East Texas Theatre of the Timber War: Kirby Lumber Company's War with the Brotherhood of Timber Workers

Ryan Gullett

Follow this and additional works at: http://scholarworks.sfasu.edu/ethj

Part of the United States History Commons

Tell us how this article helped you.

Recommended Citation

Available at: http://scholarworks.sfasu.edu/ethj/vol48/iss2/8

This Article is brought to you for free and open access by SFA ScholarWorks. It has been accepted for inclusion in East Texas Historical Journal by an authorized administrator of SFA ScholarWorks. For more information, please contact cdsscholarworks@sfasu.edu.
East Texas Theatre of the Timber War: Kirby Lumber Company’s War with the Brotherhood of Timber Workers

BY RYAN GULLETT

The sky slowly darkened on the small lumber town of Grabow as armed union demonstrators, 200 strong, marched on the Galloway mill. Neither side intended violence, but violence came in the end. The events preceding that fateful Sunday foreshadowed the union’s inevitable turn toward violence in the dispute between the Brotherhood of Timber Workers and interests of the Kirby Lumber Company in East Texas and western Louisiana. Upon reaching the mill, someone opened fire. Riot officers from the mill returned fire and screams filled the night air. For fifteen minutes, bloodshed ensued and when the smoke cleared, four lay dead and more than fifty wounded. The National Guard and local sheriff’s department quickly restored order. They arrested twenty labor leaders and marched them to Lake Charles, Louisiana to await a trial that would bankrupt the union. Thus, the lumber companies won the first of the last battles of the Timber War. The Brotherhood of Timber Workers’ days were numbered. The ability to strike was and is the fundamental weapon a union has against an employer’s tyranny. Just as Gettysburg was the turning point for the South in the American Civil War, Grabow was the turning point for the Brotherhood of Timber Workers in the Timber War of 1911-1912. After the Grabow Riot, East Texans and Western Louisianans perceived strikes as a precursor to anarchy.

Lumber companies, such as the Kirby Lumber Company, dealt shrewdly with labor unions, carefully infiltrating and creating disorder. Violence seldom played a part in the companies’ strategy, yet when it did, the companies most often emerged victorious. Often the ability of the company executives and management to deal generously with their issues delayed or averted a strike, but sometimes their stinginess forced a confrontation.

Ryan Gullett is an adjunct instructor of history at Stephen F. Austin State University.
workers while cutting off the union enabled the companies to succeed over union organization in East Texas. "Welfare Capitalism," also know as Paternalism, was a company’s business practice of providing welfare-like benefits to its employees.

In many cases, such benefits were in the form of higher pay or in nonmonetary forms such as healthcare, housing or retirement pensions. The incentive for such paternalism was a workforce loyal only to the company and distrustful of the promises of a union organizer. The executives and managers of Kirby Lumber Company prevented the Brotherhood of Timber Workers from gaining a grip on the East Texas regions the company operated through the utilization of Welfare Capitalism and their influence through various anti-union associations.

Understanding the relationship of executives and managers to the common laborer requires an understanding of the common labor practices preceding 1910. Prior to the passing of labor legislation, only Common Law bound employers to the protection of the rights of laborers. Laborers who worked in hazardous conditions usually did so with the reality that should they be injured the company would assume little liability. The Texas Legislature enacted one of the first labor laws in 1897 which made railroad companies liable for injured employees. However, the legislation codified several exceptions, which limited its effectiveness.¹ At the turn of the century, the Texas Legislature enacted three laws that protected the rights of the employee by recognizing their right to organize peaceably, prohibiting employers from blacklisting employees, and banning the employment of children.²

The first of these laws, passed May 27, 1899, recognized the workers’ right to organize into trade unions, but prohibited workers from limiting production or consumption of the employer’s products. Such a limitation prevented workers from utilizing their most powerful weapon—their ability to strike.³ The second of the laws, passed on April 17, 1901, forbade companies from publishing a list of discharged employees with the purpose of preventing employees from securing similar employment, also known as blacklisting.
The law against blacklisting, however, allowed the employer to provide an honest reference, which severely limited the law's ability to effectively protect the rights of the common laborer. The final in this series of laws, passed on March 6, 1903, pertained to child workers and prohibited the employment of anyone under the age of twelve in any establishment utilizing machinery. Furthermore, the law forbade employers from working anyone under the age of fourteen between the hours of 6:00pm to 6:00am, and precluded the employment of anyone under the age of sixteen in a distillery or brewery. Enforcement of the first two laws was ineffective and employers abided by the third law only because of cost effectiveness. Child labor was more expensive due to the need to hire more children to accomplish the same task as an able-bodied adult. None of these early laws successfully protected the rights of the common worker.

Although such early attempts of dealing with the labor issue failed, the Texas Legislature enacted another series of laws to protect the wages of the common worker. The first of these laws, passed April 18, 1901, required employers to pay their workers monthly and outlawed the issuance of merchandise checks to employees as payment. The law became null if workers requested payment in merchandise checks or if they were tenants working on a farm. Employees would have to wait until 1916 to receive their wages more than once a month. The second of these laws, passed March 6, 1903, banned companies from forcing their employees to use the company store. Neither of these laws proved effective until in 1905 when the Texas Legislature passed an amendment to the first law that removed the option of employees to choose to accept merchandise checks. The outcome of the case Jordan v. State of Texas, however, declared the amendment unconstitutional in 1907. The Texas Legislature's early attempts at controlling labor failed due to limited law enforcement and the power of employers to manipulate and, at times, oppose the government's efforts.

In response to its limited success, the Texas Legislature passed another series of laws that organized the Labor Bureau and provided funds to enforce the previously enacted laws. The first law, passed on February 26, 1908 and amended
in 1911 and 1913, organized a Bureau of Labor Statistics under the control of the Commissioner of Labor Statistics, appointed by the governor. The new official was obliged to deliver biennial reports to the governor concerning labor conditions within the state. The law also allowed the commissioner permission to enter any place of business during normal operating hours to inspect labor conditions and a budget of $3500. The legislature amended the law in 1911, and granted the commissioner additional personnel including a clerk, Appliance Inspector, Factory Inspector, as well as increased the Bureau's budget to $8600. The legislature further increased the budget of the Bureau to $12,800 in 1913, and to $14,610 in 1915. Prior to 1920, no further attempts were made to increase the budget of the Bureau of Labor Statistics, suggesting that the Texas Legislature's retreated from Progressive ideology, and took little action to insure the enforcement of labor laws from 1915 to 1920.

During the formation of the Bureau of Labor Statistics, the Texas Legislature also enacted several laws that amended previously inadequate laws, primarily those focused on employers' responsibility for their employees' safety. The first law, passed on April 16, 1913, amended the previous law, passed 1897, forbidding the argument of employee negligence or placing blame for the incident on another employee. The law also created Texas Workers Compensation by forming the Texas Employers' Insurance Association, from which employers purchased policies that provided compensation in the event of an employee's injury. The law also created the Industrial Accident Board that oversaw the Texas Employers' Insurance Association and reported to the governor. The second law, passed in 1917, omitted any provision in the early law for contributory negligence by the employee as a factor in reducing the amount of compensation awarded.

Although the term "Welfare Capitalism" never appears in the scholarship regarding this period in East Texas history, it provides for an understanding of a paternalistic social setting that developed in East Texas in the relationship between industrialists and their employees. Robert Maxwell and Robert Baker have argued that one of the
most influential men among the lumber barons of the 1900s in Texas and Louisiana was John H. Kirby of the Kirby Lumber Company. According to Maxwell and Baker, Kirby was considered "the largest lumber manufacturer in the Gulf Southwest, he was perhaps the archetype of the Texas lumber baron of the bonanza era."  

Kirby's relationship with his workers and managers hinged the dual concepts of production and paternalism, which was often a precarious effort to balance maximum profits with workforce stability. According to Maxwell and Baker, "To his employees he was a combination of indulgent godfather and slave driver."  

Understanding "Welfare Capitalism" becomes paramount to comprehending the success of the lumber companies' control of the labor unions. According to Stuart D. Brandes, in American Welfare Capitalism, 1880-1940, the American working man was dissatisfied with the economic situation in the late nineteenth and early twentieth centuries. "Between 1880 and 1900, nearly 23,000 strikes affected more than 117,000 establishments." According to Brandes, in order for industrialists to grow their holdings and expand their enterprises they were required to manage a sizable workforce, which could become dangerous if not kept content. "Business leaders became more and more concerned with areas of endeavor which extended beyond the more normal realms of production, commerce, and wage scales." From company schools for the children to company stores, restaurants, hospitals and even funeral parlors, the companies were required to provide more benefits to keep their workforce content. Brandes defines the combination of these practices as what constitutes Welfare Capitalism. The definition of Welfare Capitalism is, "any service provided for the comfort or improvement of employees which was neither a necessity of the industry or required by law." The overall purpose of welfare capitalism was the corporate industrialists' attempt at preventing the spread of trade unionism.  

Brandes argues that welfare capitalism was as old as America itself. He uses the example of Samuel Slater to illustrate the early emergence of such ideas. Brandes states that Slater used the same tactics in 1790 to recruit young boys to his cotton spinning manufacturing company by offering a Sunday school where the boys could learn on
their day off. It worked so well that six years later Slater hired a full-time teacher. 25

"Welfare Capitalism" also became a significant player in the events regarding the East Texas Lumber Industry. The lumber corporations of Western Louisiana and East Texas succeeded in exploiting the vast natural and labor resources of the Sabine River region, but in order to sustain their increasing profit margin they needed to co-opt their workers and battle the opposition of many others in the Piney Woods Region. 26

In many cases, Kirby Lumber Company employees shared similar labor conditions with employees of other lumber companies and manufacturing industries in Texas. Race, wages, hours worked, and housing were constantly a problem. According to a report by the Kirby Company in 1902, the workers were divided evenly between Caucasians and African Americans, but the average unskilled worker was principally African American, which caused increased racial tension over the course of the next two decades. The Kirby Lumber Company surpassed other lumber companies by providing wages settlements for their employees on a weekly basis rather than merely appeasing the requirements of labor legislation that demanded monthly settlements. 27

According to the thirteenth census of the United States, the lumber industry accounted for 33.5% of all manufacturing industries in Texas and the average number of hours worked by a wage earner in manufacturing ranged from fifty-four to sixty hours a week. 28 A report by the Commission of Industrial Relations under the direction of the United States House of Representatives, printed in 1915-1916, showed that more than half of able-bodied wage earners in a particular industry were unable to sustain themselves and their families in relative comfort. The report went on to demonstrate that housing was generally below the national standard in most areas and insanitary to the point of disease. 29 According to the report,

The principal duty imposed, under the law creating the commission, was to seek to ascertain the causes of industrial unrest and offer such recommendations as we believe might alleviate that unrest. There can be no question but that unrest exists, in some instances, to an
FALL  EAST TEXAS HISTORICAL JOURNAL  2010

alarming extent. Thousands and tens of thousands of our people feel that they are deprived, under existing conditions in industry, of an opportunity to secure for themselves and their families a standard of living commensurate with the best ideals of manhood, womanhood, and childhood. They resent the fact that the existing system of the distribution of wealth creates at one end of our industrial scale a few multi-millionaires and at the other end thousands and tens of thousands of men, women, and children who are at all times in a situation where they are uncertain as to where their next meal will come from. Hungry, poorly clothed, and without the opportunities that a fully rounded life requires, they become filled with a sullen resentment that bodes no good for the future of our Republic.  

The commission found that all of these problems contributed to unrest in the United States, including regions of East Texas where the Kirby Lumber Company operated. Despite the severe unrest throughout the rest of the nation, the workers of the Kirby Lumber Company remained resistant to union organization because of Kirby Lumber Company’s devotion to Welfare Capitalism.

Although, labor efforts in East Texas did not unionize until 1910-1911, unrest constantly afflicted East Texas lumber companies. According to Ruth Allen, despite its relatively uncoordinated efforts, conflict over pay and working conditions had plagued Texas industries every decade since 1870, although significant unrest involving the Kirby Lumber Company seldom occurred. On October 11, 1903, a strike occurred at a mill in Beaumont due to a failure of the payroll to arrive on the previous Saturday, but the executives and managers of Kirby Lumber Company quickly provided measures to supply workers with money and supplies from local merchants. Thus, all but two mills had reopened by the end of the week.  

Due to Kirby Lumber Company’s aggressive management of its employees, organized labor had to wait until early 1911 to make inroads into the region.

Various organizations existed in East Texas and Louisiana that prevented effective union organization. The New York Commercial printed a speech by John H. Kirby, who was a member of three antiunion organizations:
National Association of Manufacturers of the United States of America (NAM), the Citizens' Alliance, and the Southern Lumber Operators Association, in which he stated that the only remedy to the unions was to unite the operators,

To protect and encourage the wage earner in the exercise of his right to sell his labor to whom he pleases and at what price he pleases, and to protect the industrious workman in his right to take advantage of the opportunities which fall in his way, and which right he must needs surrender the moment he is enrolled as a member of a labor union, as he is so often compelled to do in order to 'hold his job' and earn a living for himself and family, because his employer, through intimidation and fear or erroneous ideas of philanthropy has recognized the union.

In his speech, Kirby denounced the unions as “unlawful and degrading influences” which turned public sentiment toward the dangerous cliffs of anarchy.\(^{32}\)

The National Association of Manufacturers of the United States of America (NAM) became one of the first organizations to fight unionism in Texas. Organized on January 22, 1895 in Cincinnati, Ohio, the organization incorporated various industries from all over the United States into a collective body that opposed socialism and favored capitalistic, competitive, economic growth. Its mission statement was and is,

To advocate on behalf of its members to enhance the competitiveness of manufacturers by shaping a legislative and regulatory environment conducive to U.S. economic growth and to increase understanding among policymakers, the media and the general public about the vital role of manufacturing in America’s economic and national security for today and in the future.\(^{33}\)

NAM subdivided into state and local chapters that enabled employers to organize more effectively and thwart unionization of their industries. The Citizens’ Alliance, founded in 1903, was a group of individuals who supported employer’s rights in labor crises. The Citizens’ Alliance closely affiliated with NAM, until it disbanded in 1915. B.F. Bonner, an executive with the Kirby Lumber Company, was a leading member of the local chapter in Beaumont.\(^{34}\)

The lumber companies also organized the Southern
Lumber Operators Association specifically to combat unions after the disastrous Panic of 1907 and attempts of southern lumber workers to unionize. The success of the organization almost ended its existence because by early 1910 all union activity in the region had ceased. The encroachment of the Brotherhood of Timber Workers required the reorganization of the Southern Lumber Operators Association to defeat the reemergence of unionism. All three of these organizations contributed to the failure of unionism in East Texas. With collaboration of other lumber companies, Kirby Lumber Company moved cautiously and decisively against the Brotherhood of Timber Workers. As the Timber War began, the battle lines were drawn and the lumber industry prepared to defend its holdings against another union attack.

The origins of the war between Kirby Lumber Company and the Brotherhood of Timber Workers began in late 1910 in Alexandria, Louisiana. A.L. Emerson, a native East Texan and former employee of Kirby Lumber Company, organized the Brotherhood of Timber Workers, a union that operated in Louisiana, Texas, and Arkansas. After making significant inroads in Louisiana, Emerson set his sights on the East Texas lumber industry. The news of the Brotherhood’s intentions reached Kirby Lumber Company in March 1911. In a mass letter, C.P. Myer, Manager of Logging and Mills at the Kirby Lumber Company, issued a notice to all his mill managers of an impending general movement to organize Kirby Lumber Company employees. Because of the success of the Brotherhood in Louisiana, Myer knew that he needed to proceed with care and consideration in order to develop a plan to discourage union activity in the region. Myer ordered covert observation of union organizers and his managers documented widespread meetings during the month of May in the regions under Kirby Lumber Company’s sphere of operations, specifically in Kirbyville, Evadale, and Bronson.

The war between the Kirby Lumber Company and the Brotherhood of Timber Workers began as a nonviolent altercation. The arrival of organizer John L. Lindsey, a native East Texan and former employee of the Kirby mill at Kirbyville, marked the beginning of the first campaign that lasted from July 1911 until January 1912.
mention of Lindsey occurred in a letter from the manager of the mill at Call to C.P. Myer on July 19, 1911, stating that the citizens of Call threw an “organizer by the name of John Lindsey out of town the day before,” indicative of the citizens’ attitude towards unionism in East Texas in 1911. Organizer Lindsey arrived in Kirbyville on the same day and, ironically, set up headquarters there for the entire union movement in East Texas. After several days of union attempts to organize Kirbyville, J.A. Herndon, the manager of the mill at Kirbyville, reported to Myer that the mill workers and the townspeople considered Lindsey “a joke.” Herndon also displayed great contempt for his former employee, referring to organizer Lindsey as “Windy” Lindsey because of his obnoxious speeches.

After organizer Lindsey’s early failures, Herndon began a campaign to remove the union threat by confusing union leaders and terminating union employees. In a letter to Myer, Herndon stated that he organized the businessmen of Kirbyville against the union and mentions a man named Tom Choate, also known as “Blind Tiger Man,” who joined the union as a double agent for the company. As a result of Herndon’s campaign of confusion, union leaders began displaying paranoid behavior. On August 5, 1911, Lindsey accused a fellow union member of being a double agent for Herndon and expelled him from the organization. Herndon assumed his campaign was successful and stated that Tom Choate’s cover “remains intact.” Later in September, Herndon instituted his third endeavor at undermining the union movement by discharging all employees suspected of sympathizing with the union. This campaign was not company policy but proved effective, and Myer later decided to adopt it.

Excluding the events in Kirbyville, August 1911 saw the most prominent union successes in East Texas during the first union campaign against Kirby Lumber Company. In Roganville, E.S. Stone, the manager of Mill “J,” reported a rise in union activity due to funds provided by the businessmen of the town. Later on, Stone realized that a local tie contractor for Kirby Lumber Company, W.M. Collins, employed suspected union members. Stone recommended C.P. Myer advise Collins to dismiss these
men under threat of contract breach with Kirby Lumber Company. Under such a threat, Collins acquiesced. By August 21, 1911, constant union activity forced the Kirby Lumber Company to close the Roganville mill indefinitely, primarily because the union had effectively prevented the mill from obtaining a sufficient force of nonunion workers. In Bronson, R.E. Campbell expressed his desire to resign from his position as manager of Mill “P” due to the civil unrest brought on by union activity. Herndon reported later in August of a possible mole in Bronson, and that the entire town had turned against Campbell. He also stated that Campbell’s life and the lives of all the lumber workers were in jeopardy. In early September, Herndon confirmed that all the businessmen of the town of Newton were union members. An “affray” that also occurred in early September worried Myer to the point of contacting his attorneys for advice on handling the labor situation. After consulting with his attorneys, Myer resolved to take stronger measures against the Brotherhood of Timber Workers.

After the initial union successes in Roganville and Bronson, Myer encouraged sawmill managers to take more drastic measures against union organizers and sympathizers. In Browndel, employees of the sawmill met on August 14, 1911 and signed a resolution to oppose any attempt of the union to gain a foothold in the area. In late August, two organizers arrived at Camp Weathersby near Silsbee, Texas, and attempted to hold a meeting. J.B. Lindsey, the superintendent of the camp organized the men into a “tin can band” using tin cans and old tubs. The noise prevented the organizers from speaking and they eventually left the area. Nonviolent strategy prevailed for months, but the first incident of bloodshed occurred in Kirbyville on August 28, 1911. Herndon reported members of Tom Choate’s own gang had killed him on Sunday in the African American quarters. Due to the ambiguity of the report, it is unknown why Choate’s men turned against him, but obviously the men must have responded violently when they learned of Choate’s involvement in the union. Another report of violence occurred in Fuqua, Texas after a union organizer arrived and boasted that he would “organize the entire town.” The men from the sawmill severely flogged him.
Based on intelligence provided by secret agents, C.P. Myer devised a new strategy in September of 1911; the dismissal of employees suspected of union involvement as well as blacklisting. First reports of secret service activity began in early September in a letter from Myer to G.R. Christie, an auditor for Kirby Lumber Company, in reference to an expense account for E.E. Sapp, “engaged in secret service” reporting on the Brotherhood of Timber Workers.\(^{58}\) Demonstrating the ability of the company to infiltrate the Brotherhood of Timber Workers, a later report states that E.E. Sapp served as a peace officer protecting the Brotherhood of Timber Workers’ Grand President, A.L. Emerson.\(^ {59}\)

The Southern Lumber Operators’ Association provided most of the operatives used by Kirby Lumber Company. Because of their loose affiliation with the lumber company, secret service men were not held to the same code of conduct that bound managers and superintendents to nonviolent behavior. Herndon’s agent, Ross Williams, came to Kirbyville to investigate union activity and detained Dr. B.F. Bean, a union sympathizer and acquaintance of future Texas governor James E. Ferguson. No evidence sufficiently links the future governor to the union movement in East Texas in this period, however, the progressive nature of Fergusonism provides unique perspective on Dr. Bean and his involvement in union activity.\(^ {60}\) In Herndon’s words, Dr. Bean was “staying with us because he figures it would be a bad proposition to do otherwise.”\(^ {61}\)

As early as August 16, 1911, Myer considered the use of the blacklist as a definitive measure to end the union threat. After receiving a letter from his attorneys cautioning him in its use, Myer ordered his managers to begin reporting the names of all union members and sympathizers.\(^ {62}\) Lists poured into Myer’s office from all Kirby Lumber Company’s spheres of influence. General dismissals of suspected union members from Kirby Lumber Company’s employment began after Myer received news of Herndon’s successful campaigns against the union in Kirbyville. Myer consulted with his attorneys in early September concerning the legality of dismissing employees under the penalty of union membership.\(^ {63}\) The attorneys answered in a letter
from Myer to W.T. Hooker, manager of the Browndel sawmill, on implementing a companywide dismissal of any union employee. In early October, Herndon reported to Myer that he had spread rumors of spotters in Kirbyville and that organizer Lindsey was "in hysterics." By mid-October, Myer decided to implement this method by using his agents to spread counterintelligence throughout the union leadership.

The resolve of the Kirby Lumber Company executives and management remained constant throughout the struggle with the union. The case of O.P. Hauver demonstrated this resolve by the unyielding position of the company towards any employee that demonstrated the slightest sympathy towards the union. In October 1911, Mr. Hauver wrote a letter to John H. Kirby to vindicate himself after his dismissal from the company. Hauver claimed to have worked for the company for eight years and declared his innocence of any affiliation with the Brotherhood of Timber Workers. Hauver claimed, "A man can't be honorable and belong to a union that has no honor." C.P. Myer wrote to B.F. Bonner the following day to explain the situation. Myer intended to hold Hauver's termination for thirty days in order to ascertain the validity of the accusations. Myer asserted that Hauver's brother-in-law, Will Lafollett, joined the union in Kirbyville. Myer admitted that the evidence against Hauver was "hearsay" but argued that management must act on any evidence rather than employ union members. Bonner wrote back to Hauver apologizing for his unfortunate dismissal, but admitted he could not allow Hauver to return to work. In addition to the case of O.P. Hauver, a man named John McKinnon, after his dismissal from Kirby Lumber Company, returned to his employer with a signed affidavit stating his disaffiliation with any labor union. No evidence confirmed or denied if the company reinstated McKinnon even after his affidavit. Such events, singled out from amongst hundreds of dismissals, displayed the severe consequences the company inflicted upon any employee sympathizing with the union.

The union's response to Myer's new campaign came almost immediately via a report from J.W. Lewis, manager of the mill at Call, Texas. During the early hours of the
morning, two strangers approached a fireman on duty at the mill at Call, regarding the Brotherhood of Timber Workers, but the watchmen ordered them to leave. The strangers stated that it would be unhealthy for him or any other watchman to oppose the union. Lewis stated that three nights later, the watchmen found another note demanding the watchmen "quit their jobs immediately or else." Two days later, Myer sent Lewis three electric flashlights, an expensive item in 1911, to help find the union organizers threatening his millworkers. The threats disappeared in the light of the new portable torches. The overall response of the town of Call, Texas to these threats came in early October when the entire town told a union organizer warningly that "he was not wanted here."

Kirbyville also faced threats from a constable named Will Christian who ordered Herndon to shut down the mill so the African Americans could help with the cotton crop. In his report, Herndon admitted to Myer that he expected such a maneuver and long suspected Christian of sympathizing with the unions. Herndon also stated that he sent men to watch Christian. Two days later Herndon alerted Myer that Constable Christian was going from mill to mill, on a Santa Fe Railroad pass, disrupting Kirby Lumber Company’s labor force. Herndon advised Myer to contact Santa Fe Railroad and revoke Christian’s pass to prevent him from causing any further damage to Kirby Lumber Company.

The first campaign of the war ended with the flight of organizer Lindsey on October 23, 1911. Herndon reported that Lindsey had "flew the coop." The following day Herndon stated that Grand President Emerson would not work in this part of the country because of an injunction filed against him. It appeared that Kirby Lumber Company drove the union leadership one-by-one from their spheres of influence in East Texas. By December 1911, all union activity had ceased in Kirbyville, and Herndon observed that all remaining union organizers had disappeared from Kirbyville more that two weeks prior. The company appeared to have won, but the escalation of violence taught the union leaders that in order to take East Texas from Kirby Lumber Company, they needed to intensify their resolve.

The second union campaign began in January 1912. A
report from Operative #3 stated that in Beaumont a company man was on his way to Merryville, Louisiana with forty laborers, when a union man moved in among them. The man informed the laborers that if they took employment at the mill in Merryville, they would be killed. Fifteen to twenty African Americans took flight, which the union man informed Operative #3 that four other union men were stationed in Beaumont to prevent any laborers from arriving in Merryville. The union’s action marked a significant escalation from organizing mill workers to overtly threatening the companies. The violence escalated further in February 1912 with a report from Operative #6 that a man named J.F. Cox, an ex-convict who robbed a train and killed his partners, admitted to burning down two houses in Warren, Texas and planned to dynamite the Planing Mill at Warren. In March 1912, citizens responded to the spread of violence in their various communities by threatening to shoot union organizers and sympathizers. The influence of the Harrison boys of Kountze kept the union men from Fuqua from venturing near the town. Overall violence in East Texas rose daily and the inevitable outcome lay only months away.

When a group of armed men from the Brotherhood of Timber Workers marched on the Galloway Mill in Grabow, Louisiana, the anticipated clash became a pivotal moment in the Timber Wars of 1911-1912. The crowd of armed union men marched on the mill and someone fired a shot. According to a report by E.J. Franz, an operative for Kirby Lumber Company, a man named Sedberry, claiming to be an eyewitness of the event, states that two union men opened fire on the mill. Sedberry claimed the men shot at him and a man named Frank Hafford. After the first shot, the Gallowy’s riot officers fired into the crowd, killing three and wounding more than forty. Sheriff Henry A. Reid and his deputies rushed to the scene and Governor Hall ordered a contingent of the National Guard from Lake Charles to Grabow to restore order. The sheriff’s deputies and the National Guard arrested A.L. Emerson and twenty other union leaders, transported them to Lake Charles, where they were indicted by a grand jury.

After the Grabow Riot, the companies forgot any notion
of civility and began overt attempts to condemn and destroy the union and its leaders. Franz reported that under his orders the Burn's Detective Agency had frightened many of the witnesses for A.L. Emerson's defense out of the country in order to ensure Emerson's conviction. The Grabow Riot marked the beginning of the end for the unions. Looking back, R.A. Long, president of the Long-Bell Lumber Company, reminded the Kirby Lumber Company that the labor troubles climaxed in 1912 with the events at the Grabow Plant and the arrests of most of the labor leaders causing disorganization throughout the union.

Following Grabow, the common worker, influenced by company actions and rhetoric disapproved of the actions of the Brotherhood of Timber Workers. Allen suggests that the economic exhaustion from the Lake Charles trial caused the Brotherhood to seek aid from the Industrial Workers of the World (IWW), an affiliation that drove the population further from the union. In an article for the Times-Democrat, a reporter stated that the common farmer had lost faith in the Brotherhood of Timber Workers because of its association with the IWW. The same article affirmed that the Brotherhood of Timber Workers planned to officially amalgamate with the Industrial Workers of the World on September 1, 1912.

The companies took no chances and prepared for another violent strike. In August, C.P. Myer suggested that J.F. Woods, superintendent of Camp #8 at Call, Texas, should get the Sheriff of Newton County to deputize two reliable men under his employ to protect operations at the camp while the organizer for the union was making speeches. Myer further attacked union organizers by conspiring with the Houston Oil Company to revoke the land titles of L.G. Black. The Houston Oil Company refused to respond, so Myer took the matter to B.F. Bonner, urging the need for a unified effort between the various industries in order to ensure the union's defeat.

Despite the setback of the Grabow Riot and the exhausting trial, the union continued to fight the companies' efforts of control. In September, B.F. Bonner wrote a letter to Judge J.W. Terry informing him of the forced closure of the mills at Bronson and Roganville until he recruited a
non-union crew.\textsuperscript{91} Two months later, the union set its sights on the American Lumber Company's mill at Merryville, Louisiana. According to a letter from operative Franz, Kirby Lumber Company considered purchasing the Merryville mill in December. A union man named Ward from DeRidder, Louisiana stated if Kirby Lumber bought the Merryville mill, "he [John H. Kirby] will never remember running it."\textsuperscript{92} On November 13, 1912, Emerson drew a line in the sand and told all the men in favor of a strike to cross the line. According to the report, 600 men crossed the line and Emerson declared a strike in Merryville.\textsuperscript{93} A week later, the operative reported that someone burned down the mill and that the Brotherhood of Timber Workers issued further threats directed towards the Kirby Lumber Company.\textsuperscript{94}

From December to January, union men prevented workers from reaching Merryville. B.F. Bonner pleaded with Judge Terry to arrest those responsible under charges of intimidation and inciting fear in the populace.\textsuperscript{95} Despite the strike's end and the mill's reopening on January 6, 1913, the union refused to surrender. A second strike began in February with another round of violent shootings. After ten days of violence, the citizens of Merryville rose up and drove the strikers out of the city, effectively ending the strike.\textsuperscript{96} This marked the end of any successful attempt by the remnants of the Brotherhood of Timber Workers to defeat the Kirby Lumber Company.

By summer 1913, B.F. Bonner wrote to M.L. Alexander, president of the Southern Lumber Operators' Association, informing him that all union activity had ceased and claimed the violence of the Brotherhood of Timber Workers essentially over.\textsuperscript{97} Records seldom mention the union following early 1912. A failed attempt by A.L. Emerson in 1914 to reorganize the Brotherhood of Timber Workers was recorded in a letter to John H. Kirby from the Southern Lumber Operators' Association, however, due to severe lack of support from workers, nothing came of the attempt.\textsuperscript{98} To ensure a united front against future union struggles, R.A. Long, president of the Long-Bell Lumber Company, wrote to remind the Kirby Lumber Company in 1915 of the Labor troubles climax in 1912. Long suggested that the lumber manufacturers contribute a sum of $4100 to
help the Galloways since they aided the Southern Operators’ Association to the point of disaster. Long argues that this act of compassion would demonstrate the united stance of the Southern Lumber Operators’ Association to the Industrial Workers of the World.99

The use of Welfare Capitalism and the ability of the lumber companies to organize enabled them to dissuade their employees from joining the unions and control the labor’s effectiveness. The companies eventually infiltrated the unions and, by manipulating the union leaders, undermined the efforts at every opportunity. Kirby Lumber Company, with the cooperation of other lumber companies throughout East Texas, defaced every attempt of the union to organize their labor force by providing their employees with competitive wages and protecting them from the violence that occurred in Western Louisiana. Despite the promises of the union organizers, the vast majority of the Kirby Lumber Company’s employees never wavered in their loyalty. Following the Grabow Riot and the Merryville Strike, the opinion of the Brotherhood of Timber Workers held by the common worker declined, and after the monetarily devastating trial the Brotherhood of Timber Workers faded into history. The philosophy of Welfare Capitalism and company’s affiliation with the various anti-union organizations enabled the executives and managers of Kirby Lumber Company to prevent the Brotherhood of Timber Workers making inroads into the East Texas regions in which the Kirby Lumber Company operated.

(Endnotes)


2 Blacklisting is a means, usually in the form of a list or register of persons, of denying certain persons from a particular activity. In this case, the term is used to describe the lumber companies’ denial of work to certain persons affiliated with a union.


5 Known as the swing/night shift.


7 Industries such as coal mining and lumber issued merchandise checks to its employees rather than cash. Employers ran stores in the mining, and lumber camps that accepted these checks in exchange for their merchandise.


12 Jordan Versus State, 1907 51 Texas Criminal Reports 531 (1907).


East Texas Theatre of the Timber War


African American is substituted for “colored” or “Negro” even though the report uses the latter.


"Labor Unions Prosperity's Foes: J. Kirby, Jr., Tears Off the Organization's Mask", New York Commercial, April 25, 1903.


J. V. Neuhaus to All Members of the Citizens' Alliance, June 8, 1907, Kirby Lumber Company Collection. Box 99. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.


This mass letter, sent to all the managers of the mills, provides evidence of Myer's fear of the labor situation in East Texas.


John L. Lindsey, also known as "Windy" Lindsey by the management of Kirbyville Mill, will be referred to as "Organizer Lindsey" because Kirby Lumber Company employed a man named J.B. Lindsey as superintendent of Camp Weathersby at Silsbee, Texas.

J.W. Lewis to C.P. Myer, July 19, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas

J.A. Herndon to C.P. Myer, July 19, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas. (See also: C.P. Myer to J.A. Herndon, June 27, 1911, Kirby Lumber Company Collection. Box
East Texas Theatre of the Timber War

197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.)


43 J.A. Herndon to C.P. Myer, July 22, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas. (See also: C.P. Myer to John H. Kirby, July 23, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas)

44 J.A. Herndon to C.P. Myer, August 5, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.


46 E.S. Stone to C.P. Myer, August 10, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.

47 E.S. Stone to C.P. Myer, August 15, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.

48 E.S. Stone to C.P. Myer, September 19, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

49 J.F. Stunkel to E.S. Stone, August 21, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas. (See also C.P. Myer to B.F. Bonner, August 28, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.
50 R.E. Campbell to C.P. Myer, August 10, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.


53 C.P. Myer to Andrews, Ball & Streetman, General Attorneys, September 6, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.

54 W.T. Hooker to C.P. Myer, August 14, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.


57 J.E. Dodd to C.P. Myer, September 14, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.

58 C.P. Myer to G.R. Christie, September 7, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

59 F.G. Weathersby to C.P. Myer, September 12, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

60 Fergusonism is a term used to describe the politically progressive policies of Governor James E. Ferguson (1915-1917) and Governor Miriam A. Ferguson (1925-26; 1933-1934) during their terms as Governor of Texas.

Andrews, Ball & Streetman, General Attorneys to C.P. Myer, August 16, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

C.P. Myer to Andrews, Ball & Streetman, General Attorneys, September 1, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

C.P. Myer W.T. Hooker, September 15, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.; See also J.H. McDonald to C.P. Myer, October 31, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

Spotters were men who actively searched for union organizers and union workers. They provided names to management in order to ride the mills of union influences.


O.P. Hauver to John H. Kirby, October 2, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

C.P. Myer to B.F. Bonner, October 3, 1911.

John McKinnon, Affidavit W.A. Wigley, J.P. N.P. Jasper County, Texas August 26, 1911.
71 J.W. Lewis to C.P. Myer, September 15, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

72 J.W. Lewis to C.P. Myer, September 18, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

73 The electric flashlight was a recent invention in the early 20th century. Only since August 26, 1903 did Conrad Hubert receive a US patent for a flashlight with an on/off switch in familiar cylindrical casing containing lamp and batteries. http://www.energizer.com/learning-center/Pages/flashlight-history.aspx).

74 C.P. Myer to J.W. Lewis, September 20, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

75 J.W. Lewis to C.P. Myer, October 3, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.


78 J.A. Herndon to C.P. Myer, October 23, 1911, Kirby Lumber Company Collection. Box 197. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, Texas.


81 Operative #3 to J.T. Franks, January 1, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F.
East Texas Theatre of the Timber War

Austin State University, Nacogdoches, Texas.

83 E.J. Franz to J.T. Franks, March 14, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

84 Report by E.J. Franz, October 18, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.


86 R.A. Long to Kirby Lumber Company, April 19, 1915, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

87 Ruth Allen, East Texas Lumber Workers, 183.


89 C.P. Myer to J.F. Woods August 4, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.; C.P. Myer to B.F. Bonner, April 1, 1913, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

91 B.F. Bonner to Judge J.W. Terry, September 27, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

92 E.J. Franz to J.T. Franks, December 9, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

93 J.A. Herndon to C.P. Myer, November 13, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

94 E.J. Franz to J.T. Franks, November 21, 1912, Kirby Lumber Company Collection. Box 199. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

95 B.F. Bonner to Judge J.W. Terry, January 2, 1913, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.


97 B.F. Bonner to M.L. Alexander, July 24, 1913, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

98 Southern Lumber Operators’ Association to John H. Kirby, October 7, 1914, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.

99 R.A. Long to Kirby Lumber Company, April 19, 1915, Kirby Lumber Company Collection. Box 205. East Texas Research Center, Stephen F. Austin State University, Nacogdoches, TX.