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A FIGHT TO ESTABLISH THE STATE POLICE

C. H. Quenzel†

West Virginia, the fourth state to establish a police force,¹ took this action in 1919 after one of the bitterest fights in the state's legislative history.² Defeated in the regular session of the Legislature,³ the measure authorizing the Department of Public Safety,⁴ as the state force was officially designated, was finally passed in the special session.

From several angles the struggle possesses more than local significance. First, it is an example of successful gubernatorial leadership. Second, the appeals employed in the struggle are of interest to students of the technique of influencing both the layman and the legislator. Third, the issue of centralization is involved in the then novel method of supplementing the law enforcement efforts of local officers. And finally, the attitude of capital and labor on the subject is typical.

Governor John J. Cornwell, a Democrat, led the fight for establishment. He was strongly supported by public officers and private citizens irrespective of party, by a majority of the state press, and by the coal operators and other employers.⁵ The most militant opposition came from organized labor, but office holders and non-office holders of all parties and some influential papers were also hostile.⁶

The governor testified in behalf of establishment that frequent demands from both employers and labor leaders for the protection of their persons or property had underlined his impotence in discharging his sworn duty of enforcing the laws of the State.

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¹ Bruce Smith, *Police Systems in the United States* (1940) pp. 182-184; Frank G. Bates and Oliver P. Field, *State Government* (1939) pp. 337-338.

² Welch *McDowell Recorder*, Apr. 4, 1919, p. 1; *Bluefield Telegraph*, Mar. 22, 1919, p. 1; *Charleston Mail*, Mar. 25, 1919, p.1.

³ *House Journal*, Reg. Sess. 1919; State of West Virginia, *Journal of the Senate . . . Reg. Sess. 1919, passim*, (Henceforth referred to as *Senate Journal*); *Charleston Gazette*, Feb. 27, 1919, p. 11; *Shepherdstown Independent*, Mar. 12, 1919.

⁴ State of West Virginia; *Journal of the House of Delegates . . . Extra Sess. 1919, passim* (Henceforth referred to as *House Journal*), p. 68; Interview with the late Judge George W. McClintic, Republican floor leader in the house in 1919, Oct. 1941. The designation "police" was deliberately omitted from the organization by an amendment passed to secure the promise of his vote from a delegate who had a strong dislike for the word.

⁵ *House Journal*, *Extra Sess. 1919*, p. 139, *Wheeling Register*, Mar. 25, 1919, p. 1; Union *Monroe Watchman*, Apr. 3, 1919, p. 1; "An Uncertain Tangle," *Bluefield Telegraph*, Mar. 18, 1919, p. 4, Letter of John J. Cornwell to C. H. Quenzel, Oct. 20, 1941 (Hereafter referred to as Cornwell Letter, Oct. 20, 1941.)

⁶ Welch *McDowell Recorder*, Apr. 4, 1919, p. 1; *Charleston Mail*, Mar. 13, 1919, p. 1; "The End is But the Beginning," *Wheeling Majority*, Apr. 3, 1919, p. 4.

The situation appeared particularly serious to many because of 8000 alien workmen in the State who were subjects of countries still technically at war with the United States. Cornwell's declaration that West Virginia was destined to become a dumping ground for bolshevists and anarchists unless the police bill passed converted many people who originally opposed the measure.⁷ This, indeed, was a telling argument at a time when people had just recently read of the bolshevist seizure of power in Russia and were reading about the imminence of a Red victory in Hungary and Germany. One paper bluntly described the contest as a struggle between the powers of right, justice and human liberty and the elements who were "having their hour of joyous murder, rape, robbery and arson in Russia."⁸ This paper urged every church in the state to adopt resolutions commending the proposed establishment of a state constabulary.⁹

Another daily charged that the opposition to the state police came from citizens who wanted either to be above the law or unduly favored by it, by other citizens who sought their votes, or by "persons with backbones composed of some fibrous material resembling cotton twine."¹⁰ In the eyes of many, proof that the opposition came from the lawless was provided by a resolution first adopted by the miners' local at Ramage, threatening the Governor and the Legislature with armed resistance if the bill passed.¹¹

The Governor also felt that the need for more adequate and efficient policing would arise from the passing of an amendment for a more extensive state road system which he contemplated submitting to the legislature. An interview with the Chief of the National Guard Section of the War Department convinced him that it would be financially burdensome and indefensible to attempt to meet this need by re-establishing the national guard in the State.¹² He expressed a widely felt belief by characterizing many of the special deputy sheriffs as insufficiently high calibred to answer the need.¹³

Governor Cornwell pointed out to the Legislature that the existence of state police would make the employment of private guards so inexcusable that they might very well be prohibited by law except under specific conditions. This argument appealed to many

⁷ Cornwell Letter, Oct. 20, 1941; "A State Constabulary" and "State Police or Nothing," *Morgantown Post*, Mar. 5, 10, 1919, p. 4.

⁸ "Weak Kneed Straddle," *Grafton Sentinel*, Mar. 22, 1919, p. 4; cf. *Ravenswood News*, Mar. 13, 1919, p. 2.

⁹ "Decent People Must Get Busy," *Grafton Sentinel*, Feb. 28, 1919, p. 4.

¹⁰ "At This Hour," *Charleston Mail*, Mar. 11, 1919, p. 1.

¹¹ *Senate Journal, Extra Sess.*, 1919, pp. 14-15; *House Journal, Extra Sess.* 1919, p. 140; "Threatening Our Legislature," *Sistersville Daily Review*, Mar. 13, 1919, p. 4; "The Two Important Measures," *Charleston Mail*, Mar. 24, 1919, p. 4; "At This Hour," *ibid.*, Mar. 12, 1919, p. 1; "Urgent Necessity," *Grafton Sentinel*, Mar. 14, 1919, p. 4.

¹² Cornwell Letter, Oct. 20, 1941; Jackson Arnold, Department of Public Safety of West Virginia, *Report to the Governor*, Dec. 1, 1920, Charleston, n. d.

¹³ *Shinnston News*, Mar. 20, 1919, p. 4.

citizens who were aware of the abuses of the private guard system.¹⁴

State papers reprinted the editorial pronouncement of the Pittsburgh *Gazette Times* to the effect that owing to her "difficult topography" and to "her rich diversified interests" West Virginia would profit as much from a state police force as any commonwealth in the union.¹⁵

State police advocates asserted that the opposition was not confined to the merits of the case. For example, they attributed the unfriendly attitude of certain state officials to their resentment over the Governor's "refusal to permit the state to be surrendered to the race track gamblers"—a reference to his veto of the racing commission bill and an appeal to the people who considered horse-racing and gambling as synonymous activities.¹⁶ The shift of the *Wheeling Intelligencer* from advocacy of a constabulary to opposition was explained by some as the result of pique at the possible defeat of the gas bill.¹⁷

Organized labor was unitedly opposed to the bill on the ground that the state police would be paid by all taxpayers but would serve only one class, the wealthy capitalists. Furthermore, labor felt that this service would be restricted principally to strike-breaking and worker intimidation. One legislator made an unsuccessful attempt to amend the bill so as to place the expense of the state police upon the coal operators. The Governor in recommending establishment to the Legislature had warned the legislators of the need of some effective precaution against that force becoming the representative of private interests or employers,¹⁸ and of this the labor leaders were fully aware.

The intensity of labor's dread of the proposed police force and the type of appeal it used are both amply illustrated by a labor paper's description of the force as "a permanent soldiery, trained and drilled to blind mechanical response to autocratic orders, recruited from the cossack-type of humanity, tempted by a gaudy uniform, petty authority, plenty to eat, and no mental or physical exertion." The designation of the state police as Cossacks or Cornwall's Cossacks was widely copied by the opponents of the bill who stigmatized the constabulary movement as the shift of "authority from the judge's bench to the colonel's tent."¹⁹

¹⁴ John J. Cornwell, "Biennial Message of . . . to West Virginia Legislature, Jan. 8, 1919," *Public Documents, West Virginia, 1917-1918, Part I*, p. 29.

¹⁵ "Every State Should Have Them," *Grafton Sentinel*, Feb. 26, 1919, p. 4; "Meet the Issue or Dodge It," *Morgantown Post*, Mar. 17, 1919, p. 4.

¹⁶ *Clarksburg Telegram*, Feb. 27, 1919, p. 1.

¹⁷ *Bluefield Telegraph*, Mar. 18, 1919, p. 4.

¹⁸ *Dunbar Advance*, Apr. 4, 1919, p. 1; *Shinnston News*, Mar. 20, 1919, p. 4; Kyle McCormick, *Charleston Gazette*, Mar. 13, 23, p. 1; *Wheeling Intelligencer* quoted in *House Journal, Extra Sess.*, p. 124; Cornwell, Biennial Message, Jan. 8, 1919, Part I, p. 28.

¹⁹ "By Any Other Name," and "Easy Now on the Public," *Wheeling Majority*, Jan. 9, 16, 1919, p. 4.

A down-state editor capitalized on the low repute of German militarism in 1919 by charging that the establishment of state police would "sound a German note." He held that the superman was a myth and that changing a man's title, putting him astride a horse, bedecking him with a uniform and arming him with a pistol failed to transform his nature.²⁰

While the advocates of the state police felt that the organization was the only alternative to West Virginia's becoming the haunt of radicals, numerous prominent opponents contended that the establishment of such a force would provide an excuse for the importation of Bolsheviks, I. W. W.'s and anarchists into the state. In fact the foes of the bill predicted that it would disrupt the mutual understanding that had developed between the operator and the miner during the war and that it would have exactly the opposite effect from what was intended.²¹

The state tax commissioner asserted that certain influences were making a concerted effort to create in the public mind a state of alarm, "that West Virginia is hovering over a smouldering industrial volcano that is on the verge of breaking forth like a mighty Vesuvius." In his opinion this was being done in order to pave the way for the establishment of a state police department. The same official appealed to the love of freedom with his statement that a constabulary was offensive to the ideals of the state and a direct violation of its motto, "Montani Semper Liberi."²²

Ex-Senator William E. Chilton probably struck an even more responsive chord in opposing the establishment of a police force in his state on the Pennsylvania model by declaring:

Pennsylvania has ridden West Virginia long enough. It has dominated our railroads and kept us out of the best markets in the country. If it can get us into a row with our miners, it will have played another trick as potential to keep us in second place as has been the domination of our railroads.²³

Many denied the necessity for state police in West Virginia, citing the presence of 1200 to 1500 police officers in the state; the authority of every sheriff to increase his force by calling out the posse comitatus; the federal troops at Camp Sherman, Chillicothe, Ohio, and Camp Lee, Petersburg, Virginia; the existence of a constabulary in only three out of forty-eight states; the freedom from incidents during the war when the state had neither national guard nor constabulary; and the improbability that safe-crackers would forego the "pickings of the big cities" to rob cornfields, chicken roosts and collection plates in crossroad churches. Some conceded

²⁰ "A New Departure in Government," *Charleston Gazette*, Mar. 11, 1919, p. 4.

²¹ "A State Constabulary," *Clarksburg Telegram*, Feb. 28, 1919, p. 6; *House Journal, Extra Sess.*, pp. 114-115; *Charleston Gazette*, Feb. 27, 1919, p. 11.

²² *Ibid.*

²³ "Letter of W. E. Chilton to Gov. J. J. Cornwell," *Charleston Gazette*, Feb. 28, 1919, pp. 1, 3.

that a need for a constabulary might exist, but they contended that if it did the proposed force was too small to be of any service.²⁴

The cost of maintenance was one of the arguments most frequently advanced against establishing state police. A daily that favored establishment held that the cost was the only serious objection to the proposed constabulary, while others felt that the state could not afford it in view of the necessity of paying the Virginia debt.²⁵ At least one editor criticized Cornwell's campaign for establishment as a violation of his pre-election pledges of economy.²⁶ The annual cost of the force had been placed at \$225,000, an amount that loomed large to many farmers. The bulk of whatever opposition existed in the rural sections could be explained either on the grounds of the expense or as the result of a firm belief that any community can preserve its own peace better than that peace can be preserved by an outside force.²⁷

Although some admitted that a state constabulary would probably be more efficient than locally elected law enforcers, they preferred the latter because they could be defeated at the polls if they became overbearing or otherwise objectionable. Others, however, feared that the state police force would become a dangerous political machine. One active opponent insinuated that the Governor was interested in the appointive power that the constabulary bill would give him. The Speaker of the House of Delegates, a Republican, bluntly stated that he opposed this bill because its passage would defeat his party in the next election.²⁸ One influential paper warned the Legislature that the passage of the police bill and the defeat of the measure taxing natural gas would be concessions of subservience to the capitalistic classes.²⁹

Theodore Roosevelt had died in January, 1919, and a capital city daily, seeking to capitalize on the fact that the public had read numerous eulogies of the "crusader against wealthy malefactors," invoked his spirit to defeat the state police bill. This paper castigated the proponents of the bill as "Bourbons, Guggenheims, Habsburgs, and People with the Spirit of Ballinger."³⁰

A Huntington editor prophesied that the proposal would be impractical owing to the impossibility of securing a sufficient number of desirable men to maintain a state police force.³¹

²⁴ *Charleston Gazette*, Mar. 11, 1919; *Senate Journal, Extra Sess.*, p. 149; "The Police Bill," *Wheeling Register*, Mar. 13, 1919, p. 6.

²⁵ "The Legislature," *Bluefield Telegraph*, Mar. 12, 1919, p. 4; "Empty Argument," *Clarksburg Telegraph*, Mar. 8, 1919, p. 4; *Huntington Advertiser*, Mar. 9, 1919, p. 8; *Charleston Gazette*, Feb. 26 and 27, 1919.

²⁶ *Kingwood Preston County Journal*, Apr. 3, 1919.

²⁷ "Why Is a Constabulary?" *Wheeling Majority*, Feb. 27, 1919, p. 6.

²⁸ *Charleston Gazette*, Mar. 11, 1919, p. 4; Cornwell, *Biennial Message of . . .* Jan. 8, 1919, Part I, p. 28; *Morgantown New Dominion*, Feb. 28, 1919; *Charleston Mail*, Mar. 24, 1919, p. 1.

²⁹ Quoted in *Bluefield Telegraph*, Mar. 18, 1919, p. 4.

³⁰ "At This Instant," *Charleston Gazette*, Mar. 21, 1919, p. 4.

³¹ *Huntington Advertiser*, Mar. 11, 1919, p. 4.

Becoming convinced of the need for an adequate law enforcement agency, Cornwell made inquiries concerning the effectiveness of the constabulary in Pennsylvania and New York. Impressed by the favorable replies, he discussed the proposal privately with his trusted advisers. He recalls that "almost everyone" consulted thought it was right, but that many of them warned him that he was "crazy to talk about it" because of its unpopularity with labor and because of the improbability of accomplishment.

Disregarding this advice the Governor discussed the proposal before the West Virginia Wholesale Grocers' Association at Huntington. Receiving a favorable response, he immediately began to get in touch with various groups and individuals to create a public interest in the plan. In a letter to all labor unions in the State the Governor warned them against indiscriminate opposition to any form of "military or police"; solicited their aid in keeping West Virginia free from I. W. W.'s and Bolsheviki; and invited them to send representatives to the Legislature to help formulate proper legislation.³²

Whenever the Governor saw an editorial favoring the re-establishment of the national guard he would write the editor and summarize the formidable obstacles to that course of action, obstacles he had discovered when he had visited Washington for the expressed purpose of ascertaining the feasibility of recreating the national guard in West Virginia.³³

Exercising his right to recommend needed legislation, the Governor inserted in his message to the Legislature at the beginning of the regular session in January a statement of the necessity for an adequate law enforcement agency. He was not dogmatic about the form this agency should take, and he emphasized the safeguards that should be incorporated in the act authorizing its creation.

Cornwell convinced many citizens of the need for state police by disclosing the number of enemy aliens and other aliens in a message to the House of Delegates on February 20. In his call for the special session of the Legislature he included the state police legislation as one of the foremost items of business. Finally, at the request of the Republican floor leader in the House and upon the invitation of that body he addressed it just before the final vote was taken.³⁴

In addition to his public messages and addresses on the subject Cornwell secured or retained the support of some legislators through private conferences. Gubernatorial persuasion, however, was but a

³² Cornwell Letter, Oct. 20, 1941; "Cornwell to the Unions," *Fairmont West Virginian*, Mar. 3, 1919, p. 6.

³³ *Morgantown Post*, Mar. 10, 1919, p. 4.

³⁴ Cornwell, *Biennial Message*, Jan. 8, 1919; *House Journal, Reg. Sess.*, 1919, p. 839; *Senate Journal, Extra Sess.*, 1919, pp. 1-2; *Special Message of . . . to 1st Extra Sess., W. Va. Legislature*, Mar. 11, 1919, pp. 4-10; Cornwell Letter, Oct. 20, 1941.

small portion of the pressure that was exerted upon members of the Legislature. Both sides had numerous lobbyists on hand who worked on individual legislators, and both unleashed a torrent of telegrams and letters.

Labor held meetings in various cities denouncing the measure, adopted countless resolutions, threatened to strike, presented to the joint legislative committee sweeping testimony concerning the "misdeeds of the Pennsylvania state police," filed with the same committee protest petitions bearing between 80,000 and 100,000 names, staged parades around the capitol, and listened enthusiastically to speeches by Mother Jones and other well known labor leaders.³⁵ State officials opposing the bill gave interviews and speeches explaining their stand.

After being tabled the state police bill was finally passed by the House of Delegates, where the major legislative opposition existed, on March 24, 1919, and by the Senate on March 29, 1919.

³⁵ *Charleston Gazette*, Mar. 13, 1919, p. 1; *Huntington Advertiser*, Mar. 14, 1919, p. 1; Berkeley Springs *Morgan Messenger*, Feb. 27, 1919, p. 1; "Where Stand Ye?", *Grafton Sentinel*, Mar. 11, 1919, p. 4; Morgantown *New Dominion*, Mar. 1, 1919; *Follansbee Review*, Mar. 7, 1919, p. 1.