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“The Meanest Old Son-of-a-Bitch” – J.R.

Brockus of the West Virginia State Police

by Merle T. Cole

James Russell Brockus served in the West Virginia State Police (WVSP) for 15 years. During that time he established a reputation as a hard-nosed, no-nonsense lawman. He participated in many of the force’s formative and controversial experiences.

The WVSP was created by an act of the legislature effective 31 March 1919. Officially designated as the Department of Public Safety (DPS), it was authorized a small headquarters staff and two field companies, each commanded by a captain. The first superintendent, Jackson Arnold of Weston, was a former lieutenant colonel in the West Virginia National Guard and a veteran of service in France during the World War. He was appointed by Governor Morgan effective 1 July. Company A was activated at Haywood Junction in Harrison County, and Company B at Williamson, Mingo County.(1) Given the turmoil and violence surrounding attempts to unionize coal mines in the state’s southern fields– particularly in Logan and Mingo counties–Company B was destined to garner the bulk of the new force’s action and manpower in the early years.

Brockus was a Tennessean, having been born at Erwin on 8 August 1875. He enlisted in

the infantry in 1893 and spent three years at Fort Keough, Montana, during which he fought against the Crow Indians. He received an honorable discharge but had apparently developed a taste for the military life, and almost immediately reenlisted, seeing service with the 14th U.S. Infantry in Alaska, the Philippine Islands, and China during the Boxer Rebellion. He was discharged while in China, and returned to Erwin where he engaged in a hardware business until it was destroyed by a fire.



Captain James R. Brockus, WVSP (Courtesy West Virginia State Archives)

Brockus reenlisted in the Army and saw service in Texas, the Philippines again, and Arizona. He was serving on the Mexican border when he was commissioned second lieutenant at Nogales on 9 July 1917. He was sent to Officer's Training School at Fort Benjamin Harrison, Indiana. On 15 August, Brockus was commissioned captain of infantry at Camp Sherman, Ohio. He was promoted major on the last day of 1917 and went with the 83d Division to France. Following the Armistice, Major Brockus was transferred to the 128th Military Police Battalion at Laval, finally returned to the United States on 3 July 1919, and was discharged on 24 July. He quickly "enlisted again, as a first sergeant, and was sent to Fort George Wright, where he remained until 13 May 1920, when he was retired with credit and with the pay of a warrant officer for thirty year's service."⁽²⁾

After a brief visit to his old home in Tennessee, Brockus came to Charleston and enlisted in the WVSP on 29 August 1920. He was appointed lieutenant and assigned to Company B at Williamson, and promoted to captain and company commander "about a month later."⁽³⁾ It was the beginning of a stormy career fighting crime, violence, and political machinations. Captain Brockus' name became broadly (even nationally) recognized due to media coverage of martial law in Mingo County, and unionization and strike-related violence—most notably the famous Lick Creek raid, "Miner's March," and resultant Battle of Blair Mountain in August-September 1921. Those events, and Brockus' role in them, are adequately covered in other sources and need not be detailed here.⁽⁴⁾

As commander of Company B, Captain Brockus quickly became the bane of moonshiners, gamblers, and gunmen. Charleston newspapers frequently reported his leadership of anti-moonshining raids. In August 1923, for example, he led a detachment of

Company B troopers on an eight day, 284-mile patrol through Mingo County. The raiders returned with six stills and four prisoners, and reported destroying six stills, 26 mash barrels, seven tubs, two gallons of moonshine, and 1,880 gallons of mash during the course of the operation.⁽⁵⁾ A similarly strenuous anti-moonshine patrol through Mingo County in February 1927 very nearly cost Brockus his life—but not from combat. Exhausted, he fell asleep on the platform of a railroad station in the mountains and fell ill, the illness progressing from "a severe cold" to "double pneumonia" to influenza. He was "confined to his home" on 8 February, lapsed into a coma, and death seemed imminent on the 19th. At least one Charleston newspaper had drafted a highly laudatory obituary, with a blank left for inserting date of death. But "his exceptional vitality, resulting from many years of clean and upright living" appears to have seen the captain through.⁽⁶⁾

In response to the continuing levels of violence and despite strenuous labor opposition, the legislature had authorized two additional WVSP companies on 15 April 1921. Companies C and D were duly activated on 14 July, with intensive recruitment to fill the ranks. This four-company field force structure continued until the height of the Great Depression. Colonel Arnold's original distribution plan clearly concentrated WVSP strength in the troubled coal fields. Company A was to "police the northern portion of the state, this company to be somewhat larger than the other three." Brockus' Company B remained in Williamson with responsibility for "the southwestern portion of the state between Kenova and Bluefield." Company C, headquartered at Beckley, would be responsible for patrolling Raleigh, Fayette, Greenbrier, Summers, Monroe, and parts of Kanawha and Mercer counties. Company D was assigned Logan, Boone, Lincoln, Wyoming, and part of Kanawha counties. Shortly after the Miner's March, the company's headquarters were located from Borderland in western Mingo

County to Clothier in Boone County, to “make a better distribution of the forces, ...to connect with” Companies B and C, and so “the state police could take the place of federal troops when [the latter] are withdrawn from the district.”(7)

On 1 February 1924, Brockus exchanged commands for a year with Captain Thomas W. Norton of Company C at Beckley.(8) He continued his aggressive anti-moonshining campaign in his new command. A May 1924 *Charleston Gazette* article reported him “determined to make moonshining unpopular in Raleigh and adjacent counties,” and that “the troopers of the headquarters detachment have been making almost daily raids into the forest fastness for stills and illegal liquor.” Prohibition raids received high priority even in the face of greatly increased highway patrol workload. Brockus personally led many such raids. In one notable incident, he and Federal prohibition officer Gus J. Simmons led the arrest of a party of three men—one a deputy marshal and another a former Raleigh County deputy sheriff—“on the night of December 22 on the road between Princeton and Beckley.” The accused claimed that they, in turn, had captured the whisky in a raid “15 miles from Beckley.” On returning, they had “stopped at the warehouse of George Grammar to get a sack to put over the radiator of their automobile,” and were arrested by the prohibition officers as they left that place. Illustrating that diligent efforts did not always carry the day, the presiding magistrate bought their story and dismissed the charges.(9)

In an incident having broad future impact, Brockus saved the life of Lieutenant Lloyd Layman on 12 December 1924. The lieutenant had been questioning murder suspect Grady Dickens at Company C headquarters. Dickens asked for a glass of water and, when Layman briefly stepped from the interrogation room to request it, the suspect grabbed a Winchester rifle with the evident intent of killing the officer. Layman reentered the room, saw what was

happening, and also grabbed the rifle. But Dickens—described as “six feet ten inches in height and weigh[ing] 250 pounds”—struggled violently, and only relinquished the weapon when Captain Brockus stepped into the room with a Winchester in his own hands. Layman became a company commander a few years later. He and Brockus figured prominently in the legislature’s investigation of DPS corruption in the early 1930s as detailed later herein. Layman was appointed Parkersburg fire chief in 1931, and went on to establish an international reputation in fire suppression training and technology leadership.(10)

Brockus and Agent Simmons were partners in another incident which nearly cost them their careers and freedom. On 1 April 1925, they and State Police Private C. M. Arbogast conducted an early morning raid on a still situated on Beaver Creek near Shady Spring, which they previously had under surveillance. As the officers approached the still, the two operators spotted the party and began running in the opposite direction. The policemen shouted for the men to stop, then opened fire on Bee Lilly, who appeared to be carrying a rifle and running for the defensive cover offered by a large tree. Lilly was shot through the head and died “in about ten minutes.” The second moonshiner, Joe Griffith, immediately stopped and put up his hands. It subsequently developed that Lilly had been carrying a mattock, the handle of which gave the appearance of a rifle barrel. Griffith claimed that he and Lilly had not resisted, had not been running away, and were given insufficient time to react between the halt command and the fatal fire commencing. He also averred that the mattock was not in Lilly’s possession but some 50 feet away from where the man had fallen. The Raleigh County grand jury handed down murder indictments against Brockus, Simmons, and Arbogast in June 1925. However, because Simmons was a Federal agent, the trial was transferred to the Federal district court in Charleston. The trial, with Griffith as principal prosecution witness, ended



The Big Four law enforcers in the Mingo field—Captain Brockus, Judge R. D. Bailey of the circuit court, Sheriff A. C. Pinson, and martial law administrator Major Thomas D. Davis; extract from a photo published in the Charleston Daily Mail, December 11, 1921: 1, under headline “Some Martial Law Trophies in Mingo” (Courtesy Eastern Regional Coal Archives, Craft Memorial Library, Bluefield)

in a hung jury on 2 December 1925. Because the case was subject to retrial, the accused were released on bonds of \$2,500 each. Subsequent efforts to have the trial remanded to the state courts in Raleigh County were disallowed by the Federal judge.(11)

On 1 January 1925, Robert E. O’Connor, an Elkins attorney and another veteran of the war in France, had succeeded Arnold as DPS superintendent by gubernatorial appointment.(12)

Captains Brockus and Norton exchanged commands again in August 1925.(13) Brockus continued his aggressive pursuit of lawbreakers and engaged in more unusual activities. In early December 1927, he helped representatives from Logan and Williamson high schools reach agreement on future games between the schools by agreeing to provide troopers to maintain

order, in response to violence at a game the preceding Thanksgiving day. Coverage even extended to a game to be played at a park in South Williamson, located in Pike County, Kentucky. The county sheriff “agreed to swear in a sufficient number of West Virginia state police to insure ample protection.”(14) On Christmas Eve of that year, the captain was injured when he “dashed in front of an automobile to save the life of his three-year-old son....” Brockus was briefly confined to his home, but the injuries were not serious and no arrest was made in the incident.(15)

O’Connor headed the DPS for a little over four years, having been reappointed for a second term by Governor Gore. But on 11 March 1929, newly-elected Republican Governor Conley appointed Harry L. Brooks—then chief of police in Weirton and formerly chief of the Clarksburg police—as superintendent. Brooks was the first appointee who had no military experience. He initiated numerous changes in the department which eventually brought disgrace onto himself and the WVSP.(16)

One of Brooks’ first actions was to appoint former Weirton newspaperman Harry A. Cooper as chief clerk of the department, with rank of captain.(17) The DPS budget, specifically funding for a deputy superintendent salary, became a point of contention between house and senate conferees who finally agreed to leave the money in the appropriation, even though the DPS statute did not provide for such a position. Portending future political struggles, the *Charleston Daily Mail* reported, “It was understood in senate circles that the job of deputy was created for Mack Lilly, former member of the state police, former federal prohibition officer and now serving as a deputy sheriff in Logan County. It was said also that the place was to serve as a compromise for those who insisted on having a man from the southern section of the state appointed as superintendent, but Governor Conley filled the job by naming Harry Brooks, of Weirton, to succeed R. E.

O'Connor, a Gore appointee.”(18)

Just over a week after taking office, Chief Brooks—apparently so styled because he had no prior military rank—ordered a controversial transfer. He directed Sergeant Jay Rowe, who had commanded the Logan detachment since February 1926, to switch places with Sergeant W. G. Brown. Rowe was regarded as “an exceptionally efficient officer” and his “conduct in office recently received the public approval of several civic organizations. The belief is held locally that Rowe’s transfer was due to a disagreement with [Logan County] Sheriff Joe Hatfield.”(19)

Just over a year later, Brooks commenced what might be termed the “May Massacre.” On 8 May 1930 he announced “an efficiency move for the general good of the service”—the transfer of 14 WVSP personnel effective on the 9th. At the top of the list, Brockus was ordered to exchange commands with Captain Layman and assume command of Company D at Parkersburg. Lieutenant Silas B. Jennings was directed to accompany Layman to Williamson, and Sergeant S. B. Murphy to go with Brockus to Parkersburg. Ten other troopers in the grades of corporal and private were transferred among detachments across the length and breadth of the state. It was noted that the “list of transfers is among the largest in several years and the largest under the regime of Superintendent Brooks. It is the first time in four years that any captains have been transferred.”(20) Next, on 10 May, Brooks promoted First Sergeant Al M. Long to lieutenant as second in command of Brockus’ Company D, replacing an officer transferred to command the traffic division at headquarters in Charleston.(21) Finally, on 18 May, Brooks announced that Company B’s First Sergeant Thomas Barton would be promoted directly to captain (skipping lieutenant) on 1 June, to take command at Williamson. Captain Layman had refused transfer and resigned from the WVSP, as had Lieutenant Jennings. Unusually, Barton assumed command at his first

sergeant’s grade in order to relieve Captain Cooper, the DPS chief clerk, who had been acting at Williamson since Layman’s resignation. Chief Brooks noted that the lieutenantancy created by Jennings’ resignation remained to be filled. “Then, the long list of transfers, changes, resignations and promotions that started early in the month will be brought to an end.”(22)

Governor Conley, elected in 1928, was a Republican. The combination of the Great Depression and “Democratic victories in the state elections in 1930, resulting in the first Democratic legislative majority in West Virginia since 1923, made [him] a virtual lame duck halfway through his term.”(23) Early in its regular session, the Democrat-controlled house resolved on 23 January 1931 to “investigate the department of public safety as to the extravagance of public funds, inefficiency in office and undue political activity.”(24) The investigation sparked controversy even before Delegate John H. Campbell, the committee chair, held the first public hearing on 2 February. As the 29 January *Charleston Gazette* reported, “Despite [Campbell’s] announcement... that the probe of the department of public safety will not begin until next week, a secret session of the group was held with Capt. J. R. Brockus of Parkersburg on the carpet for questioning.” The session was convened without the knowledge of Brooks or any other DPS officers, and the superintendent had not been officially notified of the probe. Brockus and Layman, who also appeared before the committee in advance of public hearings, were considered star witnesses because of their forced transfer and requested resignation, respectively. Layman had also been “a candidate for the superintendency against both Brooks and Major R. E. O’Connor, Brooks’ predecessor.” O’Connor, then a lawyer in Charleston, was retained as DPS chief counsel in the investigation, to defend Brooks and other WVSP officers “from charges when the hearings were opened to the public.” There was “some

speculation as to the stand that... Brooks will take when he learns of his officer [Brockus] appearing before the group without notifying his superior.”(25)

The committee held hearings and conducted its investigation between 2-27 February, and Campbell submitted its report on 5 March 1931. The report constituted a thoroughgoing attack on Brook’s administration of the DPS, asserting that “almost immediately following the appointment of Chief Brooks the process of disintegration and demoralization manifested itself, and has continued to such an extent that so far as concerns two of the companies, Company B and Company D [lack of time prevented investigation conditions in Companies A and C], they have to a large extent degenerated into political machines, or institutions rather for the protection of vice and crime than agencies for their suppression.”(26)

The report detailed a series of actions on Brooks’ part to facilitate the desires of the Hatfield Republican faction in Logan County to remove Brockus from their jurisdiction so they could pursue criminal activities without WVSP interference. Many of the following actions have been noted earlier in this paper.

- switching Sergeants Rowe and Brown, the latter “being very intimate with the sheriff’s office of Logan county;” the transfer being “made on a departmental order” without Brockus’ approval; and Sergeant Brown thereafter violating the chain of command by routinely “transacting his business direct with departmental headquarters in Charleston;”
- arranging to have Brockus exchange commands with Captain Hobart A. Brown of Company A—who conveniently was Sergeant Brown’s brother—with Captain Brown making a public statement that when he came down to Williamson he would “bring with him ‘men who would play the game’” (alluding to cooperation with the local Republican faction); the report

noted that this arrangement was not consummated, for reasons unknown;

the Hatfields “and their political connections” instigating “a fierce campaign” to have Sergeant Brown appointed as Company B commander vice Brockus; resulting in the solicitation and filing of 57 letters requesting same with Brooks “from business men, but mostly from Republican politicians” within 12-15 days during June 1929;

the promotion of Trooper Richard E. Brooks—the superintendent’s son—to sergeant and appointment as second in command of the Logan detachment;

Sergeant Brown notifying the Hatfields of Brockus’ plan to lead a raid “on Harts Creek, and... passing the Hatfield homestead... where large quantities of liquor were usually kept,” so that “an ambushade was laid by the Hatfields at the old home place on Island Creek to destroy Captain Brockus” and his raiding force; the report did not explain why this perfidious action did not come to pass;

faced with the failure of “all these plots,” Brooks removed Logan and Boone counties from the Company B to the Company C area of geographic responsibility; almost immediately thereafter, “a carload of money-paying slot machines” arrived for the Hatfields, who quickly distributed them throughout Logan County with no WVSP interference; but when they attempted to extend the slots to Mingo County, “Captain Brockus promptly put a stop to their operation;”

the soliciting of false affidavits from “notorious moonshiners” that Brockus had promised “them protection in the liquor traffic;” the affidavits were proven false through investigation by the U.S. attorney for the southern district of West Virginia, leading to a guilty plea by the moonshiners and Sergeant Brown’s prompt resignation from the State Police—whereupon he

was “immediately taken over by the Hatfields as chief deputy sheriff of Logan county”; and finally,

- the directed exchange of command between Captains Brockus and Layman on 9 May; Brooks requesting Layman’s resignation three days later, and Lieutenant Jennings’ two days after that; then promoting First Sergeant Barton to command Company B and Sergeant Brooks (then in charge of the Logan detachment) to the company’s vacant lieutenantcy.(27)

The committee report cited several unsavory actions in addition to those designed to displace Captain Brockus:

- several WVSP officers—including Brooks, his son, Captains Cooper and Barton, and several sergeants and troopers (all in uniform except for Chief Brooks)—were among “fifty or more” people, including numerous politicians, law enforcement and judicial personnel, and business men from Logan and surrounding counties, who attended a party on 6 June 1930 at the Hatfield old home place where liquor was freely consumed to “more or less advanced degrees of intoxication”; the allegations were denied by many participant-witnesses, including all WVSP members other than three troopers; the committee castigated these denials as perjury and the party itself as “a christening of the unholy alliance between the Hatfield regime in Logan county and the State Police Department”;
- for five or six days in September 1930, Lieutenant Brooks had established a so-called “State Police camp” near the headwaters of Harts Creek in Logan County “at an expense of several hundred dollars to the department”; he “went to and took charge of that camp in a state of beastly intoxication,” and intoxicating liquors were “kept there and freely used by members of the Police Department there present, and visiting civilians, in generous quantities”; a black cook hired from Logan was “dressed up and bedecked” with parts of (if not the regulation) WVSP uniform, and had his picture taken “posing with a large knife or dagger in his teeth”—the photograph being “generously distributed”; the committee characterized the camp and associated incidents as “disgraceful in the extreme” and having a “tendency to destroy confidence in and respect for” the DPS; the committee also noted that Lieutenant Brooks was discharged shortly thereafter, “presumably upon the demand of the governor”;
- that State Police connived or (at least failed to intervene) in efforts by the Logan County political machine to blow up a newspaper in Boone County which had been sharply critical of the Hatfield operation; had facilitated the escape of Amos Sullivan, a Logan County sheriff wounded in the attempted bombing; and were negligent in failing to effectively help Boone County deputies chase and apprehend Sullivan;
- the promotion of Company D’s Sergeant Long to executive officer (lieutenant) the day after Captain Brockus was reassigned as company commander; thereafter Long violated the chain of command, with Brooks’ sanction, by directly contacting the superintendent in the same manner as Sergeant Brown had in Company B; that this action seriously damaged morale and discipline in the company area and kept Brockus in the dark regarding events in the northern portion of his area of responsibility; the promotions of Long and (later) other company personnel were made without the recommendations or knowledge of Captains Layman or Brockus; and discharges recommended by the two captains for serious breaches of discipline were ignored;
- the DPS improperly acquiring title to an abandoned vehicle, altering its appearance to disguise its identity, and subsequently trading it for another more expensive automobile purchased from a civilian, paying the price difference with departmental funds; that Brooks had made personal use of the more expensive vehicle; that when the vehicle was identified as

stolen and claimed by an insurance company; the department gave the civilian one of its cars in exchange so it could retrieve the stolen vehicle and surrender it to the insurance company; that Captain Cooper had requested the officer who originally found the stolen car to submit a falsified (backdated) report; and that there were “one or two, and possibly several, stolen cars which have been taken over” and used by the DPS (strangely, the misuse and questionable acquisition of stolen automobiles consumed more pages in the committee’s report than any other topic);

- that Brooks had, almost immediately upon entering office, “set about to make of the Department of Public Safety a political machine to promote the interests especially of a certain faction of the Republican party,” as evidenced by acceding to requests from local and state politicians and court officials to delay or deny promotion or enlistment or reenlistment to Democrats; enlisting or reenlisting discharged Republican applicants under questionable circumstances; recruiting applicants who “if their educational qualifications are to be judged by their handwriting... would [not] come up to the educational qualifications required of a trooper”; using WVSP personnel to post election campaign materials and transport Republican voters to polling places; having Captain Cooper obtain “voluntary contributions” to the Republican campaign fund from DPS commissioned officers just prior to the November 1930 elections; and permitting use of a detachment facility as a voting place;
- widespread distribution of “courtesy cards” which implied that bearers would receive “special considerations at the hands of a state policeman”;
- appointing “courtesy members” and supplying them with uniforms, badges, and accouterments; granting them free public transportation; and allowing them to purchase gasoline for their private cars “on the credit of the Department”;

- soliciting endorsements for promotion, enlistments, and other personnel actions, rather than relying on merit examinations and the recommendations of company commanders; and,
- using monies from the State Road Commission road fund to unlawfully increase the salaries of Captain Cooper, the traffic division director, and a bookkeeper, whenever certain of the commission’s duties “devolved... upon the Department.”(28)

The committee concluded its report with several recommendations, most notably that “for the good of the Department the services of Chief Harry L. Brooks, Capt. Harry A. Cooper, Capt. Thomas Barton and Lieut. A. M. Long should be promptly dispensed with.” The committee opined that the department’s manpower and appropriations should be reduced by roughly one-third. Finally, the committee stated it was “greatly indebted to Captain Brockus... for his courageous stand as a witness,” praised other WVSP witnesses, and suggested that Captain Layman and Lieutenants Jennings (the victims of coerced resignations) be placed on the eligible list “for reenlistment to their former grades” should they desire to do so.(29)

Reacting to revelations in the committee report, the *Charleston Gazette* of 4 March editorialized,

...when our state troopers are policing our highways they are a capable and efficient bunch but when they get mixed up in political machinations their value shrinks considerably. In other words, as brought out by the investigators of the department of public safety, there is convincing evidence of politics in the department from top to bottom. And all the taxpayer is asked to do is to go ahead and foot the bill. Only, he loses a first-class, high-grade highway patrol and in return gets a bunch of

third-rate politicians. We think it is a little to [sic] much.(30)

The committee report ignited a political firestorm which led to charges being filed before the DPS board of commissioners against Chief Brooks and other officers, and to Brooks' resignation and replacement as superintendent by Dr. Robert L. Osborne on 10 June 1931. Osborne was the former city manager of Clarksburg and brought "long military experience" to the appointment. He confided to a newsmen his intention to make the WVSP "second to none in the United States. It will be continued as semi-military, as it was in the beginning and as it should be."(31) Osborne was himself succeeded by Presley D. Shingleton of Clarksburg, another World War veteran, on 8 March 1933.(32)

Shingleton oversaw a major DPS restructuring from Depression-related budget reductions. Effective 1 July 1933, personnel and equipment of Companies C and D were transferred to the remaining Companies A (Haywood Junction) and B (Charleston). In addition, 18 men were reduced by one rank, and 17 detachment rental barracks were closed. Captain Brockus was placed in command of Company A, with both of the surplus company commanders (Thomas Barton and Frank Gibson) assigned under him as lieutenants. Captain Hobart A. Brown moved from Haywood Junction to take command of Company B. In addition to grouping officers and men more closely together, the reorganization changed the department's mission to "consist mainly of highway patrol and work on major crimes. The old system whereby they did general police work in the towns where they were stationed is to be abandoned." As additional funding became available, Company C was reactivated at Elkins on 1 August 1935, and Company D at Beckley on 1 March 1936.(33)

Captain Brockus was becoming a prominent voice in the state's highway safety campaign. In

May 1934, addressing the Fairmont Rotary Club, he challenged: "When the day comes in West Virginia that a state policeman has to turn in his badge and uniform because he will not protect a drunken driver, no matter who he may be, I'll be more than glad to 'check in' and step out of the service." His remarks were interpreted by some newspapers as implying that "attempts had been made to use political influence to protect traffic law offenders."(34) A year later, while participating in a state road commission traffic safety conference, he "scored prosecuting attorney who he said 'go out of their way to aid' the intoxicated drivers of automobiles, and declared he will continue to try to 'expose those who condone it.'"(35)



Sergeant Thomas Barton, Lieutenant Silas B. Jennings, and Captain Brockus; extract from photo of Company B on the Mingo County court house steps, 1921 (Courtesy West Virginia State Police Archives)

Brockus played a major role in filling out the WVSP ranks during 1935. After attending a police school at Ohio State University in March, he participated in candidate interview boards

and commanded the recruit training school during May-June at Camp Conley, a National Guard facility near Point Pleasant. Of the 100 trainees who completed the course, 75 were appointed to the force and the remainder placed on a reserve list for possible future employment.(36)

Two weeks after the Camp Conley school ended, Captain Brockus learned that he would be dismissed from the force. In July 1935, he visited Shingleton while “en route to Huntington, where he has moved his family from Fairmont.” On the 12th, he told newsmen that there was nothing to reports that he would retire or be dismissed. Shingleton also declined to discuss Brockus’ future. On the 18th, Shingleton announced that the captain was on an “indefinite leave of absence” effective that day, but provided no reason for the action. On 19 July, the superintendent announced that Brockus was to retire from the service on 1 August. Brockus remarked, “I don’t know a thing about it” and that he had received a 15 day leave of absence, then declined further comment. By contrast, Shingleton “asserted Brockus is definitely ‘out’ after an indefinite period of absence.” In a 10 August interview from Huntington, the captain denied reports of his having claimed that racketeers in Clarksburg and Fairmont had brought enough pressure to have him removed. He also stated that the Harrison County prosecutor had recommended his discharge earlier because “I interfered with authorities there who turned loose some drunken drivers, but as far as I know that had nothing to do with letting me out.” As to reports that he was being considered for the job of Wheeling police chief, he stated, “I don’t know what I’ll do. I have no plans.”(37)

Evidently Brockus’ perception had changed by the beginning of the new year. In a January 1936 letter he charged, “The law abiding citizens of this state are not responsible for my removal. The slot machine racketeers, and the numbers racketeers in Fairmont and Clarksburg

have been after me for a long time.” He claimed that Clarksburg slot operators had “threatened him with the loss of his job unless he returned confiscated slot machines to them.” Such racketeers, in addition to fleecing the public, “extended their slimy tentacles out to influence, if not to control, the official life of whole cities and communities.” He again railed against attorneys who threatened the public safety by defending drunken and reckless drivers, averring that such a lawyer “should not object to the application of his true and correct title, that of shyster.” He claimed it was virtually impossible to secure a conviction in his former company area, and nothing “killed the spirit” of a state trooper more effectively than seeing a guilty defendant “set free by means of conniving and trickery.”(38)

On 3 January, Governor Kump “declared he saw no evidence of racketeers influencing the department of public safety after [Brockus]... charged law breakers influenced appropriations.” The governor opined, “If racketeers have intruded themselves in the department of public safety, I have no knowledge of it or see no evidence of it. As to local police regulations, that is a matter for local authorities.” Superintendent Shingleton had still not “made public the reason for Brockus’ dismissal... and remarked: ‘If racketeers influenced the appropriation for this department, they certainly did it in the right way, for the appropriation was doubled by the last legislature over that of the previous biennium.’” The controversy stirred by Brockus’ letter was such that instructors at WVSP in-service training school stressed the need for trooper impartiality, freedom from obligation to politicians and racketeers, and maintaining high standard in awarding driver licenses to applicants.(39)

Brockus last attained public prominence through an unsuccessful bid for back pay. In September 1937, he filed a writ of mandamus for a hearing before the state supreme court, demanding payment of \$2,400 pay improperly

withheld. He had been appointed in August 1934 to a two-year term as captain, given an indefinite leave without pay one year before his enlistment period expired on 10 August 1936, and “never has been officially dismissed.” At the 20 October hearing, the state auditor and the new superintendent (Charles C. Tallman) testified that Brockus should have appealed what he termed an “illegal leave of absence” to the DPS board of commissioners back in 1935. An assistant state attorney general further stated that funds appropriated in 1935-1936 to pay WVSP salaries were not then available (the appropriation having expired), and that no funds for such purposes were available in the current year’s appropriation. In its 23 November decision, the court’s four justices split 2:2, automatically denying Brockus’ claim. On 17 January 1938, the court also denied Brockus’ request for a rehearing.(40) The former captain tried once again in 1942, this time filing with the state court of claims. Following a 22 January 1943 hearing, the court denied his request on 29 July. The court found that the “evidence showed that he had legally been placed on the absence without pay list and also was physically unfit for duty.”(41) Fitness for duty had not been mentioned in earlier rulings, although Brockus had turned 60 in August 1935.

Living quietly thereafter, James R. Brockus died at his home in Huntington on 16 November 1966, at age 93, after a prolonged illness. The cause of death was reported as arteriosclerotic cardiovascular disease. He was buried at Ridgelawn Cemetery (now Ridgelawn Memorial Park) in Huntington on the 17th.(42)

Notes

1. The title of this article is based on a veteran WVSP sergeant’s reported characterization of Brockus as “the meanest old son-of-a-bitch what ever sh** behind a pair of shoes.” C. C. Stewart, “A Boy’s Dream,” *Goldenseal* 25 (Spring, 1999): 39. For a detailed study of the controversial creation of the DPS, see Merle T. Cole, “Birth of the West Virginia State Police, 1919-1921,” *West Virginia History* 43 (Fall 1981): 1-20.
2. James Morton Callahan, “James R. Brockus,” in *History of West Virginia, Old and New in One Volume and West Virginia Biography, in Two Additional Volumes by Special Editorial Staff of the Publishers* (Chicago and New York: American Historical Society, Inc., 1923) 2:243-244. Callahan states that Brockus “has the rank of lieutenant colonel in the United States Army Reserves,” and consistently refers to him by that rank. U.S., War Dept., Adj. Gen’s. Ofc., *Official Army Register, January 1, 1936* (Washington, 1936): 1247, shows that Brockus attained the rank of major on the retired List. Callahan also notes that Brockus was “a member of the American Legion, a thirty-second degree Mason and a member of the Shrine.” “Indian Wars Vet, 93, Dies,” *Charleston Daily Mail* (hereafter *Daily Mail*), 16 Nov. 1966: 30, states that Brockus “saw service in the Crow uprising in Montana in the 1890’s....”
3. Callahan; “Warrior Outlived Obituary 40 Years,” *Daily Mail*, 17 Nov. 1966: 43.
4. Merle T. Cole, “Martial Law in West Virginia and Major Davis as ‘Emperor of Tug River,’” *West Virginia History* 43 (Winter 1982): 118-144; “‘Mere Military Color:’ The State Police and Martial Law,” *West Virginia Historical Society (WHS.) Quarterly* 17 (July 2003): 1-13; and untitled pictorial essay in the WHS. *Quarterly* 17 (October 2003): 1-10. A Beckley newspaper particularly focused on the State Police role during the Miner’s March. See “State Police Hold Logan County Line,” *Raleigh Register*, 11 Nov. 1921: 2.
5. “Moonshiners Withdrawing Farther Into Mountains,” *Daily Mail*, 10 Aug. 1923: 2. Prohibition began in West Virginia in 1914, following ratification of a prohibition amendment in November 1912. State prohibition was enforced under the Cost law, which created the Department of Prohibition in 1913. The legislature ratified the 18th Amendment to the U.S. Constitution on January 8, 1919 (being the 21st state to do so). National prohibition came into effect under the Volstead Act effective January 16, 1920. When national prohibition was repealed in 1934, voters passed conforming amendments to the state constitution. Mary Marila, “Prohibition,” in Ken Sullivan (ed.), *The West Virginia Encyclopedia* (hereafter *WVU*) (W. Va. Humanities Council: Charleston, 2006): 589
6. “Captain Brockus’ Condition Grave,” *Charleston Gazette* (hereafter *Gazette*), 20 Feb. 1927: 9; “Brockus Resting Easily is Report,” *Gazette*, 21 Feb. 1927: 1; “Captain Brockus Winning Battle,” *Gazette*, 26 Feb. 1927: 5; “Warrior Outlived Obituary 40 Years,” *Daily Mail*, 17 Nov. 1966: 43.
7. Cole, “Birth,” fn. 43-44; “State Police Hold Logan County Line,” *Raleigh Register*, 11 Nov. 1921: 2; “Company D Sent Into Coal River District,” *Daily Mail*, 30 Oct. 1921: 1. It appears that Brockus was the first (and perhaps the only)

officer to command all four lettered companies.

8. "Warrior Outlived Obituary 40 Years," *Daily Mail*, 17 Nov. 1966: 43; "Heart Attack Takes Captain," *Gazette*, 11 Oct. 1931: 1. The WVSP had a policy "to not leave men in one community too long." "Appointments Made in State Police Force," *Gazette*, 26 Oct. 1924: 18.
9. "Police Make Rum Raids in Raleigh," *Gazette*, 3 May 1924: 2; "State Police Find Time to Wreck Many Stills," *Daily Mail*, 26 Aug. 1924: 6; "Raleigh Men Are Freed of Charges," *Daily Mail*, 5 Jan. 1925: 9; "Lawless Element Takes Vacation," *Daily Mail*, 16 Sep. 1924: 2; "Trooper Highway Patrol Increases," *Daily Mail*, 13 Nov. 1924: 10.
10. "Enraged Outlaw Attempts to Kill State Policeman Who Was Quizzing Him on Shooting," Beckley *Evening Post*, 12 Dec. 1924, cited at Web site "Grady Dickens" at <http://freepages.genealogy.rootsweb.ancestry.com/~nylasgenealogy/gradydickens.html> (accessed 14 Feb 2009); J. C. Robertson, "Father of fog: Lloyd Layman," Fire Chief.com, 1 May 2000, at http://firechief.com/mag/firefighting_father-fog_lloyd (accessed 14 Feb. 2009).
11. "News From Beckley," *Gazette*, 14 June 1925: 10; "Trial of Brockus to be Held in Federal Court," *Daily Mail*, 25 June 1925: 3; "Officers Face U.S. Jury for Killing Bee Lilly," *Daily Mail*, 30 Nov. 1925: 1; "Says Officers Fired Thinking Lilly Had Rifle," *Daily Mail*, 1 Dec. 1925: 1; "Lilly Murder Case Opens in U.S. Court," *Gazette*, 1 Dec. 1925: 7; "Jurors Trying Three Officers Fail to Agree," *Daily Mail*, 2 Dec. 1925: 1; "Jury Locked After 6 Hours in Lilly Case," *Gazette*, 2 Dec. 1925: 1; "To Ask Remand of Trial to Raleigh," *Daily Mail*, 6 Dec. 1926: 1; "Judge to Decide Simmons Dispute," *Gazette*, 23 Dec. 1926: 6. Dates of the Lilly incident are confused in several newspaper articles. I have elected to use 1 April 1925, as it is stated clearly in the *Daily Mail* of 30 Nov. 1925. Interestingly, while under indictment and awaiting trial, Capt. Brockus served as marshal of Beckley's Independence Day parade on 4 July 1925. "Unlike 1925, July 4 Was Quiet Here," *Raleigh Register*, 5 July 1972: 4. Unfortunately, Simmons was not destined to enjoy his freedom for very long. On 11 July 1927, he was killed and another state prohibition officer wounded when ambushed by moonshiners "near the head of Little White Oak Creek" in Wyoming County. Simmons had resigned his Federal position and transferred to the state prohibition department on 1 June. "Gus Simmons Shot Dead From Ambush" and "Simmons Had Been Officer Six Years," *Daily Mail*, 12 July 1927: 1. Simmons was a native of Jumping Branch district (Summers County) here he farmed there until he joined the prohibition service. He explained to friends that moonshiners in the district had gotten his son intoxicated and ignored his warnings against repeating the offense, so he joined the service to fight them. He was survived by his mother, and a widow and 5 children in Beckley. *Ibid.*
12. "R. E. O'Connor Is Named Head of State Police," *Daily Mail*, 24 Dec. 1924: 1; "O'Connor [sic] Will Succeed Arnold," *Gazette*, 26 Dec. 1924: 1; "New Head of State Police Is Getting Acquainted With Job," *Daily Mail*, 4 Jan. 1925: 1; "O'Connor Selection Is Popular Choice," *Daily Mail*, 4 Jan. 1925: 5; "New Head of State Police Joined Army As A Private," *Gazette*, 6 Jan. 1925: 10; "Efficient Force, O'Connor's Object," *Daily Mail*, 22 Feb. 1925: 8. Ironically (in light of the 1931 corruption scandal), during the hunt for a successor to Arnold, the *Weston Democrat* opined that no man "without a great deal of military experience can successfully command a military organization. The head of the state police should first of all be a soldier. Every member of the state police is an ex-service man, and surely their commander should be the same." "Arnold Record Praised," *Gazette*, 4 Jan. 1925: 8. O'Connor had commanded a battery of heavy artillery, and newspapers variously referred to him as captain (his last Regular Army grade) or major (his rank in the Coast Artillery Corps officers reserve).
13. "Norton to Return to Beckley Post," *Gazette*, 15 Aug. 1925: 10; William R. Diehl, "State Cops Area Necessary for Public Safety," *Raleigh Register Supplement*, 22 Sept. 1935: 2.
14. "Sport Relations Resumed Between Logan-Williamson," *Daily Mail*, 8 Dec. 1927: 12.
15. "Capt. Brockus Still Suffers from Hurts," *Daily Mail*, 31 Dec. 1927: 1.
16. "Brooks Mentioned," *Daily Mail*, 7 March 1929: 12; "Townsend Is made Tax Commissioner; Brooks Gets Post," *Daily Mail*, 10 March 1929: 1.
17. "Brooks Sworn In As Head of Police," *Daily Mail*, 11 March 1929: 10.
18. "Budget Is Passed; Legislature Quits," *Daily Mail*, 17 March 1929: 1.
19. News of Neighboring Towns: Logan," *Daily Mail*, 19 March 1929: 2.
20. "Brooks Transfers 14 State Police," *Gazette*, 9 May 1930: 1.
21. "Sergt. Al Long Wins Promotion," *Gazette*, 11 May

- 1930: 18.
22. "Barton Raised to Captaincy," *Gazette*, 18 May 1930: 3. In August 1930, Brooks moved Putnam and Mason counties from Company D (Brockus) to Company B (Barton) geographical areas of responsibility, de facto transferring another four troopers, supposedly "to equalize the territory and the work of the two companies." "State Police Transfer Announced by Brooks," *Gazette*, 21 Aug. 1930: 16.
 23. John Hennen, "William Gustavus Conley," in *WVE*: 160-161. All of Conley's successors were Democrats until Cecil H. Underwood was elected in 1957.
 24. W. Va., Legis., House of Delegates, *Journal of the House of Delegates of West Virginia, Regular Session, 1931* (hereafter *J. House*) (Charleston: 1931): 868.
 25. "Public Safety Probers Query Capt. Brockus," *Gazette*, 29 Jan. 1931: 1.
 26. *J. House*: 868-870.
 27. *J. House*: 871-873. Political corruption and officially sanctioned violence in Logan County are discussed in Howard B. Lee, *Bloodletting In Appalachia: The Story of West Virginia's Four Major Mine Wars and Other Thrilling Incidents of It's Coal Fields* (W. Va. University: Morgantown, 1969): 87-140. Typically, Brockus got into the swing of things soon after his transfer to Company D, personally leading a joint WVSP-state prohibition raid on bars in Wheeling. "Two Wheeling Bars Invaded by Raiders," *Daily Mail*, 24 June 1930: 1. He also led a 40-man task force which used tear gas against unruly strikers in October 1932, during the Weirton Steel Corporation strike. Charles P. Anion, "A History of the Labor Movement in West Virginia," *diss.*, (U. of N.C., 1940): 283.
 28. *J. House*: 874-900. See also "Exchange Notes on Police Probe," *Gazette*, 3 Jan. 1931: 1; "Brooks Attempted to Stop Testimony, Corporal Asserts" *Daily Mail*, 11 Feb. 1931: 1, 14; "Wild Goose Chase Kept Deputy From Explosion Scene," *Gazette*, 11 Feb. 1931: 1, 8; and "Brooks' Removal Asked by Probers," *Daily Mail*, 5 March 1931: 1, 14.
 29. *J. House*: 900-901 Notably, the sole Republican member of the committee refused to concur and filed a minority report on 11 March. *J. House*: 1103-1107.
 30. "Note on Progress," *Gazette*, 4 March 1931: 6.
 31. "Houses in Deadlock Over Brooks Charges," *Daily Mail*, 8 March 1931: 1, 11; "Charges Filed Against Brooks," *Gazette*, 8 March 1931: 1, 4; "Lee Sidesteps Brooks' Trial," *Gazette*, 13 March 1931: 1; "Brooks Hearing Is Delayed by Board," *Daily Mail*, 25 March 1931: 1, 11; "Brooks' Attorney Suggested Ouster Move, Says Byrne," *Daily Mail*, 8 May 1931: 1, 13; "R. L. Osborn Appointed Head of State Police," *Daily Mail*, 10 June 1931: 1; "Osborn Gets State Police Appointment," *Gazette*, 11 June 1931: 1, 6; "New Head of State Troopers Tells of His Hopes for Force," *Daily Mail*, 14 June 1931: 9; "Brooks Ousted to Let Osborn Qualify Early," *Gazette*, 26 June 1931: 1, 16. Osborn had served in the Spanish-American War and the World War—in the latter, as colonel of infantry with the 38th Division in France.
 32. "New Mine Chief Expected Here Monday; Other Officials on Job," *Gazette*, 11 March 1933: 2; "'Shing' Named," *Gazette*, 31 March 1933: 6. Shingleton had been a charter member of the American Legion post at Clarksburg, served as post commander, and had worked with his brother in a wholesale feed and produce business, then "for several months in insurance."
 33. WVSP field structure remained at 4 units until the Turnpike Division was activated in Sept. 1954 to patrol the newly opened West Virginia Turnpike. Headquartered at Port Amherst, it was re-designated Company E in June 1977. In a major 1998 reorganization, "troop" designations replaced former companies. Today there are six field troops (including one for the Turnpike), one designated as the Bureau of Criminal Investigations, and one for Headquarters. Cole, "Birth" : 20, fn. 43-44; Merle T. Cole, "State Police," in *WVU*: 678-679; "State Police Reorganized in Two Companies," *Gazette*, 2 July 1933: 1, 9.
 34. "Without Fear or Favor," *Raleigh Register*, 25 May 1934: 1.
 35. "To Campaign on Drunk Drivers," *Raleigh Register*, 5 May 1935: 6.
 36. "Trooper Rookies Will Break Camp at Pt. Pleasant Today," *Gazette*, 29 June 1935: 1, 7; "More Than 4,000 Apply for State Police Positions," *Daily Mail*, 17 March 1935:13; "70 Persons Apply for Police camp." *Daily Mail*, 24 March 1935: 28. Although the announcement stated that about 80 members would be recruited, the DPS received over 4,000 applications! A retired state trooper recalls the training at Camp Conley. A Marine Corps veteran, he "reported to headquarters, where a huge captain who appeared not to like anyone, and especially me, was seated behind a desk. The nameplate said Captain Brockus. I guessed him to be about 50 years of age. When I gave him my name, he checked a list and told me to report to the large assembly tent where I would be told about the school. 'Aye, aye, sir,' I said in my best Marine Corps manner, and he exploded, 'This is no damned Navy. We operate and talk like the Army and don't you forget it.' I was so scared I trembled in my shoes but managed to reply, 'Yes, sir.' He glared at me and said, 'That's more like it. You might have sense enough to last a couple of days.' He then waved his hand in dismissal...." Brockus later addressed the assembled recruits, "indicating that he felt we should feel honored that the great state of West Virginia had seen fit to invite us to attend this school. From his demeanor, I gathered we

- should genuflect every time 'West Virginia' or 'state police' was mentioned." Stewart: 39-41.
37. "Brockus Denies Reports of Pending Retirement," *Gazette*, 13 July 1935: 2; "Brockus Granted 'Indefinite Leave,'" *Gazette*, 19 July 1935: 1; "Brockus Retires From Department," *Gazette*, 20 July 1935: 1; "Brockus Loses Police Position," *Raleigh Register*, 11 Aug. 1935: 2. The *Williamson Daily News* reacted strongly to rumors of Brockus' removal: "It is the opinion of those who know that Capt. Brockus has been one of the department's most efficient officers. In fact, we know of no other officer of the State Police who has equalled [*sic*] Capt. Brockus' record. He has been a continual thorn-in-the-flesh of the evil doer, to the racketeer, the gambler and the underworld generally. This element has frequently tried to frame him, and his dismissal would appear to be a victory for it. Newspaper reports show him always relentlessly after the lawbreakers [in the northern counties]. We hope this has not proved his undoing." Quoted in "From Other Editors," *Beckley Post-Herald*, 16 July 1935: 8.
 38. "Brockus Raps Topsy Driving, Half-Hearted Prosecution," *Gazette*, 3 Jan. 1936, 1,4; "Point Out Driving Dangers to Autoists, Police Told," *Gazette*, 7 Jan. 1936:16.
 39. "Trooper Efficiency is Praised by Kump, Answering Brockus," *Gazette*, 4 Jan. 1936: 6; "Point Out Driving Dangers to Autoists, Police Told," *Gazette*, 7 Jan. 1936:16.
 40. "Brockus Asks Year's Salary," *Daily Mail*, 27 Sept. 1937: 12; "Brockus Asks Year's Salary," *Daily Mail*, 28 Sept. 1937: 7; "Brockus Suit for Pay to be Heard," *Daily Mail*, 17 Oct. 1937: 9; "Brockus Plea Termed Tardy," *Daily Mail*, 20 Oct. 1937: 1; "Ex-Officer Loses Move for Salary," *Daily Mail*, 23 Nov. 1937: 1. One of the judges favoring Brockus' claim was Haymond Maxwell, who had given a speech to trainees at the 1935 camp at Camp Conley. "Trooper Rookies Will Break Camp at Pt. Pleasant Today," *Gazette*, 29 June 1935: 1, 7.
 41. "Coal Company Asks \$181,536 of State," *Gazette*, 18 Dec. 1942: 14; "Back Pay Claim Heard," *Gazette*, 23 Jan. 1943: 7; "Brockus Wage Claim Denied," *Daily Mail*, 30 July 1943: 2; "Claims Court Refuses Ex-Capt. Brockus' Plea," *Gazette*, 30 July 1943: 18.
 42. *Index and Register of Deaths—No. 12—Cabell County, West Virginia* (W. Va. Division of Culture and History, Vital Research Records Web site http://www.wvculture.org/vrr/va_dcsearch.aspx); "Veteran of 3 Wars Dies at 93," *Gazette*, 16 Nov. 1966: 44; "Indian Wars Vet, 93, Dies," *Daily Mail*, 16 Nov. 1966: 30; "Warrior Outlived Obituary 40 Years," *Daily Mail*, 17 Nov. 1966: 43. The latter obituary noted that he had married "Katherine Keadle of Williamson, the daughter of N. J. Keadle, first sheriff of Mingo County." The marriage certificate is at Vital Research Records Web site http://www.wvculture.org/vrr/va_view.aspx?Id=10337578&Type=Marriage. The captain was 47, while his bride was only 22. Brockus is interred in lot C, site 779-B at Ridgelawn Memorial Park.

Lois Marian Clements McLean

We regret to announce that a long-time member of the West Virginia Historical Association, Lois McLean, passed away in November 2008. An Indiana native and graduate of Perdue, Lois adopted West Virginia as her home and became interested in the state's history. She was noted for her research and writing on Mother Jones. While serving as a USO entertainer during World War II, she met and married Dr. William D. McLean. She and Dr. McLean had three sons, John David, Paul Joseph and Marc Andrew who survived her.

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