

## JOHN BANNON'S TESTIMONY BEFORE THE FEDERAL COURT

Q.—By Mr. Todd.—After this did you proceed to Los Angeles?

A.—I proceeded to Los Angeles.

Q.—And did you there conduct an investigation?

A.—I did.

Q.—And in the conduct of that investigation did you employ the service of a stenographer who took the minutes of the investigation?

A.—I did.

Q.—And is this a transcript of the stenographic record of that investigation?

A.—That is.

Q.—How long did that investigation take, about?

A.—The 24th of August from 10 a. m. until about 3 or 4 o'clock in the afternoon, and part of the 25th of August.

Q.—After that investigation did you return to your headquarters at Chicago?

A.—No. I continued a further investigation between Los Angeles and San Francisco, and returned again to Los Angeles but while at San Francisco I had completed my investigation and found it necessary to remove thirteen of the officials of the organization for their conduct.

Mr. Rush.—Just a moment. We object to that as not responsive to the question.

The Court.—That is immaterial. It is stricken out.

Q.—By Mr. Todd.—Did you, after that investigation, remove from office Woodbeck, and any other officers of the Lodge of Trainmen at Needles?

Mr. Rush.—I object to that as incompetent, irrelevant and immaterial. The Court.—Yes. Sustained. That hasn't anything to do with this case. They can settle their troubles and we will settle ours.

Q.—By Mr. Todd.—Did you, after this investigation, make a full report to the chief of your organization, Mr. W. G. Lee?

A.—I did.

Q.—Was that report published in the official organ of the Brotherhood of Railroad Trainmen, which is known as the Railroad Trainman?

A.—It was.

Q.—And is this a correct copy of your report that is in that magazine?

A.—Yes, sir.

Mr. Todd.—I offer the report in evidence.

Mr. Rush.—I object to it as incompetent, immaterial and hearsay and no proper foundation has been laid for its introduction.

The Court.—It is hearsay. Sustained.

Mr. Todd.—Your witness.

### CROSS EXAMINATION BY MR RUSH

Q.—Mr. Bannon, I understand that Mr. Lee, in his communication to you over the telephone in Chicago that night told you that there was an illegal strike out on—what do you call it, the Pacific Coast or Pacific Division?

A.—The Santa Fe Coast Lines.

Q.—On the Santa Fe Coast Line, and that it was a disgrace to the order?

A.—Yes, sir.

Q.—And for you to go out there and take care of the matter or get it straightened out, that is, the substance of it?

A.—And take such action as would be necessary.

Q.—Did you at that time, or prior to that time, know anything about this so-called strike?

A.—I had heard of it indirectly at Joliet where we had an illegal strike at that point.

Q.—Now then as far as the merits of the controversy, if there was one, between the railroad employees and the railroad company, you didn't know anything at the time—and by the company I mean the Santa Fe at Needles and on the Pacific Coast or Pacific Division—you didn't know anything about the merits of the controversy at the time that President Lee telephoned to you?

A.—No, Sir, not until after I had arrived on the Coast.

Q.—But I am not asking you that Mr. Todd.—If the Court please, I object to counsel interrupting the witness in the middle of an answer.

The Court.—Well, no harm has been done yet. Go on.

Mr. Rush.—I move that that part of the answer after "until" be stricken out as not responsive to the question.

The Court.—Denied. Go on.

Mr. Rush.—Exception.

Q.—How then did you believe Mr. Lee when he gave you that information?

A.—I most certainly did.

Q.—You did?

A.—Yes.

Q.—You believed at that time that Mr. Lee knew what he was talking about?

A.—Yes, sir.

Q.—And you believed at that time that the conduct of the members of the Brotherhood of Railroad Trainmen, the Western Division

or Pacific Division, was a disgrace to the Order?

A.—I did.

Q.—So you came out here with that belief in your mind?

A.—On the statement made by President Lee had advised me that formation to justify that belief.

Q.—And you came here with that belief in your mind?

A.—With the information received from President Lee.

Q.—Just a moment. You told us what Mr. Lee told you. I ask you now, if after your conversation with Mr. Lee when you came out here as the representative of the Brotherhood of Railroad Trainmen, you came with the belief in your mind that their action was a disgrace to the Order?

A.—That they were out illegally, and if they were out illegally, and President Lee had advised me that they were, that it was a disgrace to the organization.

Q.—I will ask you if you will kindly answer the question?

Q.—By the Court.—Answer the question. Did you believe that or not?

A.—No, sir, not until I got on the Coast.

Q.—By Mr. Rush.—Now, then, let's see how the situation was. President Lee told you there was an outlaw strike and it was a disgrace to the Order?

A.—Yes, sir.

Q.—And you believed it?

A.—I believed that portion of it.

Q.—And when you started out here did you believe it then?

A.—I believed it to the extent that I had that information, yes.

Q.—Well, I am asking you—did anything occur after President Lee told you that and you believed it, to change your mind before you got here?

A.—No, sir.

Q.—Well, you believed it when you came here, then didn't you?

A.—Came where?

Q.—Came West to try to adjust this difficulty?

A.—I believed it after—I had every reason to believe it after I arrived at Albuquerque.

Q.—Just a moment. I am not asking you after you arrived in Albuquerque. I want to know your frame of mind concerning these men when you left Chicago and started West. Did you then believe that their conduct was a disgrace to the Order?

A.—I did.

Q.—Now, then, when you came out here to Needles, did you go and see these men that you were representing to ask them what their grievances were?

A.—I did.

Q.—You went first to Mr. Hibbard, didn't you, or Mr. Hitchcock?

A.—Mr. Hitchcock called upon me in the Harvey House restaurant.

Q.—The first man you talked with then about the trouble was Mr. Hitchcock, wasn't it?

A.—No, sir.

Q.—In Needles?

A.—No, sir.

Q.—Who did you talk with in Needles first?

A.—Local Chairman Carr, from Gallup, of our organization.

Q.—In Needles?

A.—He accompanied me all the way from Gallup to Needles.

Q.—Now, we will leave Gallup out of it. We are now at Needles, the center of this thing, where you say they told you it was so bad. What one of your members or constituents did you talk with in Needles before you went to see Mr. Hitchcock?

A.—Mr. Carr, a member of the General Committee.

Q.—Yes, I know you talked with him, but I am asking you about someone who lived and worked in Needles.

A.—No. He did not come with me from Albuquerque.

A.—All right, we will leave Mr. Carr out then. Now what one who lived and worked in Needles did you talk with before you saw Mr. Hitchcock?

A.—I hadn't talked with any one. It was 8 o'clock, and I had just gotten up and was getting my breakfast.

Q.—So you came to Needles, believing the conduct of these men was a disgrace to the Order, and to represent them, and then you get your information first from Mr. Hitchcock?

A.—No, sir.

Q.—After having your talk with Mr. Hitchcock? or, by the way, after you had your talk with Mr. Hitchcock—that was the morning of the 18th, was it not?

A.—It was.

Q.—You went shortly after that time to this meeting?

A.—I started over there about 8:15.

Q.—Did you call any of your representatives, that is, any officers or members of your organization, before you got to the meeting?

A.—I was talking with a member of the General Grievance Committee, Carr, and also Mr. McKenzie.

Q.—By Mr. Todd.—Who is Mr. McKenzie?

A.—Mr. McKenzie was a deputy president who had attended a meeting the night previous at Needles.

Q.—By Mr. Rush.—You don't know whether he attended the meeting the night previous because you weren't

there. I am asking you of the Needles people, leaving Mr. Carr out of the question, when you say you met over at Albuquerque. I am asking about the members of your Order in Needles. Did you talk with any of them before you went to this meeting?

A.—I wasn't able to talk to any of them.

Q.—Weren't any of them there?

Q.—No, no. Before the meeting.

A.—I was at the Harvey House and went from the Harvey House to the meeting.

Q.—I understand that; but did you inquire for any of them?

A.—No, sir.

Q.—So, when you went to the meeting you had obtained in Needles such information as you had obtained concerning the situation from Mr. Hitchcock, did you?

A.—No, sir. Mr. Hitchcock didn't speak about anything other than to make good our contract.

Q.—I understand; but that was about the difficulty, too, I assume. You didn't have any business with Hitchcock except the business of the difficulty down there between the Company and the men, did you?

A.—To advise our members.

Q.—But you didn't have to see Hitchcock to advise your members, did you?

A.—No, sir. Mr. Hitchcock called upon me. I didn't call upon Mr. Hitchcock.

Q.—Well, let's be fair with each other. You didn't have occasion to discuss anything with Mr. Hitchcock except the difficulty between the employees and the railroad at that place, did you?

A.—That is the matter he discussed with me.

Q.—Well, that is the matter you and he discussed then, isn't it?

A.—Yes, sir, that is the matter he took up with me.

Q.—Well, did you discuss it with him?

A.—I told him what we intended to do as an organization and a party to the contract.

Q.—So, you and he talked together about that matter?

A.—Yes, sir.

Q.—And then you went over to this meeting and got there about 10 o'clock did you?

A.—About 8:50, or I should judge it was about 8:50.

Q.—Now, you say that on your way, all the way from Chicago, you were inspecting equipment at stopping places. What time did you leave Chicago?

A.—I left Chicago at 8 o'clock the night of the 14th of August, 8 o'clock at night.

Q.—On what train?

A.—Train Three, California Limited.

Q.—That is a fast train, is it?

A.—Yes, sir.

Q.—And do you remember where you were when daylight came?

A.—Yes, sir.

Q.—Well, it was somewhere between Fort Madison and Kansas City. Q.—At any time or any place between Chicago and Kansas City, did you get off to inspect equipment?

A.—At Fort Madison.

A.—At Fort Madison?

A.—Yes, sir.

Q.—How much of an inspection did you make of the train you were on, or equipment in that place generally?

A.—I walked to the end of the train and watched the car inspectors to see what they were doing and whether or not there was anything I would be able to observe in the way of defective equipment.

Q.—About how long were you there?

A.—I put in about five minutes, I guess, walking from one end of the train to the other.

Q.—Now what was the next place that you got off to inspect equipment?

A.—Kansas City.

Q.—How much time did you put in inspecting equipment there?

A.—Time enough to walk to the end of the train and back.

Q.—And that was the train that you were on?

A.—Train Three, California Limited.

Q.—Up to that time you hadn't attempted to inspect any equipment of any other train except the one you were on?

A.—That was the only one I had any business on.

Q.—Now, coming from Kansas City west, what was the next point that you attempted to make any inspection of equipment?

A.—At various points between that and Albuquerque.

Q.—Name the points.

A.—Well, when we arrived at Las Vegas, I talked with John Wotres, assistant yardmaster.

Q.—Did you make any inspection of equipment in Las Vegas?

A.—With Mr. Wotres, yes.

Q.—How long were you in Las Vegas?

A.—I imagine we were there about ten minutes.

Q.—Then after you passed Las Vegas, where was the next place that you made an inspection of equipment?

A.—When I arrived in Albuquerque

Q.—How long did you remain there?

A.—I remained there from about 10:30 until I was transferred by the agent to another train at about 5 o'clock, or 6.

Q.—And while you were in Albuquerque did you put in your time inspecting railroad equipment there?

A.—The most of my time was put in after arriving there sympathizing with passengers, women and children, who were crying and trying to get out of that town.

Q.—You could answer my question "yes" or "no," if you want to.

A.—Yes, sir.

Q.—I am asking you, did you put in most of your time while you were in Albuquerque inspecting equipment?

A.—And I told you I put in a great portion of it—

Q.—I am asking you—

A.—No, sir, I put in the time at Albuquerque—

Q.—If you and I talk about the same thing, we will get along faster. A.—Yes, I know, and it may be disagreeable to you for me to tell the fact I know.

The Court.—Just answer the questions.

Q.—By Mr. Rush.—Now, then, so far as inspection of equipment in Albuquerque was concerned, the fact was you didn't make an inspection there, did you?

A.—In a general way I did, yes, sir.

Q.—What do you mean by "in a general way"?

A.—Walking around through the yards.

Q.—After you left Albuquerque what is the next place you stopped?

A.—Gallup, New Mexico.

Q.—How long were you there?

A.—I arrived there about midnight and left about 8 o'clock the next morning.

Q.—Did you make any inspection of equipment there?

A.—On my arrival there, yes.

Q.—And about how much time did you devote to inspecting equipment in Gallup?

A.—I walked around through the yards, and went up to the station and I imagine I was there until 2 o'clock before they were able to transfer me to the first train that was scheduled to leave there the following morning.

Q.—Now, then, after leaving Gallup where was the next place that you stopped, where you made an inspection of equipment?

A.—I got off the train again at Winslow.

Q.—Did you make any inspection there?

A.—Yes, sir.

Q.—For how long?

A.—We were there about 25 or 30 minutes, and I walked up around the train and observed the manner in which the inspectors were inspecting the train, had breakfast, and talked with representatives there.

Q.—After you left there, where was the next place that you stopped where you made any inspection of equipment?

A.—I got off at every point the train stopped, but the various points I am sure I am unable to name; but I am sure Barstow was one of them, and I am quite sure there was a place called Seligman. It was my first trip over the Santa Fe to the Coast.

Q.—Where did you stop finally? At Needles?

A.—I finally stopped at Needles.

Q.—Well, did you stop at Barstow to inspect cars on the way from Arizona to Needles?

A.—I got off the train, I am telling you—

Q.—At Barstow?

A.—At whatever points they stopped enroute.

ten the names confused. I think we can all agree Barstow is this side of Needles, between Needles and Los Angeles.

A.—I don't know, I am sure.

Q.—Now, then, when you got to Needles, did you make any inspection of equipment?

A.—No, sir, not that night.

Q.—Now, at any of these times, and at any of these places did you consult

the reports made by the inspectors and the roundhouse officers as to the condition of the locomotives of the equipment?

A.—I consulted various men who represented themselves as members of my organization.

Q.—I think you have probably got—

Q.—Just a moment, please. You know I asked you did you consult the reports of the inspectors and those whose duty it is to make reports of the condition of equipment, at any of these places.

A.—I did not.

Q.—Did you examine any locomotives anywhere to ascertain whether

or not there were any leaks in arch tubes or around the fire box, or as to the condition of the boiler who or what the condition of the locomotive was?

A.—I did not.

Q.—Did you examine any place the air lines on any trains or the air apparatus on any cars, to find out whether or not it was in working order?

A.—Only to ask the inspector if he found any defective part of the equipment or any defectiveness in the equipment.

(Continued next issue)



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