

Affidavit of H. F. Smiddy.

STATE OF TENNESSEE,
County of Shelby, ss:

H. F. Smiddy, being first duly sworn, deposes and says:

My name is H. F. Smiddy, age 32, and reside at 133 South Lauderdale Street, Memphis, Tennessee. I know the petitioners, Frank Hicks, Frank Moore, Ed Hicks, J. E. Knox, Ed Coleman and Paul Hall, and have known them since about October 1st, 1919. During September, October and November, 1919, I was employed by the Missouri Pacific Railroad Company as Special Officer, under Mr. T. K. Jones and worked from Wynne south to McGehee, Arkansas. During the latter part of November or early in December, I quit work for the Railroad Company and was employed by the City of Helena as plains clothes man under Chief of Police Sam Austin, and later, some two or three months, I quit this work and was employed as a Deputy Sheriff of Phillips County, Mr. Frank Kitchens being the Sheriff and Mr. J. R. Dalzell being Chief Deputy, under whose direction I worked for about one year, during which time Mr. Kitchens died and Mr. Dalzell was appointed to fill the unexpired term. I continued as Deputy until Mr. Jim Mays became sheriff. During all this time I was either making Helena my headquarters or was living there.

I was in Helena the night of September 30, 1919, the night the shooting occurred at the Hoop Spur Church near Hoop Spur, when Mr. W. A. Adkins was killed. Mr. Atkins was a Special Officer under Mr. T. K. Jones the same as I was, and we worked together. On the night of September 29th, Mr. Atkins and I were up all night trying to locate a negro charged with breaking into an interstate shipment, and we continued all day of the 30th and arrived in Helena about 7 p. m. Shortly afterwards Mr. Charles Pratt, who was a deputy sheriff of Phillips County came to me and Atkins and asked us to make a trip with him to Elaine. I told him I was too sleep and tired and declined to go. Atkins agreed to go with him. I had supper with Atkins. Afterwards about 9 or 9:15 p. m. they got in an automobile in front of the court house, together with a negro by the name of Kid Collins, and left, and said they were going by Mr. E. J. Weyeth's house to get some whiskey. That was the last time I saw them that night. Shortly afterwards I went to the hotel and went to bed. Mr. T. K. Jones was also in Helena and had a room in the same hotel just across the hall from mine. About two o'clock that night Mr. Jones called me and told me that Mr. Dalzell had called him and told him that the men sent down to Elaine had some trouble north of Elaine, that there was some shooting and possible some one got hurt, and that they wanted us to go down with them as a posse was being organized for that purpose. We dressed and went with them. There were two cars left, Dick Dalzell's and Aunrey Burke's. In Mr. Dalzell's car there were, Mr.

K. JONES.

Sept. 1921.

W. LLEN,
Attorney Public.

Clerk.

Dalzell, Mr. Amos Jarman, Mr. Jones and myself. In the other car there were Mr. Burke, Sam Austin, Will Malliter and two others whose names I cannot now recall. We left Helena about 3 o'clock a. m. and arrived at Hoop Spur Church about 4:30 a.m. It was still dark. We found the dead body of Mr. Atkins lying about 30 feet north of a bridge across a slough about 40 yards north of the church house. The car in which Atkins, Pratt and Collins drove down was standing on the bridge near the south side of the bridge and we backed the car off the bridge to the north side.

On examination we found Atkins had been shot in the stomach with a load of buckshot and through the neck with a rifle or pistol. We found a horse and buggy on the north side of the church and a saddle lying in the road near the front of the church and a coat just north of Mr. Atkins.

We spent about 30 minutes there at the Hoop Spur Church house and left and went to Elaine about four miles south. While at the Hoop Spur Church house we saw no negroes and were not disturbed or interfered with by anybody. On arrival at Elaine Mr. Dick Dalzell telephoned Sheriff Kitchens at Helena for reinforcements after telling him what we had found at Hoop Spur.

About sun-up we left Elaine and returned to the Hoop Spur Church, several people from Elaine going with us. We arrived at Hoop Spur church about sun-up. We made a thorough examination of the church house, and on the inside we found a condition that showed that the last people who had been in the church had left there hurriedly. Benches were turned over, window lights broken out on all sides of the church, glass scattered all over the floor, women's and men's hats and coats scattered around over the floor and every evidence of a stampede in the church house. We also found some literature of the Farmers & Laborers' Household Union of America. We found nothing in the literature to indicate a criminal or unlawful purpose on the part of the organization. We found a large amount of this literature pertaining to this organization of this union but so far as I know none of it has ever been offered as evidence in Court.

On examination of the church house from the outside I found where the church had been shot into from the north side. There was a shed or building just north of the church that had been shot into also. The roof of this shed or building which slanted to the north and which plainly showed that it had been shot into from the north, and also the side of this shed had several bullet holes. About 8 o'clock in the morning Kid Collins, a negro who come down in the car with Atkins and Pratt, came to the church house and I had a conversation with him there. I asked him what had happened that night. He told me they came down there for the purpose of breaking up the meeting; that they stopped there in the road and Mr. Atkins begun shooting. He said that the negroes returned the fire and the shooting became general; that Mr. Atkins was killed; but he did not know what had become of Mr. Pratt. That he got one of the negroes himself, meaning that he had killed one of them, and that the negroes picked up the man he shot and carried him off.

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That he had run away after the shooting and went to Wabash, which was about four miles north of Hoop Spur and "when I got to Wabash I notified the deputy sheriff at Wabash—called him to his door and told him about it," and he said, "What can I do; I cannot do nothing", and shut the door in the negro's face and went on back in the house.

After this conversation with Kid Collins we began to arrest negroes and bring them into the church house. We went out to their houses and around in the vicinity and brought them in. Some of them were in the fields picking cotton,—men, women, and chidre-.

So far as I know none of them we found aremd that morning. Between nine and ten o'clock on the morning of October 1st a great many people from Helena and other portions of Phillips County, and from other surrounding counties, began coming in, quite a large number of them, several hundred of them, and began to hunt negroes and shotting and killing them as the- came to them. The posse I was in was composed of fifty or sixty men. We left the church house and marched down a slough leading off from the church, which is the same slough that the bridge was over there near the church and is known as Govan Slough. Some of us were on one side of the slough and some on the other.

We began firing into the thicket from both sides thinking possibly there were negroes in the thicket and we could run them out and kill them. As we marched down the thicket to the southwest I saw about five or six negroes come out unarmed, holding up their hands, and some of them running and trying to get away. They were shot down and killed by members of the posse.

I didn't see a single negro during all the man hunt that was armed, and I didn't see a single negro fire a shot. I was present when Jim Miller was killed and Arthur Washington was killed, and when Milliken Giles was injured. I shot Milliken Giles myself. He was in the edge of the thicket trying to hide. When I shot him he was not trying to shoot anybody and didn't have a gun. After I shot Milliken Giles five or six of us went to see if there were any more negroes in there where he was, and he was lying there shot through the chin and the bullet lodged in the back of his neck. We thought that he was dead. He did not die, but recovered and is now in the penitentiary serving a sentence on a plea of guilty.

Arthur Washington was killed as he ran away from his house. I saw him running away from his house and saw him a minute or two after he fell dead and walked up to him afterwards.

After Arthur Washington was shot we marched on down to where the thicket came to a point where the road crosses. At this road the thicket had run out and we turned around and were going to march back up the thicket, firing into the thicket from both sides. As we were marching back after we had gone about three hundred feet Mr. James Tappan was killed. He was on my side of the thicket, which was the east side of the thicket. He had gone down that side of the thicket and when we came to the point we turned around and were going back on the same side of the thicket. At the point where Mr. Tappan was killed the thicket was probably 30 feet wide. I am sure

that there were no negroes in the thicket at that point as we searched it thoroughly after the shooting of Tappan and found no negroes near anywhere he was shot.

Mr. Tappan was shot in the left side of the face. I am positive that this is true for the reason that we were going north on the east side of the thicket, which would have put his left side to the thicket. I furthermore know that when he was put in the automobile to be carried to the McCoy house we laid him on his right side, because the left side was wounded. He was shot with a load of buckshot at a short distance. I don't know who shot him, but I feel perfectly sure that he was accidentally killed by a member of our own posse on the other side of the thicket from us. About the time he was killed somebody hollered from both sides of the thicket, "Look out, we are shooting our own men." I know that this is possible because I was shot in the right shoulder by a stray shot of some kind from a member of our posse, and also Mr. Dalzell was shot over the left eye. I did not hear Mr. Herbert Thompson or anybody else holler out to the negroes to come out of the thicket and surrender "And you will not be harmed" or anything of the kind. When we started down that thicket it was the understanding with all of us that we would shoot the negroes as we came to them, which we did. I furthermore know that no negro ran out by where Mr. Tappan was lying after he was shot because if he had he would have been killed. I was standing within twenty feet of him when he fell, and a number of others, and some ran to him and stayed with him until he was taken to the house. I went to the house with him. If Mr. Herbert Thompson was there in the posse on either side of the thicket I don't remember it, and I don't remember seeing him around Mr. Tappan after he was shot.

It is not true that any negro got Mr. Tappan's gun. He had a 20 gauge Winchester pump hammerless shot gun. This gun was picked up by a member of the posse and carried over to the McCoy house, and what became of the gun after that I don't know. We picked Mr. Tappan up, put him in an automobile, and took him over to the McCoy house, which was about between two hundred and three hundred yards away, and we took him in the house and laid him on the bed. This was probably between twelve and one o'clock. Shortly afterwards I came out of the house and there were several automobiles standing in front of the house with a number of men around. I got in an automobile with Mr. Clinton Lee. I sat down on the door on the right hand side of the car and the driver backed the car up to turn around and go back to the Hoop Spur church. As the car had turned around facing west a shot or two was fired from the south and one of the bullets struck the south side of the car, passed through Clinton Lee and went between my arm and my body, just touching my coat. Clinton Lee was mortally wounded—killed almost instantly. We took him out of the car and carried him into the McCoy house. I don't know who fired the shot. I didn't see anybody at the time the shot was fired. A short time before the shot I saw a bunch of negroes, probably between twenty and thirty, crossing the dirt road about half a mile south of the McCoy house

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and get into a corn field on the east side of the dirt road. They were running,—seemed to be scared and seemed to be trying to get out of the way of the white folks. I didn't see any negro with a gun in his hand as he crossed the dirt road, although they were in plain view. I don't know who any of the negroes were in the gang that crossed the road. They crossed the railroad and dirt road a short distance below a house they call the Honk-a-tonk.

After the shooting of Lee we thought the Negroes that had crossed the road were going to make attack on the McCoy house, and we scattered out around the McCoy house and up and down the lane. We waited there for some time, but no attack was made of any kind and some of us left and went to Elaine, probably about three o'clock in the afternoon. I was among the party that left and went to Elaine, but who the parties were, I cannot name them all.

At Elaine we found the people there expecting an attack from the Negroes on the town, and a number of them got on top of the stores and houses, and a number of us went out in the field west, probably a quarter of a mile, where the Negroes were supposed to be hidden in the corn patch. We did not find any Negroes out there, and no attack was made, and no shot was fired upon anybody to my knowledge.

During that afternoon, October 1st, 1919, a crowd of men came into the vicinity of Elaine from Mississippi and began the indiscriminate hunting down, shooting and killing of Negroes. They shot and killed men, women, and children without regard to whether they were guilty or innocent of any connection with the killing of anybody, or whether members of the union or not. Negroes were killed time and time again out in the fields picking cotton, harming nobody. They next day, October 2nd, the soldiers came there and placed the town of Elaine under martial law and began going out through the surrounding country arresting Negroes and bringing them into Elaine, where they were placed in a school house under guard. Several hundred of them were gathered up under this manner. They were later taken to Helena and placed in the Phillips County jail.

I returned to Helena on the afternoon of October 2nd, I noticed as I passed by the Hoop Spur church that it had been burned down. I was informed that it was burned down on October 1st by white men; who did it I don't know, but I was told that it was burned down to destroy the evidence that it had been fired into by those that went there to break up the meeting.

After the Negroes were placed in jail a committee known as The Committee of Seven was selected to investigate the matter. This committee did make an investigation. They would call for a certain Negro, or negroes, to be brought before them from the jail and in a great many instances, probably a majority of them, they were taken before this committee by me personally. While he was being examined by the committee I would sit and hear what the Negro had to say. Different members of the committee would ask the Negroes questions, and in no instance so far as I remember did a Negro give

the committee any information they wanted on fired examination. Different members of the committee would say to the Negro, don't you know so and so, and the Negro would answer "No, sir." Somebody else would say, you know you are lying about it, you know so and so is true, and you got to tell it. The Negro would answer, I don't know sir. Different members of the committee would curse and abuse the Negro. After they would get through with him I would take him back to the jail and would take him upstairs on the third floor to the whipping room and where the electric chair was located, where the Negro would be stripped naked and whipped from his head to his feet with a seven-pound leather strap. The Negroes were whipped unmercifully. Every time the strap was applied it would bring blood. I have personally applied the lash to a great number of these Negroes. We whipped them to make them tell what we wanted them to tell. We wanted them to tell facts that would convict themselves and others under arrest. We We would have before us in writing the statements made to the committee. We would whip them awhile and then read to them what they had said to the committee and ask them if that was false. If the Negro didn't say yes we would whip him some more. Then we would ask him is not certain other things true, which would reflect upon himself and others, and if he didn't answer they were true we would whip him again. I personally administered the lash and saw others do it to a great many Negroes until they were bleeding all over, and would be in such a physical condition until they would have to be picked up and dragged back to their cells in the jail and picked up and put on their bunk, where they were left for days where they were unable to take care of themselves, and other prisoners had to take care of them. A great many of them were in such a condition that a physician was called to administer to them. I personally administered the lash and saw others do it time and time again to a great many Negroes who had been previously whipped. The lash was applied on the old sores made at the first whipping, and usually the second whipping would get the Negro to say what was wanted if he had refused in the first instance. One of the petitioners in this case, Frank Moore, was whipped at least three times to try to compel him to give evidence against himself and the other petitioners, which he never did do. He stated that he would rather die in this manner than to tell something on himself or others that was not true. In addition to the whipping, and frequently during the course of the whipping, formal-yhde was put to the nose of the Negroes to further torture and frighten them and compel them to give damaging evidence against themselves and others. In addition to this, there was an electric chair in the same room on the third floor of the Phillips County jail in which a great many Negroes were stripped naked and put and the current turned on to frighten and torture them into giving damaging statements against themselves and others. While the Negroes were being whipped they were stretched out on their stomachs on the concrete floor, with four Negroes holding them down, one holding each hand and one holding each leg. These four Negroes were prisoners in the jail, but were not charged with any con-

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torted from the Negroes which was used against them in their trials,
and so far as my observation went, and I was present throughout all
of it, the only evidence on behalf of the State that the State had
was acquired in this manner. In other words, I mean to say that
no Negro freely and voluntarily testified in these cases. They were
either whipped and compelled to testified, or tortured in the other
ways herein stated, or they were told if they didn't testify to what
was wanted they would be treated in the same way. I do not mean
to say that every Negro was whipped, but I do mean to say that every
Negro that testified in these cases was either whipped or tortured by
the other means herein stated, or saw what had happened to some
other Negro and was told that if he didn't testify to what was wanted
that he would get what these others had gotten.

In the cases of the Negroes who were not whipped, who were ex-
amined, I heard many of them say, "White folks, what do you want
me to say, I will tell you anything you want?" To the best of my
information and belief all of the petitioners were whipped or other-
wise tortured with the exception of Ed Coleman.

Those that did the whipping of the negroes in the Phillips County
jail other than myself and Mr. Jones were, as I remember, Mr. Dick
Dalzell, Louis Anselman, Charley Gist, and some others whose names
I do not now recall.

In the trials of these cases Walter Ward, George Green, and John
Jefferson testified for the State. So far as I now remember they
were the only ones that testified to anything to connect the petitioners
with the killing of Clinton Lee. The substance of the testimony as
I remember it was that they ganged up at Frank Moore's house on
the morning of October 1st and along toward 10 or 11 o'clock they
heard firing up the road and that Frank Moore said, "We will go up
and help them out"; that they marched away and went up to near
the McCoy house across the railroad, and as they crossed the dirt
road Frank Hicks kneeled in the road and fired two shots. This
was supposed to be at the time Clinton Lee was killed, and that
Frank Hicks made the remark that if — had not been for the loose
horse between him and the McCoy house he would have killed that
guy; and that someone made the remark to Frank Hicks not to
shoot. That after the shots were fired they crossed on over and went
to Yellow Banks.

I know that Walter Ward was whipped and compelled to give this
testimony, and I furthermore know that George Green and John
Jefferson were told that if they didn't give the same evidence they
would get what Walter Ward and the others got. To the best of my
recollection Walter Ward was whipped about three times; had for-
maldehyde put to his nose; and was put into the electric chair before
he agreed to testify to what he did testify to.

I furthermore know that a part of this testimony at least was
false, in addition to it having been extorted from them. I know
that no negro that we saw cross the road south of the McCoy house
kneeled in the road and fired a gun because I was looking right at
them when they crossed. I furthermore know that there was no

loose horse between us and the negroes, and I also know that no negro who crossed the dirt road down there had a gun in his hand. At least I didn't see any, and I believe if any negro had had a high power rifle or shot gun I would have been able to have seen it. I furthermore know that the only kind of a gun that could have been fired from the distance the negroes crossed the road and killed Clinton Lee would have been a high powered rifle, as, according to my best judgment, they crossed the road at least a half a mile away.

I furthermore know as the negroes crossed the road they crossed in a run and that they got out of sight into the corn field as quick as possible.

About three or four days after the negroes were brought to the Phillips County jail a mob was formed in Helena and gathered around the jail and court house for the purpose and with the intention of mobbing a large number of the negroes and would have done so but for the presence of a number of United States soldiers on guard about the jail and court house, and but for the advice of some level-headed citizens who told them that there had never been a lynching in Phillips County and if they would disperse and do no violence to anyone that they would see that the negroes were punished.

I was present during the trials of petitioners. So far as I now recall counsel for the defendants, who are here the petitioners, did not challenge any jurors, and so far as I now remember counsel asked the petit jurors very few questions and only such as were of a general nature. The jury in each case was quickly chosen. According to my best recollection Frank Hicks was tried separately from the other petitioners, who were tried jointly. Some of the jurors who sat upon these cases were in the paces that went to Elaine and in that vicinity to quell the so-called race riot. I cannot now remember just who they were, and am not able to give the names of such jurors. I furthermore know that there never was a chance for the petitioners, who were the defendants in these cases, to have been acquitted. No man could have sat upon any jury in Phillips County at these trials and have voted for an acquittal, and have continued to live in Phillips county. Large crowds attended the trials, thronged the court house and grounds, all of whom so far as I was able to observe were unfriendly to the petitioners and all of whom were bent upon their conviction and death. If any prisoner had by any chance been acquitted by a jury he could not have escaped the mob.

So far as I know, the negro witnesses who were used in the trial before the petit jury never appeared before the grand jury at all, and they were the only ones from whom they got any statement to connect any of them with the commission of an offense.

The trials in each of these cases lasted a very short time, probably less than an hour. The jury was out from three to five minutes in each case, and brought in a verdict of guilty. From the beginning of the trouble and almost every day through to the closing of the trials the press of Helena, Little Rock, and Memphis carried highly inflammatory articles about these cases. It was charged by the Committee of Seven and published in the "Helena World" and other

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newspapers was that the object of the union was to kill white people and take their property. But we were never able to verify this statement except from testimony that was extorted from negro witnesses by the methods and means herein set forth.

I do not know how many negroes were killed in all, but I do know that there were between two hundred and three hundred negroes killed that I saw with my own eyes. The only white men that I know of that were killed were Atkins, Tappan, Lee, Lily and two soldiers whom I do not know. One of the soldiers was not killed outright, but I understood that he later died.

I make this affidavit freely and voluntarily to the end that justice may be done. I know that the whole truth was not developed in these trials and that it is but a simple matter of justice to these petitioners that I make this affidavit setting forth the true facts.

I have testified in these and other cases growing out of this trouble, and as a witness for the State, and I did not tell all that I am now testifying to because I was not asked.

I did testify heretofore that I examined the Hoop Spur church house and found no bullet holes in it. This was true so far as it went. The first time I was at the Hoop Spur church house I examined it and it was dark and I was unable to see any bullet holes in the church and I didn't find any. The second time I did find them as before stated. Furthermore, I was instructed by those in authority that I should give no testimony of any character favorable to the defendants.

I stand ready to come before the Court in which this affidavit is filed, if any, and sustain the facts as herein detailed on oral testimony.

And further affiaint sayeth not.
(Signed)

H. F. SMIDDY.

Subscribed and sworn to before me this 19th day of September, 1921.

[SEAL.] (Signed)

M. W. ALIEN,
Notary Public.

My commission expires Jan. 16th, 1923.

Endorsed: Filed Sept. 21, 1921. Sid. B. Redding, Clerk.

STATE OF TENNESSEE,
County of Shelby, ss:

T. M. Jones, being first duly sworn, deposed and said:

My name is T. K. Jones. My age is 42, and I reside at 250 Lucerne Place, Memphis, Tennessee. I know the petitioners Frank Hicks, Frank Moore, Ed Hicks, J. E. Know, Ed Coleman and Paul Hall, and have known them since about the 1st of October, 1919.

For about six years prior to July 15, 1921, I was special agent for the Missouri-Pacific Railroad. In the year 1919 I was special agent in charge of the Memphis Division from Noble, Arkansas, to McGehee, Arkansas, Memphis to Bald Knob, Memphis to Marianna, Helena to Clarendon and Brinkley, with headquarters at Wynne, Arkansas. On the night of September 30, 1919, I was in Helena, Arkansas. Mr. Dick Dazell came to me about 7 o'clock P. M. of that date, and asked me if special officers Smiddy and Atkins could go with Mr. Charles Pratt down to Elaine that night to arrest a man by the name of Clem, charged with some kind of a misdemeanor, and I

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told him that they could go if they wanted to. Mr. Smiddy and Mr. Atkins were both in the employ of the Missouri-Pacific Railway, working under my direction. Mr. Smiddy did not go, but Mr. Atkins did go with Mr. Pratt, and I was present about 9 o'clock P. M. when they left in a Ford automobile in front of the court house on this trip. I heard them say before leaving that they had to go by Mr. E. J. Weyeth's house, and when they left, instead of going in the direction of Elaine, they left in the direction of Mr. Weyeth's house. I did not hear them say for what purpose they were going to Mr. Weyeth's house.

Later on I went to the Cleiborne Hotel and went to bed. Mr. Smiddy had a room across the hall from me in the same hotel.

About 2 o'clock in the night Mr. Dazell called me on the telephone and told me that the men who had left that night had gotten into some trouble down about Hoop Spur and that there was some shooting and that our men might be hurt. And he asked me if Mr. Smiddy and I could go with him and some others that were going down there to investigate the matter. I told him that we would. And I waked Mr. Smiddy and we dressed and went down with them, there being two automobile loads of us, four of us in Mr. Dazell's car and five in Mr. Aubrey's car.

We arrived at Hoop Spur church house about 3:30 or 4:00 o'clock in the morning. It was still dark. We found the dead body of Mr. Atkins about 30 feet north of the bridge across the slough which runs across the public road just north of the Hoop Spur church. As soon as we discovered the body of Mr. Atkins I jumped out of the automobile and went to it and found that he was dead. I paid no particular attention to what the other members of the party were doing, but was looking after Mr. Atkins. We found the Ford automobile close by. I went up to the church house and saw the disarranged condition of the benches and everything as described by Mr. Smiddy in his affidavit. There was a horse and wagon out north of the church hitched to the fence, and we found a saddle in the road out south of the bridge near the church. This bridge is probably thirty five or forty yards north of the front of the church. After spending probably thirty minutes at the church house we drove on to Elaine where Mr. Dazell phoned to Mr. Kitchens at Helena and reported what we had found. About sun-up we returned to the Hoop Spur church. I made no further examination of the church house, and I did not know whether it was shot into or not from my own observation; but a shed house standing to the north of the church with the roof slanting to the north appeared to have been shot into from the north. I was more concerned about the disposition of Mr. Atkins' body than I was about the condition of the church house.

Along in the afternoon of the same day while again at Elaine I heard some planters talking and from their conversation I understood that a number of white men had gone to the Hoop Spur church house the night before for the purpose of breaking up the meeting of the negroes there and that the white people had shot into the church and started the shooting. Just who these men were I do not

now recall. One of them said to the other that, "My negroes don't belong to that blankety blank union." The other said, "How in the hell do you know they don't?" He answered and said, "I told my negroes about two weeks ago that if they joined that blankety blank union I would kill every one of them."

I didn't go out with any of the parties in search of the negroes. Mr. Sam Austin and I were left near the Hoop Spur commissary to guard the road across where the public road crosses the railroad with orders to arrest all negroes who came by there armed. Noun came by. We stayed there from about 8 o'clock in the morning until about 12:30 and no negroes came by. At about 12:30 some man came by there in an automobile and told us they had a tip the negroes were going to attack the McCoy house and for us to go down there, which was a short distance from where we were, probably a half a mile. We went down there and remained until about 3 o'clock and there was no attack made and we left.

While at the McCoy house Lieut. Tappan was brought in in a dying condition and I saw him die on the bed in the McCoy house. Tappan was shot in the left side of the face and neck with a load of buck shot. While there I saw a bunch of negroes cross the railroad and dirt road going east about half a mile south of the McCoy house and disappear in a corn field on the east side of the road. I didn't see any negro in that bunch with a gun or other weapon in his hand. If any negro in the crowd had a gun I didn't see it. I know positively no negro stopped in the road, kneeled, and made a shot or two up the road, because if he had done so I would have seen him as I was looking right at the bunch of negroes that crossed the road.

I was not immediately present when Clinton Lee was shot. I saw him after he was shot and also saw the hole in the rear end of the automobile and was told that he was killed by the shot that made that hole. There was no loose horse in the road between the McCoy house and the negroes. Automobiles were running up and down that road almost continuously, and if the negroes had desired to kill any white men they had ample opportunity to do it, as there was passing along the public road all the time. The local freight train on the Missouri-Pacific Railroad made several trips up and down the road during the day with the caboose loaded with men, and if the negroes had desired to kill anybody they could have killed them.

So far as I know no person traveling along the public highway was shot into or disturbed in any manner. I did not see a single negro with a gun or weapon of any kind during the whole day I was in the country.

I caught a local freight train and rode it up to Wabash, and from there I went back to Elaine, arriving about 3:30, where I remained until 7 or 8 o'clock and caught a train back to Helena. As I passed the Hoop Spur church house on the return trip I noticed that it had been burned down sometime during the day.

From the information I gathered while I was down there the whole trouble started because the white folks objected to the negroes having this union; that the negroes were organizing to employ counsel to represent them in getting settlements from their white landlords, and

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the white folks objected to this procedure. I did not go down into the Elaine territory and more on this business. I was in Helena after the negroes were brought to the county jail, which was probably a week after the trouble started; and I was there off and on for several days at a time until the trials came off and during the trials.

I saw a great many negroes whipped on the third floor of the county jail to compel them to give evidence against themselves and others about the trouble.

I know that Mr. Smiddy conveyed a number of prisoners from the jail to be examined by The Committee of Seven and brought them back, and I know that the negroes were frequently whipped and otherwise tortured after they were taken before the Committee and brought back. They would take the negroes before this Committee and bring them back to the whipping room of the jail, and apply the lash until the negroes were willing to testify and would testify to anything that was wanted of them to save themselves from further torture. They were not only whipped but formaldehyde was put to their noses and were stripped naked and put into an electric chair which they had in the room to further frighten and torture them. I not only personally saw a great many negroes whipped with a leather strap that would cut the blood at every lick, but I whipped probably two dozen of them myself. I either whipped or helped to whip several of these petitioners, I don't know which, but I do remember that I helped to whip Frank Moore and J. E. Knox. To the best of my recollection Walter Ward, one of the witnesses against the petitioners, was whipped two or three times and put in the electric chair to make him testify against the petitioners.

Not all of the prisoners were whipped, but those that were not whipped saw others that were whipped and were told if they did not give the testimony that was wanted that they would get the same thing that those that were whipped got.

After a negro was whipped, as a general proposition, he was unable to walk back to his cell and was dragged back and dumped in and his clothes were thrown in after him. They were whipped so brutally and unmercifully that a physician had to be called in to take care of them afterwards. I do not now recall the physician's name, but I was told that he was a county physician. I was — him in the cells a number of times attending to the injuries of these negroes that had been whipped had received.

In this manner the testimony that was used in the trials of these cases and the others was acquired. So far as I know no negro made a voluntary statement that implicated any other negro in anything criminal, and I believe that I would have known it if it had been done. The negroes would be told that such and such a statement they had made was a blankety blank lie; That they knew such and such was true, and after being whipped the negroes would say, "Boss, yes, sir, that is so; I will say anything you want me to say,"—or something to that effect.

Court met in Helena the latter part of October or about the first of November, and a great many of these negroes were indicted. They were indicted without taking before the Grand Jury the wit-

nesses who were to give the evidence. Some person would go before the Grand Jury and tell them what such and such a person would testify to, and upon the information thus acquired the Grand Jury returned the indictment.

So far as I know the negro witnesses who were used in the trials before the petit jury never appeared before the Grand Jury at all, and they were the only one from whom they got any statements to connect any of the defendants with the commission of any offense.

At the trials of these cases the only evidence they had against these petitioners to connect them with any criminal offense was the evidence that we had extorted in the manner above set out. I was present during the trials in the court room. Large crowds thronged the court house and grounds, all of whom were unfriendly to the defendants, and desired their condemnation and death. The feeling against them was so bitter and so strong and so universal that it was absolutely unanimous and no man could have sat upon a jury in any of these cases and have voted for an acquittal and remained in Helena afterwards.

So far as I can now recall the jurors that sat upon these and the other cases were very briefly examined, and I do not remember that any juror was challenged by the defendant's counsel.

Shortly after the negroes were placed in the jail a mob was formed and came around the court house and jail for the purpose of lynching some of these negroes, but the presence of United States soldiers and advice of some level-headed prevented the purpose of the mob. They were told that if the mob would not lynch the negroes that they would be tried and convicted.

Those that did the whipping of the negroes in the Phillips County jail other than myself and Mr. Smiddy were Mr. Dick Dazell, Louis Anselman, Charlies Gist, and some others whose name I do not now recall.

I make this affidavit freely and voluntarily to the end that justice may be done and I stand ready at any time to testify in any court orally as to the facts and statements herein made.

And further affiant sayeth noth.

(Signed)

T. K. JONES.

Subscribed and sworn to before me this 19th day of Sept. 1921.

[SEAL.]

M. W. ALLEN,
Notary Public.

My commission expires Jan. 16. 1923.

Endorsed; Filed Sept. 21, 1921. Sid. B. Redding, Clerk.