the logger on February 8, 1886.

According to the Post-Intelligencer, which still viewed Cochrane with some distrust, Haines selected Company E to remain. The sheriff objected. In a note to Haines, Cochrane write, "I decline the assistance of Carr and his company" because Carr was too "excitable and impetuous to have charge of a company." Furthermore, he said, Carr had insulted him by saying that Cochrane was favoring the Knights of Labor and refusing to perform his duties. The editor, who blamed the Knights as the cause of the trouble, claimed that the selection of Company E had been made because Captain Carr's commission was senior to that of Captain C. L. F. Kellogg, but Haines waived military etiquette in order to allow Company D to remain instead.²⁰

The Question of Authority

Most of Company D had returned to Seattle by January 8, leaving a small detail for a few days longer at the request of Sheriff Cochrane.²¹ The activities of the National Guard at

²⁰Ibid., Jan. 6, 1889.

²¹Hynding, Arizona and the West, XII (Autumn, 1970), 229.

Newcastle involved no trouble or confrontations, but the incident did ignite another round in Semple's struggle to maintain his authority over the Militia.

Semple asked Metcalfe to investigate the events at Newcastle. He especially wanted to know why the Militia had been ordered to Newcastle without the authority of the governor. He asked Haines, an attorney for the OIC, whether or not National Guard companies had been ordered out, and, if so, under what authority.²² Haines replied in two letters. One was brief and cool, reporting that two companies had gone to Newcastle under Brigade Special Orders No. 2. For details, he disdainfully referred Semple to his report "now on file at Brigade Headquarters."²³ Special Order No. 2, dated January 4, 1889, signed by Brigadier General George D. Hill, ordered Haines and two companies of the First Regiment to Newcastle to report to Sheriff Cochrane as a posse comitatus. The order stated that a message from Cochrane reported that a riot was then in progress and asked that a detail of troops be held in readiness to act as a posse comitatus. After receipt of that message, the Special Order read, communications by wire had been lost, and five persons were rumored dead. For these reasons, and upon the advice and recommendation of King Count's assistant prosecuting attorney, Hill then ordered out the two companies.²⁴

²² Semple to Haines, Jan. 5, 1889, Semple papers. Hynding claimed that it was at this time that Semple learned that Haines was an attorney for the OIC, in Arizona and the West, XII (Autumn, 1970), 230.

²³ Haines to Semple, Jan. 8, 1889, Semple papers.

²⁴ Special Order No. 2, in Semple papers; see above, footnote 19.

In the second letter, Haines was more explicit, but still arrogantly defiant for having violated the governor's explicit orders of July 30, 1888. Haines reported that, at the request of the sheriff, he sent two companies to Newcastle "as a posse comitatus." Haines left one company there on January 5. On January 6, the sheriff ordered the remaining company to return to Seattle contrary to the wishes of "most of the inhabitants of Newcastle." The miners, he said, claimed that the Militia alone could protect them. Haines agreed with the non-striking miners who lacked confidence in Cochrane. "Both miners and the owners of the mine have appealed to me as an officer of the National Guard of Washington to protect lives and property...This of course I am unable to afford them unless requested by the Sheriff." Rioters have prohibited the miners from working and the sheriff cannot prevent it, he wrote, but "if some military officer had the power to use a military force whenever necessary to protect life and property, whether requested by the Sheriff or not, I think that the present dangers of the situation would be for the most part removed." Haines assured the governor that the workers and the owners desired such an order, and reminded Semple that Governor Squire had kept such an order in force. Again ignoring Semple's request for facts and sources of information, Haines claimed that according to "reliable information," another attack was planned that week. Haines wanted the governor to know so "I may be relieved from future responsibility in case of further trouble."²⁵

²⁵Haines to Semple, Jan. 8, 1889, Semple papers; The new brigadier general, A.P. Curry, endorsed Haines' request for permission for the military to decide when troops were necessary, Ibid.

Semple did not allow Haines' defiant call for unhampered military power go unanswered. The request, he said, is "amazeeful and cannot be entertained for a moment." He firmly informed Haines "that no responsibility rests upon you except to perform the duties that devolve upon you by law, and obey the proper orders of your superior officers."²⁶ Enclosed with the letter to Haines was a copy of the governor's letter of July 30, 1888, to General Hill in which Semple had emphasized that no National Guard elements were to be used without his approval. Special Order No. 2, signed by Hill, was indeed a direct violation of Semple's previous order. Haines' action in ordering out his companies without the approval of the commander-in-chief was precisely what Haines and Hill had been forbidden in July.

On the same day that he wrote his rebuke to Haines, Governor Semple issued General Order No. 12, January 12, 1889, which explicitly declared Hill's Special Order No. 2, January 4, 1889, to be "illegal and a flagrant act of insubordination."²⁷ G. O. No. 12 stated that the only thing that prevented legal action from being taken against Hill was the fact that "since the commission of this offense and before an investigation could be made," Hill had lost his commission in the N. G. W.²⁸ Semple concluded his

²⁶Semple to Haines, Jan. 12, 1889, Semple papers.

²⁷G. O. No. 12, in A. G. Report, 1888/89, p. 51.

²⁸General Curry, the new brigadier general, was elected in the territorial elections of 1888. The statutory time for him to take office was the first Monday in January.

General Order No. 12 with an attempt to give his earlier policy stronger authority. He ordered that:

Troops of the National Guard cannot legally be moved from their station or placed on active duty under any circumstances without orders from General Headquarters, and hereafter no officer or soldier will obey any order mobilizing any portion of the command unless it recites that it is by order of the Commander-in-Chief.

Semple must have been frustrated that he could not also discipline Haines, but the new order was quite inclusive in establishing responsibility for the use of the Guard, and would not leave the regimental commander free of responsibility in case of a repetition of the Newcastle affair.²⁹

The question of authority to call out the National Guard was a fundamental legal problem. Opposition to Semple's efforts to establish and maintain gubernatorial control was based on a different interpretation of the law. The Post-Intelligencer rapped the governor's knuckles for taking "upon himself the direct command of the militia."³⁰ It suggested that the governor was out of order in issuing his G. O. No. 12, that the militia companies which went to Newcastle were rightfully under the command of Sheriff Cochrane as a posse comitatus. The editor argued that the territorial code made the sheriff responsible for keeping the peace and gave that officer the authority to call the power of the county to his aid which "clearly includes the militia." The editor also pointed to the code which gave the sheriff the power

²⁹G.O. No. 14, April 5, 1889, declared that G. O. No. 12 did not include peaceful parade of troops near their stations, A. G. Report, 1888/89, p. 54.

³⁰Jan. 22, 1889.

to call out an armed force without getting the approval of the governor. This argument, stated so confidently by the editor of the Post-Intelligencer, was supported by those who wanted easier access to the services of the National Guard. However, as discussed below in chapter IX, the question would rise again following the coal mining troubles of 1891, and the state Supreme Court would rule against the interpretation that "an armed force" meant the militia. But in 1889 it was an unresolved issue.

While Semple was struggling to establish the authority of the commander-in-chief, the conflict between labor and management at Newcastle continued. The Oregon Improvement Company's new general manager, Hobart W. McNeill, decided that the company would have to provide its own protection. He had secretly sent to Portland for some Thiel detectives to arrive at Newcastle by Saturday, January 19. They arrived on schedule and McNeill and the United States Marshal, T. J. Hamilton, deputized six of them at that time. This action was not made public, nor was Cochrane or Semple informed of it.³¹

A disturbance across the mountains on January 19 removed Semple from Olympia. About sixty miners from Roslyn invaded Cle Elum and destroyed or damaged a small amount of property. The governor refused the request by Sheriff Packwood for 150 soldiers, but went in person to investigate.³² On January 21, while

³¹Hynding, Arizona and the West, XII (Autumn, 1970), 233-34; see also, Hynding, "The Public Life of Eugene Semple...", 182-83.

³²Hynding, Arizona and the West, XII (Autumn, 1970), 231; also, "The Public Life of Eugene Semple...", p. 180.

Semple was at Roslyn, McNeill sent a telegram to the governor's office at Olympia asking for military protection. McNeill claimed that strikers were going to attempt to drive away working miners on the following day, and that they would be resisted. He repeated the rumor that fifty rifles had been shipped to the striking miners, claimed that life and property were endangered and the civil authority was powerless since Sheriff Cochrane could not be located.³³ Semple did not receive the telegram until three days later, but McNeill had not waited for an answer anyway. He had immediately persuaded Hamilton to deputize twenty-four OIC employees to protect company property.

On January 24, before learning of the deputizing of the company guards, Semple returned to his office and read McNeill's request for troops. His reply was stated in Semple's blunt, undiplomatic style. He first criticized McNeill for appealing to the governor on the basis of rumor. Then he lectured the company manager on the proper use of the National Guard. The Guard was composed of men of every walk of life, wrote Semple, who sacrifice their time "in order that the Executive may have at his command a body of disciplined men for use in great emergencies." He identified Guardsmen as mostly "quiet, dignified citizens" who did not expect to be used as playthings, or to be used "to pacify the writers of panicky telegrams; nor yet do they expect to be placed at the service of any corporation that can pay them a

³³McNeill to Semple, Jan. 21, 1889, Semple papers.

per diem and furnish them with transportation and subsistence."³⁴

When Sheriff Packwood wondered when the militia should be called, Semple informed him that the public needed proof, not rumor, and the sheriff must use and exhaust his full force and power to prevent any breach of the peace. If that full power proved to be insufficient, then he "must" call on the governor for aid.³⁵

Semple learned of the deputizing of the company guards on January 26, two days after he rejected McNeill's request for troops. He asked Hamilton to explain and was told that the guards were deputized under orders to protect only the mail. Hamilton did not have to add that in order to protect the mail, they had to protect the post office which was in a large company-owned building and to guard the company's railroad trestle over which the company's train carried the mail. Semple correctly

³⁴Semple to McNeill, Jan. 24, 1889, Semple papers. Semple's concluding paragraph shows his emotions. He wrote that McNeill's "action in rushing into print with your dispatches, before they have been delivered...and...furnishing reporters with diurnal items relating to the same is probably a satisfactory way of doing business according to your code of ethics...." This was apparently in reference to the editorial in the Post-Intelligencer, Jan. 22, 1889, which criticized Semple for assuming direct command of the militia, but not being available at all hours. The editor complained that an OIC telegram still had not been answered.

Semple did indeed try to assert direct command of the N. G. W. In doing so, he urged General O'Brien to conform to proper military administrative procedure, because the Guardsmen were regular soldiers in the territory's military establishment, and the waiving of formalities, as was the custom of the emergency volunteers, would defeat the purpose of the National Guard. He apparently meant that the purpose was to become a professional, disciplined organization, Semple to O'Brien, Jan. 26, 28, 1889, Semple papers.

³⁵Semple to Packwood, Jan. 25, 1889, Semple papers.

"concluded that McNeill had deliberately bypassed local authorities and the governor so that company employees could be deputized by a federal marshal to protect private property."³⁶

Although the evidence shows that the protection of the mail was a deliberate ruse employed by McNeill, he later swore that it all happened because Governor Semple had not answered his telegram of January 21 "'until about one week had elapsed.'"³⁷

When further investigation proved that the new deputies were newly hired Thiel detectives, an irate Semple asked the Attorney General of the United States, Augustus H. Garland, to investigate Hamilton's actions. The Justice Department responded by sending an investigator to the territory. The investigator accepted Hamilton's claim that there was a need for his actions, and dismissed the charges against Hamilton in a complete whitewash.³⁸

Eugene Semple's administration ended April 9, 1889, when Miles C. Moore, a Walla Walla banker appointed by Benjamin Harrison, was sworn in as governor to complete the last seven months of Washington's territoryhood. Semple had entered the governor's office with almost no previous political experience as an executive officer and no military experience.³⁹ He was

³⁶Hynding, Arizona and the West, XII (Autumn, 1970), 232.

³⁷Ibid., p. 234.

³⁸For details of the investigation, see Ibid., pp.233-35. For reports and correspondence used in the investigation, see "Trouble in the Coal Mines, 1889--Documents of an Incident at Newcastle, W. T.," PNQ, XXXVII (July, 1946), 234-55.

³⁹Hynding, "Public Life of Eugene Semple....," p. 97. Semple had been appointed brigadier general of the Oregon National Guard, but rejected it fearing it would invalidate his appointment as state printer, Ibid., p. 78, note 73.

frustrated by the restrictions on the powers of his office, and he was hampered by the fact that he was not "the rare administrator-politician" who could solve problems smoothly and diplomatically.⁴⁰ And he was a Democrat in Republican country. But he worked hard to keep an influential, eager, and able military command under as tight a rein as possible during the territory's initial industrial conflicts, and he must be considered as a significant figure in the history of the development of the National Guard of Washington.

Semple's determined efforts to keep the military subordinate to civilian authority faced heavy opposition. The high command of the National Guard of Washington, during his administration, was dominated by Republicans. Under the Militia Act of 1888, the generals were elected by popular vote, the colonels by vote of the regimental officers. Thus, they were removed from the direct authority of influence of the governor, and when Semple attempted to assert his authority as commander-in-chief, he was forced to exert time and energy in petty administrative procedure as well as in fundamental questions of authority. He eventually won his battle with Adjutant General O'Brien and the Military Board when he demanded that the governor be included in making decisions regarding the spending of military money and the formulating of military regulations as stipulated by the Militia Act of 1888. He lost his battle to assign to the governor the power to order

⁴⁰Hynding said that "few men could have done better" in governing Washington Territory during the troublesome years of 1887-89 given the same political limitations and social conditions that Semple faced during his administration, in "The Public Life of Eugene Semple...", p. 187.

out the National Guard when General Hill and Colonel Haines successfully disobeyed his order. But in his efforts to prevent the use of the N. G. W. as a tool for private interests, Semple set an important precedent in the Guard's development as an instrument of social control.

Semple could do no more than protest against the employment of privately armed police forces within the territory. But his vigorous opposition to that practice set in motion the movement which, as described below in Chapter IX, note 11, soon constitutionally prohibited such forces in Washington State.

Urban Fire Duty, 1889

Governor Miles Moore's administration as commander-in-chief of the Militia was peaceful and easy for him, but active and productive for the N. G. W. The summer of 1889 produced three major urban fires which gave the budding Guard an opportunity to perform popular heroic duty and thereby gain a major boost in public relations. Fire guard duty, consisting mostly of protecting personal property and preventing disorder, was public service that few could criticize, and the military establishment afterwards used the fire duty in proving why public funds spent on the National Guard were a good investment.⁴¹ O'Brien claimed

⁴¹Unless otherwise noted, the information regarding the N. G. W. at the Seattle fire is taken from Haines' report, in A. G. Report, 1888/89, pp. 16-36. Haines neglected to file reports of the duty of companies D and E at Newcastle and of the Blakely Mill duty.

that the value of property saved and protected during Seattle's great fire alone exceeded "more than a thousand fold the entire cost of equipping and maintaining double the present force for the past two years."⁴²

As the flames were consuming Seattle's business district, June 6, 1889, the police found themselves unable to protect the personal property that was piled high in the streets. Colonel Haines volunteered the use of his companies before nightfall and Mayor Robert Moran accepted.⁴³ Many of the members of the three Seattle companies were "property owners to a very considerable extent," but they halted their efforts to save their own property and answered Haines' call to assemble.⁴⁴ The fire was still spreading. The streets were packed with men, women, and children fleeing the flames, trying to save belongings, or plundering and stealing property, and the police were "powerless to quell the turbulent and lawless." Haines assigned his men to sentry posts throughout the burning business district. One company kept nearly three hundred federal, county, and city prisoners under guard at the armory until the danger to the jail had passed. The First Regiment's armory added to the Guard's new reputation. It was a building large enough to house three military companies,

⁴²A. G. Report, 1888/89, p. 4. O'Brien later claimed that it was the fire that convinced the people that the National Guard should be amply supported, Ibid., 1891/92, p. 8.

⁴³Apparently, it was some time after Haines had ordered his command into service that Mayor Moran received Governor Moore's authorization to use the First Regiment, in Ibid., 1888/89, p. 19.

⁴⁴Ibid., p. 17.

and during the fire, it became headquarters for the city government and the asylum for the many burned-out residents of the area. The armory's large kitchen and wash room facilities served well.

The next day, June 7, Haines ordered two more companies of the First Regiment to Seattle--Tacoma's Company C and Port Blakely's Company G. The fire had nearly burned itself out by the end of June 7 after wiping out nearly 120 acres of buildings and at least \$15,000,000 worth of property. On the eleventh of June, five days after the fire started, the city authorities experimented with removing the Guardsmen from the streets. A rush of looters into the ruins brought the Guardsmen back.⁴⁵ On June 13, the city authorities called for the military to stay at least one week longer in the smouldering area claiming that only the presence of the National Guard was preventing riot and disorder. His troops were tiring, so Haines called in the remaining company of his Regiment, Company H, of Vancouver. Two companies of eastern Washington's Second Regiment were preparing to go to Seattle to relieve the companies there, but were restrained when the company captains of the First Regiment objected. They were proud of the job they were doing and wanted no outside help.⁴⁶

On June 19, after fourteen days of guard duty, the Regiment was again removed from the streets and held in readiness at the armory until the following day when they were released from duty.

⁴⁵Ibid., p. 25; Post-Intelligencer, June 12, 1889.

⁴⁶A. G. Report, 1888/89, p. 28.

Haines expressed pride in the performance of his troops who, he said, left their own business to go on duty in the midst of terror and confusion. That they immediately ended the plundering and robbing and brought order to the chaotic city was evidence that the Guardsmen were "gentlemen and soldiers, and that in them the people can always repose the fullest and most complete trust, and that no emergency can be so great or so sudden that it will not find them ready and able to meet it."⁴⁷

About one week later, on June 25, a fire broke out in Vancouver that brought out Company H for two days guarding the property that was saved from the fire.⁴⁸ Another fire that summer burned about twenty blocks in Spokane's business district, and the Seattle story was re-enacted on a slightly smaller scale. Brigadier General A. P. Curry, a Spokane resident, called out Spokane's Company G, Second Regiment, and kept it on duty for fourteen days of 24-hour duty protecting property. The company's strength was augmented by forty volunteers from Spokane's G. A. R. posts.⁴⁹

State Constitutional Convention, 1889

Another significant event in the development of the National Guard of Washington took place in the summer of 1889--the Constitutional Convention. The committee of the whole unanimously agreed with the military committee that the constitution should

⁴⁷Ibid., p. 35.

⁴⁸Report of Capt. Charles Hutscheck, in Ibid., p. 37.

⁴⁹Report of Brig. Gen. A. P. Curry, in Ibid., p. 38.

provide for a militia, but rejected the original proposal of the military committee because it was too detailed. The proposed article was whittled down to its present brevity after some delegates agreed with Judge George Turner, Spokane Republican, who argued that the constitutional provision should be limited to fundamental principles. If the legislature were denied the right to establish the detailed rules for the militia, he said, it would be "a step toward military despotism."⁵⁰ For instance, Turner did not like the title "National Guard," which he denied was fundamental enough to warrant constitutional status.⁵¹

One of the convention delegates was Gwin Hicks, 31-year-old real estate and stock exchange manager from Tacoma, and former aide-de-camp of Governor Semple. Hicks proposed, when the Militia provision was first presented, that the Militia be prohibited from serving as a police force, that it be used only for invasion or rebellion.⁵² His proposal apparently elicited little or support.

Three Spokane delegates expressed fear that the Militia would be too independent of civil authority.⁵³ It was a common

⁵⁰Lebeus J. Knapp, "The Origin of the Constitution of the State of Washington," WHQ, IV (Oct. 1913), 265; also, The Journal of the Washington State Constitutional Convention 1889, ed. by Beverly P. Rosenow, (Seattle: Book Publishing Co., 1962), p. 694. Hereafter cited as Rosenow, Convention Journal.

⁵¹Knapp, WHQ, IV (Oct., 1913), 264-65; also, Rosenow, Convention Journal, p. 694.

⁵²Rosenow, Convention Journal, p. 694.

⁵³The three delegates were Moore and Turner, Republican lawyers, and Griffitts, a Democratic lawyer, Ibid.

fear, and the constitution eventually bluntly stated that "the military shall be in strict subordination to the civil power." The militia article then passed by a vote of 61-13 on July 31, and became Article X of the State Constitution.⁵⁴ In its final, simplified form, Article X left the details of organizing, disciplining, and governing the militia to the legislature. It gave to the governor the power to call forth the Militia to execute the laws of the state, to suppress insurrections, and repel invasions. It designated the ages for military liability (18-45), identified causes for exemption from military duty, provided the militiamen with privilege of immunity from arrest under certain conditions, and provided for the keeping of the public arms received from the federal government.

Another article of the constitution attempted to settle one of the territory's unresolved problems concerning the police power. John Kinnear, a King county Republican, introduced a proposal that voiced the concern Governor Semple had expressed earlier over the employment of private police forces. Kinnear noted the developing practice in the country of corporations seeking protection from strikes, labor agitations, and rioting by employing large, armed bodies of detectives. He argued that such bodies of men had operated for several years without legislative restriction and "eventually became...a source of contention with organized labor, often being a direct cause of rioting

⁵⁴Ibid., p. 703. The first session of the state legislature later approved (March 27, 1890) a state Militia Act which repealed all the territorial militia laws.

and bloodshed." He especially objected to the fact that they acted as bodies of troops with no responsible head except the head of the detective company. Kinnear claimed that the general belief was that if troops were necessary, they should be under a responsible head such as the state militia or the regular Army. Declaring that the state alone should protect its citizens and property during times of disturbance and riot, Kinnear called for constitutional prohibition of privately armed bodies of men.⁵⁵ His proposal became Article I, Section 24, which specified that the right of individuals to bear arms shall not be "construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men."

The question of martial law, as raised by Governors Stevens and Squire, was also resolved by the constitution. In effect, the state governor was granted the power to declare martial law by Article I, Section 13, "The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion...." Originally, Article I, Section 18 which prescribed the subordination of the military to the civil power, had also included a companion proposal, "No power of suspending law shall be exercised except by the Legislature." Some objected to this, fearing that it would prevent the governor from declaring martial law. Its defenders argued that it would not do so since the governor could call the legislature into session. But, it was defeated and stricken from the constitution.⁵⁶

⁵⁵Knapp, WHQ, IV (Oct., 1913), 267.

⁵⁶Rosenow, Convention Journal, pp. 507-08.

The End of Territoryhood

By September, 1889, the National Guard of Washington consisted of the "best class" of young men, still organized into two infantry regiments of six companies each, and of one troop of cavalry.⁵⁷ However, the companies had been strengthened to a membership of 870 officers and men.⁵⁸ That growth occurred in the face of continuing obstacles and opposition.

In October, 1889, the Mason Rifles of Tacoma voted to remain as an independent company rather than unite with the N. G. W. The reasons given for that decision were that some members were too young, and that some employers objected to their men joining the Guard.⁵⁹ This was a common obstacle faced by the early National Guard. Businessmen did not like the idea of losing their employees during summer training camps, or during times of service outside their own community. Employers were especially unhappy if they were expected to pay the employees while they were absent on military duty.

⁵⁷ A. G. Report, 1888/89, pp. 3, 4.

⁵⁸ Report of the Governor...1889, p. 54. If 870 were the correct membership figure, it would mean that the N.G.W. was paying little attention to its permissible membership.

⁵⁹ Hunt, Tacoma, I, 530. Militarism ran high in Tacoma during 1889. In February, the Mason Rifles formed, named in honor of Allen C. Mason, who financed the company. A little later a Zouave drill company soon became one of Tacoma's "choicest" entertainment features. Its anniversary dinners each February became one of the "happy social events" of the year, Ibid.

Tacoma's cavalry Troop B organized as an independent company in November as did the Tacoma Light Infantry company. Troop B did not join the N.G.W. until mid-1890, but the infantry company was mustered in Dec. 12, 1889, as Company G, First Regiment.

O'Brien reported to the legislature in the fall of 1889 that where Washington only had six companies per regiment, most states and the regular Army had ten.⁶⁰ He pointed to the events of "the past few years" as evidence of the usefulness of the National Guard "as an extraordinary police, to assist the civil authorities in maintaining the laws and suppressing mob violence when the civil power has failed." The most ardent opponent of the Militia had only to look at "the inestimable services rendered by the National Guard during the labor riots of 1886 at Seattle; the later difficulties at New Castle in 1889;" and the urban fires at Seattle and Spokane to see that the cost of maintaining the militia would be more than paid for in property and lives saved.⁶¹

The Militia Act of 1888 had passed because it had placed almost no expense on the taxpayers. But O'Brien was already striving to open the public purse a little wider. He told of the difficulties that most militia companies were having finding suitable housing in which to drill and protect the public arms. He noted that the only satisfactory armory in the territory was at Seattle where the officers of the regiment, acting as private individuals, had formed a stock company to build the armory. O'Brien suggested that the legislators "consider the propriety of requiring counties" which hosted organized militia companies to erect suitable armories "as is done in many of the states." He

⁶⁰ A. G. Report, 1888/89, p. 3.

⁶¹ Ibid., p. 4. It is significant that O'Brien referred to Seattle's anti-Chinese troubles as "labor riots." Industrial conflict had emerged as the undisguised, dominant threat to peace and order in Washington by 1889.

stressed that such action was less for troop convenience than for the proper care for state property.⁶²

But the adjutant general seemed most frustrated about the fact that his own office received no public financial assistance. O'Brien said the labor involved in performing his duties had grown to occupy the entire time of not only himself but also an assistant. He did not mind the work, but thought it just that he be compensated. For two years, he had served at "great pecuniary loss," he said, and no other officer "under State Government" had as much work to do and yet no other officer received less than \$2,000 a year in salary. "I have labored for ten years for the establishment of the Militia upon a firm footing, and have gratuitously, cheerfully performed duties for which the Adjutant Generals of other states receive" between \$2,000 and \$4,000 a year. The fact that the N. G. W. was new and required much work in merely establishing rules and procedures to follow made his work even more difficult than that of an adjutant general in a long-established organization. Those legislators who had accepted the Militia Act of 1888 because it did not include salaries must have recognized from O'Brien's reasonable plea for just compensation that a low-cost Militia was only a fleeting dream.

The Congress of the United States proclaimed Washington to be a state, November 11, 1889. One week later former territorial governor, Elisha P. Ferry, was sworn in as the first governor of

⁶²Ibid., p. 9.

the new state.⁶³ Thus, six weeks before the end of 1889, Washington's long period as a territory came to an end.

During the frontier days that preceded the prosperous but disruptive economic and population booms of the 1880s, taxpayers who were themselves limited in number and wealth, exhibited little desire for an Organized Militia. Only occasional Indian outbreaks brought organized units into existence. Newly realized prosperity for many property owners in the booming 1880s led to an acceptance of an Organized Militia--an acceptance that began slowly, but increased rapidly as a result of the anti-Chinese agitations. The anti-Chinese agitations themselves were essentially part of the growing conflict between labor and capital which was national in scope, but which had arrived in Washington Territory as the frontier ended and before any permanent, publicly financed, Organized Militia had been formed. When the posse comitatus proved to be an ineffective peace keeper under the new social and economic conditions, civic leaders looked elsewhere for stronger police power. The need to enforce law and order, as defined by the property owners and the property-owning civic officials, led to the birth and rapid growth of the National Guard of Washington as statehood came to Washington.

⁶³Stewart, II, 157, 158. Ferry had defeated Eugene Semple in the general election October 1, 1889. The Republicans won a sweeping victory in that election in which political attitudes toward labor was an issue. See, Hynding, "The Public Life of Eugene Semple...", chap. viii.

CHAPTER IX

Strike Duty, Disunity, and Growth, 1890-1891

In 1890, Washington's first full year of statehood, the National Guard of Washington was still primarily a militia force rather than a National Guard in the modern sense of a professionalized, publicly financed, military force subject to Army regulations and authoritarian discipline. As a force of militia, it was dominantly an amateur, democratic, relatively undisciplined, partly private organization that justified its existence more as a police force than as a military force.

The Militia Act of 1890

The earlier reluctance of the territorial legislators to organize the militia was but a memory in 1890 when the new law governing the militia easily passed through the state's first legislature with a 52-7 vote in the House, and a 19-5 vote in the Senate.¹ Debate against the bill was led by J. S. Browne of Spokane. Browne was an old Army veteran who did not "take much stock in holiday or dress parade soldiers" and who thought the

¹Washington State, House Journal of the First Legislature of the State of Washington (1890), p. 814. Hereafter cited as House Journal; also, Wash. State, Senate Journal of the First Legislature... (1890), p. 582. Hereafter cited as Senate Journal.

This is not to imply that the Guard was riding a tidal wave of popularity. In January, 1891, the acting governor deplored the tendency in the public mind to ignore the importance of military organizations, in Governor's message, in House Journal (1891), pp. 9-10.

law of 1888 would suffice for a while. Frederick J. Grant, a King county representative and a National Guard officer, "saved the bill" by reminding the legislators of the recent services of the N. G. W. during the urban fires and the labor troubles in King county.² The few significant changes from the Militia Act of 1888 which were incorporated in the amending Militia Act of 1890, were intended to strengthen the National Guard. In turn, the process of "strengthening" of the Guard, in effect, was often part of the long, gradual metamorphosis from common militia to organized militia to the modern, professionalized National Guard. For instance, the new law proposed to remove the general offices from politics by providing that the officers of the Guard rather than the people of the state elect the adjutant general and the brigadier general. The new law granted for the first time a salary for the adjutant general.³

Organizational changes also aimed at a stronger military force. The new state law increased the permissible size of the N. G. W. from the twelve-company limit imposed by the Act of 1888. Under the new law, the maximum was thirty infantry companies (of 24-60 men per company) and two companies of cavalry. Another significant first for the Act of 1890, was the specific provision permitting the governor to use the militia in assisting civil authorities to enforce the law. The general military tax of one-fifth mill begun in 1888 continued as the source of revenue for

²Post-Intelligencer, March 25, 26, 1890.

³Adjutant General O'Brien had been serving since 1883 without pay.

financing the regular expenses of the Guard. The new law established the military board as the governing body of the militia force which, in turn, authorized the companies to establish their own by-laws. Consequently, each militia company continued to function as a sort of local club or society. The company captain was chairman and the unit conducted meetings as did any civil body. Each elected its own secretary, treasurer, and armorer. Any able-bodied male citizen could apply, but each candidate was selected by vote of the company members. Three black balls prevented membership. Company by-laws expressly stated that the purpose of the volunteer company was "to support the police force."⁴

In spite of the new Militia law, and a seemingly adequate source of income, the N. G. W. was a ragged outfit in 1890, struggling to maintain an adequate membership even as it added new companies to the force. Adjutant General Rossell G. O'Brien found many of his troops in 1890 garbed in old and worn uniforms and drilling with ancient and often useless rifles. Two Tacoma companies and three Seattle companies, formerly the mainstays of the Militia, barely met the required minimum company membership of twenty-four men. The companies of the Second Regiment were generally better supported by their communities, but had only slightly larger company enrollments than did the companies of western Washington's First Regiment. Only one company, E of

⁴The military board consisted of the brigadier general, the adjutant general, and one field officer appointed by the governor. For company by-laws, see A. G. Report, 1890; also The Official History of the W.N.G., IV, 395-98; also "A Brief History of the N. G. W." (Heafield, 1952), p. 12.

North Yakima, had a full complement of sixty men. Membership totaled nineteen companies, and 1,155 officers and men.⁵

Coal Strike Duty, 1891

The National Guard of Washington faced its first major test in the coal fields of King county in the summer of 1891. In April of that year, the adjutant general had purchased seventy-eight booklets on street riot tactics, but there is no evidence that any of the companies had actually drilled in the new tactics before they were assigned to the coal strike duty.⁶

Coal had been mined in King county and other parts of Washington Territory as early as the late 1850s. During the 1870s, production and marketing had increased sufficiently enough to interest California capital in investing in some Washington mines.⁷ By 1880, California mining companies entering Washington included the Oregon Improvement Company and the Black Diamond Company. The OIC purchased older mining properties near Lake Washington which included the territory's largest producer, the Newcastle mine, located east of Lake Washington about fifteen miles southeast of Seattle. In 1885, the production of coal began at the Black Diamond mine and at the OIC's Franklin mine, situated about three miles east of Black Diamond and about thirty

⁵A. G. Report, 1890, pp. 25-28; also in The Official History of the W.N.G., IV, 392-95.

⁶A. G. Report, 1891/92, p. 267. The Guardsmen were instructed in riot and street drill at summer camp, 1892, Report of Lieut. W. A. Kimball, U.S.A., in Ibid., p. 121.

⁷See, F. E. Melder, "A Study of the Washington Coal Industry ..." (M.A. thesis, Univ. of Washington, 1931), chaps. i, ii, and iii; also, Thorndale, "Washington's Green River Coal Company..."

miles southeast of Seattle. In 1888, a third big producer, the Seattle Coal and Iron Company, opened its Gilman (Issaquah) mine near Newcastle.⁸

Organized labor had also arrived in the territory in the 1880s. The Knights of Labor had organized at Newcastle at least by 1885. The Oregon Improvement Company had received the new union there with instant animosity, and the bitter conflict continued almost without let up until the Knights were effectively destroyed by the 1891 strike.⁹

As noted by Thorndale, "the whole coal industry seemed carefully designed to cause a maximum number of strikes and lockouts." No union-management bargaining procedures existed. Union demands were backed up by the promise of instant work stoppage; management's offers were supported by the promise of instant wage cuts or work stoppages.¹⁰ In the spring of 1890, the Oregon Improvement Company put into action its plan to destroy the power of the Knights. OIC superintendent, T. B. Corey, pretending to resign, secretly went east to hire Negro miners in imitation of the same maneuver successfully employed by the Northern Pacific Coal Company at Roslyn in 1888.

About 600 blacks, some with families and apparently most armed with rifles and pistols, arrived at Franklin May 17, 1891,

⁸Company president was D.H. Gilman, Bagley, Seattle, II, 131.

⁹Thorndale, p. 48.

¹⁰Ibid., pp. 55, 58. Miners' complaints included unsafe working conditions, monopolistic company stores, and the company's right to hire and fire at will.

under the close protection of one hundred white and fifty black guards.¹¹ A variety of labor groups in the Puget Sound area protested the importation of blacks and the armed guards. The Franklin miners called a protest strike which spread in sympathy to Newcastle and Black Diamond.¹² The Gilman miners were already on strike against their employer, the Seattle Iron and Coal Company.

The employment of private detectives to ride shotgun on a trans-state train which had incensed territorial Governor Eugene Semple did not seem to ruffle the sense of justice of the state's first governor, Elisha P. Ferry. Ferry remained oblivious to the

¹¹See, Thorndale, pp. 63-64. Acting Governor Charles E. Laughton had vetoed two months earlier a bill outlawing private armies. The so-called anti-Pinkerton bill had been introduced in the Senate, by King county senator J. R. Kinnear. It provided heavy fines of up to \$5,000 a day for hiring an armed body of men "for any purpose whatever." Laughton, serving in the absence of the ill Ferry, reasoned that the bill violated the U. S. Constitution and the state constitution's right of the individual citizen to bear arms to defend himself. He claimed to fear that the citizen protecting his home would have no right to employ assistants, Washington Standard (Olympia), March 20, 1891; the veto message is also in Senate Journal (1893), pp. 96-97.

Two years later Governor Ferry asked for a law to provide for the adequate punishment of the constitution's prohibition of armed detectives. He said that since the militia was available, there was no need for privately armed organizations, House Journal, 1893, p. 36. The bill that Laughton had vetoed in 1891 was brought back to the Senate, Jan. 24, 1893, and unanimously passed over Laughton's veto, Wash. State, Laws (1893), pp. 449-50.

¹²Thorndale, p. 65. For brief descriptions of the strike, see also T. W. Prosch, "A Chronological History of Seattle," pp. 399-401; also Hunt and Kaylor, Washington West of the Cascades, I, 345-50.

protests and the potential danger as the King county mining camps took on the appearances of war zones complete with barbed wire enclosures, log fortresses, and patrolled deadlines where no man dared to walk. The Knights began to arm and drill, claiming that they had to defend themselves from the aggressive detective-guards hired by the companies at the four mines. The hired guards were all under the command of M. C. Sullivan of the Thiel Detective Agency of Portland. The companies hired their detectives in spite of the provision in the state constitution which prohibited such bodies of armed men.¹³

The employment of the Sullivan men shows that the out-of-state officials of the Oregon Improvement Company felt no compunction about violating any Washington law that did not seem to be in their best interest. The company's policy of importing black workers indicates a callous disregard for human life and a willingness to trigger violence in order to have an excuse to bring in the militia.¹⁴

The first signs of violence appeared at Gilman. While the Seattle Iron and Coal Company officials searched Seattle and elsewhere for men willing to work, twenty-five Sullivan men guarded the company property from behind log fortresses. About fifty striking miners organized as a home guard. They drilled daily under arms, and served as pickets around the town

¹³Hunt and Kaylor, I, 345.

¹⁴The general manager of the OIC mine at Franklin, C. J. Smith, claimed that he expected no trouble from the importation of blacks, Seattle Telegraph, May 17, 1891. Yet, the following day, the Telegraph reported barbed wire and 100 Sullivans around the Franklin mine.

determined to prevent any man from working the mine in violation of the strike edict. Deputy sheriffs were on hand as a buffer between the two armed groups. On June 24, some Sullivan guards attempted to escort several non-union men into the mine from Seattle. A crowd of armed miners met the train, but it was the miners' women who harassed the strikebreakers back to the train and out of town.¹⁵ King county Sheriff J. H. Woolery was out of town, so the mine manager, Westley Wilson, asked John C. Haines, commander of the First Regiment, N. G. W., at Seattle, for protection. Colonel Haines, Seattle lawyer for the OIC, bypassed his senior militia officers and personally asked Governor E. P. Ferry for permission to send troops to Gilman in case the sheriff requested him to do so.¹⁶ Ferry gave his permission, but continued to do nothing about the armed organizations. The court refused to issue an injunction, as requested by the striking miners, to compel M. C. Sullivan and his men to disarm.¹⁷

While the attention of the authorities and the miners was concentrated on Gilman, the OIC executed a strike-breaking maneuver that must have been calculated to lead to the outbreak of violence. In the dark morning hours of June 27, 1891, the OIC put eighty armed blacks and ten white guards aboard a special

¹⁵Seattle Telegraph, June 25, 1891, and Post-Intelligencer, June 26, 1891.

¹⁶Haines to Ferry, June 24, 1891. This message and the correspondence regarding the use of troops in 1891 are abundantly available. Copies are in the Ferry papers at the Washington State Archives; also in several issues of the Post-Intelligencer, June, July, 1891; also, A. G. Report, 1891/92, Exhibit A, pp. 47-60.

Haines later claimed there was no time to go through regular channels, Post-Intelligencer, July 23, 1891.

¹⁷Hunt and Kaylor, p. 346.

train to the strike-bound Newcastle mine.¹⁸ After the train left Franklin, angry strikers attacked company property there. When one black guard was wounded, the Sullivan men had to restrain the black miners from attacking the town. For some reason, the train returned to Franklin that same evening carrying the guards. It was never proved whether the miners or the guards on the train started the shooting, but the train entered Franklin amidst gunfire.¹⁹ When the blacks on the hill heard the shooting, they poured a rain of bullets down into the town below. The white miners in the town fired back, and when the wild fusilade was over, two women were wounded, and two strikers had been killed by a mine boss.²⁰ Darkness had ended the shooting, but fearing more violence would erupt in the morning, Ben Stretch, the deputy sheriff in command at Franklin, telegraphed for Haines to bring the militia. Haines needed no second invitation.²¹

By midnight, thirty-seven enlisted men and three officers representing Companies B and D had assembled at the Seattle armory. "As the boys gathered at the armory and prepared for duty," wrote a reporter, "They seemed to rather enjoy the situation. They looked upon it as a sort of innocent sport for them, evidently feeling that they would not be called upon to do any

¹⁸Post-Intelligencer, June 28, 1891.

¹⁹The King county grand jury, on July 16, 1891, indicted the company guards for starting the shooting at Franklin, and censured the OIC for importing the guards, Post-Intelligencer, July 23, 1891; see also, Thorndale, p. 71.

²⁰Thorndale, pp. 68-69.

²¹A. G. Report, 1891/92, p. 48.

shooting."²² The OIC provided them with a special train and they arrived at Franklin at daybreak Monday morning, June 28, under the direct command of Colonel Haines.²³

Sheriff Woolery arrived at Franklin that same day and announced that he regretted the militia call, claiming that he would not have made it had he been at Franklin. He accused his deputy of using bad judgment, but allowed the Militia to stay.²⁴ Franklin suffered no further trouble after the troops arrived. Thus, by June 30, the OIC was producing coal from its Franklin mine under the shield of the N. G. W., and had successfully broken the strike at its Newcastle mine.²⁵

The action then shifted back to Gilman. The Seattle Coal and Iron Company, seeing that the Militia was available, decided

²²Post-Intelligencer, June 29, 1891. Capt. Joseph Greene and 18 enlisted men represented B Company. Making the trip for Company D were Capt. R. S. Allen, First Lieut. F. C. Hilton, and 19 enlisted men. Three regimental officers accompanied the train, Colonel Haines, and First Lieutenants J. A. Hatfield and L. S. Booth. The following day, 57 officers and men were reported to be at Franklin, Ibid., June 30, 1891.

²³The OIC provided the special train, but later received compensation for it, Hunt and Kaylor, pp. 347, 349. The following events of the Militia's strike campaign are pieced together from information found in Hunt and Kaylor, pp. 347-48, the official report of Colonel Joseph Greene, in A.G. Report, 1891/92, pp. 48-60, and the Post-Intelligencer which carried extensive, daily coverage of the strike.

²⁴Post-Intelligencer, June 30, 1891. Ibid., June 26, 30, 1891.

²⁵Con Lynch, Secretary of the District Assembly, 115, Knights of Labor, Seattle, was bitter. Because Ferry had ignored two petitions to disarm the "lawless armed horde" which had controlled Franklin for many weeks, Lynch said, two men were dead and a woman lay dying. Lynch also criticized the use of the National Guard before the sheriff had even made a "decent" effort to preserve law and order, and he claimed that public officials were prejudiced against labor in favor of the rich, Lynch to Ferry, June 30, 1891, in Ferry papers.

to follow the example of the OIC and open its mines, violence or no violence, and "in evident preparation of such a step, two companies of the militia were sent to Gilman."²⁶ Woolery's deputy at Gilman, Jack McDonald, had declared that the men were arming and the situation was alarming. Woolery agreed to send more deputies to help prevent violence, and then asked Haines, at Franklin, to send a company to Gilman.²⁷ Haines sent two companies. He ordered Captain Allen and his twenty-two men of D Company to leave Franklin and go to Seattle to meet E Company which Haines had called into service. Company E, commanded by Captain E. S. Ingraham, totaled only twenty-five officers and men. Both companies arrived at Gilman July 1.²⁸ Taking advantage of the presence of troops in town, the coal company, on July 1, safely carried a trainload of thirty-five non-strikers to its Gilman mine.

Though the mines were again producing coal, continuing rumors in the mining camps kept the troubled areas roiled. On July 2,

²⁶Post-Intelligencer, July 1, 1891.

²⁷Colonel Joseph Greene claimed that "on July 30th (sic), the threatened riot at Gilman occurred, and the sheriff after endeavoring in vain to quell it, requested Colonel Haines to send two companies of his regiment to that place," in A. G. Report, 1891/92, p. 49. Though it seems unlikely, this erroneous statement (the troops were called before any outbreak at Gilman) could possibly have been an honest error. Greene was still captain of Company B at the time of the strike duty, but was elected to command the regiment following the sudden death of Colonel Haines in January, 1892. Haines never submitted an official report of the strike duty. Greene was thus writing from a second hand point of view. But his bias seems self evident.

²⁸Post-Intelligencer, July 1, 1891.

Seattle and Tacoma units of the Knights of Labor asked the governor to withdraw the militia from the Franklin and Gilman mines, but at Franklin the women and children fled the town following rumor of a Negro attack. The blacks at Franklin, on the other hand, claimed they feared an attack by the Black Diamond home guard. At Black Diamond, 200 armed miners had organized to protect themselves from a rumored invasion by the Franklin Negroes.²⁹

On July 2, Governor Ferry finally decided it was time to disarm the warring forces in King county's coal industry. On that date, he commanded all organized bodies in the county to disarm, and he ordered Colonel Haines to assist the civil authorities in enforcing that command.³⁰ Acting on that order, and on Sheriff Woolery's wishes, Colonel Haines immediately called three more National Guard companies into service. He sent C Company (Tacoma), under Captain W. J. Fife, to Black Diamond; G Company (Tacoma), commanded by Captain W. G. Shank, to Newcastle; and I Company (Port Townsend), led by Captain George P. Jones, to Franklin. That placed one militia company each at Black Diamond and Newcastle, and two companies each at Franklin and Gilman.³¹

²⁹On July 5, officers of the Afro-American League of Spokane appealed, in behalf of the members of their league at Franklin, for protection in case they had to disarm, letter to Ferry, July 5, 1891, in Ferry papers.

³⁰Post-Intelligencer, July 3, 1891; A. G. Report, 1891/92, p. 50.

³¹Colonel Haines asked General O'Brien to send tents and blankets. O'Brien refused to do so, claiming the First Regiment had sufficient supplies. Haines wired directly to Ferry who answered, "General O'Brien will send tents and blankets," Ibid., 51-2.

The editor of the Post-Intelligencer called for disarmament of all the combatants, resorting if necessary, to martial law to enforce disarmament. Just before press time, the editor learned of Ferry's order to disarm, and added, "the mining companies ought to be glad to be rid of their expensive army of private guards in exchange for protection by the state authorities."³² Sheriff Woolery said he preferred militia guarding the mines rather than his deputies because then the state would assume the expense and save King county \$12,000 to \$15,000.³³ The cost to the public of keeping the industrial peace would soon become the fundamental issue of the N. G. W. service that summer.

The military companies were generally well received in the mining camps. The Post-Intelligencer reported that they served as a neutral force in protecting both sides and the good behavior and efficient service of the Guardsmen had impressed everyone. However, Colonel Haines, because of his connection with the OIC, became an "object of hatred." At Seattle's Pioneer Square, about 1,000 persons heard labor leaders criticize Haines for acting as commander of the state militia while employed as an attorney for the OIC. They also denounced Ferry and state and county officials in general for their failure to enforce the constitutional prohibition of armed bodies of men until after two miners had been killed.³⁴

³²Post-Intelligencer, July 3, 1891.

³³Ibid., July 2, 1891.

³⁴Ibid., July 3, 4, 1891.

Governor Ferry secretly asked Brigadier General A. P. Curry, commanding the N. G. W., to go to King county and try to get the opposing parties to come to an agreement.³⁵ Curry did so without publicizing his purpose. Before starting his trip, on July 3, he publicly disclaimed any direct command of the militia companies during the strike duty, saying that he, Governor Ferry, and Colonel Haines had agreed that in case of any trouble, Haines should go ahead without waiting for orders from Curry.³⁶

The disarmament plan was to begin on July 6 with a request by Sheriff Woolery for the voluntary surrender of all weapons. Curry was to meet with miners' groups in each of the four mining camps in order to try to persuade the strikers to turn in their arms. If arms were withheld and further disturbance broke out, Ferry would declare martial law. To guarantee protection of the mines, the state authorities promised additional troops.

The call for additional troops permitted the cavalry to join the fray. Curry ordered twelve men and three officers of Tacoma's elite Troop B, commanded by Captain James M. Ashton, to report to Haines for picket and scouting duty.³⁷ Haines assigned them to

³⁵ Curry to Ferry, Aug. 28, 1891, in Ferry papers.

³⁶ Post-Intelligencer, July 4, 1891.

³⁷ Ashton was a corporation lawyer who included the N. P. Railroad among his clients and whose wife was a daughter of a Pierce county coal mine manager, Bonney, History of Pierce County, pp. 5-6. Troop B organized late in 1889, and mustered into the N.G.W. at the 1890 summer camp. See, Historical Review of the Tacoma Guardsmen (n.p., n.d., circa 1910); also James M. Ashton, Historical Sketch of Troop B (Tacoma: The Bell Press, 1910). These brief works include photographs and some details of activities of Troop B during the strike.

all-night, mounted picket duty between Gilman and Newcastle, and to daytime, dismounted guard duty at the mines. Their job was to protect any miners who came to the mines to get work and to protect any miners who were working.³⁸ This additional military force made the armed mine guards unnecessary and Haines ordered the three coal companies in the four towns to remove all their Sullivan men from the several fortified mines by July 6. By that date, the strike was practically ended.

Protected by the militia, strikebreakers were digging coal at Franklin and Newcastle for the OIC, and at Gilman for the Seattle Coal and Iron Company. At Black Diamond, though the Knights of Labor accepted the company contract and gave up their efforts to get manager Morgan Morgans to surrender his authority to hire and fire at will, Morgans did not immediately re-open the mine. The companies had won and M. C. Sullivan claimed credit for the victory: "We have brought into King county some 125 men, and with this comparatively small force we have broken the strike."³⁹

As the Militia relieved the Sullivan mine guards, Sullivan collected and surrendered to the Militia the weapons of his employees. But Curry's efforts to persuade the miners to turn

³⁸ Eventually, about 24 troopers were on duty, A. G. Report, 1891/92, pp. 63, 77.

Ashton's official report told of the arduous and complicated duty performed by his troopers. In addition to the camp at Gilman, small detachments of cavalymen were assigned as scouts for the infantry units in the other three towns. Ashton praised his men for rare judgement where "a single shot could have triggered serious trouble," Ibid., pp. 61-82.

³⁹ Post-Intelligencer, July 5, 7, 1891.

in their guns ended in almost total failure. The Franklin strikers eventually turned in only twenty-eight rifles and shot-guns although Deputy Sheriff Ben Stretch claimed that he had counted at least sixty-eight rifles before the June 27th shooting. The black strike breakers at the Franklin mine gave up only fifty rifles and twenty revolvers whereas at least 400 rifles and 150 revolvers were counted among them when they first arrived. Not a single weapon was surrendered at any of the other three mining camps.⁴⁰

The strikers, the coal company officials, and the blacks all justly accused their opponents of hiding their weapons.⁴¹ Governor Ferry decided not to declare martial law unless the civil authorities were resisted. General Curry agreed because the miners were growing sullen and more bitter against the military.⁴²

⁴⁰ Sullivan claimed the strikers had over 600 rifles, Ibid., July 4, 1891. He announced that he was calling in his weapons, Ibid., July 5, 1891. But his men gave up their jobs and weapons only after they were relieved at each mine by a military guard.

⁴¹ The Gilman home guard said it had disbanded in order to get around the governor's order that all armed bodies disarm, Ibid., July 8, 1891. On July 17, a happy crowd of strikebreakers celebrated at a Franklin saloon by shooting up the place. Immediately "armed negroes came from all quarters," thinking the white miners had attacked the town, Hunt and Kaylor, p. 349. Only six days earlier, Corey had claimed that all his Negro workers had given up all their arms, Ibid., July 11, 1891.

⁴² Post-Intelligencer, July 10, 11, 1891. With Sullivan leaving, the OIC hired Colonel S. W. Scott to oversee protection of the company's Newcastle property, Ibid., July 10, 1891. Scott had served as lieutenant colonel of the First Regiment until March 18, 1891, when he was promoted to inspector general on the brigade staff, A. G. Report, 1891/92, pp. 152, 153, 191, 216. He held the latter position when he accepted the OIC job though he apparently saw no active service in the National Guard during that campaign.

Sheriff Woolery wanted to "precipitate the crisis by withdrawing the militia," believing that an outbreak would occur as soon as the militia left whether then or in three months. If trouble were to come, he reasoned, it might just as well come sooner as later, and when an overt act was committed the rioters could be dealt with vigorously.⁴³ However, Curry, Haines, the three county commissioners, and the county attorney decided to reduce the militia gradually.

As soon as Woolery felt he had sufficient deputies at a camp, the militia stationed at that camp went home. The military pull-out began July 12, when Companies D and E were sent home from Gilman.⁴⁴ On that same date, Company C went from Black Diamond to Gilman to replace D and E. Company B, at Franklin, was also sent home on July 12. Two days later, Troop B left Gilman, and Company I left Franklin. Company G was released from Newcastle on July 15. The militia's strike campaign ended July 18, when Tacoma's C Company was released from Gilman and Newcastle. By that time, the last of the Sullivans had departed the region, the strike had been successfully broken by the coal companies, and the Knights of Labor were headed for eclipse in Washington State.⁴⁵

⁴³Post-Intelligencer, July 11, 1891.

⁴⁴As the Militia began to leave, dynamite destroyed two miners' cabins, Militia headquarters at Gilman was stoned, and the commanders there were shot at one night, but the violence was considered to be the action of isolated individuals rather than an organized movement and the withdrawal of troops continued, Ibid., July 12-18, 1891.

⁴⁵Melder, pp. 58, 62, 72; Post-Intelligencer, July 12-18, 1891.

Colonel Haines declared the strike to be at an end with all mines producing coal as usual. He knew what had broken the strike: "The sheriff, M. C. Sullivan, and the strikers themselves say this result could not have been accomplished without the aid of the militia, for had there been attempts to open the mines without such guard, trouble would certainly have ensued."⁴⁶

Effects of the Strike Duty

The strike duty of the N. G. W. in 1891 had not led to any major confrontations with the miners. Guardsmen had mingled freely with the townspeople, joining them in some of their social entertainments. The situation was such that the Guard could establish itself as a neutral force between the armed and organized strikers, Sullivans, and black miners. Though they broke the strike, their presence did discourage further violence and bloodshed. Most of labor's anger aimed at the private detective system, the importation of black workers, and at Governor Ferry for not opposing those practices. Consequently, labor's major complaint against the N. G. W. was the dual role of Colonel Haines and the calling out of the Guard before the sheriff had requested it.

Organized labor directed its official anger at John C. Haines, the OIC attorney and commander of the First Regiment who personally commanded the troops in the field.⁴⁷ The

⁴⁶Post-Intelligencer, July 16, 1891.

⁴⁷After labor refused to invite Seattle's Militia to participate in Labor Day parades, the P-I announced that "both rank and file say" they have "perfect sympathy for labor" but had to obey orders, and were just as willing to fight for protection of labor as for capital, Sept. 13, 1891.

committee of the Western Central Labor Union at Seattle, which had charge of organizing the region-wide sympathy strike, had asked Governor Ferry to remove Haines from command of the Militia.⁴⁸ In rebuttal to Ferry's claim that there was no evidence that Haines was not impartial, the committee listed examples of Haines' duplicity.⁴⁹ In May, when the 600 Negroes arrived at Franklin, Haines had said that 100 of them had rifles and the rest had revolvers. As attorney of the OIC, he had said that the Negroes were capable of defending themselves and would do so. As colonel of the National Guard, Haines later stated that the black miners had turned over all their guns even though only ninety pieces were surrendered. The committee claimed that Haines had asked for permission to use the Militia long before it was needed even though he knew Woolery would have to be absent and that he could "beguile" deputy Ben Stretch into calling for Militia help. The reason for wanting the Militia, said the strike committee, was that the company was tiring of the heavy expense of maintaining the detectives and Haines saw the opportunity to persuade the governor "to use the state militia to assist the OIC in oppressing the miners and to principally

⁴⁸The W.C.L.U. was the predecessor of the Seattle Central Labor Council. Organized in 1888, had renounced the "socialistic class consciousness of the Knights of Labor" and had followed "business unionism" practices in the post Seattle fire prosperity, 1889-93, Melvin G. DeShazo, "Radical Tendencies in the Seattle Labor Movement..." (M.A. thesis, University of Washington, 1925), pp. 1, 4.

⁴⁹Post-Intelligencer, July 12, 1891.

establish his indispensability to the company."

According to another complaint by the strike committee, Haines had declared on July 10 that since assuming command of the N. G. W. on active duty, he had not acted as attorney or consulted or advised the company. Yet, he did consult the OIC on July 11, "presumably as their attorney." And, though Haines had declared that he was not the attorney for Parks Robinson (the company inside boss charged with murdering the two strikers), Robinson himself identified Haines as his attorney. The strike committee thought Haines should have given over command of the regiment to his second in command, claiming that "no person with the least trace of honor or uprightness in his composition would have retained the dual position which Colonel Haines now holds." To top off Haines' "malfeasance" in office, and Ferry's "neglect of duty" in not disarming all bodies of men at Franklin before the shooting occurred, the strikers finally had to endure "the appearance on the scene of another person with "a leaning toward corporations"--General Curry.⁵⁰

Labor's grievances against the officers of the National Guard troubled the military organization less than did the political question of which level of government did the Guard represent when performing its police function. As soon as the last of the First Regiment was released from duty, the officers submitted their claims for pay, transportation, rations, and other expenses, but quickly learned that neither the state

⁵⁰W. Fitzgerald and W. G. Armstrong to Ferry, July 10, 1891, in Ibid., July 11, 1891.

officials nor the officials of King county were willing to pay for the Militia service.⁵¹

The Guard had been called to active duty under the authority of Section 860 of the Washington Code of 1881 which provided that in case of riot any justice of the peace, sheriff, deputy sheriff, constable, or marshal, mayor, or alderman of a city could call out, if necessary, "an armed force" to seize, arrest, and secure in custody anyone refusing to disperse from the scene of the riot. Varying interpretations of that provision triggered a dispute which would last four and a half months and shake the wobbly N. G. W. to its foundations. The dispute centered on determining whether "an armed force" included the state Militia. This same question of interpretation had arisen without being resolved during the administration of Governor Eugene Semple.⁵²

The state authority for accepting the military's claims was the Military Auditors Board which consisted of Governor Ferry, Adjutant General O'Brien, and State Auditor Reed.⁵³ Ferry and O'Brien assumed the point of view that "armed force" meant militia and therefore, since the troops were called for by the sheriff, they had acted in the service of the county and King county would be expected to pay the accounts and to depend upon

⁵¹ Pay claims were made for about 250 enlisted men and about 25 officers, averaging about two weeks of duty each at the rate of \$1.50 and \$2.00 per day respectively, making a payroll claim of about \$5,750, Ibid., July 23, 1891.

⁵² See above, pp. 217-18.

⁵³ Post-Intelligencer, July 24, 1891.

the next legislature for re-imbursement.⁵⁴ Haines insisted that the Militia was not a posse comitatus, that it was "composed of soldiers serving the state...." He accused O'Brien of basing his opinion "as to the county's liability upon the fact that the orders calling out the Militia did not come through him." That was true, admitted Haines, but the emergency was so great that he had time only to deal directly with the governor.⁵⁵

When Governor Ferry realized the magnitude of the storm that the problem would cause, he asked State Attorney General W. C. Jones for an official opinion. Jones' opinion, delivered August 8, supported the Ferry-O'Brien interpretation. Jones argued that Ferry's correspondence with Haines at the end of June when the trouble first began to break out "clearly indicates" that Ferry did not intend to order the militia into the service of the state or to authorize any subordinates to do so. The governor, Jones wrote, thought only in terms of Section 860 and merely wanted to assure Haines that "any action in responding to the call of the sheriff would not be regarded as any violation of military discipline."⁵⁶

⁵⁴Ibid., July 22, 23, 1891. Ferry had begun to build his case earlier by denying, before the end of the strike duty, that he had ordered the militia to duty, Ibid., July 10, 1891. His telegram to Haines, June 25, 1891, did cite Section 860, A. G. Report, 1891/92, p. 48.

⁵⁵Post-Intelligencer, July 23, 1891. The following day, Haines declared that he ordered troops to Franklin at the deputy's request in accordance with the general authority conferred on him by the governor and in compliance with Section 860, Ibid., July 24, 1891.

⁵⁶Ibid., Aug. 9, 1891.

Within the ranks of the National Guard, the blame for the state's refusal to assume responsibility was placed squarely on the adjutant general. The officers of the First Regiment were working hard to get "the boys" paid and the boys were so discouraged that, according to an unidentified Tacoma Guard officer, "not one in twenty would come forward if called out again." Recruiting was harmed by the pay fracas, and it was "the opinion of some officers that if O'Brien has the running of the National Guard for this state much longer he will run it in the ground."⁵⁷

Officers of the First Regiment decided to sue the state for the delinquent pay.⁵⁸ Action for the suit started when most of the regimental officers met at Seattle's armory, August 29, and agreed to initiate a test case. They selected Colonel Haines to handle the suit.⁵⁹ By then, the N. G. W. was experiencing a crisis of sorts. Captain Ashton warned that if the claims were not paid without delay "there will be no militia in the state within six months." He said the feelings had grown so intense that if the First Regiment were called out then, he doubted that any but the officers would respond.⁶⁰

Some Guardsmen demonstrated their feelings with an act of insubordination on September 6, when only six men of Company G

⁵⁷ Ibid. :

⁵⁸ Ibid., and Spokesman-Review, Aug. 9, 1891.

⁵⁹ Post-Intelligencer, Aug. 30, Sept. 5, 1891. On Sept. 4, Haines set the total strike duty expenses at \$15,000, Ibid., Sept. 5, 1891.

⁶⁰ Spokesman-Review, Sept. 2, 1891.

turned out to prepare for target practice as ordered by their Captain Shank. The Seattle and Port Townsend companies also were rumored to be planning to refuse to turn out to drill. Captain Shank, who gave the order to his G company "to see how many of them wanted to turn out," said that he was in full sympathy with the boys.⁶¹ Hostilities against O'Brien deepened. In late September, Colonel Haines back-handed General O'Brien across the mouth, claiming that the general had insulted him.⁶² The altercation took place in an Olympia hotel after Haines, Ferry, and Ashton had met to agree on the procedure for the test pay case. O'Brien filed military charges against Haines, but the colonel escaped punishment by successfully pleading that the militia board, under the law of 1890, failed to provide for military courts.⁶³

⁶¹Ibid., Sept. 10, 12, 1891. Captains Shank and Ashton claimed that they were not sure O'Brien's order to engage in target practice was official since it did not carry the signature of the governor. Thus, they were attempting to "turn the tables" on O'Brien and Ferry who were claiming the call to strike duty had not been made through the proper military channels, i.e., with the governor's signature, necessary to putting them into the state service, Ibid.

⁶²Post-Intelligencer, Sept. 21, 1891.

⁶³The immediate dispute between Haines and O'Brien was a question of a postage bill of \$1.65, Haines to Ferry, Sept. 23, 1891, in Ferry papers. On Oct. 13, O'Brien formally accused Haines of assaulting his superior officer, Spokesman-Review, Oct. 24, 1891. He placed Haines under military arrest and relieved him of command, Ibid.; see also, A. G. Report, 1891/92, p. 202. Ferry revoked the arrest order, P-I, Oct. 28, 1891. The full proceedings are in A. G. Report, 1891/92, pp. 83-100, 173-75. The three-day trial began on Nov. 5, covered in detail by the Spokesman-Review. Haines returned to his command of the regiment, and the military board quickly rectified its oversight by amending the old rules and adopting them as a new military code, Ibid., Dec. 23, 26, 1891.

Meanwhile the test case proceeded as planned except that it was delayed longer than Haines had hoped.⁶⁴ The Supreme Court handed down its unanimous decision in mid-December, 1891. It determined that the "armed force" referred to in Section 860 was not the state militia, therefore, the county and city officers could not directly call out any organized portion of the militia. The troops were engaged in the state's business, so the state must pay.⁶⁵

O'Brien's reluctance to accept the strike duty as state service was apparently based on financial expediency. If the Guard were the agent of the state, its strike duty expenses would have been paid from the military fund which was intended for the general maintenance of the N. G. W. Claiming that the practice of using the general maintenance fund for extraordinary expenses injured the training and efficiency of the whole force, O'Brien, in his next two biennial reports, asked for a legislative

⁶⁴ A factor in the delay was that the paymaster, Lieut. H. Chapin, had not yet received his commission owing to delay in Curry's office, Post-Intelligencer, Sept. 22, 1891. Chapin finally received his commission, dated June 27, 1891, on Sept. 23, 1892, Ibid., Sept. 27, 1891.

⁶⁵ The court declared that "every offense committed is against the peace and dignity of the state, and it is in behalf of the state that all measures are taken to preserve the peace and execute the laws." The counties were not responsible for the preservation of the public peace, just the county officers were so responsible; and even if the militia had been part of the posse comitatus, the court argued, the county would not have been liable since service in the posse comitatus is based purely on patriotism and duty, and had never before been a compensated service. County officers could be compensated only to the extent of their salary, Washington State, Supreme Court, Reports of Cases, III (Olympia: O. C. White, State Printer, 1892), 386-97; also in Spokesman-Review, Dec. 19, 1891.

provision to pay for active state service from the general fund of the state.⁶⁶ Four years later, the legislature of 1895 did set aside \$10,000 in a special fund to be used to pay the expenses of riot suppression and other civil duty.

The strike duty of 1891 also affected the N. G. W. in more general ways. It has been misleadingly claimed that out of the coal mine strike duty "came a very much improved National Guard organization."⁶⁷ Undoubtedly the two-week campout did provide an important training experience for the civilian-soldiers. The duty was a major field exercise in communications as officers attempted to coordinate the activities of seven companies working out of five base camps separated by as many as fifteen miles. The establishment of camp routines, and the practice of guard duty under real and threatening conditions, and the opportunity for daily drilling surely benefitted the military proficiency of the troops. In addition, an indirect benefit to the Guard was the publicity the strike duty provided for its poor equipment. After it became public knowledge that, in terms of tents, arms, and uniforms, the Guard was poorly prepared for active duty, Governor Ferry added his personal influence to the efforts to solve those defects. There was indeed a positive side of the of the strike for the N. G. W., but it is incomplete to claim that a "much improved" National Guard resulted from the strike campaign. At least in the short run, internal problems tended

⁶⁶ A. G. Report, 1891/92, pp. 41-42; Ibid., 1893/94, p. 30.

⁶⁷ Hunt and Kaylor, p. 350.

to undo the benefits gained from the active duty, and the aftermath of the strike duty intensified some of those internal problems.

Internal Problems

From September, 1889, to September, 1890, the N. G. W. experienced a major growth. During that first year of statehood, six new companies had been mustered into the force, bringing the total to nineteen companies. The manpower of the Guard during the same period increased from 870 to 1,155, an addition of 285 officers and men in just one year.⁶⁸ But from September, 1890, until late in the fall of 1891, serious internal problems retarded further growth. During that time no new companies were added, and the existing companies lost more men than they gained.⁶⁹ Though O'Brien spent more than \$126,000 during the 1891-92 biennium, he failed to provide some companies, especially Tacoma's, with money for their armory rent, or with adequate uniforms or arms.⁷⁰ A widening schism had begun to appear among the officers of the Guard as a faction within the First Regiment, led by Colonel Haines, blamed General O'Brien for the shortcomings.

The O'Brien-Haines conflict was of long standing. When Seattle's great fire in June, 1889, brought elements of the First Regiment to fire guard duty there. Haines had gone over O'Brien's head, directly to Governor Miles Moore, to force O'Brien to ship

⁶⁸ A. G. Report, 1890, pp. 25-28.

⁶⁹ Hunt and Kaylor, p. 350.

⁷⁰ Armories, except at Seattle, then consisted mostly of rented halls or warehouses.

some new army rifles to Seattle's troops.⁷¹ In 1890, for the first time, the adjutant general and the brigadier general had been elected by vote of their fellow Guard officers rather than by the people. In that first military election, Curry and O'Brien stood for re-election. Curry, unopposed until the night of the election, won by only five votes, 25-20. Strong anti-O'Brien sentiments, however, were known well before election night. During the encampment of 1890 "some of the officers formed the opinion that he had been in office so long that he had set himself up as an autocrat."⁷² In the election, O'Brien faced two opponents and required three ballots before he could gain a majority vote, 24-18-1.⁷³

For a few months following the strike duty, the N. G. W. suffered from many publicized internal troubles, disputes, and

⁷¹O'Brien had wanted the Second Regiment to get the rifles. "Gen. O'Brien has not obeyed your order," complained Haines to Governor Moore, "...Please assist us in securing...(the rifles)," copy of telegram, June 14, 1889, in Washington State, Governors' papers, Miles C. Moore, Washington State Archives.

⁷²Spokesman-Review, Sept., 14, 1890. The public later worried about the high cost of encampment as discussed below, in Chapter XI. But O'Brien worried about discipline. At the summer camp of 1890, troops "organized a kick" and threatened to leave camp if they were not provided with more blankets and better food. Then the officers of the First Regiment threatened to leave if they were not relieved of so many special duties. "General Curry complied with the kick," Spokesman-Review, June 26, 1892. O'Brien was apparently referring to that "kick" when he wrote that "when a commanding officer assembles his subordinate officers, and...martials them before his superior officer and vigorously protests against his command being required to furnish details to do a soldiers duty, it is mutiny," A. G. Report, 1891/92, p. 43.

⁷³O'Brien's opponents were Capt. E. H. Fox and Major Charles B. Johnston, The Official History of the N. G. W., IV, 390-91, Spokesman-Review, Oct. 7, 1890.

wrangles. Companies criticized their officers.⁷⁴ One of Company D's election meetings erupted in a brawl. Several Tacoma and Seattle Guardsmen claimed they lost their jobs while they were on active duty during the coal strike.⁷⁵ Shortly after they had returned from the strike duty, the two Tacoma companies lost their armories for non-payment of rent, and had stopped drilling. Rumors became rampant in that city of mass resignations and of companies disbanding.⁷⁶ As the pay fight continued, the Seattle companies also began to drill less, but threats to resign were apparently more rare among Seattle's militiamen. Some of the state's citizen-soldiers even objected to being referred to as "official policemen."

Throughout August, 1891, Captain W. J. Fife, commanding Tacoma's company C, complained that some men had no uniforms and the uniforms that did exist were badly worn from five years of service. He threatened to get a court order to force General O'Brien to distribute supplies on hand at Olympia.⁷⁸ O'Brien

⁷⁴Post-Intelligencer, Aug. 9, and 16, Oct. 25, 1891.

⁷⁵Ibid., Sept. 12, July 24, 26, 1891.

⁷⁶Ibid., Aug. 2, 23, 1891. Immediately following their return from the coal fields but before the pay squabble, Capt. Fife was drilling his men in street riot tactics and guard mount duty, Ibid., Aug. 2, 1891.

⁷⁷Ibid., Aug. 16, 1891. Not all Guardsmen rejected the title of police. An attorney-officer arguing in the Haines court martial trial, said that "as Guardsmen, the militia are officers of the peace, the police of the state at large," A.G. Report, 1891/92, p. 93; O'Brien referred to the National Guard as the "state's extraordinary police force," Ibid., p. 21.

⁷⁸Post-Intelligencer, Aug. 2, 14, 16, 1891; Spokesman-Review, Aug. 14, 1891.

publicly accused Fife of failing to make his company reports, and used that as the excuse for not sending funds to Company C for payment of the armory rent.⁷⁹ Governor Ferry arranged a peace conference between Fife and O'Brien where they learned that General Curry's office had delayed Fife's reports. The governor, who was eager to have an effective National Guard organization, promised to give his personal attention to the matter of armory rents and uniforms.⁸⁰

Beneath all the troubles were the continuing complaints that General O'Brien was incompetent--companies had not received armory rent or uniforms; men left the state and could not get their discharges; officers could not get their commissions; state property went uncared for.⁸¹ Colonel Haines blamed the impoverished condition of the companies on O'Brien since the legislature had "done everything that any legislature could, and no state in the union has more liberal provision for its National Guard than Washington."⁸²

The first National Guard Association of Washington formed

⁷⁹Post-Intelligencer, Aug. 9, 1891.

⁸⁰Ibid., Aug. 17, 30, 1891.

⁸¹Ibid., July 26, Oct. 11, 1891. On July 26, the Post-Intelligencer started a weekly military column in which many of the problems of the Guard were aired.

⁸²Ibid., Aug. 9, 1891.

out of the anti-O'Brien movement.⁸³ A group of officers met in mid-September and elected Haines as their commander.⁸⁴ A few days later, apparently just after Haines had struck O'Brien, most of the officers of the First Regiment signed a formal petition to Governor Ferry asking for O'Brien's dismissal. They claimed that his administration was "prejudicial to the best interests of the service; that he has become personally unpopular with the members of the National Guard..."⁸⁵ On October 3, with only officers of the First Regiment attending, the association met again. After listening to Captain Fife and other speakers express extreme dissatisfaction with O'Brien's leadership, the members of the newly born National Guard Association of Washington passed a resolution calling for O'Brien to resign.⁸⁶

Some of the tensions in the militia organization lessened during the fall of 1891 as new uniforms were distributed and

⁸³Ibid., July 26, 1891. Nationally, the N.G.A. organized in 1879 as an officers' organization formed to promote the efficiency of the organized militia in the states and to lobby before Congress, Derthick, The National Guard in Politics, p. 20. The N.G.A. was already entering a six-year dormant period when the Washington group formed, Ibid. The N.G.A.W. apparently became defunct shortly after its inception. It reformed in 1896, Spokesman-Review, Dec. 23, 1896.

⁸⁴They elected E. W. Pike, Goldendale, as first vice commander, and Charles B. Johnson, as second vice commander.

⁸⁵Petition, Oct. 1, 1891, in Ferry papers. Ferry rejected it, Post-Intelligencer, Oct. 25, 1891. These same officers also charged that O'Brien's election in 1890 was the result of illegal votes. They said that he issued commissions to the officers of six or seven new companies without their having passed the examination required by the military law, and that it was by those "illegal" votes of the new officers that O'Brien was elected, Ibid., Sept. 30, 1891.

⁸⁶Ibid., Oct. 4, 1891.

after "the boys" received their pay following the decision of the Supreme Court. By Christmas, as a result of the Haines court martial, the military board had finished writing a new military code which provided procedures for maintaining discipline consistent with the rules that governed the regular Army. The new regulations were officially adopted in April, 1892. The solution of these problems, combined with the unexpected death of Colonel Haines in early January, 1892, temporarily suspended the anti-O'Brien movement.⁸⁷

In its call to duty in 1891, the N. G. W. had been fortunate to experience no violent confrontations with any mob or organization. It killed or wounded no citizen. The Guard's significant tour of civil duty had placed the citizen-soldiers between deadly combative factions in a peace-keeping role

⁸⁷With the unexpected death of Haines, one of the central and more controversial figures in the formation of the N.G.W. suddenly passed from the scene. Haines died at the age of 42 on Jan. 2, 1892, apparently of influenza, Spokesman-Review, 1891/92, p. 179.

"No man was better known through the state of Washington than John Charles Haines...the foremost lawyer...the most popular man in the National guard, a leader in politics and the center of social life," Spokesman-Review, Jan. 3, 1892. He was eulogized before the state Supreme Court which adjourned in respect for his memory, Ibid., Jan. 17, 1892. C. H. Hanford claimed that Haines, who had written most of the militia laws of 1888 and 1890, was "the most learned man" to practice at the Seattle bar, and that his ambition had been to be one of the state's first U. S. Senators, in WHQ, XVI (April, 1925), 128. William F. Prosser acknowledged Haines' ability, but criticized his moral principles, calling Haines one of the most "skillful and adroit" managers of the "overbearing and despotic" ring of Seattle Republican politicians, in History of the Puget Sound Country, I (New York-Chicago: The Lewis Publishing Company, 1903), 214, 218.

which it carried off with moderation and success. Though it had in effect helped break the 1891 coal strike, and though its commanding officer had played a dubious, double role in that industrial conflict, the moderate behavior of the troops had saved the Guard itself from severe criticism from organized labor. In spite of its internal animosities and troubles, the N. G. W. was entering a new period of growth as 1891 ended.

CHAPTER X

Multiple Facets of the Militia Spirit 1892-1894

Following settlement of the coal strike duty pay dispute, the National Guard of Washington again expanded. By December, 1891, the addition of three new companies had raised the brigade strength to twenty infantry companies and two cavalry companies. That was the self-imposed maximum set by the Military Board to conform with the available funds which were insufficient to support the thirty companies allowed by the Militia Act of 1890.¹ On the condition that its members provide their own uniforms and pay their own expenses, a Waterville company was added to the roster, October 10, 1892. The addition of that unattached company brought the strength of the N. G. W. up to twenty-one infantry companies and two cavalry troops for a total of twenty-three companies and 1,388 officers and men at the end of 1892.²

The Martial Spirit

A principal impetus for the continuing growth of the Guard was industrial strife. In the fall of 1892, O'Brien cited the

¹Governor's message, in House Journal (1891), pp. 9-10. Two companies mustered into the Second Regiment in August, Company I (Clyde) and Company K (Tekoa), Post-Intelligencer, Aug. 23, 1891. The third unit, Company A (Olympia), joined the First Regiment in December, A. G. Report, 1891/92, p. 177.

²Ibid., p. 16, and General Order no. 14, Oct. 10, 1892, in Ibid., p. 194.

recent King county coal mining troubles as an example of the dangers facing the state of Washington which required the legislature to make a liberal provision for the organized militia, "the defenders of the peace." There was nothing impartial about O'Brien's views. He blamed the "riots" of 1891 entirely on the striking miners, ignoring the Thiel detectives and the armed black miners. His claim that "a number of men lost their lives in an effort to protect their property and discharge their duty as citizens...." falsely implied that it was the strikers who killed them. He identified that conflict, in part, as the "unlawful" miner home guards versus the "lawfully disposed."³

O'Brien had no use for the strike as an economic weapon. He referred to the nation at large as well as King county when he cited "the recent labor troubles" as evidence "that a military force is essential to the preservation of society from disintegration." Anarchistic insurrections have assailed with violence "even the right to labor--the inalienable right of every human being," O'Brien stated. "The exhibition of military force, and the determination to use it, was an absolute necessity" in those states threatened by terrorism. A well-disciplined body of national guardsmen would and could overawe law-breakers with prestige and moral force, he reasoned, but:

Physical force is requisite in keeping down the savage elements of society...we must strengthen the guard as a terror to the anarchistic spirit...stimulated by the vile demagogues who are preaching to the people that property is plutocracy, and that labor has no rights apart from those granted by a minority organized for the purpose of dominating it.

³Ibid., p. 23.

⁴Ibid., p. 22.

Though O'Brien may not have admitted or recognized it, the theoretical question of course was whether or not military force was an "absolute necessity" in preventing society from disintegrating. Under the prevailing attitudes of the times, it was. Capital and labor, as economic opponents, had already resorted to force and violence as they grew larger, more powerful, more determined, and more hostile. In the absence of either moral or legal obligations for responsible negotiation or arbitration, they accepted violent force as a legitimate means of achieving their goals. State governments, if they were to maintain their own power and authority during times of disorder, found it expedient to maintain peace, law and order with whatever force was available.

As this study has shown, the N. G. W., by the early 1890s, was developing as an organized police force. Its development was part of a larger, parallel movement in American history--the development of professional police forces. Earlier in the century, the states had been content with the police power that a "citizens militia" and the posse comitatus gave them, believing that liberty could be safeguarded solely by temporary agents of the people. But, in the 1880s, the earliest state police forces emerged "in response to the demand for an

instrument of power not locally or popularly controlled."⁵

The National Guard evolved out of the volunteer militias in the 1870s and 1880s as more than a military force. It also was developing as a permanent, professional, organized police force. In Washington, with the N. G. W. on hand, the movement for a regular state police force would have to wait until the 1930s before it would succeed.

There was, in the 1890s, a growing opposition to organized labor, a growing fear of anarchists, of the unorganized unemployed, and of the socialists. These attitudes led businessmen and professional men to encourage and support organization of the militia, and helped induce a property-owning public gradually to accept the financial responsibility for maintaining an organized militia in Washington. But negative attitudes alone do not explain why a young man would join the National Guard in that decade and thereby assume a burden on both his own wallet and his time. Other incentives for enlisting abounded.

There was afloat in society a general martial spirit that included the intangible desire for glory and honor, and the

⁵Oscar and Mary Handlin, The Dimensions of Liberty (Cambridge, Mass.: The Belknap Press of Harvard University, 1961), pp. 40, 41. The Handlins discussed the growth of organized state police, but failed to note the transition of the militia to the National Guard near the end of the 19th century. Their omission is another illustration of how contemporary historians generally have failed to recognize the National Guard as a significant historical topic.

Handlins' book is a suggestive view of the relationships between the varying aspects of liberty, such as freedom from coercion, and the employment of organized, limited force in the name of liberty.

will to demonstrate patriotism. Numerous organizations such as the Knights of Pythias and other secret, popular societies were organized on a military basis. The Grand Army of the Republic and the Sons of Veterans were popular as were university and high school cadet groups. Paramilitarism was a significant part of social life and vice versa. Exhibition marching and drilling remained a favored type of entertainment at private and public social functions. The editor of the Spokesman-Review described the military aspects of "one of the nicest social parties that ever occurred in Spokane," which was the anniversary ball of the Sons and Daughters of Veterans. The "military spirit" animating these young patriots, he said, was expressed in a quotation from Burns printed on the dance program: "'For gold the merchant plows the main; The farmer plows the manor; But glory is the soldier's prize, The soldier's wealth is honor.'"⁶

The companies of the state's larger cities stressed the social element in membership. Following the 1891 strike duty, Seattle's Company D sought to increase its membership by recruiting men with experience in military drill and with a "social standing."⁷ When Spokane was permitted to organize a company of cavalry in early 1893, a trooper, writing in military column of the Spokesman-Review, wrote that "the formation of a cavalry troop in this city is an event of both military and social importance..." He noted the "very showy

⁶Feb. 23, 1893.

⁷Post-Intelligencer, July 26, Aug. 2, 1891.

and pretty" dress uniforms of the new troopers, and high quality of the troopers themselves, but he had nothing to say regarding the military value of the new troop.⁸ When the membership drive opened for the new Troop D, the response was splendid. Forty-three "prominent businessmen...lawyers, doctors, bankers, merchants, capitalists and city officials...the elite of Spokane" applied in the first few days. A later brag was that the new troop consisted only of "business or professional men of good standing...and of physical and moral excellence..." The organizers took special care to reject anyone who might become "unpopular." When the membership list was closed, it included only "men of unquestionable character, business capacity, and social standing..." When the yellow-plumed Troop D announced that it was fully organized, "everyone" was commenting on it, "especially...the society people of the city. All the members from the captain down to the rawest recruit are connected with the best families in the city and are society men or recognized by the select circle..."⁹

⁸Feb. 5, 1893.

⁹Spokesman-Review, Jan. 22, Feb. 5, 16, 1893. Members included bankers Jerome Drumheller and B. B. Glasscock, Ibid., Feb. 5, 1893. While it was an independent, unattached company, Troop D had an initiation fee of \$25 for honorary members who were prominent business men, Ibid., Feb. 16, 1893. An enlistee in Troop D, First Cavalry Battalion, N. G. W., in 1893, had to provide his own horse, pay dues of \$6 per year, sell tickets for dances and parties to pay the rent of a drill hall, and if they missed drill they paid a fine. The state provided saddles, Spokesman-Review, July 6, 1919. This article contrasted the 1893 Guardsman to a recruit in the federalized National Guard of 1919 who was provided with a uniform, a pair of shoes, a modern rifle, a hat, and a \$75 per year pay check, provided that he drilled once a week and attended the required parades.

At the beginning of the decade of the 90s, businessmen, white-collar men, and farmers dominated the companies of the smaller towns of eastern Washington.¹⁰ In the west, Company K (Aberdeen), First Regiment, was "made up to a considerable extent of the young men prominent in the business and social affairs of the city..." They were also members of various other organizations such as the hose teams, fire companies, cornet band, base ball team, and the secret orders of Aberdeen.¹¹ When some young men of Everett wanted to organize a company, they informed Governor McGraw that the ones wishing to join were "as a rule, from the class which is said to form the best soldiers in times of such emergencies as generally call for the interference of the militia, namely: from the educated class of the young business men."¹²

On the other hand, other supporters of the Guard worked hard to overcome the popular notion that it was primarily a social organization. "Public money should not be spent on it as an ornament," wrote a Spokane editor. "The men do not volunteer their services not their money to maintain an ornament for parades and social functions." He claimed that the primary

¹⁰The Second Regiment followed regulations and listed the occupation of its members in its rosters in Oct., 1889, but the First Regiment did not, A. G. Report, 1888/89, pp. 89-95.

¹¹Letter from Aberdeen officers to McGraw (n.d.), but answered June 26, 1894, Wash. State, Governors' Papers, John H. McGraw, Washington State Archives. Hereafter cited as McGraw papers.

¹²Letter from Francis Brownell, Everett lawyer, to McGraw, March 30, 1895, in McGraw papers.

object of the National Guard was to "maintain a body of troops ready for immediate and effective service," and only with that goal in the offing could the Guard recruit or maintain membership.¹³ Adjutant General O'Brien denied that the National Guardsmen were any longer "amateur soldiers" or "carpet knights for street parades and armory balls." The Guard, O'Brien said in the fall of 1892, was the protector of all law abiding citizens, organized to assist the civil authorities in maintaining the supremacy of the law, and in protecting the lives and property of the citizens of the state. "They are called upon only when the civil authorities fail in the preservation of the peace," said O'Brien. "Without the guard, law and order could scarcely be maintained."¹⁴

A factor in the welfare of the Guard was the attitude of the state's chief executive toward the militia. E. P. Ferry did not run for re-election in 1892. In his place, the Republicans nominated his friend and political ally, John H. McGraw. McGraw, former King county sheriff, and former member and officer of Seattle's militia Company D, was as much a friend of the militia as was his predecessor. Ferry was the lame duck governor when the legislature of 1893 convened early in January. In his address to that law-making body, Ferry repeated O'Brien's

¹³Editorial, Spokesman-Review, Dec. 18, 1892. This editorial was promoting the recent efforts of the War Department to improve relations between the army and the militias of the states, and was calling for the Guard to become more national in character.

¹⁴A. G. Report, 1891/92, p. 2.

theory that in future emergencies, the National Guard would be "indispensably necessary" in aiding civil authorities to enforce the law.¹⁵ The out-going governor claimed to be aware of only one objection to the militia--its expense. But, he protested, the cost was "not large" and compared to the value of the services the Guard offered it was insignificant.

The legislature of 1893 appropriated \$80,000 for maintenance of the state's military force for the 1893-94 biennium. It also amended the Militia Act of 1890 in order to raise the permissible number of cavalry companies to four. Two new troops, C of North Yakima and D of Spokane, soon joined troops A and B of Sprague and Tacoma in the First Cavalry Battalion, commanded by Major Charles B. Johnston.¹⁶ With the new additions, the strength of the N. G. W. reached 25 companies.¹⁷ Everything seemed to be going well for the N. G. W., until the summer of 1894.

The Militia Mutiny, 1894

Washington had entered statehood during a period of high prosperity which ended suddenly in 1893 in a major financial panic that ruined many state banks. The depression that followed was part of the national depression and lasted until

¹⁵Governor's message, in House Journal, 1893, p. 37. At that time, Ferry commended the N. G. W. for its "state of efficiency and discipline." He also asked for an appropriation to reimburse the N. G. W. deficit. The legislature complied with a special appropriation of \$14,310, Wash. State, Laws, 1893, pp. 275-76.

¹⁶A. G. Report, 1893/94, p. 20.

¹⁷Ibid., pp. 4, 32.

about 1897. During those years, all levels of government in the young state went from an initial time of extravagant spending to a time of stringent economizing.¹⁸ As discussed below, in chapter XI, the N. G. W. eventually would become a victim of those hard times, though it was not at first affected.

The nation was once again ablaze with economic disorder, strikes, and violence during the depressed year of 1894. In a nation-wide demonstration against unemployment, Jacob B. Coxey called out armies of jobless Americans who created consternation and excitement in many states as they tried to buy or bum train rides or even steal trains to Washington, D. C. The American Railway Union, formed in 1893 by Eugene Debs, successfully struck the Great Northern Railroad in April and May, 1894, and then in June and July reluctantly committed itself to a massive boycott against the Pullman Palace Car Company.¹⁹

The state of Washington escaped none of those troubles, but suffered much less violence and bloodshed than did many states. Washington's units of Coxey's army were gathering by the end of March. Governor McGraw announced that he would order out the National Guard to enforce the law when the industrial armies of Tacoma and Seattle announced plans to rendezvous at Puyallup Junction. Officials feared that if the railroad

¹⁸Edmond S. Meany, History of the State of Washington (New York: The MacMillan Company, 1946), chap. xxvii.

¹⁹See, Donald L. McMurtry, Coxey's Army, A Study of the Industrial Army Movement of 1894 (Boston: Little, Brown, and Co., 1929); also Taft, Organized Labor in American History, pp. 145-58.

company or the civil authorities did not provide them with a train out of the state, they would steal one.²⁰ A few days later, McGraw personally faced about 500 men under "Jumbo" Cantwell at Puyallup, telling them that if they were still in town the following day, he would call out the National Guard against them. Cantwell then broke up his large organization into small groups and told them to fend for themselves in getting to Spokane. By the end of May, the movement was nearly ended in Washington. U. S. troops and federal marshals had served the police function of protecting the trains, so Governor McGraw managed to get through the period without calling out the N. G. W.²¹

The Pullman strike of the summer of 1894 added more woes to the depressed economy and was the next episode that brought disorder and violence to Washington. In that conflict of industrial giants, the N. G. W. first became accidentally involved because the rail tie-up hit Washington just as many of the troops were enroute to the summer camp of instruction. After the encampment ended, the effort to return the troops of eastern Washington to their homes seemed to become a test of loyalty of

²⁰ Spokesman-Review, April 27, 1894.

²¹ Spokesman-Review, May 3-7, 1894; McGraw's confrontation was described by John P. Hartman, "The Coxey Army Invasion of Puyallup," in Building a State, Washington, 1889-1939, ed. by O. B. Sperlin (Washington Historical Society, 1940) pp. 543-46. The fullest treatment of Coxey's army in Washington is in McMurray, pp. 215-22; see also Hunt and Kaylor, I, 340-44, and Prosch, 444-46. For Spokane's army, see N. W. Durham, History of the City of Spokane and Spokane County, Washington, I (Spokane-Chicago: S. J. Clarke Company, 1912), 457.

the young National Guard organization. The results of that test would make the national news and embarrass proponents of the militia system.

The Pullman strike began as a wildcat boycott by Pullman workers against the Pullman Palace Car Company, June 11, 1894. The leadership of the American Railway Union was pressured into supporting its Pullman members, and on June 26, after the Pullman officials had refused any negotiation or arbitration, the union leaders instituted a general boycott against the Pullman company. That meant that A. R. U. members were to refuse to handle any Pullman car on any train on any railroad in the country. The railroads, cooperating under the General Managers Association, refused to pull any Pullman cars off their lines. As a result, for nearly ten days, the rail traffic of most of the nation stood still or ran badly delayed. The strikes came to Washington via the Northern Pacific when the A. R. U. men of that railroad company joined the boycott.

On June 27, in-coming traffic from the east was already tied up, when the Washington A. R. U. met to decide whether or not to join the sympathy strike. It did not announce the decision, but the next day, June 28, it was clear that the strike was on.²² The National Guard summer training camp had earlier been set for June 28-July 5, at Woodland, near Olympia. Scheduled to attend were the four cavalry companies, the Second Infantry Regiment, composed of the ten companies from eastern Washington, and the First Infantry Regiment, composed of the

²²Spokesman-Review, June 28, 29, 1894.

the ten western Washington companies. On June 28, eight of the companies of the Second Regiment were entrained on the N. P. westbound for the encampment. The A. R. U. strike vote had carried by a small majority, and at first the stoppage was limited. But it was enough to strand the eight companies of infantry and three cavalry troops at Ellensburg, a few miles east of the Cascade Mountains. The other two infantry companies of the Second Regiment successfully reached Olympia on the Union Pacific via Portland.²³

The stranded Guardsmen then became pawns in the industrial test of strength. At that time, the Northern Pacific was in the hands of a receiver under the jurisdiction of the U. S. District Judge Cornelius H. Hanford.²⁴ While the eastern Guard units were setting up a temporary camp at Ellensburg, the attorneys for the receiver applied to Judge Hanford for aid in keeping the trains moving. The opening wedge was an application for permission to move the trainload of soldiers to their destination. Hanford immediately granted the request. He ordered the receivers to use any competent employees available, including National Guardsmen.²⁵ However, a secret deal between the union men and General Curry foiled any federal or state take-over of the train. On July 8, the Post-Intelligencer

²³ Ibid., June 29, 30, 1894; also A. G. Report, 1893/94, p. 6.

²⁴ See, Hunt and Kaylor, pp. 344-45; also Prosch, pp. 449-50; also Durham, History of Spokane, I, 458-59.

²⁵ Spokesman-Review, June 29, 1894.

announced that "the story of how the militia went from Ellensburg to the encampment has just leaked out...secret negotiations were entered into with the American Railway Union to furnish men to take the train through." The article claimed that the union accepted \$150 for furnishing a crew for the militia train, and that the deal was made without the knowledge of Governor McGraw.²⁶

Meanwhile, Hanford's court order remained in effect, and thereafter U. S. deputy marshals and U. S. soldiers cooperated in protecting the trains. For about five days the tie-up on the main N. P. line in Washington was almost complete. Beginning July 3, with the federal forces as guards, the railroad company gradually got its trains back into service. But before the strike ended, the National Guard encampment closed on July 5, and once again the Guardsmen were confronted with the prospect of serving as inadvertent strike breakers.

The authorities had begun on July 4 to arrange with the N. P. officials for transportation for the men of the Second Regiment back to their homes in eastern Washington. Apparently to allay doubts about how Guardsmen sympathetic with the union would react, an aid-de-camp on the governor's military staff reported that the training camp had been very beneficial and there was no danger of a militia mutiny, as there had been in

²⁶General O'Brien implicitly supported that story, A. G. Report, 1893/94, p. 6.

California a day earlier.²⁷ The Northern Pacific refused to permit striking crews to man the eastbound militia train, and everyone knew that non-union men would be running it. Rumors were circulating that the train would be blown up before it reached Stampede Pass in the Cascade Mountain. After Governor McGraw had agreed to provide ample protection for the train and non-union crews, the N. P. provided a train of three sections of six cars each. Then McGraw called portions of the First Regiment into active duty as guards for the militia train.²⁸

Acting under the governor's orders, General Curry ordered Colonel Joseph Greene to detail two companies of sixty men each from his First Regiment of Infantry to the guard duty. Greene distributed the honor among the four western companies that were still at the Tacoma depot--Companies B, D, and E of Seattle, and Company I of Port Townsend. He accepted thirty

²⁷The Tacoma Daily Ledger, July 6, 1894. He was referring to two Sacramento companies which, on July 4, refused to force a large mob away from a railroad depot, Ibid., July 5, 1894. The editor of the Post-Intelligencer blasted the "worthless" California militia, and praised the efficient Pennsylvania militia which "broke the back" of the Homestead strike of 1892, and the New York militia which "crushed the lawless Buffalo strike" in the same year. A good governor was one such as Ferry or McGraw who were ready to use the militia to support the law, July 5, 6, 1894.

²⁸Spokesman-Review, July 7, 1894. Though this was the only active duty for the N. G. W. in 1894, several companies were held in readiness to move at thirty minutes notice "during the various strikes" of that year. The technique for standing ready without undue publicity was to ostensibly go "into company camp for target practice, etc.," Report of Lieut. G. E. Stockler, U. S. Cavalry, in A. G. Report, 1893/94, p. 35.

men from each company to make up the requested 120-man guard detail.²⁹

After breaking camp at Woodland on July 5, the infantrymen of the Second Regiment had been forced to wait until the evening of July 6 for a train to take them to Tacoma where they would entrain for the cross-state trip to Spokane. After a slow, tense, heavily guarded ride from Woodland, about 1,000 Guardsmen were lined up at the Tacoma depot on July 7. The martial orderliness of the scene was interrupted when a spokesman for Company G, the pride and joy of Spokane, notified Lieutenant-Colonel Michael McCarthy that the company would not ride with a non-union crew. McCarthy asked for a show of hands from those who agreed not to ride the train. He reacted to the unanimous response by immediately ordering two neighboring militia companies to disarm Company G and hold them under arrest. Brigade commander A. P. Curry arrived about two hours later. He lined up the men, gave them a "severe lecture," and then asked them if they would support the National Guard over any other organization, and if they would shoot to kill if ordered to do so. When they all answered in the affirmative, Curry returned their arms and released them from arrest. Curry's

²⁹ Spokesman-Review, July 8, 10, 1894; The Tacoma Daily Ledger, July 15, 1894; Post-Intelligencer, July 8, 1894. These 120 soldiers apparently rode the second section of the train with the suspect Company G. The first section was apparently guarded only by eight U. S. deputy marshals. The third section, carrying the three cavalry troops, was guarded by a detail of 25 dismounted members of Tacoma's Troop B, Special Order no. 46, First Cavalry Battalion, July 8, 1894, and Company Order no. 29, Troop B, July 8, 1894, N. G. W. archives, Camp Murray.

action angered McCarthy, who wanted the company detained at Tacoma and charged with mutiny.³⁰

The "mutiny" of a militia unit was a sensational incident that attracted national attention. Coming as it did in the wake of the reported mutiny of the California companies, it damaged the movement then underway to gain acceptance of the National Guard as an instrument of social control. A question of fundamental importance that was, in effect, being tested was whether or not militiamen would go against their fellow local citizens in a labor-management dispute with the ultimate prospect of shooting them.³¹

General Curry, a Spokane resident, claimed that the real trouble lay in Company G's internal dissent and the efforts of a few talkative agitators. He was also critical of Captain E. W. Lyons for not attending the camp and not being present

³⁰ McCarthy, of Walla Walla, was in command of the Second Regiment at that time in the absence of Colonel Pike who, with the Centerville and Goldendale companies, had returned home on the Union Pacific via Portland. McCarthy enlisted in 1865 in the U. S. cavalry, and may be the only N. G. W. member to have been awarded the Medal of Honor. He won that award as a First Cavalry sergeant during the Nez Perce war in 1877. McCarthy took his discharge at Walla Walla militia, beginning as First Lieut. of Company A of that city in 1881. A. G. Report, 1891/92, Historical Roster, p. 225; for a biographical sketch, see The Official History of the W. N. G., IV, 310-311.

³¹ New York Tribune, July 10, 1894. The state press carried interviews, statements, and details of the incident, especially the Spokesman-Review, July 8, 10, 11, 12, 1894; the Post-Intelligencer, July 8, 1894, and the Tacoma Daily Ledger, July 8, 1894. It was briefly described in Durham, History of Spokane, I, 459; and Hunt and Kaylor, pp. 344-45. The Official History of the W. N. G. chose to ignore this unhappy episode in the history of the N. G. W.

at the scene of the mutiny. The company, he explained, was under First Lieutenant Arthur L. Brooks, who did not have complete control of the men.³² Private Brooks had recently been elected first lieutenant, by but a single vote. Because Brook's commission had not been signed by the time of the encampment, Second Lieutenant Brown refused to recognize him or to step out of command. Brooks got his commission at camp, but the bad feelings remained.³³

According to McCarthy, Company G's announcement had triggered applause from the A. R. U. men standing in the vicinity, and what was worse, "a large body of cavalrymen came down and fraternized with the mutineers and cheered them and there was a regular lovefeast for a few minutes."³⁴ McCarthy insisted that the entire Company G be disbanded or dishonorably discharged.

Two other militia companies gave the press and some officers of the N. G. W. something to worry about, though most of the real trouble lay in the rumors and false reports that initially appeared in the press. Accompanying the stories about Company G's "mutiny" was the news that one of the elite cavalry companies, Troop A of Sprague, had also refused to ride the

³²Post-Intelligencer, July 8, 1894. Lyons, chief clerk of the Union Pacific freight department at Spokane, was "ashamed" of his company's actions, Spokesman-Review, July 8, 1894.

³³Spokesman-Review, July 10, 11, 1894.

³⁴The Daily Statesman (Walla Walla), July 13, 1894. In this interview, McCarthy claimed that General Curry disappeared as soon as the command arrived at Tacoma although he knew there was overt dissent brewing within the ranks of Company G.

non-union militia train.³⁵ The news, which spread jubilation among the strikers at Sprague, was immediately denied by Troop A's Captain W. W. Lindsay and by Major James H. Ashton, newly elected commander of the First Cavalry Battalion.³⁶ But it had already made the national news.

The New York Tribune falsely reported that "Troop A, the finest body of cavalrymen in the State National Guard Brigade, composed of sixty men, refused to ride with non-union crews, and all members were at once arrested and locked in a box-car..."³⁷ A Walla Walla paper headlined an article "Troops Favor Strikers," and added to the rumors about Troop A and Company G the claim that within Troop D (Spokane) there also was a strong feeling against riding on the militia train. D troopers claimed that while they doubted the ability of the non-union crew to take the train safely over the isolated mountain line on a danger-treatened journey, they had agreed to stand loyal to their Captain Downing. Doubts about the loyalty of Sprague's Troop A had risen earlier when, on July 6, the Sprague Independent published a letter purporting to be from a Perry Chandler who claimed that his troop would not go against the strikers. It was later proved that Trooper Chandler's real

³⁵Post-Intelligencer, July 9, 1894; Spokesman-Review, July 8, 9, 1894.

³⁶Spokesman-Review, Aug. 21, 1894; Tacoma Daily Ledger, July 10, 1894.

³⁷The New York Tribune, July 10, 1894.

letter to the editor had contained only camp gossip and had been re-written by editor W. F. Thompson, a strike sympathizer.³⁸

The first stories about Troop A proved to be exaggerated half-truths. No evidence was found by later military investigation of any insubordination, real or potential, by Troop A. However, one sergeant had organized the cheers for Company G and two men had deserted the troop at Tacoma. Some of Troop A "flew the white ribbon," symbol of the strikers, on the return trip but Captain Lindsay had reminded his men before they boarded at Tacoma that they had to obey orders. Only the two deserters, Corporal A. P. Sully and Private Ed Kennedy, had refused.³⁹ The squad of fifteen or so A Troopers who cheered Company G while it was under arrest did so without knowing of the arrest. Sergeant W. H. Evans, who organized the cheer, knew G Company was under arrest at the time, but the others thought they were only cheering a parting brother company.⁴⁰

Amidst the rumors and agitation, the eastbound militia train departed Tacoma on July 8. The first section of the three-section train early began to experience trouble. A dynamite bomb was removed from the tracks, and near the top of the Cascades, while it was taking on water at Lester, two shots

³⁸The Daily Statesman (Walla Walla), July 10, 1894. Chandler's doctored letter was reprinted in the Post-Intelligencer, July 13, 1894. The military court of inquiry established the true content of the original, Ibid., Sept. 16, 1894.

³⁹The Tacoma Daily Ledger, July 10, 15, 1894; Spokesman-Review, Aug. 21, 1894.

⁴⁰Post-Intelligencer, Sept. 16, 1894.

were fired at the engine. The guards returned the fire, and thereafter as the trains pulled into a town or water stop, windows and landings bristled with rifles. Crowds hooted at the non-union crews at each town, but remained non-violent until the first section pulled into Sprague, a railroad town about twenty-five miles west of Spokane. There a large crowd stoned the engine as it passed through town. The engineers, apparently ducking missiles, crashed into one or more boxcars ditched across the tracks, damaging the engine and de-railing the baggage car. Aboard the first section was Company K, of Tekoa, the Second Regiment band, and eight deputy U. S. marshals.

It is difficult to know precisely what did happen at Sprague that night, but for at least one hour, the deputy marshals and Company K did nothing to discourage the barrage of stones while the train crew locked themselves up in the mail car protected by the deputy marshals.⁴¹ The train was trapped at Sprague also by the burning of a long trestle about one mile east of town. That blaze was extinguished by a detail of deputy marshals. Then a kerosene tank car was rolled onto a trestle west of town and fired, destroying the oil car and the bridge. The first report to hit the press was that the strikers took the train away from the militia because the militia captain in

⁴¹ Post-Intelligencer, Sept. 17, 1894; Spokesman-Review, July 10, 1894; The Tacoma Daily Ledger, July 10; Durham, History of Spokane, I, 459. McGraw ordered Curry, whose train was then at Ritzville, to act promptly and vigorously to preserve peace and disperse the Sprague rioters, Post-Intelligencer, July 10, 1894.

command "had no backbone."⁴² Later stories denied that report, in fact Sprague's "businessmen and citizens generally" were "justly indignant over the sensational and highly colored report" and claimed that except for the burning of an oil car the damage would amount to about \$10.⁴³

The commander of Company K, Captain John W. Stearns, took the position that his company was riding the train as passengers and not as guards, and that he had no orders to protect the train. The mob was after the non-union crew, he said, and he would have been justified in firing on the mob only to protect his own men. Captain Stearns reported the trouble as very serious:

I was in a howling mob...with no arms but my sword. I knew that it would have been madness to have gone out with a musket. My company was divided...in the engine... the baggage car...on the platforms, and little squads patrolling up and down the train. It was the wildest night I ever saw... I feared also that the engine might blow up... And worse than all, there was every reason to believe that the warehouse would be fired at the first sign of a pitched battle, and then we would have been roasted out. We were in a battle... One shot⁴⁴ from us would have sacrificed every life in my command.

⁴² Spokesman-Review, July 12, 1894, and The Daily Statesman (Walla Walla), July 12, 1894. Rumors of the Sprague affair accused militia Capt. J. W. Stearns, commander of Company K, with negotiating with the mob to surrender the train on the condition that the union men would take the train on to Spokane. Stearns denied that, but did admit that he had considered a proposal to have the train run by a union crew, Spokesman-Review, July 10, 1894.

⁴³ Spokesman-Review, July 11, 1894. The P-I, on July 10, was still falsely contending that Troop A had been under arrest while on the train. It reported that General Curry was being "severely censured" because his weakness in handling Company G was spreading the mutiny.

⁴⁴ Spokesman-Review, July 10, 1894.

Stearns claimed that a third of his command was untrustworthy and he had ordered some of the "true blue" boys to shoot down any soldier who showed a sign of "turning traitor" if shooting should occur.⁴⁵

The chief deputy marshal on the train claimed that his eight men needed support, so he asked Captain Stearns for protection. The deputy said that he had been led to believe at Tacoma that the militia would help provide protection. He was "staggered" by Stearns' claims that he had no confidence in some of his men, and that Stearns feared for the safety of his wife and child who were aboard the train.⁴⁶

The next morning, July 9, a detachment of U. S. troops from Fort Spokane arrived in Sprague, and no further trouble occurred. The second and third sections of the militia train experienced no serious trouble on the trip to Spokane. But on its return trip to Tacoma, carrying the 120-man guard detail of the First Regiment, the train was stopped by a burned-out trestle near Ellensburg. Some of the Guardsmen helped rebuild it.⁴⁷

⁴⁵N. P. chief clerk A. Beamer, of Sprague, later told military authorities that Captain Stearns had informed him that only fifteen of his forty-five men could he depend on. The engineer of the train (Campbell) thought Stearns lost control of his men, and K Company's protection that night was not worth much, Ibid., Aug. 18, 1894.

⁴⁶Ibid.

⁴⁷For a detailed account of the events of the train trip, see, Post-Intelligencer, July 15, 1894; see also, Spokesman-Review, July 13; also The Tacoma Daily Ledger, July 15, 1894.

The Aftermath of the Mutiny

Vibrations from the mutiny incident rattled the N. G. W. and the Legislature for some time after the summer of 1894. From the beginning, the members of Company G had disclaimed mutinous intent. They contended that they had been led to believe that bomb threats made it dangerous to make the trip, and that the inexperienced engineer lacked the ability to take the train on such an unsafe journey. They insisted that they had disobeyed no order because they had not been told to board the train, and that if they had been ordered to go they would have gone.⁴⁸ They swore that when Lieutenant-Colonel McCarthy called for a show of hands to indicate unwillingness to ride on that train, the men thought he wanted a vote to indicate the sentiment of the company as to the crew then in charge of the train, and they did not realize it meant they were disobeying orders or committing a mutinous act.⁴⁹

Under oath, Corporal Munter denied almost all of McCarthy's version of the affair. Munter said he did not refuse to ride on a scab train, he only refused to ride behind that particular engineer.⁵⁰ Major Charles B. Johnston had accepted this

⁴⁸Spokesman-Review, July 10, 11, 1894.

⁴⁹Affidavits, in McGraw papers. McCarthy's own initial statement of the incident indicated that he trapped the company into raising their hands by speaking in his kindest voice when he asked the question, The Tacoma Daily Ledger, July 8, 1894; also the Daily Statesman (Walla Walla), July 13, 1894. Apparently, no one did order the company to board the train.

⁵⁰Spokesman-Review, Aug. 18, 1894.

version of the affair, and thought the men had not actually disobeyed an order.⁵¹

The military court of inquiry that was assigned to investigate the allegations of improper conduct of the members of Companies G and K, and Troop A announced its decision September 15, 1894.⁵² The court found Company G guilty of mutinous conduct for its behavior at Tacoma, July 7, and for its show of insubordination for some time prior to that date. Excepting only one of the members who had been present at the depot, Private Charles E. Nelson, it recommended that the two lieutenants be discharged, and the enlisted men be dishonorably discharged. However, to save the state the expense (and publicity?) of conducting the court martial necessary for such punishment, it recommended that the company be disbanded and the men be honorably discharged. The court found General Curry's conduct to have been made with proper intent, but condemned it as a serious mistake that damaged the discipline of the National Guard.

The military court found Company K's Captain Stearns to be "absolutely wanting" in the proper knowledge of his duty, responsibility, and authority as commanding officer. Though

⁵¹Ibid., July 12, 1894.

⁵²The court had been appointed in early August, Ibid., Aug. 4, 1894. It met in each of the hometowns of the accused companies, Aug. 14-20, and heard many witnesses. The court's report was not printed in the A. G. Report, nor did General Curry, as brigade commander, ever submit a report, see Ibid., p. 25. For the decision, see Post-Intelligencer, Sept. 16, 1894; also Spokesman-Review, Sept. 16, 1894.

he had a sufficient force to repel the mob, he failed to make any effort and in effect surrendered his command to the mob. The court determined that the captain's conduct brought disgrace on the N. G. W. and he should be discharged. The investigation of Troop A's conduct showed that though a considerable number of the men sympathized with the strikers, there was no disloyalty, except for Sergeant Evans, Corporal Tully, and Private Kennedy. The court recommended those three men be discharged.

In the fall of 1894, the National Guard carried out the recommendations of the court of inquiry. It discharged the three officers, and disbanded Company G, discharging all but Nelson and fifteen men who were absent from Tacoma. A new Company G (Spokane) took its place early in 1895. The stigma of the old company had remained and in order "to delicately wipe out the stain, the blemish," the third Spokane company, organized in the summer of 1895, became Company B. G Company, Second Infantry Regiment, N. G. W., went out of existence.⁵³

The mutiny incident may have affected the election of the general officers of the N. G. W. in the fall of 1894. The Tacoma Daily Ledger implied that the reprimand of Brigadier General Curry by the court of inquiry influenced him to decline

⁵³Spokesman-Review, June 29, 1895; see also, A. G. Report, 1895/96, p. 4. The reason for disbanding the second Company G was more than just an act of purification, it was part of the general re-organization of the N. G. W. required by the Militia Act of 1895. Seven other companies were disbanded at the same time.

to run for re-election.⁵⁴ However, Curry identified O'Brien as the reason for his voluntary retirement. Claiming that he did not "feel friendly toward" O'Brien, Curry said he believed the adjutant general to be incapable and felt that he could not work with him in harmony.⁵⁵

The election, held October 1, 1894, at Tacoma, proved to be "one of the most exciting campaigns in the military history of the state."⁵⁶ With 70 officers voting, the winner needed 36 votes. In the contest for brigadier general, Major J. M. Ashton, a "surprise" nominee, received 36 votes on the first ballot, and his election was then made unanimous.⁵⁷ In the adjutant general's contest, O'Brien, opposed by three officers, had to wait until the fourth ballot before he could get the necessary 36 votes. On the fourth vote, although two of his opponents withdrew from the race in favor of Captain Frost, O'Brien picked up three votes and won 36-34. The disgruntled anti-O'Brien officers refused to make his election unanimous.

O'Brien addressed the election convention with a "sensational speech" saying that "recrimination is not now in

⁵⁴Sept. 16, 1894.

⁵⁵Spokesman-Review, Oct. 7, 1894.

⁵⁶All of the following information about that election is taken from Ibid., Oct. 2, 7, 1894, and A. G. Report, 1893/94, pp. 38-41.

⁵⁷Spokesman-Review, Oct. 2, 7, 1894, and A. G. Report, 1893/94, p. 40. Ashton's opponents were Colonel E. W. Pike, with 33 votes; and Colonel W. J. Fife, 1 vote. Ashton had been the first captain of Troop B in 1890. At the summer camp in 1894, he had been elected major in command of the First Cavalry Battalion to replace Charles B. Johnston.

order. There is a portion of the officers of the National Guard who are soldiers and gentlemen, and another portion that can never be either (cries of 'name them!')."⁵⁸ O'Brien had won again, but his opponents were still after him and his last hitch as adjutant general would be much shorter than he suspected as he delivered that speech.

A more significant effect of the mutiny of Company G was the part it played in the nation-wide criticism of the militias of the states as ineffective instruments of social control.⁵⁹ After massive violence, especially in Chicago, during the railroad strike of 1894 had put both state and federal soldiers in the streets, opponents of the militia system argued that the strong, efficient, and trustworthy regular Army, rather than the inadequate militia, should be the instrument for enforcing the law.⁶⁰

The editor of the Ellensburg Capital wrote that a significant feature of the strike was that it had produced "almost universal sentiments" favoring an increase of the regular army to at least 100,000 men and turned many to favoring the abolishment of the militia. He claimed that the failure of the state troops in various parts of the land, including

⁵⁸ Spokesman-Review, Oct. 7, 1894.

⁵⁹ A. G. Report, 1895/96, p. 20. The Spokesman-Review did not lose its faith in the militia system. It noted that the militia "always appears at its poorest in a short campaign. It takes a little active service to subdue the civilian and develop the soldier..." July 11, 1894.

⁶⁰ Editorial, New York Tribune, July 10, 1894.

Washington, to do their sworn duty in critical times proved they were unreliable. The editor warned that the conduct of a few companies brought out condemnation of the whole system and might cause its annihilation. He predicted nationwide legislative warfare against militias would commence and would probably end up in Congress to stop federal support of the state forces.⁶¹ That theme was repeated two years later by O'Brien's successor, W. A. Boutelle. "The bad conduct of a very small part of the guard in 1894," he argued, "was greatly magnified and bruited about the country in an unwarranted manner" leaving the impression that the Guard as a body was of little value.⁶²

Not all of the effects of the mutiny incident were injurious to the National Guard of Washington. On the beneficial side, it triggered a renewal of efforts by Guard officers to professionalize the N. G. W. and improve its potential as an instrument of social control. For instance, the rising doubts about the reliability of the militia gave added impetus to the growing movement to complete the metamorphosis of the militia as an untrained, democratic, loosely disciplined, temporary military force, into the more professionalized, Army-like National Guard.

Following his re-election, General O'Brien had promised to end the laxity of discipline in the organization.⁶³ Newly

⁶¹July 19, 1894.

⁶²A. G. Report, 1895/96, p. 20.

⁶³Spokesman-Review, Oct. 7, 1894.

elected Brigadier General Ashton expressed the need for a more strict Army discipline within the Guard. He deprecated the non-professional image of the militiamen, and asked that any trooper serving for pleasure or recreation alone resign. The Guard, he said, should be a body of force with "no ties with orders, politics, or corporate bodies that the men or officers would hold superior to their duty to the state, and the general people." Ashton also called for an end of old militia custom, the easy, democratic familiarity between officers and enlisted men.⁶⁴

Another old militia tradition to come under attack was the democratic system of enlisted men electing their own company officers. O'Brien named Company G as an example of a company being unavoidably left in command of an inexperienced officer who, by popular election, jumped over the head of a senior officer. O'Brien called for the more professional military method of promoting officers according to merit within the system of seniority.⁶⁵

⁶⁴Ibid., Dec. 30, 1894. For an Army inspector's comments on officer-enlisted men's familiarity, see Report of Lieut. W. A. Kimball, U.S.A., in A. G. Report, 1891/92, pp. 124-25.

⁶⁵Ibid., 1893/94, p. 25. The officers of the second Company G, organized by Feb., 1895, were the first to undergo more rigid examinations as the Guard attempted to end the laxity in examining officer candidates which had been thought to be part of the mutiny troubles. Questions asked of the new officers included: "If there were personal friends of yours in a mob, would you obey orders to disperse the mob?;" and "Do you belong to any organization whose constitution and by-laws conflict with the performance of your duty as an officer of the National Guard?" Spokesman-Review, Feb. 13, 1895.

Even as it struggled with its many internal problems, the N. G. W. strove to improve its potential effectiveness as an instrument of social control. In 1894, the Guard could claim that "within twenty-four hours...the entire second infantry regiment could be concentrated at Pasco," a strategic point for rendezvous. The entire brigade could be assembled at any important town in the state within fifty-five hours..."⁶⁶ In spite of the tumultuous summer of 1894, or because of it, the N. G. W. remained by the end of the year at full physical strength. In the fall of 1894, the N. G. W. consisted of 25 companies (including the unattached Waterville company and four cavalry troops) with an aggregate membership of 1,530 officers and men.⁶⁷ But 1894 would prove to be the last of the N. G. W.'s growth years for a while. Its size that year, in companies and personnel, was the largest that it ever reached in the 19th century.

Internal problems severely plagued the N. G. W. during the first few years of statehood. But a martial spirit affecting the business and professional classes of society, in combination with fears of social conflict, helped the N. G. W. to survive its own weaknesses and to continue growing through 1894 supported by adequate legislative appropriations. Proponents of the National Guard were defending that organization as an absolute necessity in maintaining social control in those

⁶⁶Report of Lieut. G. E. Stockler, U. S. Cavalry, in A. G. Report, 1893/94, p. 35.

⁶⁷A. G. Report, 1893/94, p. 4.

early years of Washington statehood. However, the mutiny incident, the criticisms of the debilitating militia traditions, and the enmity to General O'Brien would soon combine with the depression-caused shrinkage of the state's tax receipts, and O'Brien's spending policy to create a renewed legislative awareness of the organization of civilian-soldiers in 1895. Legislation in 1895 would decrease the state's support of its military force while simultaneously attempting to strengthen the organization itself by further converting democratic, relatively undisciplined militia traditions to the more strict and authoritarian system of the regular army.

CHAPTER XI

The Critical Years, 1895-1898

Statehood had come to Washington in the midst of a prolific economic boom which generated an exaggerated faith in the extent of the public wealth. Officials of the new governments believed that the limitless resources, rich climate, and flourishing industries of the new state would provide Washington with an unlimited credit. Consequently, the first few years of statehood were characterized by high spending and heavy borrowing at all levels of government.¹ When the state and the nation sank into severe depression after 1893, it became obvious that such optimism was unrealistic. As the state's income from taxes declines, demands to economize grew louder. By early 1895, the state government alone was one and a half million dollars in debt, and the state's military department, under the financial management of Adjutant General Rossell G. O'Brien, accounted for approximately \$100,000 of that public debt.

Financial Problems

One of the factors attracting unfavorable attention to the N. G. W. was the high cost of the summer camps of 1890, 1892, and 1894. Edmond S. Meany, state historian and himself a National Guardsman in the late 1880s, later sarcastically wrote,

¹Meany, History of Washington, p. 290.

"The danger of Indian warfare was passed, but this State on the frontier of the republic needed an efficient militia organization...and then the soldiers must be given the pleasure and advantage of a summer camp. The spirit of the hour fiscal extravagance governed that camp."²

An economy-conscious legislature was elected in the fall of 1894 at a time when the National Guard of Washington was in the public eye as a result of its mutiny incident, and its internal discord, as well as its increasingly notorious free spending. Early in the session of 1895, many friends of the National Guard had become convinced that it was too extravagant. In his message to the legislature, Governor McGraw again stressed the urgent need for economy in all departments of government. He also declared a pressing need for renovating the N. G. W. while emphasizing that he was in no way opposed to the institution itself. Because McGraw blamed the Guard's financial plight on the mismanagement of General O'Brien, he opened the campaign to depose the adjutant general. The governor criticized the method of electing superior and commanding officers, and called for a change from the elective system to an appointive system accompanied by strict examinations. The state of Washington, McGraw complained, provided an example of the "pernicious and demoralizing" influence of the elective system in the military.³

²Ibid.

³Post-Intelligencer, January 16, 1895; also, Senate Journal, 1895, pp. 24-25.

As the legislature of 1895 convened, the fiscal biennium, 1893-95, was still two months from ending, and the N. G. W. was in financial trouble. It had already exceeded its appropriation, yet pay rolls for the guard service during the railroad strike the previous summer were still unpaid, and companies had not received funds for paying their armory rent for six months.⁴ The Senate's committee on appropriations discovered that the Guard was \$43,000 over its 1893-95 appropriation of \$80,000. The committee estimated the Guard's deficit would be about \$100,000 by April 1, 1895. The Senators further predicted that about \$30,000 of the military tax for 1893-95 would be uncollectable due to the high tax delinquency.⁵

Investigation of the financial management of the N. G. W. left the members of the appropriations committee "overwhelmed by an appalling exhibition of recklessness, extravagance and incapacity on the part of the adjutant general." He was especially to blame, said the committee, since he served on both the Military Board which made the military expenditures and on the Military Auditing Board which passed on the expenditures. Since 1891, the adjutant general had shown an "utter lack of the ordinary sense, sagacity, and common prudence which govern in the financial transactions of today, and the unrestrained prodigality and profuseness of expenditure" would soon require ten years to pay off. The committee did not question O'Brien's

⁴Post-Intelligencer, February 19, 1895.

⁵Senate Journal, 1895, pp. 457-59.

integrity or motives, only his poor management and lack of economy which the senators thought was further evidenced by the adjutant general's own "palatial official quarters" and large force (five persons) of assistants.

When the one-fifth mill military tax on assessed property was first levied in 1888, the entire receipts from the tax went into the military fund and were spent without restriction. O'Brien spent according to what he predicted the military tax receipts would be rather than what was actually collected. Consequently he spent more than the military fund received. The legislatures of 1891 and 1893 granted special appropriations to cover his over-spending, but in 1893, the legislature attempted to limit military expenditures by establishing for the first time a specific appropriation for the N. G. W. from the military fund. During the 1893-95 biennium, O'Brien had ignored that legislated limit on his spending, insisting that the military department should have all the military tax receipts and not just whatever portion the legislature decided to grant him.

A specific complaint levied against the adjutant general was the 1894 summer training camp expense of \$56,000. It alone exceeded his budget for the biennium by \$16,000. The cost was higher than necessary, the appropriations committee contended, because O'Brien did little advance planning or buying, failed to advertise for lowest bidders, made last minute purchases from retailers, and made other poor business transactions. The committee concluded that the National Guard was an important and necessary institution of government, but radical legislative

changes were necessary to end the "colossal wastefulness" of the Guard, and to put control of its spending under someone who could better manage its business transactions.

As a result, the legislature at first allotted a mere \$8,400 for the N. G. W.'s biennial expenses. After shocked proponents of the Guard objected, it was increased to \$40,000, the amount originally requested by the Guard officers in their militia bill which represented a fifty percent cut from the previous biennial appropriation. However, some of the stress from the lowered appropriation was eased by the legislature's grant of an additional, special \$10,000 set aside from the state's general fund which was to be used only to pay the expenses of any call to duty for the suppression of riots.⁶ In addition to lowering the appropriation, the legislature of 1895 passed a new Militia law.

The Militia Act of 1895

The Militia Act of 1895 grew out of the increasingly obvious need, as Governor McGraw declared, for the renovation of the National Guard of Washington.⁷ L. H. Coon, a Snohomish county representative and officer of the N. G. W., introduced the bill in the House of Representatives. Written by Guard officers, especially Lieutenant Falcon Joslin, of Seattle, the bill was intended to strengthen the N. G. W. and to increase the governor's authority over his military department.

⁶Post-Intelligencer, March 13, 1895; and A. G. Report, 1895/96, pp. 19, 18.

⁷See, The Revised Statutes and Codes of the State of Washington, 1896, chapter 105.

The new retrenching law made some organizational changes. It reduced the permissible number of companies from thirty to seventeen, but increased the maximum size of a company from 60 to 105 men. The act established the N. G. W. as a brigade limited to fourteen infantry companies, two cavalry companies, and one light artillery battery. It limited regiments to not less than eight nor more than twelve companies, thus in effect, limiting the organization to a single infantry regiment. Individual membership continued to be determined by the old militia tradition of a vote by company membership with three black balls sufficing to exclude a prospective member.

Three provisions in the Act of 1895 attempted to increase the effectiveness of the National Guard as an instrument of social control. One section prohibited any employer from discharging a Guardsman for absence due to military service of less than thirty days. Another section would have pleased the late Colonel John Haines because it provided local commanding officers with a broad authority for calling out their commands to aid the civil authorities without first getting orders to do so from the governor. In case of insurrection or invasion, if the commander-in-chief cannot be contacted, the law read, the senior commanding officer "shall" order out all or any part of his command. In case of breach of the peace, tumult, or resistance to process of the law, the local, senior commanding officer was required to order out any or all of his command if requested to do so by the nearest sheriff or mayor.

If a sufficient number of Guardsmen failed to respond to a call to duty, it could damage the ability of a unit to function

as a police force. The Militia Act of 1895 addressed itself to that problem by levying a fine of one to five dollars a day for an unexcused absence from any required drill or call to duty. If a Guardsman failed to pay the fine within forty days, and if he owned no property that could be confiscated in lieu of the cash fine, he could be jailed without bail for two days for a fine of less than two dollars plus two days for every one dollar above the first two dollar fine; or, he could be dishonorably discharged. The latter penalty meant that in civilian life he could not vote nor hold any government office. O'Brien's successor, General Boutelle, later observed that this ridiculous penalty for a minor offense was "prematurely considered" during a time when mutiny of G Company was fresh in the minds of the men who wrote the bill. He pointed out that the law gave to the battalion commander (a major), upon the sentence of a delinquency court composed of a single officer, the power to dishonorably discharge a soldier for failing to pay a fine of one dollar for the offense of missing one drill. In the regular army, the same offense was punishable by overnight confinement in the guard house or a one dollar fine. This drastic and unreasonable punishment only slightly over-shadowed other severe penalties. Under the Law of 1895, a Guardsman could get six months in the penitentiary for disobeying orders; three months for showing disrespect to a superior officer; and one year for mutiny.⁸

⁸ A. G. Report, 1895/96, p. 23.

The Coon bill also took a major step toward changing the Militia into the National Guard, i.e., the professionalization of the Guard, when it changed the traditional, democratic system of electing officers to an appointive system. The law went further than O'Brien had requested when it provided that the adjutant general and the brigadier general be appointed by the commander-in-chief with the consent of the senate. All other officers, except the governor's staff and the senior officers, were required to pass examinations in order to qualify for their appointed promotions based on the military system of appointment according to rank and seniority. There would be no more political conventions within the military, and no longer could a private become a captain overnight. Enlisted men were also to be promoted in order of rank, and captains were required to have served at least one year as an officer and at least three years in the National Guard of any state or the regular Army.

At the expense of the adjutant general, the Militia Act increased the power of the governor over the military department. It removed the adjutant general from the Military Board and the Military Auditors Board. It also established a new board, the Purchasing Board, composed of the governor, the brigadier general, and the quarter-master general. The adjutant general was relegated to clerk of the three boards.⁹

⁹Formerly, the Military Board consisted of the adjutant general, the brigadier general, and one of the senior field officers. The Military Auditors Board included the adjutant general, the brigadier general, and the state auditor. Under

Not only did the new bill propose to weaken the authority of the adjutant general, it also included a maneuver to get rid of O'Brien himself. The only way that his enemies could remove O'Brien in the midst of a term of office was for the legislature to abolish temporarily the office of the adjutant general. Then, a vacancy was to be declared in that office and a new adjutant general appointed in compliance with the new appointive system.¹⁰ Apparently that particular section also contained provision for the remaining officers to retain their ranks and commissions. However, Senator Edward W. Taylor, a Republican from O'Brien's Pierce county, moved to strike out that provision so that all officers would be ousted from the N. G. W. He argued that to leave it in was, in effect, giving O'Brien a dishonorable discharge without permitting him to defend himself.¹¹ Senator Taylor, claiming there were others connected with the encampment extravagance who were being shielded, called it a whitewash. He blamed all the officers and Governor McGraw himself for sanctioning the encampment. Taylor's motion to strike out the section carried, 14-13. The House acquiesced, and the Coon bill went on to become the Militia Act of 1895, approved March 17.¹²

⁹ cont'd. the new law, the Military Board was composed of the governor, the brigadier general, and a senior officer; the Military Auditors Board consisted of the governor, the brigadier general, and the state auditor.

¹⁰ House Journal, 1895, p. 728.

¹¹ Spokesman-Review, March 12, 1895.

¹² Post-Intelligencer, March 12, 1895, and Spokesman-Review, March 12, 1895. The new law was based on the militia laws of New York and Pennsylvania, Post-Intelligencer, June 12, 1895.

As a result of Taylor's amendment, the legislature automatically wiped out of office every commissioned officer in the N. G. W., thus forcing each officer to follow the new procedure for re-appointment. Joslin denounced the low appropriation and the elimination of all the officers as an indirect way to abolish the militia.¹³ He noted that the ill-will toward the Guard had stemmed from the inefficiency and extravagance of O'Brien. But he also hinted at other anti-militia forces. "It has been said by some parties that they had done away with the Pinkertons and when they had done away with the National Guard they would have their own way." This he vaguely credited to "persons who represent a certain political element in the present legislature." The legislature that year consisted of 81 Republicans, 10 Democrats, and 22 Populists, and it is not clear whom he meant. However, O'Brien's successor later claimed that the sentiment in the 1895 legislature, as a result of the high cost of the N. G. W., was that "its continuance was of doubtful expediency."¹⁴

Re-organization, 1895

The new law went into effect June 13, 1895. It required that ten of the twenty-five companies would have to be dropped in an extensive retrenchment program. McGraw had let it be known that he favored stationing Guard companies in towns with

¹³Post-Intelligencer, March 13, 1895.

¹⁴Editorial, Ibid., June 12, 1895; and A. G. Report, 1895/96, p. 27.

easy access to a railroad, and that started a flurry of promotional activity as towns sought to keep their militia companies.¹⁵ During April and May, 1895, townsmen eager to gain or maintain a company of National Guard for their home town emphasized the factor of potential industrial strife and riot as the reason that a military force was necessary. None mentioned their military importance in the defense of the nation.¹⁶ Waterville and Everett wanted militia companies, both claiming to be located where industrial strife was likely to occur.¹⁷ Waterville included the proximity of the large Indian reservation as a reason for establishing a company there. Towns already hosting a militia company objected to losing it. The popular sport of target practice increased and drilling sharpened up as companies began to compete for a good showing in recruits and membership.¹⁸

At the same time, the offices of the adjutant general and the brigadier general were vacant, but there is no evidence of

¹⁵Spokesman-Review, May 9, June 17, 1895; and Post-Intelligencer, June 3, 1895.

¹⁶See correspondence in, Wash. State, Governors' Papers, John H. McGraw, Washington State Archives. Hereafter cited as McGraw papers.

¹⁷J. C. Laurence (?) to McGraw, McGraw papers, on the other hand, a second Waterville group, desiring to organize a light artillery battery, argued that Waterville was ideal because it was isolated from confrontation or strike influences and therefore stood little chance of having its guns spiked. They also claimed a strategic location midway between the trouble sites of Seattle and Spokane, M. W. Miles to McGraw, April 1, 1895, McGraw papers.

¹⁸Post-Intelligencer, June 3, 1895.

any large scale competition for the jobs. The Post-Intelligencer called only for an adjutant general experienced in military and business affairs, and proposed no individual for the position.¹⁹ McGraw took his time in a "quiet, vigorous canvass" to find the right man. Not until June 14 did he announce his choices. For brigadier general, he named E. M. Carr, of anti-Chinese days fame. For adjutant general, McGraw selected a professional soldier, Captain F. A. Boutelle, of the United States Army stationed at Vancouver.²⁰

Because of the lower appropriation and the new limit of seventeen companies, the N. G. W. disbanded, on June 27, 1895, ten companies--eight infantry companies, and two troops of cavalry. That left fifteen companies remaining in the organization.²¹ Four months later, in November, the N. G. W. consisted of seventeen companies with a total membership of

¹⁹Ibid.; the editor of the Snohomish Tribune suggested Captain L. H. Coon, sponsor of the Militia Bill, an old soldier and a staunch Republican, Letter from C. W. Gorham, editor, to McGraw, April 24, 1895, McGraw papers.

S. W. Scott, on Oregon Improvement Company stationery, wrote McGraw on his own behalf, Scott to McGraw, June 1, 1895, McGraw papers.

²⁰It is not clear why Ashton was not re-appointed. Eugene Carr had resigned as captain of E Company in 1890 to accept appointment as assistant adjutant general with the rank of colonel. Carr had always stuck with O'Brien, Post-Intelligencer, June 15, 1895.

For a brief biographical sketch of Boutelle, see Ibid. Boutelle was then on special duty as U. S. Army Inspector of rifle practice for the Department of the Columbia. He was a veteran of many Indian campaigns, and had been stationed at Walla Walla in the 1870s, Spokesman-Review, June 17, 1895.

²¹A. G. Report, 1895/96, pp. 4-5; see also, Spokesman-Review, June 29, 1895.

1,158 officers and men, representing a significant decline in membership of nearly 25 percent in a single year. In the next 15 months, four more companies were disbanded, but five new ones had replaced them so that by the fall of 1896, the N. G. W. had dropped to sixteen companies. However, the membership had increased to 1,306 officers and men, making the decline in membership for the biennium 1895-96 a more moderate 16 percent.²²

Civil Duty, 1895, 1896

The reduced strength did not seriously injure the development of the N. G. W. It in no way affected any of the calls to active duty in 1895 since the three instances of civil duty involved only portions of single companies serving in their own home towns. In August, a fire which destroyed most of the railroad town of Sprague, brought out the cavalry troop there for one day to protect property.²³

As noted earlier, the Militia Act of 1895 had made it easier for local authorities to get the services of the local National Guard companies. The Kittitas county sheriff twice took advantage of the new law in 1895. On August 11, the

²²A. G. Report, 1895/96, pp. 4, 6-9; also Ibid., 1897/98, p. 3.

²³The cavalry troop disbanded sometime after the fire, Ibid., 1895/96, p. 5. North Yakima's infantry Company E was disbanded so that its cavalry troop could be re-organized and mustered back into service as Troop A. The larger towns of Walla Walla and Spokane objected to losing their militia companies, so before the end of 1895, a Walla Walla company of infantry (C), a Spokane company of infantry (B), and a Spokane company of light artillery were added to the N. G. W., Ibid.

Vinsons, father and son, fatally wounded two men in a gun and knife fight at a saloon. On the morning of August 14 a mob lynched the two Vinsons. The sheriff soon arrested eight local residents for the lynching. To prevent friends of the eight men from releasing them from jail, the sheriff called out ten members of Ellensburg's Company C on August 19. The company was held ready for six days, until a jury acquitted the eight men.²⁴ The entire company was under arms again November 9 and 10, and an eight-man detachment remained on duty for another ten days helping the sheriff suppress "threatened violence to citizens of Ellensburg."²⁵

In April, 1896, the National Guard of Washington served on active duty that proved to be a boon to the Guard in terms of public relations and training. It was a peace-keeping mission that lasted 86 days, the longest tour of duty yet for the Guard. Rather than throwing the Guardsmen into a confrontation with Washington citizens or organizations, the active duty protected non-union Washington fishermen and their property from angry Oregonian union fishermen.²⁶ The trouble was the continuation

²⁴Ibid., p. 10; also, The Ellensburg Capital, Aug. 22, 1895; also, An Illustrated History of Klickitat, Yakima, and Kittitas Counties (Interstate Publishing Co., 1904), pp. 263-65.

²⁵A. G. Report, 1895/96, p. 10. I have been unable to discover what the November incident involved.

²⁶General Boutelle later claimed that the militia's service was worth hundreds of thousands in fish caught and in property saved during the strike, Ibid., p. 11; Spokane officers claimed that the value of property saved was equal to the entire cost of the Guard for five years, Spokesman-Review, Dec. 24, 1896.

of a murderous feud of long standing between the salmon fishermen of the lower Columbia river.²⁷

Two factors divided the fishermen. First, was the mode of fishing which pitted the gill-netters against the trap fishermen. Nearly 3,000 gill-net fishermen, living primarily at Astoria, Oregon, were members of the Columbia River Fishermen's Protective Union. The union, which was organized April 11, 1886, consisted exclusively of gill-net fishermen.²⁸ Gill-netters took their name from their method of fishing from boats with floating meshes which caught the swimming fish by the gills. On the northern side of the river, mainly based at the fishing village of Ilwaco, Washington, were the men who fished with pound nets, or fish traps. The trap nets were stationary wire cages held in place by a long line of piles driven into the river bottom across the channels of the estuary of the Columbia and especially in Baker's Bay. The gill-netters vigorously objected to the trap fishing method, claiming that it caught under-sized fish and that it prevented any other mode of fishing in the same area. The shifting nature of the channels of the estuary kept the feud alive as the gill-netters protested

²⁷For a colorful and detailed report of the Ilwaco duty, including some of the historical background, see Captain Adams' report in A. G. Report, 1895/96, pp. 40-58. A brief description of the episode is also in Prosch, "A Chronological History of Seattle," p. 479. See also, State of Washington, Fish Commissioner (James Crawford), 7th Annual Report, 1896.

For a brief history of the fishing industry and of the history of the feud from the point of view of the union, see Columbia River Fishermen's Protective Union (Astoria, Oregon: G. W. Snyder, printer, 1890).

²⁸Ibid., p. 16.

that the trap men were setting up in channels which had traditionally been gill-net territory.

The second point at issue was the fact that the union men considered the trap fishermen to be strike breakers. The union was striking against the canneries' offer of four cents a pound for salmon, and was rigidly enforcing its prohibition against any of its own members fishing with their floating nets. With the gill-netters on strike, the major remaining source of fish for the canneries was the traps, so the union men forcibly attempted to prevent their old enemies from working the trap nets during the strike.

On April 2, nearly 300 armed union men invaded Baker's Bay with a steam powered snag puller, pulled up several piles and set them adrift along with three pile drivers.²⁹ On April 6, some thirty union men from Oregon forced a Washington trap man to use his own pile driver to pull up about 150 pilings. The Pacific county sheriff, expecting the trouble to worsen, asked Governor McGraw for help in keeping the peace and on April 8, McGraw ordered out a 45-man detachment of the N. G. W.³⁰ No

²⁹Post-Intelligencer, April 12, 25, 1896.

³⁰Ibid., April 12, 1896. The sheriff's lengthy request, explaining some of the background of the trouble, is in A. G. Report, 1895/96, p. 28.

The honor of serving on the tour of duty was spread fairly evenly among Seattle's three militia companies--sixteen men of Company D, twelve men each from Companies B and E. They were commanded by Captain Frank E. Adams, Company D; Lieut. A. W. Skinner, Company E, and Lieut. H. J. Moss, Company B. General Carr personally led the command to Ilwaco and remained there two days. Ibid., p. 59; Seattle Daily Times, April 9, 1896; also, Post-Intelligencer, April 9, 1896.

On the Oregon side of the river, before the strike had ended, at least 20 men were killed before the Oregon militia was called out.

further trouble occurred while the detachment was serving its 86 days of river patrol duty, keeping the Oregonians out of Baker's Bay and away from the traps. Though the strike ended June 21, after the union and the canneries had agreed on $4\frac{1}{2}$ cents for the salmon, the troops remained until July 2, because of continued threats against the trap nets. The Baker's Bay duty was the last civil duty performed by the N. G. W. in the 19th century.

The Populist Era, 1896-97

Reaction against political and economic corruption, against declining employment, sagging business, and disappearing farm profits during the depression of 1893-97, culminated in 1896 with the long-ruling Republican dynasty in Washington going down to defeat at the polls. A fusion of Populists, Democrats, and Silver Republicans elected Governor John R. Rogers, and a majority of the legislature.³¹ The sweeping victory of the fusion People's Party in November, 1896, left the Guardsmen wondering what their future might be. Many seemed primarily

³¹ Johannsen and Gates, Empire of the Columbia, chap. xxii. Out of 112 legislators, 78 were Fusionists, Meany, p. 292.

For information about Washington's Populists, see: Gordon B. Ridgeway, "Populism in Washington," PNQ, XXXIX (Oct., 1948), 284-311; Carroll H. Wooddy, "Populism in Washington," WHQ, XXI (April, 1930), 103-19; David B. Griffiths, "Populism in the Far West 1890-1900" (unpublished Ph.D. dissertation, University of Washington, 1967); David B. Griffiths, "Far Western Populist Thought - A Comparative Study of John R. Rogers and David H. Waite," PNQ, LX (Oct., 1969), 183-92; Russell Blankeship, "The Political Thought of John R. Rogers," PNQ, XXXVII (Jan., 1946), 3-13; Robert D. Saltvig, "The Progressive Movement in Washington" (unpublished Ph.D. dissertation, University of Washington, 1966), chaps. i-iii.

concerned only that the new governor would appoint his own adjutant general and brigadier general.³² There is some evidence suggesting that they also feared a movement to abolish the National Guard of Washington, though there is no evidence of specific individuals or groups supporting such a movement.³³ Anti-militia rhetoric was not a part of the platform of the People's Party of Washington.³⁴ Governor-elect Rogers, a Populist, sought to curb the expense of the Guard, but not to abolish the organization.

Shortly after the election, the Spokesman-Review, a Republican paper, reminded its readers that the legislature had the power to reorganize or abolish the National Guard.³⁵ The Seattle Daily Times, a Fusionist paper, noted both the complaints against the high spending National Guard and a movement "looking to the complete abrogation" of the militia law. Defending the militia over the regular Army on the grounds of states rights, the Times argued that a state should be equipped to handle its own population without federal aid. Rarely, said the Times, will the militia be used beyond the point of public approval. The United States needs a militia, the paper warned, and a reduction of the N. G. W. might

³²Spokesman-Review, November 21, 1896.

³³Frank W. Spear claimed that the Oregon Populists were defeated because they had been so "unwise and unpatriotic as to openly declare for the disbanding of the militia," Seattle Daily Times, Dec. 12, 1896.

³⁴For the platform, see Ridgeway, PNQ, XXXIX (Oct., 1948), 301.

³⁵Spokesman-Review, Nov. 21, 1896.

influence other states into a "considerable" anti-militia movement. Such a movement would give the United States government ample excuse to increase the regular Army and thereby reinforce this modern method of "government by injunctions" through the processes of the U. S. courts backed up by the army and Pinkerton's detectives..."³⁶

Contributors to the "People's Forum" column of the Daily Times included Fusionist P. P. Carroll, who opposed any radical legislation affecting the militia, and Frank W. Spear. Spear cautioned against retiring or disbanding the state militia. He noted that General Nelson Miles, U. S. A., was asking Congress to increase the size of the U. S. Army. It is an "open secret," wrote Spear, that the object of increasing the Army was to "keep the laboring class in subjection at the great manufacturing and commercial centers" where there was so much unemployment and restlessness. With John Rogers as governor, and "with a patriotic and effective militia," argued Spears, the U. S. courts would hesitate before declaring "our laws unconstitutional or before calling the regular Army to override the will of the people."³⁷

³⁶ Seattle Daily Times, Nov. 21, 1896. In the same issue, the editor urged greater economy in government in general by lowering of some salaries and eliminating others. He had no complaint with the \$1,200 annual salary of the adjutant general, but thought one of his \$900 clerks could be dropped.

³⁷ Ibid., Nov. 28, Dec. 12, 1896. A Lieutenant Colonel Frank W. Spear, of Seattle, was appointed brigade quartermaster, Oct. 1, 1898, A. G. Report, 1897/98, p. 8.

In December, about two weeks before the legislature was scheduled to convene, the National Guard officers of Spokane rallied to the defense of the N. G. W. They stated their arguments in a lengthy petition which they sent to the governor, to every legislator, and to every newspaper in the state.³⁸ Of the governor they asked that, if Boutelle and Carr had to be replaced, they be replaced with men already in the N. G. W. Their broader objective was to persuade the legislators to grant the N. G. W. a sufficient appropriation for the biennium of 1897-98 since it was a necessary state institution. The officers argued that as a police force alone, the N. G. W. gave the least expense and more efficient service than the people received from any other source. It was cheaper than the Seattle police force. In the recent fishing troubles at Ilwaco, it saved property equal in value to the entire cost of the Guard for five years. They mentioned the Guard's numerous instances of active duty where it saved "many thousands of dollars worth of property." The National Guard, argued the Spokane officers, "has restored order when the posse comitatus and deputy sheriffs have failed. Indeed, the presence of deputy sheriffs has often excited hostility and aggravated the disturbances..." The specific example of the failure of the county forces was "the Franklin mine riots in 1891 when many people were killed before

³⁸ Copy of petition, in Wash. State, Governors' Papers, John R. Rogers, Washington State Archives. Hereafter cited as Rogers papers. The petition is recapped in Spokesman-Review, Dec. 24, 1896. At the same time, the officers formed (or re-formed) an officers' association, see above, pp. 263-64.

the arrival of the guard and deputy sheriffs were wholly unable to restore order."

The officers' petition is interesting as an expression of the self image of National Guard officers in the 1890s. They reminded the legislators that Guardsmen served without pay except during active duty; they sacrificed their own time and money; officers paid for their own uniforms--all without expectation of reward. Their motives were merely to serve the state, and to learn something of military discipline which could be used in time of war, and yet, they declared somewhat plaintively, sometimes they received in return, "strange to say, derision."

Out-going Governor John McGraw cautioned against excessive appropriations in general, reminding the legislators that the state debt had increased by nearly \$1 million (bringing it to a total of more than \$2 million) since 1893. He suggested that the National Guard, under the economical and efficient General Boutelle, was doing well. The great reduction of 1895 had eliminated the play soldier and the Guard was then on a "strictly military" basis. The newly elected Governor Rogers did not mention the National Guard when he, in turn, addressed the legislature.³⁹

During the legislative session, as militiamen began to grow fearful that the Guard would get no appropriation, the Post-Intelligencer provided some timely publicity. A half-page

³⁹In, Senate Journal, 1897, pp. 23-24, 29-41.

spread included Boutelle's high praise of the Guard's performance at Baker's Bay; excerpts from the colorful report of Captain Adams who commanded the detachment at Baker's Bay; and drawings of Guard activities there. The article identified the Baker's Bay duty as evidence of the necessity of the National Guard and a demonstration of its efficiency.⁴⁰

But the lobbying and the publicity went unheeded. The legislature lowered the military's previous \$40,000 appropriation by 85 percent when it allotted a mere \$6,000 for the years of 1897 and 1898. It seemed to be a devastating blow to the National Guard of Washington. The rabidly anti-Populist Post-Intelligencer cited the militia appropriation as one of the blunders committed by the Populists in their "pretense" of economy. The low appropriation was due, hinted the editor, "to the bitter and senseless hostility which certain of the Eastern Washington members have to the citizen soldiery of this state..." It accused the appropriation of lacking "honest intent" because the legislature did not at the same time reduce the military tax which was expected to bring in \$30,000 to \$60,000 in the next two years. Since the receipts of the military tax could be spent for no purpose other than the military, as much as \$54,000 would lie unused in the military fund. In case the Guard was called into service, payrolls and expenses would have to be met with state warrants at eight percent interest which the next legislature would have to pay.⁴¹

⁴⁰Feb. 21, 1897.

⁴¹Post-Intelligencer, March 15, 1897.

Both arguments by the P-I's editor were false, since \$5,000 was set aside from the general fund for meeting any expenses involved in the suppression of riots, and since Rogers planned to use the surplus in the military fund to pay off the \$118,165 in outstanding military warrants.⁴²

The low appropriation disgusted Spokane's militiamen. One of them declared, "It is a slur and an insult...virtually...the extermination of the guard. I for one am going to quit." Another said it "means the abandonment of the National Guard" in Washington.⁴³ Alarm spread among the friends of the National Guard. The appropriation was unquestionably too low to support the organization at its current strength, and Guardsmen could see only two possible courses to follow. The N. G. W. would have to be again greatly reduced, or its officials could try to get some of the money from the military fund by spending over the budget and later requesting an emergency appropriation.⁴⁴ Governor Rogers chose the former policy. He ordered his acting adjutant general, J. E. Ballaine, to effect a radical reduction of ten companies from the N. G. W. in time for the beginning of the new biennium (1897-98) on April 1.⁴⁵

⁴²A. G. Report, 1897/98, p. 14, and Spokesman-Review, April 2, 1897. The riot fund represented a 50 percent cut from the \$10,000 riot fund of 1895-96.

⁴³Spokesman-Review, March 30, 1897.

⁴⁴Seattle Daily Times, March 22, 1897.

⁴⁵Spokesman-Review, March 25, 27, 1897; also Post-Intelligencer, April 1, 1897.

Rogers had earlier decided to appoint his own generals. After first receiving from the state attorney general, Patrick H. Winston, an official opinion that the term of office of the adjutant general expired with that of the governor who appointed him, Governor Rogers had accepted the resignation of Adjutant General Boutelle, February 2, 1897.⁴⁶ Rogers then had appointed his personal secretary J. E. Ballaine to serve as acting adjutant general with the rank of major and without pay. After the appropriations cut, this arrangement continued with the approval of the militia officers since it was a way of filling the office without paying the \$1,200 salary.⁴⁷

When Ballaine named the companies to be dropped, he generated the expected complaints even though he claimed that the decision was based on seniority, record of discipline, and efficiency as well as on geographical distribution.⁴⁸ Spokane's

⁴⁶ Spokesman-Review, Feb. 3, 1897; original opinion, Jan. 30, 1897, in Rogers papers.

⁴⁷ Seattle Daily Times, March 22, 1897. John E. Ballaine was then relatively unknown. The press called him by a variety of different first names, especially John and J. E. He is identified as James E. in The Official History of the W.N.G., IV, 402. Ballaine was 29 years old in 1897, and had lived in Whitman county since 1879. From 1888-90, he had been a deputy auditor of Whitman county after which he had entered the newspaper business, Ibid.

As the governor's military secretary, Ballaine was also assistant adjutant general with the rank of major on the governor's military staff prior to his appointment as acting adjutant general. That apparently was the extent of his military experience. For a brief look at some of his later activities as a railroad and real estate developer, see Saltvig, pp. 269-70.

⁴⁸ Spokesman-Review, March 25, 27, 1897, and Post-Intelligencer, April 1, 1897.

Guardsmen were especially angered by the fact that the little town of Waitsburg, with less than 300 people, located about 12 miles out of Walla Walla, was permitted to retain its company while Spokane's Battery A was dropped. They argued that the military should be concentrated at central points and centers of population such as Spokane which was a railroad center, the seat of large railroad shops, and the center of population in eastern Washington. Trouble, said Daniel Drumheller, was more likely to occur in cities than in isolated communities, and when trouble does occur, there was vastly more property to be protected in the cities than in the smaller towns. He compared the Guard with the fire department; it was not often needed, but "when we do we need it bad." M. M. Crowley, president of the Traders' National Bank and other Spokane businessmen expressed similar opinions.⁴⁹ However, the end result of the reduction order was less disastrous to the existence and strength of the N. G. W. than it at first sounded. Only three companies were actually disbanded. Seven others agreed to remain in the service and bear their own expenses for the next two years, keeping their state uniforms and arms.⁵⁰ Rogers again illustrated that he was not anti-National Guard when he expressed his gratification over the large number of companies

⁴⁹Spokesman-Review, March 30, 1897.

⁵⁰These companies kept their state uniforms and arms. Walla Walla businessmen agreed to contribute \$5 a month to the support of Company C, Spokesman-Review, April 6, 1897.

which volunteered to remain in the service at their own expense.⁵¹

Under the reduced appropriation, only six companies could be maintained at state expense. Since that was an insufficient number to maintain a regimental organization, the First Regiment was disbanded and re-formed as the Second Battalion, consisting of five companies, two of which were self-supporting. Battalion commander was Major J. J. Weisenberger.⁵² The First Battalion, commanded by Major John Carr, consisted of seven companies, four of them self-supporting.⁵³

In May, Governor Rogers filled the vacancy left by the resignation of the brigadier general, E. M. Carr. Rogers had asked the officers of the Guard to express their preferences for Carr's office. Failing to get a unanimous choice, he acted

⁵¹Ibid., April 2, 1897; also Post-Intelligencer, April 1, 1897.

⁵²The disbanding of the regiment forced into retirement such veteran Guard officers as Colonel Joseph Greene and Lieutenant-Colonel E. W. Ingraham. Greene was then doubling as acting brigadier general in place of E. M. Carr, who had resigned Jan. 18, after ten years of service, Spokesman-Review, Jan. 18, 1897.

J. J. Weisenberger, formerly third in command of the First Regiment, was an active Populist during the 1896 campaign whom the People's Party campaign committee had earlier endorsed for adjutant general, petitions to Rogers, Dec. 22, 1896, and n.d., in Rogers papers.

⁵³A. G. Report, 1897/98, pp. 3-4. The Second Battalion included state-supported Companies B and D (Seattle), and C (Tacoma), plus self-supported Companies E (Seattle) and H (Vancouver).

The First Battalion included state-supported Companies B (Spokane) and D (Waitsburg), and Troop B, plus self-supported Companies A (Ellensburg), E (Pomeroy), F (Dayton), and C (Walla Walla), Ibid.

largely on his own judgment, appointing J. D. McIntyre.⁵⁴ Later in the year, light artillery Battery A (Spokane) and cavalry Troop A were mustered back into the N. G. W., bringing the strength of the state force up, by the end of 1897, to eleven infantry, one artillery and two cavalry companies. That made fourteen companies (eight of them privately supported) totalling an estimated 900 officers and men.⁵⁵

Gold and War to the Rescue

The reduction of the National Guard of Washington by the Fusionist legislature in 1897 came at the end of the depression of 1893-97. Beginning in July, 1897, a spectacular change took place in the economic life of Washington as the contagion of an old-time gold rush spread throughout the state and much of the nation. "Hard times in the State of Washington," said historian Edmond S. Meany, "vanished in a day."⁵⁶ The long-depressed industrial and economic life of Washington rose quickly to a new level of prosperity fed by Alaskan gold and the business it generated in the state. As real estate values again rose,

⁵⁴Spokesman-Review, May 6, 1897. The Seattle Evening Times, Nov. 17, 1896, wrote of McIntyre, the "well known engineer," who was managing the Co-operative Irrigation company in the Big Bend country. Canadian-born McIntyre moved to Seattle in 1891, The Official History of the W.N.G., IV, 402.

⁵⁵Estimated by the author. Seattle's Company E was disbanded Nov. 17, 1897, when its membership fell below minimum. This was Carr's old Home Guard company of anti-Chinese days, Spokesman-Review, Nov. 27, 1897. It was replaced by Company A (Centralia), Dec. 22, 1897, A. G. Report, 1897/98, p. 4.

⁵⁶History of Washington, p. 294.

the state's income from taxes increased, and proponents of the militia looked forward to better times for the N. G. W.

Under Boutelle and Ballaine, rigid economizing was enforced and the large military debt nearly removed by the time the United States declared war against Spain in the spring of 1898. As it had become increasingly apparent that the United States was going to war, the N. G. W. mustered in, on April 22, infantry Company E (New Whatcom) as another self-supporting company. Company E brought the N. G. W. up to twelve infantry companies in conformity with regular Army regimental size. Thus, with twelve infantry companies, two cavalry troops, and one artillery battery, the National Guard of Washington, on the eve of the war, totalled fifteen companies (six of them state-supported), and an aggregate of 950 officers and men.⁵⁷ Then President McKinley made a dream come true for the boys in blue. He gave the Guardsmen an opportunity to serve as real soldiers when, on April 23, he called for 150,000 volunteers.

The filling of Washington's quota of one regiment (twelve companies) of infantry provided Governor Rogers with only one major problem--whom to select from the flood of volunteers. The military laws of the nation did not at that time provide the President with the authority to order the National Guards of the various states into the federal service. He could only ask for volunteers.⁵⁸ Forty-five different voluntary

⁵⁷A. G. Report, 1897/98, p. 4; also in The Official History of the W.N.G., IV, 402.

⁵⁸Meany, pp. 296-98; Hunt and Kaylor, I, 372-74; Matloff, American Military History, p. 323.

organizations in Washington offered their services and vied for the privilege of being selected for the volunteer U. S. regiment. Rogers chose the National Guard.⁵⁹

Early in May, Governor Rogers began to prepare for the loss of his National Guard by formulating plans to raise a new organization. After the members of the twelve N. G. W. companies were sworn into the U. S. service, the state would be left with but three militia companies.⁶⁰ The Spokesman-Review wrote of Rogers' intent to form a replacement National Guard, claiming that the reasons for re-organization included "a remote possibility of internal disorder, though particularly remote at this time, and...another strong probability of another call from the national government..."⁶¹

The Sons of Veterans objected to the idea of a second National Guard because they had been led to believe that they would be called after the militia had gone. The Spokesman-Review suggested that Rogers might organize the Sons of Veterans camps into the National Guard and give them the first opportunity to volunteer if a second call were made.⁶² But the governor struck a minor snag in his plans to form a second organization. The officers of the old Guard at first refused to resign from

⁵⁹ Spokesman-Review, Nov. 14, 1898; see also, A. G. Report, 1897/98, p. 4; also, The Official History of the W.N.G., IV, 403.

⁶⁰ Spokesman-Review, May 1, 1898. Cavalry Troop A and artillery Battery A had volunteered as infantry.

⁶¹ Ibid.

⁶² Ibid.

the N. G. W. because they did not want to lose their National Guard memberships upon their return from the war.⁶³ Rogers tried to convince them that the next legislature would increase the Guard so that the returning veterans would be able to retain their membership.⁶⁴ He went to Camp Rogers, where the Volunteer Regiment was forming, to persuade the officers to resign so that he could proceed in forming a second organization in case of a second presidential call for volunteers.

Rogers got his wish. The volunteers, as individuals and not as a state force, were sworn into the service of the United States on May 13, as the First Washington U. S. Volunteer Infantry Regiment, under the command of Colonel John H. Wholley. It included 46 officers and 1,014 men. The twelve companies making up that regiment were disbanded and the men discharged from the N. G. W., May 17, 1898.⁶⁵

On May 25, President McKinley called for additional troops. Acting Adjutant General J. E. Ballaine, resigned effective May 24, in order to volunteer as first lieutenant of Company L.⁶⁶ In his place Governor Rogers immediately appointed William J. Canton, a lawyer with four years of regular Army service as

⁶³Ibid., May 4, 1898.

⁶⁴Ibid., May 4, 1898. Ballaine also expected the next legislature to provide enough money to maintain the Guard at twice its 1897-98 strength, Ibid., May 1, 1898.

⁶⁵A. G. Report, 1897/98, p. 4; also, The Official History of the W.N.G., IV, 403.

⁶⁶The Official History of the W.N.G., IV, 403; also A. G. Report, 1897/98, p. 28.

well as service in the National Guard of New York, South Dakota, and Nebraska. The new adjutant general was a 37-year-old "radical Populist" who had been practicing law in Oregon and Washington since 1890. He had commanded Waterville's unattached company until 1895.⁶⁷ Rogers learned on June 20 that Washington's second quota would be one battalion of infantry (four companies). Accordingly, the two remaining infantry companies of the N. G. W. (both Companies E) plus two new volunteer companies (one from Tacoma and one from Waterville) were mustered into the U. S. service July 15, 1898. They were under the command of Major E. H. Fox, and called the Independent Battalion of Washington Volunteers.⁶⁸ That left the N. G. W. consisting only of a single company--Troop B.

A Summary

The 1890s was a turbulent decade for the National Guard of Washington, bringing its members moments of glory and moments of gloom. In spite of its poor financial administration, its internal conflicts, and its limited discipline, the state's military organization survived the critical years. The N. G. W. had survived the turbulence without shedding the blood of any

⁶⁷The Official History of the W.N.G., IV, 403; and from letters written in November, 1890, to Governor Rogers, in Rogers papers, endorsing Canton for adjutant general.

⁶⁸A. G. Report, 1897/98, p. 5; also in The Official History of the W.N.G., IV, 403-04. See also, W. L. Luhn, "Official History of the 1st Washington Infantry, 1899," supplement to Karl I. Faust, Campaigning in the Philippines (San Francisco: The Hicks-Judd Company, 1899), p. 1.

follow citizens, and by 1896, Guard officers could claim with little fear of contradiction that the National Guard was superior to the posse comitatus as an instrument of social control.⁶⁹

By surviving the stringent Fusionist economizing of 1897-98, the N. G. W. weathered its most critical period since its founding in 1886, proving that its roots as an institution of state government had become deeply implanted. The declining state income during the depression might have resulted in the eventual abolition of the Guard. Only because its members and some businessmen were willing to assume the financial responsibility for many of the companies did the N. G. W. survive with at least an appearance of continuing size and strength after the 1895 and 1897 tightening of the public purse strings. Had the depression continued much beyond 1897, one can only surmise how long its members and its benefactors would have continued to privately support the Guard.

The return of good times alone probably would have saved the Organized Militia from possible deterioration to a purely recreational organization or to its former condition as the enrolled, or common, militia. But the call to war in 1898 guaranteed the Guard a long life. War with a foreign nation permitted the Guardsmen to prove their patriotism and worth to the nation, and would help change the image of the N. G. W. by redirecting its principal emphasis from that of a police force to that of a military force.

⁶⁹Spokesman-Review, Dec. 24, 1896.

After the National Guardsmen entered the U. S. Army in 1898 and resigned from the state force, Washington was left without a National Guard. But, demonstrating that the Guard was becoming a permanent state institution, a new organization was immediately formed to replace the old one. Thus, as the 19th century ended, the National Guard of Washington entered a new era.

TABLE 2

N. G. W. MEMBERSHIP AND APPROPRIATIONS, 1890-1900

	officers	enlisted men	aggregate members	no. of companies	biennial appropri- ation
Sept 17, 1890			870	19	-
Dec 9, 1891			(1,260) ^z	22	-
Oct 10, 1892	121	1,267	1,388	23 ^a	-
Nov 1894	127	1,403	1,530	25 ^a	1893-94 \$80,000
July 30, 1895				15	1895-96 \$40,000 ^x
Nov 1, 1895	102	1,056	1,158	17	
Oct 1896	134	1,172	1,306	16	
Dec 22 1897			(900) ^z	14	1897-98 \$ 6,000 ^y
April 22 1898			950	15 ^b	
July 23, 1898			(60) ^z	1	
Oct 10, 1898	70	491	561	15 ^b	
Dec 12, 1899			(800) ^z	15 ^c	1899-00 \$24,000
Dec. 12, 1900	79	783	862	16 ^c	

^xplus special \$10,000 fund for riot expenses

^yplus special \$ 5,000 fund for riot expenses

^zauthor's estimate

^aincludes one unattached, self-supporting company

^bincludes nine self-supporting companies

^cincludes two unattached, self-supporting companies

CHAPTER XII

Between Wars, 1898-1916

The Spanish-American war proved to be a turning point in the military history of the state of Washington as well as the nation. After victories in combat had provided the United States with an overseas empire, a larger and more effective Army and Navy seemed to many to be necessary to protect the newly acquired interests.¹ The war had illuminated the weaknesses of the old Army structure and the sixteen or seventeen years following the Spanish surrender was a time of important changes and reforms in U. S. military organization, Weapons, and equipment. One of the fundamental effects of the new military program was to increase federal authority over the militia and the volunteers.² Unable to get a standing regular army of the size they wanted, militarists under the direction of Secretary of War Elihu Root began to look more seriously to the Organized Militia of the various states as a basic reserve force.

Effects of the Spanish-American War

In the long run, the war with Spain influenced the National Guard of Washington in several ways. It provided officers and

¹Matloff, p. 319.

²Ibid., pp. 343, 346, 347.

men with practical military experience. It stimulated "an unusual interest" in the Guard, at least among its own members.³ The war added a prestigious dimension to the N. G. W. by increasing the emphasis given to its military function. But more immediately, the war first altered the physical structure of the N. G. W. After the Guardsmen were federalized for service against Spain, all that remained of the state force was but a single company--Tacoma's cavalry Troop B. Accordingly, on July 22, 1898, Governor John Rogers issued an order to Adjutant General William Canton to form a new National Guard. By October 1, the new force counted 561 officers and men in fifteen companies.⁴

Because the Volunteers had kept their Guard uniforms and arms, the new companies drilled in civilian clothes without weapons. Only six companies received state funds for maintenance expenses. In spite of the negative conditions, more companies applied for admission than the seventeen allowed by state law--the incentive being primarily the possibility of a third call from the President for volunteers.⁵ But the call

³Post-Intelligencer, Oct. 20, 1901; Spokesman-Review, July 16, 1902; Seattle Daily Times, Sept. 30, 1905, editorial.

⁴They included the new light artillery Battery A, the veteran Troop B, and thirteen new companies of infantry divided into two regiments. Neither regiment had a commanding officer nor any staff officers, A. G. Report, 1897/98, p. 6, and Spokesman-Review, Nov. 14, 1898. For the roster of the new Guard, as of Oct. 1, 1898, see A. G. Report, 1897/98, pp. 8-10; see also, Spokesman-Review, Nov. 11, 1898.

⁵A. G. Report, 1897/98, p. 7, and Spokesman-Review, Nov. 12, 1898.

never came. The war ended even before the four companies of Major Edward H. Fox's Independent Battalion of Washington Volunteers could leave the state. They were mustered out of the U. S. Army during the week of October 21-28, 1898.⁶

However, the warriors' dreams of combat were realized by the members of the First Washington U. S. Volunteer Regiment which was sent to the Philippines in October, 1898, as hostilities against the Filipinos were beginning.⁷ The regiment returned from the Philippine battle fields to be mustered out of the U. S. service October 31, 1899.⁸ A few days later, on November 9th, the N. G. W. re-organized into a single, eleven-company regiment under the command of Colonel John J. Weisenberger.⁹ In January, 1900, a twelfth company, Company M of New Whatcom, was mustered in to bring the number of companies

⁶ A. G. Report, 1899/1900, p. 11. For a brief biography of Fox, see The Official History of the W.N.G., V, Washington National Guard in World War I, 420.

The Independent Battalion did a few months of garrison duty at Vancouver, Wash., Meany, History of Washington, pp. 296-98.

⁷ The Official History of the W.N.G., IV, 404-06. The Volunteer Regiment eventually saw about one year of combat duty in the Philippines; see W. L. Luhn's official history of the regiment in Faust, Campaigning in the Philippines, supplement, pp. 1-116.

⁸ The Official History of the W.N.G., IV, 406.

⁹ Spokesman-Review, Nov. 12, 1899; also A. G. Report, 1899/1900, p. 3, and The Official History of the W.N.G., V, 420-21.

in the infantry regiment into conformity with U. S. Army regimental size.¹⁰

As the legislative session was beginning in January, 1899, National Guardsmen urged support of an increased appropriation for the next biennium. They reminded the legislators that, while waiting for a better appropriation from the state and for the federal government's reimbursement for uniforms and equipment loaned to the U. S. Army in the mobilization of 1898, most of the individual Guardsmen were paying fifty cents to one dollar a month to maintain state equipment and rent halls for armories.¹¹ Adjutant General Edward H. Fox asked for \$60,000 above and beyond the amount necessary for purchasing new uniforms and for the medical and hospital corps of the N. G. W.¹² Governor Rogers reminded the legislature that the country's founding fathers had been unanimous in viewing a well regulated militia as one of the "chief supports of our system of government." He spoke highly of the militia's ability to help preserve public order and asked for a moderate sum to support the N. G. W. during the next biennium.¹³

¹⁰The addition of Company M brought the total force of the N. G. W. up to the strength at which it concluded the year, the decade, and the century--16 companies and 862 officers and men, A. G. Report, 1899/1900, p. 4. For rosters, see Ibid., pp. 5-7.

¹¹Spokesman-Review, Jan. 21, 1899.

¹²Ibid. Major Fox was appointed adjutant general after Canton resigned Nov. 30, 1898, to accept a commission with the Volunteers.

¹³Governor's message, in Senate Journal, 1899, pp. 27-29.

The legislature, which consisted of a House with a Republican majority, and a Senate with a Fusion majority, provided a military maintenance appropriation of \$24,000 for the ensuing two years. That sum represented a substantial increase over the \$6,000 1897-98 appropriation though it was far below the \$60,000 requested by the adjutant general.¹⁴

But legislative reaction to the N. G. W. also had its negative aspects in 1899. That body set nothing aside from the state's general fund for meeting the extraordinary expenses of any active civil duty. After defeating a bill to abolish the office of the adjutant general, it rejected the governor's request to raise the salary of the adjutant general from \$1,200 to \$2,000. Thus, as the 20th century began, legislators still had ambivalent feelings about the Organized Militia. They wanted it to be there in case of need, but they did not want to pay much for the insurance it provided.

The early 20th century, beginning in 1900, brought an increasing affluence to the National Guard of Washington. The new federal military policy benefitted the state force. Congressional laws passed in 1900 and 1902 increased federal funds available to the state forces for arms and equipment, but did not impose any real obligation on the states in return for the money.¹⁵ The key act in the new federal program was

¹⁴ Spokesman-Review, March 9, 10, 12, 1899; Wash. State, Laws (1899), p. 193; and A. G. Report, 1899/1900, p. 9.

¹⁵ A. G. Report, 1919/20, p. 17.

the Dick Act of 1903 which revised the traditional militia system as it had existed since 1792.

The Dick Act provided for the first time some federal control over the state militia organizations by requiring the state forces to conform to federal standards of training, organization, and equipment. It required Guardsmen to attend regular periods of drill twice a month. It also required short, annual summer training sessions and provided federal funds to pay the soldiers for their participation. The law officially recognized, but did not require, the title "National Guard." It divided the militia into two classes, the Organized Militia which could be called the National Guard, and the Reserve Militia, or unorganized militia.¹⁶ It permitted U. S. Army officers to serve with National Guard units as training officers, and authorized joint federal-state military maneuvers. Though the Dick Act failed to give the federal government the power to call out the National Guard or to control its personnel, it was an important step in that direction.

In Washington, legislators helped sink the roots of the N. G. W. deeper into the fabric of state government despite an apathetic public. In the first biennium after the war (1899-1900), the legislature appropriated \$24,000 to the military department for its general maintenance and the salaries of the adjutant general and his clerks. Beginning with a \$63,000 appropriation for the biennium of 1901-02, the N. G. W. received

¹⁶Matloff, pp. 340-51. See also, above, p. 8.

an average of about \$77,000 for each biennium through 1908. That was a significant increase over the appropriations of the 1890s which had averaged about \$37,000 per biennium, but was dwarfed by those between 1909 and 1916 which averaged about \$138,000.¹⁷ But the Guard's income and expenditures increased more rapidly than did its units or personnel.

Patterns of Growth, 1901-16

Between 1900 and 1908, the N. G. W. maintained fewer units than it had during the previous decade while the number of men was generally about equal to or less than the membership of the 1890s. The aggregate membership remained fairly steady at approximately 800 officers and men through 1908.¹⁸ Until 1909, there apparently was no concerted effort made to increase the size of the force even though General Drain claimed in 1906 that the N. G. W. was too small for the size of the state.¹⁹

Beginning with the Military Act of 1909, the N. G. W. actively sought to increase its size, but found it to be a

¹⁷Averages can be mis-leading. The legislature of 1913 cut \$25,000 from the appropriation, resulting in the "loss of valuable officers and men" as the troops were once again called upon to spend their own money to meet the expenses of their own companies, A. G. Report, 1913/14, pp. 5-6, 16.

¹⁸The adjutant general did not report the membership totals in 1903/04 and 1905/06, but membership in 1902 totalled 738, A. G. Report, 1901/02, p. 18. After 1904, the infantry regiment consisted of a full complement of 12 companies, supported by one cavalry troop and one signal corps company. The number of units then remained constant until 1909. Each company averaged 62 men in 1904 and 65 was permissible maximum.

¹⁹Ibid., 1905/06, p. 9.

task easier desired than done. Most of the growth that did occur between 1909 and 1916 was mainly due to the addition of new types of prestigious forces--the coast artillery and the naval militia--rather than to an increase in enthusiasm on the part of potential infantry recruits. Efforts to increase the size of the infantry regiment failed, and it remained at about 800 officers and men until 1916. The seriousness of the reluctance to enlist, blamed in part on opposition from organized labor, can be measured by the fact that it continued during the crises with Mexico and during the prelude to America's entrance into the war in Europe.

In 1910, Adjutant General George B. Lamping declared the force was still too small to meet the needs of either national defense or state emergencies. Two years later, the total forces of the N. G. W. numbered approximately 1,500 officers and men, a size about equal to what it had been twenty years earlier. After heavy recruiting campaign in 1912 had attracted only a few recruits, the disappointed Adjutant General Fred Llewellyn complained that the state could easily support double its current Guard strength.²⁰

In 1913, a governor's request to double the size of the infantry regiment similarly produced negligible results. Governor Ernest Lister denied that his request was to put the N. G. W. on a "war footing," but the war scare with Mexico had led the War Department to instruct the state to increase its

²⁰Ibid., 1909/12, p. 5; Ibid., 1911/12, p. 34.

infantry regiment alone to 1,500 men which would have been full war strength.²¹ By the end of 1914, the total membership of all branches of the N. G. W. had climbed to about 1,650, an increase of only about 150 men.

The continued troubles in Mexico and the war in Europe stimulated interest in military preparedness in 1915, and undoubtedly were prime factors in bringing another 100 men into the Guard by March, 1916. That was just before rebel Mexican troops raided Columbus, New Mexico, triggering a federalization of much of the nation's National Guard, including the National Guard of Washington, and spurring Congress to rapid passage of the National Defense Act of 1916.

The New National Guard, 1901-08

Having briefly surveyed the growth patterns of the N. G. W. from 1901 to 1916, it is now convenient to view in more detail some of the events and attitudes that affected that growth.

With the re-election of former Populist John R. Rogers as a Democrat in 1900, the N. G. W. was assured of continued support from its commander-in-chief. Rogers viewed the Guard as necessary for "use in case of last resort...essential to the preservation of public order and must always be on hand even though never used." The governor declared that the state was prepared to "repress" any possible public disorder or riot, and he favored not a larger force but a better organized and

²¹Spokesman-Review, Nov. 16, 25, 1913.

equipped force.²² Rogers was later highly praised "for the masterly way in which he handled" the N. G. W. Apparently hoping to establish a precedent in eliminating politics from the Guard, he appointed Major James A. Drain, a Republican, as adjutant general at the outset of his second term.²³

After 1898, N. G. W. supporters began to place greater emphasis on development for military purposes, and less emphasis on its use in industrial disputes. The move in the new direction commenced under the administration of Adjutant General Drain even before passage of the Dick Act of 1903. Under Drain's urging, the legislature of 1902 amended the Militia Act in order to pattern the N. G. W. more closely after the U. S. infantry. For instance, it abolished the brigade organization and established the size of a regiment at twelve companies.²⁴

In April, 1901, General Drain led the N. G. W. into its modern era. Acting under the newly-passed amendments to the Militia Act, he began strengthening his force and reorganizing

²²Governor's message, in House Journal, 1901, pp. 29-30.

²³Capt. Everett G. Griggs to Governor McBride, Jan. 9, 1902, Wash. State, Governors Papers, Washington State Archives. Hereafter cited as McBride papers.

It is not known why Fox was not re-appointed. Drain took office Jan. 16, 1901. In civilian life, he was an accountant. In 1898 he was elected clerk of Spokane county and resigned that position upon his appointment as adjutant general, Spokesman-Review, Jan. 9, 1901. For his military record, see The Official History of the W.N.G., V, 421.

²⁴Post-Intelligencer, March 2, 1901; Wash. State, Laws (1901), pp. 156-67. This eliminated the office of brigadier general and his staff of eleven officers. J. D. McIntyre was brigadier general at the time, The Official History of the W.N.G., V, 421. The new law also increased the annual salary of the adjutant general to \$2,000.

it after the pattern of the U. S. Army. Drain's program for improving the Guard included examining officers for promotions, rigid and frequent personnel inspections, establishing physical exams conforming to those conducted by the regular Army, and working to improve the esprit de corps. To develop military skills in his Guardsmen, Drain stressed field experience, military discipline, target practice, and drilling.²⁵

Since the Army called for regiments to be composed of twelve companies, part of Drain's new program was to trim the size of the force. In the fall of 1901, Drain began inspecting companies. Basically, the inspections covered administration and shooting records as the principal emphasis in training had by then become target practice. Five companies receiving unsatisfactory ratings were disbanded. By the end of 1902, after consolidating a few companies and adding some new ones to the force, the adjutant general commanded a force of eleven infantry companies, one cavalry troop and one signal corps company plus a band and a small hospital unit.²⁶

As General Drain implemented his new policy in developing the Guard as a military force, he hoped to increase the Guard's concurrent ability to act as a police force. A common belief was that "a score of Regulars" was more effective in a riot situation than a regiment of militia because the Regulars would obey an order to shoot. In order to counter that belief,

²⁵A. G. Report, 1901/02, p. 4-5.

²⁶The Official History of the W.N.G., V, 421.

General Drain informed the people of Washington that he would follow a tough policy if the Guard were called out for riot duty. If called into service, he warned, Guardsmen would never fire blanks and would fire no shots of warning over the heads of a crowd to kill and injure far off innocents. Any mob, refusing to disperse, would be fired upon with the intent to kill. "It is the duty of the National Guard," added Drain, "to preserve the peace...protect lives and property...when ordered by the governor to do so." He claimed that the Guard would never be called out in time of local disturbances for any other purpose, but that purpose would be achieved whether by "bayonet, butt or bullet."²⁷

When Governor Rogers died, December 24, 1901, Lieutenant Governor Henry McBride entered the governor's office. McBride, a Republican, continued Rogers' policy of running the Guard without political influence. After receiving nearly unanimous support of General Drain from the officers of the Guard, McBride decided to retain him as adjutant general.²⁸

The federal Dick Act of 1903 had required many of the state militias to make radical changes in their organizations, armaments, and discipline in order to conform to the requirements of the regular Army. However, few changes were necessary

²⁷ Spokesman-Review, Oct. 10, 1901; Post-Intelligencer, Oct. 10, 1901.

²⁸ Several letters to Governor McBride, dated late Dec., 1901 and Jan., 1902, indicate this, in McBride papers. The letters contain high praise for Drain and for the improvements he was instilling in the N. G. W.

for the N. G. W. since the legislature and General Drain had already implemented most of the necessary reforms.²⁹ Nevertheless, the state legislature in 1903 did pass a few more amendments to the earlier militia law. The amendments required that the governor appoint the adjutant general "with the consent of the Senate." They provided officers with \$30 for uniforms, and authorized the governor to order the N. G. W. into the federal service in response to a presidential call for volunteers, stipulating that the N. G. W. was to have precedence over all other volunteers at such times.³⁰

The legislature of 1903 further established the N. G. W. on more permanent footing by providing funds for the purchase of land for a permanent training facility and for the construction of Washington's first three state-owned armories. The first parcel of land, 220 acres, now composing Camp Murray at American Lake, was purchased from Pierce County for about \$30 an acre in March, 1903.³¹ The land purchase and the construction of armories brought little opposition from

²⁹A. G. Report, 1903/04, p. 10; Post-Intelligencer, Jan. 27, 1903.

³⁰Wash. State, Laws (1903), pp. 314-24. The law also required that the number of N. G. W. officers and non-commissioned officers conform to U. S. Army units of similar size. It also provided that junior officers be promoted according to seniority and examination results.

³¹Washington State, Military Department, Office of the Adjutant General, "A Brief History of the Washington Territorial Militia 1855-1889 and the National Guard of the State of Washington 1889-1957," compiled by Virgil F. Field, (mimeographed, [1957]), Appendix G, p. 6. Hereafter cited as "A Brief History..." (Field, 1957). See also A. G. Report, 1913/14, p. 29.

taxpayers probably because, at the beginning of 1903, a surplus of \$164,000 was in the military fund. The adjutant general claimed that was sufficient to maintain the organization for the next four years, so the legislature actually lowered the military tax from one-fifth of a mill to one-tenth of a mill and used the income for the purchase and construction.³² A delay in armory construction forced the legislature to re-appropriate the funds for construction in 1905. The first armory was completed October 1, 1907, at Spokane. Four others were completed within the next seven years.³³

The principal voice raised in protest against militia organizations came from organized labor, yet labor's position was ambivalent. In 1903, the year of the Dick Act, Samuel Gompers defended the right of a trades union member to join the militia. He defended the militia as the agent of the republic and liberty, and criticized a large standing army as the agent of monarchy and tyranny. According to this attitude of the "conservative element in the trades union movement," the militia was acceptable provided working men served in the ranks.³⁴ The contrasting view declared that the trade unionist and the militia had nothing in common, that "militarism is

³²Governor's message, in Senate Journal, 1903, pp. 23-24. The military tax was again increased to its old level in 1907.

³³"A Brief History..." (Field, 1957), Appendix G, p. 6. The Tacoma armory was completed Jan. 1, 1909, Seattle's, Feb. 1, 1909, Bellingham's, Oct. 1, 1911, and North Yakima's, Sept. 1, 1914, Ibid.

³⁴The Seattle Union Record, Sept. 12, 1903, p. 6, in an article reprinted from Preman's Labor Journal.

directly opposed to the democracy of the labor movement. Militia today is not used (for national defense), but to defend the capitalist against the so-called tyranny of labor."³⁵ The editor of the Seattle Union Record demanded stronger rules for controlling the use of the militia, and angrily denounced any union man who would join the militia in peacetime knowing "the base uses to which organized capital prostitutes the militia."³⁶ The radical Industrial Workers of the World identified the militia and the regular Army as equally oppressive forces whose real purpose was to "support the class rule of the employers."³⁷ But all these protests were aimed at the militia in general and not against the N. G. W. in particular.

A change of commander-in-chief in 1904, with the election of another Republican, Alfred E. Mead, exerted no noticeable effect on N. G. W. administration or policy. Nor did the successor of General Drain alter the new movement inaugurated by Drain. Drain resigned August 1, 1906, and Governor Mead appointed Lieutenant Colonel Ortis Hamilton to replace him.

In general, the years between 1901 and 1908 proved to be a fairly easy time for the the N. G. W.: a peaceful time of no war, strike, or riot duty; a time of physical retrenchment and reorganization emphasizing regular Army standards; a time of building

³⁵From the Weekly Bulletin of the Garment Workers, reprinted in The Seattle Union Record, Sept. 19, 1903, p. 8.

³⁶Oct. 17, and Dec. 5, 1903, editorial.

³⁷The Industrial Worker (Spokane), March 18, April 29, 1909.

armories and buying land in preparation for an expected growth and expansion in the next decade.

Precedents and Problems, 1909-12

The year of 1909 was eventful for the National Guard of Washington. In March, the legislature passed a new Militia Act, completely revising the state's military code in order to meet the requirements of the Dick Act of 1903 as amended in 1907. The new state law provided that all elements of the organization correspond to similar elements of the U. S. Army, abolished the governor's military staff, increased the annual salary of the adjutant general from \$2,000 to \$3,000. It also provided for expansion of the organization by permitting the formation of the Coast Artillery Reserve Corps as part of the N. G. W.³⁸ The organizing of the coast artillery branch led to the first substantial increase in the size of the N. G. W. in the 20th century as four companies were recruited by the end of 1909.³⁹ It was in that same year that the headquarters of the N. G. W. was moved from Olympia to Seattle's new armory.⁴⁰

³⁸For a brief history of the coast artillery, see The Official History of the W.N.G., V, 454-65

For a description of the two federal laws, see A. G. Report, 1907/09, p. 3; see also, Wash. State, Laws, (1909), chap. 134; also, Seattle Daily Times, Feb. 8, 1909.

³⁹"A Brief History..." (Field, 1957), p. 5.

⁴⁰In 1922, headquarters was moved to Camp Lewis; in 1928, a short move was made to the present site at Camp Murray, Washington State, Military Department, Office of the Adjutant General, The Camp Murray Story, (1959), compiled by Virgil F. Field, p. 19. Governor Lister, during World War I, objected to the distance between himself and his military commander.

The Guard suffered its first major scandal in 1909. Marion Hay, elected as lieutenant governor in 1908, became governor March 28, 1909, after his fellow Republican Samuel G. Cosgrove, Washington's "one day governor," died shortly after his inauguration.⁴¹ Shortly after Hay assumed office an audit of the military account produced evidence that Adjutant General Hamilton had misappropriated about \$40,000 during 1907 and 1908. Before the end of the year Hamilton was convicted of embezzlement and sentenced to the state penitentiary. Hay appointed Colonel George B. Lamping to replace Hamilton, effective April 1, 1909.⁴²

To top off that eventful year, an obscure government official serving as acting governor tried to maintain gubernatorial control over the N. G. W., and to prevent its use as something more than a last resort. He was Secretary of State Ithamar M. Howell. Governor Hay had appointed Howell after the elected secretary, S. G. Nichols, resigned in the midst of a scandal.⁴³

⁴¹ Stewart, II, 203-04. Cosgrove died March 28, 1909.

⁴² A. G. Report, 1909/10, p. 3; also, Spokesman-Review, Jan. 30, 1910, p. 11. For the investigation of Hamilton, see Washington State, Governors Papers, Marion Hay, Washington State Archives. Hereafter cited as Hay papers. For a brief biography of Lamping, see The Official History of the W.N.G., V, 438-39.

⁴³ Saltvig, p. 136. Several state office holders were caught in a clean government movement early in 1909, Ibid. Howell, the son of a Tacoma pioneer businessman, entered public life in 1905. Earlier he had joined his father in the investments, loans, and real estate business. He was Pierce county auditor-clerk from 1905 to 1909, Town Crier (Seattle), Sept. 7, 1912, p. 11; and Tacoma City Directory 1898, p. 212. In May, 1909, Governor Hay appointed Howell to please newspaperman Sam Perkins, Hermes J. Bergman, "Progressive on the Right - Marion E. Hay, Governor of Washington 1909-1913" (Ph. D. dissertation, Washington State University, 1967), p. 49. Howell was re-elected in 1912 and 1916.

Howell and the N. G. W. became involved in the I. W. W.'s free speech fight against the city of Spokane.

The immediate goals of the I. W. W. during that struggle in 1909 were to organize in Spokane so they could establish a union hiring hall to assist in placing workers on the jobs. By doing so, the I. W. W. would wrest control of the hiring of workers from the "shark" employment agencies then situated in Spokane.⁴⁴ After organizers began to speak in the streets to recruit members, the city countered with an anti-street speaking ordinance. The I. W. W. ignored the ordinance. As the city arrested the street speakers, others took their places, hoping to overflow the local jails and make the anti-speaking ordinance unenforcible. The city authorities finally determined to strike a conclusive blow by arresting the troublesome speakers and the union's leaders on charges of criminal conspiracy. That plan was put into action November 2, 1909.⁴⁵

To back up the arrest plan, the two local companies, I and H, were placed on standby and held at the Spokane armory during the greater portion of November 2 and 3.⁴⁶ The militia law of

⁴⁴Melvyn Dubofsky, We Shall Be All - A History of the Industrial Workers of the World (Chicago: Quadrangle Books, 1969), pp. 173-97, describes the free speech fights, 1909-12. See also, Philip Foner, History of the Labor Movement in the United States, IV, The Industrial Workers of the World, 1905-1917 (New York: International Publishers, 1965), chaps. vii and viii. The Industrial Worker (Spokane), organ of the Spokane chapter of I.W.W., covered the Spokane fight throughout most of 1909.

⁴⁵Dubofsky, p. 178. See also, The Industrial Worker, Nov. 3, 10, 1909.

⁴⁶Llewellyn to Hay, Jan. 16, 1911, Hay papers.

1909 had retained an older provision that permitted local civic officials to call out their Guard units under certain circumstances provided that it was "impracticable" first to communicate with the commander-in-chief. On November 2, Mayor N. S. Pratt, claiming that it was impracticable to communicate with the governor, had ordered out Spokane's two companies of National Guard for the purpose of keeping the streets "free and clear" of anyone speaking or attempting to speak, and to otherwise assist the local authorities in making arrests and keeping the public peace.⁴⁷

The senior N. G. W. officer at Spokane was Captain Denton M. Crow. After conferring with the mayor and the police chief, Crow believed the situation to be "sufficiently serious" to warrant calling out Companies H and I. He assembled them at the armory, then sent the soldiers home at 11 p.m. with instructions to return the next day, November 3. The next day, the Guard officers had the city authorities install a "very powerful whistle on the Central Fire Station" for the exclusive purpose of calling the National Guard to duty. Apparently nearly fifty per cent of the men stayed at the armory during the evenings of the next few days although they were officially released with orders to keep in touch with their officers.⁴⁸

⁴⁷ Copy of letter, Pratt to Capt. Benson Wright, Nov. 2, 1909, Hay papers.

⁴⁸ Crow to Assistant Adjutant General Maurice Thompson, Nov. 8, 1909, Hay papers. This was the first time Crow had bothered to report to the A. G. O. about the call-up of troops. He apologized for failing to do it sooner.

Captain Crow's actions violated his instructions from Assistant Adjutant General Maurice Thompson who had earlier told Crow to inform Battalion commander Major William Lemon of North Yakima before committing any troops to action. Crow did not do so. When Major Lemon was informed by Captain Thompson of the call-up, he said he would immediately order the companies to be dismissed.⁴⁹ Neither Crow nor Pratt had attempted to communicate with the commander-in-chief. Governor was out of the state at the time, so Secretary of State I. M. Howell was acting governor. Howell denied that it had been impracticable to communicate with him as he had been in his office all day on November 2.⁵⁰

A few days later, on November 8, Howell rejected a request by Mayor Pratt to use Guardsmen to help guard the growing number of I. W. W. prisoners. The acting governor informed Pratt that "every means should be exhausted before state is called upon."⁵¹ Captain Thompson asked Howell for instructions in investigating the call-out of troops at Spokane, but Howell was prevented from ordering an investigation because Governor Hay returned November 12. Hay, a Spokane resident, apparently did not object to the attempted mis-use of the Guard. Rather than call for an investigation, Hay congratulated Pratt for his "wise and efficient" handling of the I. W. W. and promised the mayor full assistance

⁴⁹Thompson to I. M. Howell, Nov. 11, 1909, Hay papers.

⁵⁰Howell to Thompson, Nov. 15, 1909, Hay papers.

⁵¹Copy of telegram, Howell to Pratt, Nov. 9, 1909, Hay papers. See also, Spokesman-Review, Nov. 10, 1909.

if needed.⁵² Governor Hay was a conservative reformer as governor, and a wealthy businessman-land speculator in private life. He had been accused in the 1908 primary election campaign of being hostile to labor.⁵³

Two years after the free speech incident, Howell, again as acting governor in Hay's absence from the state, had a second opportunity to restrict the use of the National Guard. On June 12, 1911, the sheriff of Spokane county telephoned Adjutant General Fred Llewellyn requesting that the two Spokane companies be turned out to assist in the capture of a man who had committed a triple murder. Llewellyn, unable to contact Howell, ordered Major Benson Wright, of Spokane, to assemble the companies and hold them subject to further orders. He soon learned that the acting governor had other ideas regarding the use of the National Guard. Llewellyn ordered Major Wright to disregard the order to assemble the Spokane companies, then telegraphed the sheriff that "Acting Gov. Howell prefers you handle situation with civil deputies. Militia will be used only last resort."⁵⁴

Howell thus reversed the precedent which had been established by Governor McBride in the summer of 1902 when a killer who had escaped from the Oregon penitentiary was terrorizing the Puget Sound area. Harry Tracy, a sharp-shooting outlaw, left a

⁵²Howell to Thompson, Nov. 15, 1909; telegram, Hay to Pratt, Nov. 29, 1909, Hay papers. See also, Bergman, pp. 72-73.

⁵³Bergman, pp. 17, 34, 71.

⁵⁴General Llewellyn to I. M. Howell, June 12, 1911, Hay papers.

total of nine lawmen of three states dead before he was finally gunned down in the "greatest manhunt in the history of the state."⁵⁵ When the elusive Tracy was sighted near Seattle on July 3, 1902, General Drain ordered Companies B and D to assemble at the Seattle armory. Governor McBride authorized the order, but King County Sheriff Cudihee claimed that it was not the right kind of manhunt for soldiers. Cudihee wanted soldiers only in the case Tracy was pinned down in a shoot-out. The Guardsmen were held twenty-four hours and dismissed after Tracy was reported to have fled the area.⁵⁶ Apparently there was no protest against use of the N. G. W. for such a purpose until Acting Governor Howell reversed the policy.

An internal conflict which had been brewing since about 1905 between "clicques and factions" of N. G. W. officers broke anew early in 1910.⁵⁷ After first becoming personally involved, Governor Hay eventually gave his adjutant general full control over administration of the military department.⁵⁸ Consequently, General Lamping, on May 7, relieved two officers of their duties. One was Colonel Otto A. Case, relieved from command of the 2nd Regiment. The other was Captain Maurice B. Thompson, relieved

⁵⁵ Stewart, Washington Northwest Frontier, II, 200.

⁵⁶ Post-Intelligencer, July 4, 1902; report of Major W. R. Abercrombie, U.S.A., in A. G. Report, 1901/02, p. 20.

⁵⁷ Lamping claimed that it had started about 1906-07, letter to Hay, Dec. 27, 1910, Hay papers.

⁵⁸ Spokesman-Review, May 8, 1910, sec. A, p. 11. See also, various letters in March and April, 1910, Hay papers. Lamping later cautioned Hay against permitting officers to by-pass the adjutant general by going directly to the governor, Dec. 27, 1910.

from duty as commissary of the same regiment.⁵⁹ Although Hay supported Thompson, he allowed the order to stand.⁶⁰ Both officers retained their commissions and remained in the Guard without assignments.

The fundamentals of the conflict are not known, but General Lamping, whom Governor Mead had attempted to oust as regimental colonel in 1905, explained that "some officers were trying to use the National Guard for political purposes." Politically ambitious officers, wrote Lamping, always have a tendency to drag politics into the Guard.⁶¹ By 1910, Washington was experiencing the beginnings of what became the progressive movement, and the dispute among the National Guard officers may have been related to that political schism within the Republican party. For instance, Otto Case was an active politician. He ran unsuccessfully for the Progressive gubernatorial nomination in 1912, and was elected state treasurer as a Democrat in 1932.⁶² Lamping himself was a Republican candidate for governor in the 1920 primaries.

General Lamping resigned in December, 1910, effective January 1, 1911, and was replaced by a lawyer, Fred Llewellyn. The legislature of 1911 appointed a joint committee to investigate charges that during Lamping's administration factionalism within

⁵⁹Spokesman-Review, May 8, 1910, sec. A, p. 11; A. G. Report, 1909/10, p. 4.

⁶⁰Hay to J. A. Whalley, Dec. 19, 1910, Hay papers.

⁶¹Lamping to Hay, Oct. 10, 1910, Hay papers; A. G. Report, 1909/10, pp. 3-4.

⁶²See, Saltvig, chaps. v, vi; also, Washington State, Secretary of State, Voting Abstracts, 1932.

the N. G. W. had "disrupted, disorganized and unsettled" the Guard, causing the resignation of some of the best officers and men and the arbitrary removal of others.⁶³ The committee investigated the charges of financial irregularities and political manipulation within the organization. In its findings, the committee noted that while the N. G. W. was composed mostly of ambitious and patriotic officers and men, it was divided into:

Two pronounced factions, one headed by Colonel Matt H. Gormley and nearly if not all (sic), of the higher officers of the Coast Artillery Reserve Corps. The other faction is headed by Colonel Otto A. Case, and nearly, if not all (sic), of the infantry officers of higher rank.

For years, went the report, Gormley's faction had "absolutely controlled the administration of the affairs of the National Guard, being able to dictate who should be adjutant general" and able to get themselves and their friends rapid promotion and advancement.⁶⁴

In addition, the report blasted Lamping for paying little attention to running the Guard and for letting it deteriorate in quality. Claiming that Otto Case was innocent of the charges against him, the committee recommended that all officers above the rank of captain, excepting only the adjutant general, the assistant adjutant general, and the medical officers, be relieved and new ones appointed. It recommended legislation requiring that the adjutant general and the assistant adjutant general

⁶³House Concurrent Resolution no. 2, in Senate Journal, 1911, pp. 257-58.

⁶⁴Senate Journal, 1911, pp. 759-61; House Journal, 1911, pp. 558-60.

engage in no other business or occupation while in office and that a new system of bookkeeping be assigned to the N. G. W.

Because the legislature took no action on the report of the military investigating committee, General Llewellyn adopted "certain measures" to restore harmony. Llewellyn did not identify his "certain measures" but by the end of the year, Gormley, Case, and a number of officers of lesser rank were on the retired list. Maurice Thompson, back in good favor, was promoted to major in command of a battalion.⁶⁵ By the end of 1912, Llewellyn was claiming that Hay's no-politics policy in the military, and a generous appropriation by the legislature had helped make the years 1911 and 1912 "the most successful in the history of the National Guard of Washington."⁶⁶ It was a familiar claim by an adjutant general. But even as he praised the organization, Llewellyn complained about recruiting difficulties.

The most serious problem faced by the N. G. W., according to General Llewellyn, was "that of keeping the organizations filled to proper strength with men of a desirable class."⁶⁷ He blamed two factors. One was the "immense amount of extra work" being done to bring the Guard up to Army standards which eliminated

⁶⁵A. G. Report, 1911/12, p. 4; General Order no. 14, April 4, 1911, in Ibid., p. 181.

⁶⁶A. G. Report, 1911/12, pp. 3-4. Llewellyn did not specify his criteria for "success."

⁶⁷Ibid., p. 30.

recruits who sought mere pleasure and show.⁶⁸ But apparently the principal obstacle to recruiting was "a certain degree of opposition on the part of some members of organized labor who either feel or pretend to feel that the National Guard is hostile to their interests." This sentiment of the part of the unions, he wrote, varied in strength throughout the state. At some points, it was so "intense as to render it almost impracticable to there successfully maintain organizations, and in all localities exerting an adverse effect." The Washington State Grange also, in 1911 and 1913, expressed anti-militarism sentiments and warned farm boys against joining any military organization formed under the Dick Act.⁶⁹ The problem was so severe that the military department published in 1912 an expensive, illustrated recruiting pamphlet, and gave company commanders special instruction in recruiting techniques. Yet the new program produced few recruits.⁷⁰

⁶⁸Under Llewellyn, drill duty requirement were enforced. For the first time in the history of the N.G.W., a member was jailed when he failed to pay a \$21 fine for missing drill, Spokesman-Review, March 24, 1911. Another Guardsman became the first to be arrested for desertion in peacetime. He had fled to Nebraska from North Yakima rather than pay a \$40 fine for missing drills and being insubordinate to officers, Ibid., Aug. 28, 1912.

⁶⁹A. G. Report, 1911/12, p. 30; Proceedings of the Washington State Grange (1911), p. 108; and, Ibid., (1913), pp. 108, 114.

⁷⁰A. G. Report, 1911/12, p. 30. The pamphlet is attached to the A. G. Report, 1911/12, in the University of Washington Northwest collection. It emphasized social features provided by the Guard, "...all the pleasure, comfort and congenial association of well appointed clubs," p. 10. It also stressed an advantage to employers of Guardsmen other than exemption from jury duty and the poll tax--the fact that "he has an employee who is trained in obedience, courtesy, high moral standard, and effective efficiency," p. 9.

In spite of the recruiting problems of the land branches, the N. G. W. continued to expand in 1911 when a third organization joined the force. The legislature of 1911 authorized a naval militia as part of the National Guard of Washington, and appropriated \$20,000 for its maintenance. In June, two divisions (companies) representing Seattle and Tacoma were mustered into the N. G. W.⁷¹ The addition of the naval militia to the state military force brought another 200 or so officers and men into its ranks.⁷²

The Militia Under Governor Lister, 1913-16

The election of 1912 brought a Democrat into the governor's office for the first time since 1901 although the Republican party continued to dominate the remainder of state government. Ernest Lister, a Tacoma businessman, won a close three-cornered gubernatorial election. Continuing the policy of leaving political considerations out of administration of the N. G. W., the new governor retained Fred Llewellyn as adjutant general. Lister, by this and other actions, proved to be interested in the welfare of the National Guard.

Adjutant General Llewellyn and others sought to expand the authority of the Guard so it could act as a police force for convenience and not solely in cases of disturbance. Llewellyn recommended legislation that would specifically authorize the

⁷¹"A Brief History," (Field, 1957), p. 5. For additional information on the N.M.W., see The Official History of the W.N.G., V, 466-72, and VI, 554; also A. G. Report, 1915/16, p. 45.

⁷²A. G. Report, 1911/12, p. 4.

governor to call out the Guard to fight forest fires and to provide relief at catastrophies. He also argued that National Guardsmen in uniform would be useful and desirable in handling the large crowds attending public fairs and events. Local authorities often asked him for help, but new legislation would be necessary before he could authorize troops for such duty.⁷³ Although neither retiring Governor Hay nor Governor-elect Lister, in their addresses to the legislature of 1913, specifically endorsed General Llewellyn's recommendations for broader National Guard authority, the legislators agreed with the general. The Militia Act of 1913 authorized the governor to call out the Guard to help "preserve order and keep people within bounds at any large assemblage" if requested by the mayor or sheriff. In addition, it gave the governor broad power to call out the Guard for numerous reasons including public disasters.⁷⁴

Acts of the legislature of 1913 indicate that the National Guard still generated mixed feelings. First, in the Militia Act of 1913, the legislature broadened the range of purposes for which the Guard could be used. Second, the legislature provided a special fund of \$10,000 to pay for such usage. Then, seemingly in reverse step, the lawmakers cut \$25,000 from the Guard's biennial maintenance appropriation and rejected a bill to increase the salary of the adjutant general. Following the defeat of the salary bill, the Seattle Union Record gleefully predicted that it

⁷³Ibid., p. 33.

⁷⁴Wash. State, Laws (1913), p. 225.

meant that the political influence of the National Guard in Washington state was passing. Soon, the editor wishfully predicted, the legislators and the people of Washington would quit voting away good money to maintain the "tin soldiery of labor-hating cotillion steppers."⁷⁵

Within ten months of passage of the Militia Act of 1913, the N. G. W. was called to its first active service in support of the civil authorities in the 20th century. From December 17, 1913, until about February 1, 1914, aid in the form of an emergency hospital was given to the city of Centralia after the State Health Department asked the governor for help during a typhoid epidemic there. Detachments of the Medical Corps and the Hospital Corps established an emergency hospital at the Centralia armory. Prompt transfer of new cases to the emergency hospital helped authorities to get the epidemic under control. Llewellyn, later using the incident to point out the "real public value" of the Guard in civil emergencies other than just riots, noted that the N. G. W. "had few opportunities...to demonstrate such usefulness" whereas, in the east, frequent usage of the National Guard made its usefulness "universally recognized."⁷⁶

A sign of the increasing professionalism and permanency of the National Guard of Washington was the appointment of an adjutant general in 1914 who would make a career out of that office. When Adjutant General Fred Llewellyn resigned to return

⁷⁵The Seattle Union Record, Feb. 1, 1913.

⁷⁶A. G. Report, 1913/14, pp. 10-11.

to his legal practice, Governor Lister appointed Major Maurice Thompson, effective May 1, 1914. Thompson was born in Indiana in 1878 and moved to Seattle with his parents in 1889. His father was a lawyer. Thompson worked in the claims department of the Great Northern Railroad until 1905, when he accepted appointment as deputy auditor of King county. He enlisted in Seattle's Company B in 1898 as a private, and quickly rose through the non-commissioned ranks to first sergeant. He was commissioned as second lieutenant in 1901. Except for about two years during World War I, when he served as a major in the U. S. Army, and about four years during World War II, when he transferred to the State Reserve, Thompson served as the adjutant general until he retired from the service in 1947.⁷⁷

Throughout 1913 and 1914, serious recruiting difficulties continued to plague the N. G. W. For instance, in 1914, even the coast artillery had problems. The Everett and Tacoma companies, unable to maintain the required minimum membership in 1913 and 1914, were disbanded. Seattle, still the mainstay of the state military, had to provide a replacement company.⁷⁸ Thompson argued that the "serious difficulty" in recruiting was a consequence of the legislature's appropriation of 1913-14 which had been \$25,000 less than the estimated expenses of the Guard. In

⁷⁷Ibid., pp. 4, 12; Official History of the W.N.G., VII, Washington National Guard in Post World War II, 744; The Tacoma News Tribune, Nov. 5, 1954, pp. 1-2.

⁷⁸A. G. Report, 1913/14, pp. 6-7, 32.

order to keep from trimming the size of the Guard, Thompson put "drastic" economy measures into effect, measures that included once again calling for the Guardsmen to contribute from their own pockets some of the expenses of their companies.⁷⁹

Like the family who accepted a small puppy as a gift only to discover that it grew into a huge St. Bernard with a voracious appetite, the public had accepted the National Guard when it was small and of little expense to the taxpayers. Before 1916, while membership in the N. G. W. increased slowly, its physical plant and equipment had developed voracious appetites. Membership (approximately 1,600 officers and men) in 1914 was nearly the same as it had been in 1894, the peak year of the 1890s. Yet, the amount provided by the taxpayers for the Guard in 1913-14 (\$267,000), which Thompson claimed was insufficient, was more than triple the appropriation of 1893-94 (\$80,000). Maintenance expenses of land forces alone in 1913-14 was \$135,000.⁸⁰ Other budget items of the new N. G. W., just prior to World War I, included \$20,000 for the Naval Militia, \$75,000 for construction of Yakima's armory, \$10,000 for aid to civil authorities, and nearly \$15,000 in salaries for personnel in the office of the adjutant general. None of these expenses existed in 1894.

In 1915, the adjutant general had under his direct control property of more than twice the value of any other appointed

⁷⁹Ibid., pp. 4-5, 13-14, 28.

⁸⁰Governor's Message, 1915, pp. 226-27; A. G. Report, 1893/94, p. 16, and Ibid., 1913, p. 34-35.

official. Supervising property that included nine armories, horses, camp grounds, three small ships, arms, and equipment, made the adjutant general "the administrative head of a state institution having a plant valued at more than \$2,000,000" and approximately 1,600 men serving in thirty distinct organizations. To manage such an institution, the adjutant general had only an "over-burdened" clerical force of one assistant, one clerk, one stenographer, one storekeeper, and seven janitors. The total pay of these eleven persons averaged \$975 a month.⁸¹

Financial problems undoubtedly did inhibit membership drives, but another factor harmful to recruiting continued to be the increasing antagonism of labor to militias in general. Across the nation there was an increase in industrial violence.⁸² The reputation of the National Guard in some of these industrial battles was well-known to Washington workers. For instance, the Seattle Union Record, throughout most of 1914, angrily reported the events and the effects of the massacre of working men, women, and children at Ludlow and elsewhere in Colorado's coal field in April, 1914, by the Colorado National Guard.⁸³

The National Guard of Washington was not called to strike or riot duty in the 20th century until 1916. That long period of

⁸¹Thompson to Lister, Dec. 13, 1914, Washington State, Governors Papers, Washington State Archives. Hereafter, Lister papers.

⁸²See, Graham Adams, Age of Industrial Violence, 1910-15 (New York: Columbia Univ. Press, 1966), or Louis Adamic, Dynamite, The Story of Class Violence. . . (New York: Viking Press, rev. ed. 1934).

⁸³See, George S. McGovern and Leonard F. Guttridge, The Great Coalfield War (Boston: Houghton Mifflin Company, 1972).

inactivity in riot duty was not due to any significant change in the policy of the Guard. Rather it was more directly the result of social conditions which included a generally prosperous economy following the Klondike gold rush, and a declining militancy of organized labor. During the early years of the 20th century, organized labor in Washington, dominated by the more conservative trades unions, lost much of its class consciousness.⁸⁴ Between 1906 and 1913, much of the energy of Washington's organized labor (excepting the militant I. W. W.) went into political activity. Strikes were numerous, but they were usually small, single-company, single-plant affairs that did not involve massive confrontations with large employers. Violence generally took the form of attacks on individual workers rather than large-scale destruction of property.

Hostilities intensified as conditions began to worsen in 1913, when, after more than a decade of prosperity, economic conditions in the state, as well as the nation, were again in recession. Unemployment was rising. A state court upheld the right to picket, and strikes increased. The situation grew worse in 1914. Violence and the threat of violence increased, fostered by a re-emerging class-consciousness and by the growing hostility of organized employers against all organized labor. A major Pacific Coast open shop campaign which began in 1914

⁸⁴ Saltvig, p. 406; also, Melvin G. DeShazo, "Radical Tendencies in the Seattle Labor Movement..." (unpublished M. A. thesis, University of Washington, 1925), p. 100. For labor's role in the progressive movement, see Saltvig, ch. xiii.

exemplified the latter.⁸⁵

Labor's opposition to the N. G. W. continued to be expressed in general terms. Seattle's Central Labor Council opposed General Thompson's request for a \$250,000 appropriation for 1915-16 as a "useless expenditure of public money and unnecessary burden upon the working people." Discussion of the question amounted only to a "simple statement of the viciousness of militarism" before the Council unanimously passed its resolution of opposition.⁸⁶

Because drill pay was a benefit that Guardsmen looked for from the federal government, they supported the element in the preparedness movement seeking to include a federally supported National Guard as an integral component of the United States Army.⁸⁷ Organized labor remained steadfast among the opponents of preparedness out of fear of a standing army serving as an instrument for the suppression of workers.⁸⁸ Nor did it exempt

⁸⁵ Saltvig, pp. 412-15.

⁸⁶ Seattle Union Record, Nov. 21, 1914. Thompson officially asked for a grand total of \$277,000 to cover all expenses of the military department, A. G. Report, 1913/14, p. 34. He received about \$266,000, which he considered to be sufficient until heavy unexpected expenses were incurred in mobilizing for federal service in June, 1916, Ibid., 1915/16, p. 4, and Governors Message, 1915, pp. 226-27.

For early articles critical of the National Guard in general as a suppressor of the worker, see Seattle Union Record, April 17, 1900, and Sept. 21, 1901.

⁸⁷ For the preparedness movement's anti-National Guard bias, see, Hill, The Minute Man, chap. ix. For the transition occurring in military policy, 1900-16, see , Matloff, chap. xvi. For the politics of preparedness movement, see Arthur S. Link, Woodrow Wilson and the Progressive Era 1910-1917 (New York: Harper and Brothers, 1954), chap. vii.

⁸⁸ Taft, p. 309; also, The SUR, May 6, 13, 20, July 1, 8, 1916.

the National Guard from suspicion. Preparedness, said a headline in the Seattle Union Record, "means pork to the National Guard" with better pay for shooting down striking workers.⁸⁹

Conflict with Mexico between 1911 and 1916 provided the movement for preparedness with new arguments. By 1915, the movement was gaining important new advocates as the country watched the war develop in Europe. As President Woodrow Wilson became a convert to the idea in the summer of that year, he asked the departments of War and Navy to submit plans for improving national security. The resulting plan proposed by the Army called for a significant increase in the size of the regular Army, and for eliminating the National Guard as a principal reserve organization in favor of a force of 400,000 volunteer reservists in a "Continental Army."⁹⁰ The National Guard lobby met that challenge to the Guard's existence as Congress eventually settled on a compromise known as the National Defense Act of 1916.⁹¹

The primary stimulus that led Congress to produce a military law in 1916 was the crisis with Mexico. On March 9, 1916, trouble flared anew along the Mexican border when Francisco "Pancho" Villa's rebel troops raided Columbus, New Mexico.⁹² The

⁸⁹Seattle Union Record, May 27, 1916.

⁹⁰Link, pp. 179-80, and Hill, p. 220.

⁹¹Hill, p. 220-23.. See also, Derthick, pp. 33-38.

⁹²Link, p. 136. For U. S.-Mexican troubles, 1911 to 1917, see Ibid., chap. v.

National Guards of New Mexico, Arizona, and Texas were called into federal service at that time to guard their borders while the U. S. Army under General Pershing pursued Villa into northern Mexico. In April and May, while hostilities between the governments of Mexico and the United States increased, the National Guard of Washington increased its coast artillery and naval militia strength though infantry recruits remained scarce.⁹³ Congress hastily pushed through the National Defense Act, approved June 3, 1916.

On June 18, President Woodrow Wilson called out nearly all of the National Guards of the nation for service on the border. In response, Lister ordered the Second Infantry Regiment, Troop B, and Signal Corps Field Company A to enlist men up to full war strength.⁹⁴ Within six days, 1,100 new men had signed up. On June 25, those units assembled at Camp Murray and three days later were mustered into the U. S. service with a complement of about 2,130 members.⁹⁵

⁹³Four artillery companies and one naval company were added to the force, A. G. Report, 1915/16, pp. 13, 15-16, 31.

⁹⁴The First Infantry Regiment, N.G.W., had changed its name May 15, 1903, to the Second Infantry Regiment, Official History of the W.N.G., V, 424.

⁹⁵A. G. Report, 1915/16, pp. 21, 31. On June 30, the signal company A, cavalry troop B, machine gun company M, and the hospital unit departed for Calexico. These units were retained on duty until Feb. 1917. They were returned to state service at Vancouver Barracks, Feb. 15, 1917, Ibid., 1917/18, p. 18.

On July 4, the Second Regiment departed for Calexico, and returned to Camp Murray Sept. 4, 1916. The men were mustered out of federal service a month later, Oct. 8, Ibid., 1915/16, pp. 20-25.

The National Defense Act of 1916 firmly established the National Guard as a fundamental component of the Army of the United States and completed the long process of metamorphosis in turning the militia into the National Guard.⁹⁶ It "nationalized" the militia. In other words, it converted the militias of the various states into "the Militia of the United States" existing as three different classes--the National Guard, the Naval Militia, and the Unorganized Militia. In establishing the authority of the federal government over the unorganized militia, the act paved the way for later federal draft laws.⁹⁷

A principal difference between the new law and the Militia Act of 1903 was the element of obligation placed on the states and on the Guardsmen. Under the 1916 law, the states, in order to receive the crucial federal funds, were required to meet Army standards of organization, training, armaments, etc. The officers and men of the National Guard were required to swear to a dual oath of office or a dual enlistment contract which obligated them to respond to the orders of the President of the United States for federal service and to the orders of the state governor for state service.⁹⁸ Thus, the organized militias became the National Guard

⁹⁶The Act provided for an increase of the peacetime standing regular Army to 175,000 men over a five-year period. It provided in addition for a quadrupling of the peacetime National Guard within the same period, i.e., over 400,000 men; for an organized Army Reserve of about the same size; and for an R.O.T.C. program at colleges and universities, Matloff, p. 367, also, Hill, p. 221.

⁹⁷Hill, pp. 221-22.

⁹⁸A. G. Report, 1919/20, p. 17.

in fact as well as name, and the National Guard assumed its unique characteristic, that of a dual federal-state organization. The N. G. W. quickly conformed to the federal requirements for dualism, and the entire force was recognized by the federal government by September 1, 1916.⁹⁹

Governor Lister, who had cooperated fully with the federalization of the N. G. W. in June, 1916, had several opportunities during the remainder of the year to establish his policy of using the Guard only as a force of last resort.¹⁰⁰ Early in June, in the midst of the crisis with Mexico, the "greatest waterfront strike in Seattle's history" started when the longshoremen, dock workers, and steamboatmen struck. It spread to Tacoma where violence, including shooting, erupted on June 26th. The Pierce county sheriff informed Governor Lister that the trouble was beyond his control and asked for 200 National Guardsmen. General Thompson, sent by the governor to investigate, reported that the sheriff was unduly alarmed. The police commissioner felt satisfied that the authorities could handle the situation. Thompson saw no need for Guard troops, but instructed the commanding

⁹⁹"The Brief History..." (Field, 1957), p. 6.

¹⁰⁰Herman A. Sleizer described Lister as a governor who abhorred bloodshed, but one who remained rigidly determined to maintain law and order at any cost, in "Governor Ernest Lister: Chapters of a Political Career" (unpublished M. A. thesis, University of Washington, 1941), p. 69.

officers of the Tacoma units to prepare for assembly on short notice.¹⁰¹ On the 27th, a personal investigation by the governor re-affirmed Thompson's findings. Lister considered the use of Guardsmen to be "the extreme limit" in enforcing industrial peace, and to be condoned only as a last resort. The National Guard, he wrote, should not be called out "whenever trouble occurs," but whenever civil authorities lose control "my duty would then be clear and there would be no hesitancy on my part."¹⁰²

A national strike for the 8-hour day called by railroad unions for September 4, 1916, gave Lister a second opportunity to express his desire to employ the National Guard only as a last resort.¹⁰³ He wrote letters to sheriffs and mayors along the lines warning of the possibility of violence and cautioning them to be prepared for prompt action to prevent any outbreak from growing bigger. He cautioned against favoritism and reminded the officers that he hoped to avoid calling out the National Guard.¹⁰⁴ Action by President Wilson and Congress in passing the Adamson Act, which specified an 8-hour law for railroad workers averted the strike.

When the Second Regiment returned from the Mexican border and was awaiting release from federal service, Governor Lister

¹⁰¹ Copy of report, Thompson to Lister, June 27, 1916, Lister papers. The 2nd Regiment and some other units were then assembled at Camp Murray in preparation for duty along the Mexican border. However, nine companies of coast artillery and six of naval militia were available for strike duty.

¹⁰² Lister to R. H. Todd, July 19, 1916, Lister papers.

¹⁰³ For background of the strike, see Taft, pp. 265-69.

¹⁰⁴ Copies of letters, Sept. 1, 1916, Lister papers. The letters became press releases, Sept. 3, 1916.

reviewed the troops in a ceremony witnessed by several thousand visitors at Camp Murray. In his congratulatory message to the returning soldiers, Lister reiterated his policy for using the state military force. "While I am Governor of Washington...I do not propose that the National Guard shall be used as a police force, subject to call at every slight violation of the laws of the State in connection with labor or other troubles that may occur." The Guardsmen, he said, should know that when they are called into the service of the state, they are being called "only as a last resort."¹⁰⁵

In October, 1916, some of Washington's fruit districts were threatened by a labor shortage. Employers had requested that schools be closed to furnish child labor for the harvest. J. W. Wilson, a school director at Entiat, asked the governor to furnish the "employers with state troops to do this work and let our children remain in school." Lister replied that helping to harvest crops was not a proper use of the National Guard.¹⁰⁶

The policy of using the National Guard only as a force of last resort after civil authorities have lost control seems to be a policy of moderation and liberality. Yet it fails to take into consideration cases in which the civil authorities themselves initiate violence before losing control. In November, 1916, Lister finally ordered out a portion of the N. G. W. to its first

¹⁰⁵Copy of typed press release, Sept. 17, 1916, Lister papers.

¹⁰⁶Telegram, Wilson to Lister, Oct. 13, 1916; copy of letter, Lister to Wilson, Oct. 16, 1916, Lister papers.

street duty in the 20th century. This time Lister was forced to act after the civil authorities at Everett initiated an outburst of violence that briefly threatened to get out of control.

By late 1916, a feeling of "hard and relentless" class-consciousness had developed out of the open shop campaign in the lumber milltown of Everett.¹⁰⁷ The decision of the employers to smash unionism in Everett led to the infamous "Bloody Sunday" of November 5, 1916.¹⁰⁸ On that day, two passenger steamboats, the Verona and the Calista, headed for Everett from Seattle carrying a large contingent of members and supporters of the Industrial Workers of the World who were protesting against that town's violations of free speech. The Verona was the first of the two boats to dock, but her 250 passengers were prevented from debarking by a reception committee of some 500 deputized vigilante businessmen under the command of Sheriff Donald McRae. Witnesses differed as to which side fired the first shot, but within a few minutes an estimated one thousand rounds had been fired. The shooting stopped only after the Verona broke loose from her moorings and escaped to open water in Puget Sound to carry her dead and wounded back to Seattle. The brief battle took seven

¹⁰⁷Norman Clark, Milltown: A Social History of Everett... (Seattle: University of Washington Press, 1970), p. 222. See also, Dubofsky, pp. 338-39.

¹⁰⁸For the background of the men and conditions that produced Everett's bloody Sunday, see Clark, Milltown. For bibliography, see Dubofsky, p. 513.

lives--five Wobblies and two deputies--and left fifty wounded.¹⁰⁹

Sheriff McRae, wounded in the foot, asked Ensign Richard S. Reaney, commanding officer of the 6th Division, Everett's company of naval militia, to call out his men. Reaney, at that time doubling as a special businessman-deputy, reminded McRae that the mayor had to join in the request.¹¹⁰ The sheriff, the mayor, and two business leaders asked Governor Lister to "send Militia at once without fail and plenty of them."¹¹¹ At about 3 p.m.,

¹⁰⁹Many accounts of the bloody affair identify one of the dead deputies, Charles O. Curtiss, as an officer of the National Guard. Such identification seems to be irrelevant except perhaps to suggest where the sympathies of the Guard officers would be.

At the time of the shooting, Curtiss was a "lumber company office manager," David C. Botting, Jr., "Bloody Sunday," PNQ, XLIX (1958), 162, and a "regular sheriff's" deputy, Clark, p. 205.

Curtiss had become first lieutenant of Seattle's Company L in 1910. By 1914, he was "unassigned." He transferred to the reserve officers list, March 21, 1916, personnel card, N.G.W., Camp Murray. He was placed on special duty in 1915 as General Thompson's aide-de-camp, G. O. no. 18, May 13, 1915. During the Mexican mobilization, June, 1916, he was a recruiter.

The I.W.W. claimed that they were not formally charged with the death of Curtiss because the evidence showed he was killed by deputy bullets, Robert L. Tyler, Rebels of the Woods: the I.W.W. in the Pacific Northwest (Eugene, Ore.: University of Oregon Books, 1967), p. 76.

¹¹⁰The Sixth Division had organized May 4, 1916, A.G. Report, 1915/16, pp. 18, 45, 48. Reaney was later accused of putting his militia company's rifles into the hands of the deputies at the dock after the shooting, Lister to O. F. Wefferling, Secretary, Everett Trades Council, March 27, 1917, Lister papers. Reaney had reported that he had stored the rifles at the headquarters of the vigilante organization, the Commercial Club, in order to "safe-guard" them as trouble seemed imminent, claiming they were then taken without his permission. Reaney's report, Nov. 8, 1916, Lister papers; see also, Walker C. Smith, The Everett Massacre (Chicago: I.W.W. Publishing Bureau, n.d.), pp. 154, 156; and Clark, p. 209. Reaney apparently was not reprimanded.

¹¹¹From a penciled note to Lister, dated Nov. 5, 1916, carrying the names, but not signatures, of McRae, Mayor Merrill, D. M. Clough, and J. T. McChesney, in Lister papers.

acting under telephoned instructions from Lister, Adjutant General Maurice Thompson ordered all of Seattle's land and naval units of the N. G. W. to assemble at the Seattle armory. At the same time, he ordered Everett's naval militia Division 6 and nearby Snohomish's coast artillery Company 5 to assemble at their armories.¹¹²

The King county sheriff and Seattle's chief of police expressed concern about potential serious trouble when the Verona and the Calista returned to Seattle as the officers had called out their entire forces, intending to arrest all of the Wobblies on the boats. Lister instructed the National Guard to assist the police, but cautioned against unnecessary force or loss of discipline.¹¹³ About 5 p.m., the King county sheriff called for troops as the Verona approached its Seattle dock. Some forty Guardsmen, representing all of the Seattle units then at the Armory, were loaded into taxicabs. Some loaded their rifles while riding in the cabs although orders had been to issue ammunition only upon specific command. At the dock, a crowd of up to one thousand persons jeered the arrival of the Guard. Major Bolles ordered the men to load their weapons at that time which, he said, quieted the crowd.¹¹⁴

¹¹²A. G. Report, 1915/16, p. 19. Seattle's ten companies were: infantry companies A, B, D, and L; coast artillery companies 1, 3, 6, and 7; and naval divisions 1 and 3, Ibid.

¹¹³Major Lemuel L. Bolles, assistant adjutant general, report, Nov. 5, 1916, in Lister papers. See also, Seattle Times, Nov. 7, 1916.

¹¹⁴Captain Paul Edwards, report, Nov. 6, 1916, and Major Bolles, report, Nov. 5, 1916, in Lister papers.

The Guardsmen, some in civilian clothes, formed without attention to established units. Under orders to fire only upon direct command from officers, the men kept their heads even when one accidentally discharged his piece into the air. After the Wobbly martyrs were removed to morgue, hospital, and jails without incident, the Guardsmen returned to their armory in taxis to "avoid misunderstandings or conflicts" with the crowd. Thus, by careful effort to avoid trouble, the Guard once again managed to avoid a serious confrontation with fellow citizens.¹¹⁵

Meanwhile, after issuing his order to the Seattle, Snohomish, and Everett companies to assemble, General Thompson went to Everett where he interviewed local officials and businessmen, and walked about town listening to street conversations. His investigations led him to reject the demands from many "prominent businessmen" that he assign Guardsmen to police the streets of Everett that Sunday night. Sheriff McRae, from his hospital bed, concurred in Thompson's decision, claiming that the presence of Guardsmen might tend to creat trouble that might otherwise be avoided.¹¹⁶ Since McRae was an expert on violence, his opinion may have carried added weight.

¹¹⁵Ibid. The two naval divisions then boarded the training ship Vicksburg which was prepared to transport troops to Everett. Later that night the destroyer Goldborough, available for N.M.W. training, was sent to Everett. The land forces, eventually becoming 400-strong, remained at the Seattle armory until 8 p.m. the following day, Nov. 6, when they and the N.M.W. were relieved from duty, A. G. Report, 1917/18, p. 19.

¹¹⁶General Thompson, report to Lister, Nov. 9, 1916, in Lister papers. Snohomish coast artillery Company 5 and Everett division 6 remained on standby until 8 p.m., Nov. 7.

The rioting had ended by the time the N. G. W. came into the events of the "Bloody Sunday" at Everett. Though the force had not participated in any fighting or violence, a sufficient number of Guardsmen had assembled within two hours on a Sunday afternoon to make a convincing show of force at the Seattle docks, and demonstrated that it had reached a definite degree of effectiveness for unexpected police duty.

Conclusion

By the eve of America's entrance into World War I, the N. G. W. had become cemented into the structure of Washington state government. Its progress to that condition had been a gradual process promoted and supported by an elite minority dominated by a few professional and business men. The developmental process was retarded by the consistent distrust of labor and, perhaps more significantly, by the disinterest of the majority of the middle class who neither publicly denounced the Guard nor became personally involved in it. Small property owners paid the military tax with little visible public protest. Legislators were for many years reluctant to legislate effective provisions for a state military force. Yet, sporadic cuts in military appropriations by the dominantly Republican legislatures stemmed more from desires to economize than from anti-militarism. Legislators wanted a disciplined force, but were reluctant to pay for it.

Organized labor was divided in its views of the National Guard of Washington. Some laborers and union men did enlist in the peacetime Guard, although after the turn of the century,

they did so in declining numbers. Organized labor, especially after the Spanish-American war, consistently provided the mainstay of opposition to the N. G. W. Most of its antagonism, while not aggressively overt, was rooted in a deep and traditional distrust of the power of any military force that could be used against labor itself. .

The Organized Militia of Washington concluded its first thirty years of life (1886-1916) without shedding the blood of a striker or working man. The first sixteen years of the 20th century were uneventful years for the N. G. W. in terms of civil duty with only one brief instance in 1916 of troops going on active duty during social conflict. These phenomena help explain why opposition to the N. G. W. by organized labor (other than the I. W. W.) was relatively mild. If it was mild, labor's resistance to the Guard was also effective. However, its effectiveness is difficult to document because it generally took the form of an unwillingness of young workers, or sons of union men, to enlist.

It was not from any overt abuse by the N. G. W. between 1898 and 1916 that labor's mistrust of the Guard sprang. Yet the anti-labor potential of the Organized Militia had been exhibited in territorial days by the mis-use of the militia by coal owners and militia officers in 1889 in spite of Governor Semple's vehement protests. It was exhibited again when the Guard broke the coal miners' strike in 1891 while ending the violence to which both management and labor had resorted. The Guard's forced use of trains during the 1894 railroad strike would also have been hard to forget by any of the contemporary railroaders. But in the years preceding World War I, the antipathy to the National Guard

of Washington must also have stemmed from labor's traditional anti-militarism, and from militia abuse of labor in Colorado and elsewhere in the nation.

During the one and a half decades preceding World War I, the legislature expanded the purposes of the N. G. W. to include aiding the civil authorities in such functions as crowd control at public events, and protection and assistance at public disasters. Concurrently, the proponents of the N. G. W. increasingly emphasized its function as a military force rather than as a police force. The long period of industrial conflict after 1900 without N. G. W. strike duty made it easier for Guard officials to emphasize functions for the N. G. W. other than strike-breaking; and easier for governors to be free of heavy pressures to call out the Guard.

In 1916, the National Guard of Washington became the dual federal-state force that it is today. The forces which most dramatically affected the radical change in the structure and emphasis of the N. G. W. were external forces connected with the movement for national military preparedness. The Washington Militia followed in the path hewn by those external forces. The Spanish-American war served as the initial catalyst of change, when it created a new militarism by bringing to the United States an overseas empire that required defending. After 1911, continuing friction with Mexico and the menacing European situation seemed to prove to proponents of the National Guard that their efforts toward a military emphasis had been necessary and wise.

In spite of persistent efforts to increase the membership

of the N. G. W. after 1909, it took a federal call to arms to achieve that elusive goal. The distrust of labor and the apathy of most of the middle class may have eventually seriously threatened the life of the N. G. W. or at least damaged its effectiveness as a police force. But when Congress provided the National Guard with financial security by making it a component of the United States Army in 1916, it seemed to promise a long to the National Guard of Washington as a dual military-police force.

Epilogue: World War I and After

The purpose of this study was to describe and evaluate the growth of the National Guard of Washington as an instrument of social control from its territorial beginnings through its legal emergence as a dual federal-state force in 1916. But the story seems incomplete without at least identifying some of the significant events in the history of the N. G. W. after 1916.

Early in 1917, even before the United States declared war, community leaders feared that radical opponents of preparedness and war would sabotage railroads, port facilities, and other strategic property.¹ Many states were ready to call out their National Guard to provide guards and police protection. In Washington state, Governor Ernest Lister resisted pressure to provide state protection of public water works systems, hydro-electric power plants, railroad bridges, and other industrial property. Because he expected the federal government to assume that chore, Lister delayed in calling out the N. G. W. to perform guard duty.²

¹For the battle against opponents of World War I, see H. C. Peterson and Gilbert C. Fite, Opponents of War 1917-1918 (Madison: The University of Wisconsin Press 1957).

²Lister to General J. F. Bell, Commanding Western Department, U. S. A., April 2, 1917, Lister papers.

On March 25, 1917, President Woodrow Wilson ordered several organizations of the National Guard into the federal service to act as national police.³ By March 30, the 2nd Infantry Regiment, N. G. W., had mobilized as the 2nd Washington Infantry, U. S. N. G. As Governor Lister had hoped, the federal government assigned the regiment to guarding property of strategic significance within the borders of the state.

After the declaration of war on April 6, 1917, public authorities, businessmen, and farmers began to prepare for internal security, knowing that the entire National Guard would soon be removed from the state. In addition to various private, extra-legal organizations, two separate "official" organizations eventually evolved and functioned concurrently with one another during the war. Both would frequently be referred to simply as "home guards." One was the Home Guard, the other the Washington State Guard.

As soon as the State Council of Defense organized in April, it advocated the organization of Home Guard companies. The authorities soon discovered that these Home Guard companies had no legal status under the Militia Code of the state and therefore were ineligible to receive federal arms or equipment. The only legal police authority available to a Home Guard unit was deputization as the posse comitatus of the county sheriff. In spite of that legal impediment organization continued. By the end of July, 1917, there were at least 75 Home Guard companies in the state, composed mostly of businessmen and farmers. These

³Spokesman-Review, March 26, 1917, p. 1.

men did not care to serve on guard duty or on any extended type of duty which would remove them from their businesses. Their primary interest was to volunteer their services for short-duration, emergency work in their own locality. Translated into practical terms, this meant they were willing to join the sheriff in repressing the I. W. W., and in ferreting out suspected German sympathizers. Such were the limits of patriotism. It was an ideal opportunity for providing a quasi-legal status to what was basically a vigilante movement.

Lister believed that it was necessary to have a force under the governor's authority in order to thwart citizen committees and home guard associations which were forming with the intention of taking the law into their hands in curbing the "lawless element," e.g., the I. W. W. Such a force was the Washington State Guard.

In mid-April, while Home Guard companies were forming, National Guard officers began preparing a plan to organize, under the state Militia Code, a purely state military police force to be known as the Washington State Guard. Lister approved the plan on July 7th. He urged haste in organizing the new force, knowing that the U. S. military guards were to be removed from the state after August 1. On August 4, just one day before the entire N. G. W. was formally inducted into the U. S. Army, the new 3rd Provisional Regiment, W. S. G., was officially organized. But recruiting proved to be difficult. Younger men had little incentive to volunteer since membership in the W. S. G. did not provide exemption from the U. S. military obligation. Older men hesitated to join a force that could

take them anywhere in the state away from their own businesses for any length of time.

While the state pursued its State Guard recruiting program, some of the pressure for haste was relieved by the War Department. Because out-of-state training facilities were not yet completed, the War Department extended the guard duty for the U. S. troops in Washington until October 15, 1917.⁴ Lister soon recognized that it would be easier to attract State Guard recruits if they were confident that the new organization would be used only as a force of last resort and not for general police and guard duty. Consequently, he began to urge local authorities and corporations to prepare to protect their own property. He reminded them that the state could not be expected to provide permanent guard in place of the federal troops.⁵

Finally recruited to full strength of sixteen companies and about 1,600 officers and men, the W. S. G. was mustered into the state service on November 15, 1917, just before the last of the federalized guards left the state for basic military training and overseas assignments. The W. S. G. officially claimed that it had been established for two purposes. The first was to provide the state with a military police force that would be available to assist the civil authorities in time

⁴The 2nd Regiment, U. S. N. G., formerly the 2nd Regiment, N. G. W., became the 161st Infantry Regiment, 41st Division, U. S. A., and on Oct. 15, 1917, left Washington for its training camp in North Carolina. Apparently the last of the other federalized troops were removed from their guard duty in the state by Nov. 23rd, A. G. Report, 1917/18, p. 22.

⁵Spokesman-Review, Aug. 22, 1917, p. 1.

of need. The second purpose was to provide military guards for the jails and stockades filled with I. W. W. members in several of the state's agricultural communities.⁶

In the Washington State Guard, Lister had a force of businessmen subject to full military discipline, especially trained and instructed in the essentials of riot duty and guard duty. The elite nature of the new force was revealed by Adjutant General Thompson's proud report that the W. S. G. was:

composed in the majority of men of business interests and responsibility, who would at once appreciate the seriousness of...(strikes, labor disputes, and civil disturbances)...to the peace and economic interests of the state and nation, and rise equal to the emergency; perhaps even better than the regular National Guard units which are composed ordinarily of young men of small experience and little business responsibility.⁷

Though the W. S. G. was available, only about fifteen State Guardsmen served on active duty during the fourteen months of the organization's existence. They made up a detachment which did forest fire patrol duty in 1918. After the federal troops left the state in late 1917, it apparently was the Home Guards, the local authorities, and other organizations that held the line against the I. W. W. For instance, in the spring of 1918, Spokane's authorities asked Governor Lister for the State Guard to help against the I. W. W. After learning that Lister would retain personal command of the troops, they decided they could

⁶Adjutant General Thompson to Chief of Ordnance, U. S. A., Aug. 4, 1917; and Thompson to M. P. Goodner, State Council of Defense, Aug. 16, 1917, Lister papers.

⁷A. G. Report, 1917/18, p. 20.

handle the situation themselves.⁸ Lister's major instrument against the I. W. W. was his secret service which was financed by executive order out of the military fund.

The Secretary of War approved of a new policy which permitted State Guard forces to qualify for federal recognition under National Guard provisions of the federal law. Federal recognition meant that the state force would again be eligible for federal arms, equipment, and drill pay. Washington became one of the few states to apply for federal recognition of its State Guard. When U. S. Army inspectors granted that status to the W. S. G. on September 30, 1918, just before the armistice, the State Guard then became the 3rd Infantry Regiment, National Guard of Washington. The 3rd Regiment formed the nucleus for the post-war organization of the N. G. W.⁹

Lister was determined to maintain his authority over the adjutant general, headquartered in Seattle far from the

⁸For the Spokane incident, see Saltvig, p. 456. In January, 1919, Lister's recently disbanded secret service was severely criticized as a strike-breaking force, and as a misuse of military funds, Seattle Union Record, Jan. 14, 17, 20, 22, 29, 1919. For more on the secret service, see Albert F. Gunns, "Civil Liberties and Crises: The Status of Civil Liberties in the Pacific Northwest, 1917-1940" (unpublished Ph.D. dissertation, University of Washington, 1971), pp. 24-25.

⁹In 1921, the 3rd Infantry, N. G. W., reorganized as the 161st Infantry, 41st Division.

Another Washington State Guard was organized during World War II. It organized Oct. 24, 1940, as the Home Defense Infantry Regiment. On June 17, 1941, it reorganized as the 4th Washington Volunteer Infantry. Later the 5th Regiment was added. The W. S. G. disbanded in 1947. Since 1952, it has existed only on paper except for a small cadre of officers who are prepared to implement its organization when ordered to do so, see "A Brief History of the W. N. G.," (Heafield, 1952), pp. 23-25, 28-29.

governor's Olympia office. For instance, before the last of the N. G. W. had entered the U. S. service, Lister had rebuked General Thompson for preparing some National Guard units for duty without the consent or knowledge of the commander-in-chief. Thompson had ordered two Seattle coast artillery companies with a machine gun to "training" status at the armory on Registration Day, June 5, 1917, in case of demonstrations against registration.¹⁰

Civil duty for the N. G. W. became rather common. In 1918 and again in 1921, a small detachment of 15-20 Guardsmen performed fire patrol duty for several weeks during severe forest fire conditions. Increasing labor militancy immediately following the war brought Guard units out on standby three times and on active duty once in 1919. The three instances of standby were in Seattle during the general strike in February; in Everett on October 8; and in Spokane, November 14-16, where authorities feared I. W. W. vengeance for the large-scale arrests during the anti-I. W. W. campaign that followed the Centralia gun battle on November 11th. The single instance of active duty occurred at Centralia, where Tacoma's company of infantry patrolled the streets for a few days after that Armistice Day gun battle between the I. W. W. and American Legionnaires.

¹⁰ Lister to Thompson, June 1 and 4, 1917; Thompson to Lister, June 2, 1917, Lister papers. Other letters indicate Lister's frustration over poor communications with the adjutant general.

Immediately following World War I, the N. G. W., as did the National Guard throughout the nation, faced severe recruiting difficulties. Several factors contributed to the problem including post-war disenchantment with the military and "the usual" opposition of labor. Thompson also blamed apathy of businessmen as a factor. He noted that businessmen agreed to the necessity of the Guard as a state force, yet failed to participate actively in its support or membership.¹¹ Thompson's complaints illustrate that the N. G. W. continued to be supported and promoted by a minority element of Washington society.

In his stress, Thompson called for help in late 1920 from the American Legion. Expressing fear of the "rampant radicalism," led by alien agitators, Thompson proclaimed the National Guard as the ultimate defense against revolution in the state and the country. He called upon his comrades in the American Legion to see that the National Guard was properly maintained at an effective level.¹² This connection with the Legion intensified labor's fear of the Guard.

In 1920, Congress cemented the National Guard even more firmly into the national army organization along with the regular Army and the organized Army Reserves. Thompson could

¹¹The Official History of the W.N.G., Vol. VI, Washington National Guard in World War II, pp. 592, 602.

¹²A. G. Report, 1919/20, pp. 20-21. Thompson was a charter member of Seattle Post no. 1, American Legion, but apparently the incentive for his plea was the resolution by the national American Legion in September, 1920, to foster and promote the National Guard, Ibid., p. 33.

claim that the pre-Spanish War National Guard of Washington and the new N. G. W. of 1920 were "entirely dissimilar in character..., manner of organization and maintenance, and purpose."¹³ His implication was that the primary emphasis had changed to a military purpose from the police emphasis of the 1890s. Yet while the N. G. W. did increase its emphasis in military training and preparedness, it quietly continued to strengthen its ability to act as a state police force.

In 1921, the Guard formed its Operations and Training Section which was to plan training programs, and prepare plans for police work such as riot duty and crowd control. About the same time, the N. G. W. went further into police activity by forming its G-2 (intelligence) section. The duties of G-2 included providing military, political, and economic information to military officials, and cooperating with civil law enforcement organizations in dissemination of the intelligence.¹⁴ General Thompson organized his G-2 section after the legislature of 1921 failed to provide for a civilian force of special agents to gather information on "revolutionary, seditious, and anti-American" activities. Thompson had urged such a force, proposing that it be connected to the military department.¹⁵ The precedent for such activity had been Governor Lister's secret service of 1917-18.

¹³Ibid., p. 20.

¹⁴Ibid., 1921/22, pp. 20-21, 33-34.

¹⁵Ibid., 1919/20, p. 28.

Interest in secret police activities had been stimulated by the industrial conflict in Washington's coal field in 1919.¹⁶ Yet, even as the Guard moved into the business of spying on civilians, General Thompson was working hard to clear up the "misunderstanding" that the Guard was an anti-labor organization. He assured W. M. Short, president of the State Federation of Labor, that "the new form of organization of the guard precluded their use for any purpose other than national defense."¹⁷ Such a statement was ridiculous. There is no evidence that anyone ever conceived of the N. G. W. being unavailable for police duty. Less than two years later, when the Guard's well-being was threatened, backers of the Guard were again quick to point out its essential function as a police force.

Perhaps another incentive for the increased activities of the N. G. W. in its police function was the refusal of the legislatures of 1919 and 1921 to organize a state police force. The legislature had, instead, formed the Highway Patrol in 1921, but refused to allow it any semblance of a military structure, meaning no uniforms, no military titles or ranks, no drilling, etc. It gave to the Patrol police powers only over traffic on

¹⁶ Organized labor resented the actions of Governor Louis F. Hart who, during a brief coal strike in Nov., 1919, had ordered the N. G. W. to be prepared to mobilize, and threatened to send state and federal troops to keep the mines producing, Spokesman-Review, Nov. 5, 6, 1919.

¹⁷ Seattle Union Record, June 8, 1921.

state highways.¹⁸ The N. G. W., in other words, remained as the only state police organization.

In 1923, an anti-Guard movement and an economy conscious legislature annoyed, without seriously damaging, the N. G. W. The legislature budgeted \$182,000 less than the \$344,000 requested by General Thompson. The cut forced some economizing, and prevented organization of some planned new units, but did not otherwise harm the numerical size of the Guard, nor impair its ability to function as a police force.¹⁹ A small group of legislators--which included the three members of the Farm-Labor party--attempted to sever state support of the military, arguing that the Guard had become a federal responsibility.²⁰ The anti-Guard movement aroused the more conservative press to speak out against the "sinister" influences working to abolish the N. G. W. Editors praised the Guard as the defender of the state from the "dangerous radicals," and as a force prepared to serve other police duties.²¹ And the Guard was prepared to perform other police duties.

In September, 1925, the local unit of the N. G. W. went into action, without orders, within fifteen minutes after a

¹⁸Washington State, The Washington State Patrol Fiftieth Anniversary (1971), p. 6.

¹⁹A. G. Report, 1922/24, p. 4.

²⁰Seattle Union Record, Jan. 10, 31, 1923.

²¹Seattle Daily Times, Jan. 21, 1923, editorial by C. B. Blethen, who was also the brigadier general of the N. G. W.; see also Spokesman-Review, Feb. 8, Jan. 28, 1923.

cloudburst loosed a torrential flood near Wenatchee. Though many persons were killed in the flood, the Guard saved some lives and rescued several stranded persons. During a fire in the state penitentiary at Walla Walla in September, 1926, the Walla Walla company helped prevent an outbreak by the prisoners.

In the early years of the depression of the 1930s a new militancy in labor and a renewed anti-labor movement both appeared. The hunger marches of 1933 frightened the legislature and Governor Clarence Martin into quickly approving an act that ended the N. G. W.'s role as the sole state police organization. The new law changed the name of the Highway Patrol to the Washington State Patrol, and gave it full police powers when called upon by the governor or by local police authorities. With the Patrol available for front line police duty, it became easier for the N. G. W. to serve as a reserve, or last resort, state force. Yet the Guard was called out twice during the depression years.

On August 24, 1933, a group of Yakima Valley farmer vigilantes opened a campaign of violence by clubbing and beating some I. W. W. pickets. A Guard unit was called out to "keep the peace" in the orchards, which of course meant to help wipe out the I. W. W.²² Two years later, almost the entire force of the N. G. W. was called out for several weeks of strike

²²Cletus E. Daniel, "Labor Radicalism in Pacific Coast Agriculture" (unpublished Ph.D. dissertation, University of Washington, 1972), p. 164.

duty during the 1935 lumber strike at Tacoma and Aberdeen. This duty adversely affected Guard recruitment of young laboring men until well after World War II.

By the end of the 1930s, the land and air elements of the National Guard of Washington had performed numerous search and rescue missions. Because the N. G. W. was not called out on strike or riot duty after 1935, Guard officials in the 1950s could ignore the role of the N. G. W. as an instrument for riot control and strike duty. Instead, they emphasized its role in the system of national defense, and its function of serving the people of the state during times of natural disasters, and in search and rescue work.²³

²³The Camp Murray Story, pp. 37-39; also Washington State, Military Department, Office of the Adjutant General, "Your Washington National Guard" (mimeographed, May 22, 1954), pp. 12, 8.

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