

Instruction Count 6

Inform July 7

KRS - which makes
Shooting of Gun under certain
Circumstances a violation of
Key law - Howard-de

Before jury may
find guilty of Count

6 -

must find:

It is not against the
law to carry - the law

but vs the law

to use -
did not charge, use
~~charged carry~~

Gov. For
Witness

— Volume I —

Don Weedman
ICS P
8 1/2 years

Exhibits

G. Exhibit XXX - Map of Floyd Co
Highway 1987

Govt ①
①

Map of Floyd Co
Highway Ed. 1987

Govt. ②
②

G. Ex NNNN
Air Map

Aerial photo of East
m² Powell - Floyd Co, Ky

Govt ③
③

Govt ^{Ed} ~~XXXX~~ MMMM

Aerial Photo - East m² Powell
Nov. 82

Govt ④
④

Govt 5x10L

High Altitude Area photo

Govt ⑤
⑤

Govt 5xK

Aerial Photo - East m² Powell

Jeters
1/30
4-3-80

Govt
(6)

N.P.M. (7)

Aerial photo of Frazer Creek

Govt
Govt
(7)

5x0

Aerial photo of East McPowell

Govt
(8)

5x0

Aerial photo of Top of John Hall - Bill Hall Branch

Govt
(9)

N.P.M. (2)

Aerial photo John Hall - Bill Hall Branch

Govt
(10)

5xP.

Aerial photo John Hall - Bill Hall Branch

Prime
or
Secondary

Card 2.

Ernie Justice
U. M. W. of A.

this district 36 locals

Pike

Letcher

Martin

Floyd

M^r Coffey

Collective Bargaining

Organizing drive

International in charge of
organizing -

make survey -

4 Jan 1932 - met w/ Ed Jones

- Truckers - Union - Non-Union

approximately 10 o'clock 4 January

Jones concerned w/ Ray-Mae not
being organized

Told him that ^{international} not district in
charge of organizing.

He was mad (angry) because
union had not done anything to
organize Ray-Mae

meeting for lunch

Owens

D Hall,

Scott

Joske

Related to Hall and Scott what Jones said

Independent Truckers at Jones
Office at 11 o'clock.

All present except Drayl - Jones
said (R) Hall a trouble-maker.

Trouble maker - admonition -
To prevent counter evidence he wasn't
a trouble maker.

Discussed w/ Truck Drivers about
joining union - they (L) asked questions

Xxt N.P.M. (3) To refresh recollection -

problem w/ Truckers arose in 1981
members of local union ~~complaint~~
Complaint of non-union Trucking

International some time after,
Jon Authourzd 2 persons to
make a survey

~~Did not~~
International activity did not
go beyond survey

Became aware of a picketing
at Ray Mac.

Employees of signatory Companies
were involved -

Told Frank Scott to
attend meeting.

- (1) to obtain information
- (2) to request me to return to
their work.
- ~~(3) to~~

Activity at Ray Mac was
never authorized nor sanctioned
by International of U.M.W.A.

met w/ Scott after meeting
understand he left meeting.

Opinion -
basis therefor - Cross examination
Cross examination -

Custom - practices

Book
12

N.P.M. (4) U.M.W.A - Const
Conduct - members & officers

Read Sections

Exhibit

Govt
13

N. P. M. (5) Const - Dist 30
v. m. w. g. R

Edge + Drapel had differences

Doing to get
Local Board
Does Osborne

N. P. M. (6) — v. m. w. g. R
model By-law

Govt
14

sm = allister

Mr. Brown from International gave
it to him.

Justice -

or picketing -

Better Call Secretary of Local
to verify that no By-Laws
passed by local to Contrary.

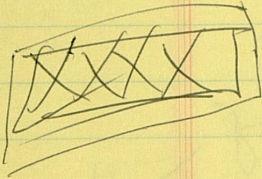
Articles 11 III

only applies on to activities
on to a union

Cross-Exam:

Edge + Deepil had differences

Doug Inckett }
Louis Burke } Conducted
Doris Osborne } survey



Acting on their own
One may solicit another
to join a union - He is
not acting as a member
and is acting contrary to
the National + Dist - Coast.

but ^{man} will such act
be a bona fide labor
dispute with a legitimate
labor goal ??? w/in the meaning of
Commons.

Articles 7 II III
only applies as to activities
as to a union CO

#3.

Lynn Parish

Pikeville.

Coal mac.

President - May 78

Justin, m=Lee, Baker & Parish.

Was Coal mac, sales in 83
changed to Ray-mac.

Coal mac - a sales agency
for various related companies
Still on spot market.

of which
Ray mac was
one.

Duke

South Carolina Electric & Gas

Tipples -

Shelburne

RTA Co

Stone Coal Rd.

Siding - Big Creek

Floy Co - Eastern - Route 80

Garrett - " "

Bosco - " "

---???

Fythe ???

Lefcher - Jenkins - Lefcher

Lefcher - Whitebury - Lefcher

Exhibits

4-H.

W.T.E.

(15)

Record of Coal mac II

Tipples north of Pikeville -

Ray mac coal went to

Coal mac II Tipples -

Elkhorn
 ↓
 Joseph
 ↓
 Coal mac
 ↓
 Mac murey
 ↓
 Ray Mac.

JK in 81 sold coal to
 S.D. Warden in Maine.
 5yr. JK
 Coal came from Ray Mac.
 Mac Island.

Ray Mac was owned by
 Mac Muring -
 Justice - M & Cee.

for
 descent
 value of
 amendment
 of land.

Purpose of Ray Mac to mine
 block of coal in Lease 749
 owned by Elkhorn.

Coal Mac sold lease coal
 at sub-lease (in 81) to
 Elkhorn - Joseph -
 sub lease from Joseph Muring
 to Coal Mac

JK
 KKKR
 Out F.E.
 (16) ←

3
 YYY
 (17) F.E.
 17

— Topo of M^g Dowell Quad.

Ident.

3

~~222~~

Coal
T.E.

18

— Blow-up of Ex 17.

Activities stopped coal production for 2 weeks. Had to purchase coal from other tipple.

Liberty 5 Tipple at Simpson leased to shorten haul on Ray-maids and to purchase other independent coal.

Martin & Turner owned Tipple at Simpson.

Lease 15 Feb ^{signed} effective 1 March 1982 - Burned before could be used

Pictures of Liberty 5 Tipple

Ident.

A

+

B

T.E.

19

T.E.

20

Id.

4

LLLA

Sub-lease of Tupples

11-1-E
21

LLLA

Base Agreement - which was w/in Sub-lease

How Martin got title

11-1-E
21a

4
LLLB

RR siding lease Liberty 5 Tupples

11-1-E
21b

When Coal Mac leased Tupples

Tupples became operational in Spring of 83 after damage

Business w/ S.C. Electric + Coal Co

Every month Coal Mac sends Spot market quotes

Feb 81 through Dec 81

4
GRCC

1-E
22

Roy-mac started in October

its coal was different from the
type of coal shipped to South Carolina

J.R.M. Coal Co

never had any business dealings
with the Co.

Parrish went to S.C. to
sell coal.

Jan - Feb 1982

No contract w/ S.C.

John McCall

Cross-Examination
Harwell

Ray may
Justice, m^e fee.

Civil Action

Violence ended on February 82

Papers for typewriter secured
in 15 Feb 82

Typewriter not operational
Ⓜ in 15 Feb 82
Typewriter hadn't been used
for quite some time before lease

Coal mine had other typewriters

3 Shubert

Stone Coal Rd

Big Creek siding

20yrd

Nelleo Sidney - Garrett

Bosco

matwan -

Cont.

IIII

Jones
T.E.
1

Cont.
JJJJ

Jones
T.E.
2

Frank Justice
Stokholder - Paper Job
Coal-mac jobs

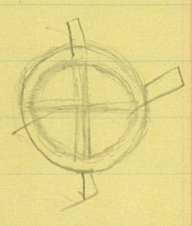
Mac mining owned Ray - Mac
for 7 parts and
but not merge but the other
two thirds.

Mac mining owned the
equipment.
Begin point work in 1980
26 July 1981 permit

Ray Mac - mining
in Floyd Co in 1982
all sales of the coal went
through Coal-mac + Shubyan
this coal went intra and
into state

Reekland

170 employees in Mac collieries
force majeure



④
4

Frank Justice
Stockholder - ~~Roy Mac~~ Subs
Cool Mac Subs

Mac Mining owned Roy - Mac
Justice got $\frac{1}{3}$ of profits and
Justice + Mac got the other
two thirds.

Mac Mining owned the
equipment.

Began Permit work in 1980
26 July 1981 permit
issued.

Worked commenced on site
1 Aug 1981.

"Pete" Brooker was in charge of
Roy Mac Coal Company
12 - 14 people.

Coal trucks to Stone + Shulbyanne
Coal Truck drivers were
independent contractors.

no U.M.W. contacts
Survey - etc - for organizational
purposes

Began Road (John Hall Branch
to Seamy Coal (Furley) in August 81

15 Feb 82

Partner in Roy Mac mine

Went to entrance of Roy Mac.

Foreman + Hall

Standing at entrance -

Identified Donald Hall.

To unionize his mine

Barker went + got men and
had them come down to talk
with men to see if they
wanted to be unionized.

~~men~~

After talk men went back
on hill to their jobs.

meeting lasted 5 minutes

Cross - Ep

Pajunda.

Received call at home from office
Peter Barker - foreman.

Several men. (5-8-10)

there to unionize the men
Peter brought 7-8 men.

Bull dozers - end loaders -
drills. (all salaried men were
brought off hill)

Sykens did not work for
him at time.

does one have
a right to unionize
unless he complains

WJ

Raymond Barker

Ten + P Surface Mining Co

Began working for
Mae Mining Co. Fall 1972
operated Bull Dozer - Foreman
In August 82 left
Mae Mining went w/ Ray-Mae

Ray Mae had 14 men

Exhibits when it went to Floyd Co operation.
Gort 8

9-10

Ex 8 - 9-10

Columbia Pipe line not on access
rd. Not used as an access
rd.

6:45 arrived at Ray-Mae
Shift began at 7⁰⁰

Saw no one at entrance
Around 10 or 11 men at
entrance -

Truck driver told him men there
went down - Saw 10 or 15 men,
didn't know them

Talked to one person primarily

Drexil Hall -

wanted to sign Union IC

NO

- Talk to men - told him
yes after shift was over.

Frank Justice - said to bring men
down - I brought them down.
they talked

Mr. Hill said they would be back; they
did not stay the rest of the day.
They worked and the trucks hauled
Coal the rest of the day.

TUES.

3 Truck drivers come to work
that day: D Blanton
D. Spaulink

Red Dog - drove truck of
Abner Justice.

3 men on sand people; down
there - went out and looked down
and saw people there.

C. B. Rodes conversation

Barker - 22 pistol

Ident

2

EE

FF

GG

HH

II

JJ

KK

LL

MM

T.E.

23

30

23 - Pictures of Blanton
1 Rock of it appeared
after shooting.

24 - Corn. mechanics trucks

25. Road Grader -

26. Trucks

27. Trucks

28 Trucks

29 Near end Blanton road

30 Near end Blanton

L

23

30

Picture of B

31. 7 pictures

2-3 persons behind jeep when
shooting occurred.

Normal day

25-30 loads of coal would be
hauled.

On Wednesday

— Started equipment & a
barage of bullets come from
side of Hill.

Exp 18 — Permit map.

RB (4) where men were when
equipment started;

RB (5) general vicinity of
where bullets come from

RB (6) where Barkley's vehicle was
when it was shot at

Shooting lasted 10-15 minutes

1 man went home and never
returned

No more coal hauled at that
mining site until following week

Occasional shot was fired
at mining sites, during day but
nothing like the first volley

Thursday

When they started the equipment
then started shooting again.

Shooting came from
R.B. (5) and R.B. (2)

Shooting lasted 45 minutes
they fired but only in response
they used company guns.

Auger coal on Thursday but
no coal hauled,

R.B. (8) - when his people +
equipment were on Thursday
Auger broke it was blown up

R.B. (9) shooting that came
from across public Rd.

no Auger for 3 months
but did other things
took additional month to
work bugs out - worked on
internal capacity.

R.B. (10) when Auger was
damaged.

300
1800

Sunday

Arrived at site at 3:30
and found Salem Auger
blown up.

Exhibits

Eugene maynard
maynard
Lowe
Bentley

IV
N.W.
T.E.
32

- Picture of D-9. - Dozer.
Dozer had basket ball
stuck in Engine

T.E.
33

5 photos
Auger after it was blown up

this Auger out of Commission
for approximately 3 months
Rebuilt on site
no augering for 3 months
but did strip down
took additional month to
work bugs out - worked at a
reduced capacity.

R. B. (12) when Auger was
damaged

5 or 6 employees living in
Floyd County.

July 992 - End loader
- Rock Trucks

Left Ray Mac - July 82

Ray Mac wasn't a profitable
operation

Kenneth Rowland
Contract trucker for
Ray Mac in 18⁺ instances
He left in Nov.

Cross -
Pajanka

July-Aug - D11 went to Floyd
County

Hensley - 3 Harley's.

(1) They went down ready for
trouble

(2) Grader - moving vehicle

(3) men on hill in addition
to men in vehicle in front
and behind;

Lawrence Bentley

Feb 82

Worked for Ray Mae

Nite Watchman w/ Fiddie Stephens

Tuesday nite

10: - 10:30

making rounds
Aired on

On hill above highway
Gun fire -

Telephone called Barker.

Told us to not come

Highway Patrol KSP. Come

45 minutes later

Worked that week as a
nite watchman.

there on tuesday gunfire

Explosion on spot as Jan

Jones said before shooting
do you stay in shed
and will you stay there when
bullets begin to fly -
they are going to fly

Cross - Horwell,

7th Grade

1st Sept went to work for Ray Ma

Bruce Walter Ford - 9 month

Campbell motor - 3 man

James Glen Hurley

Foreman - Mac Murray

Worked for Roy-mac
in 1932

on John Hall Branch
nite shift foreman

started men to work
if someone absent filled in
mechanic work & little bit
of every thing

Violence
Monday

people at foot of Hill
told me I couldn't go on
hill.

Witness - identified Drexel Hall
he was one who told him he
couldn't go up.

Saw Crowd thought there
was accident

Went on to top of mountain
got in touch w/ Pete Becker
and told him what happened

didn't work that nite -
Pete told me to come to work
one next day shifts

Brought shot gun

men drunk - drinking the
day before

next morning

went down hill

Druid Hall came around
trucks w/ pistol

heard gun shot
few more after that

✓ ✓ I identified Kenneth Rowland
didn't see him shoot or do
anything other than be present.

no employee of Ray Mac
shot first.

4-5 guns were being
fired

Saw jeep & pick up trucks.

Saw 2 men behind jeep
shooting at him

gun fire lasted 2-3
minutes - seemed longer

got mechanic to work on
Danny's truck
took 2 trucks to tyrol to
unload
gone from scene a while

Popula
Character of
adam
7, 1, 2, 3, 4
Quarter
Show - hand on
circumstances

Reported on Day Shift the
next day when equipment started
jerry commenced

Next day
next time of jerry
it come from two directions
30-40 minutes

Crossed day when they
come to work he said they
P. Still employed by Mac -
mening

He was doing work

James Dwight Rowe

Worked for Ray-mac on hill
John Hall Branch

Showed Jimmy John Hall Birch
and where they worked

Carriage operator on Salem
Auger.

Went to bottom of hill to
talk to union

Said they were from locals
would like to discuss with them
about joining the union

Kenneth Newsome
Harold Moore

When union men left -
left a bunch of beer cans

Next day when they
came to work no one there
Received information later that
group of men - picked him - found
at base of hill.

He was Auger - working

We were shot at a couple

times more

started equipment 1st
started walking toward Auger
shooting started. 30-35
minutes

he hid behind mechanic truck
he didn't shoot any himself
on this date

2 dozen bullets hit
near him.

he saw 100-150 bullet impact.

One who had something
to shoot back with fired
back.

Eugene Maynard behind
truck with him

He was scared, well

next day

on Auger working when
bullets commenced to hit high wall.

Auger was only equipment
operating at time - Bob line
therefore prevented other equipment from
operating.

1st shot Riot Gun
shot guns at such formation

Shooting at second
incident was longer than first
instance. 40-45 minutes

Borrowed Red Gun from
J. M. & Coe.

Damage not so significant
because equipment better positioned.

Ex 33.

I identified an Coal Auger
he operated.

Got this Auger & Mac
he helped put it together.
Ran it on Friday

destroyed Sunday.

1 month or 1 1/2 months
later didn't operate as well.

on average - 550-600
tons a day before

after = 200 tons

Augur Coal after shooting
also on Friday.

Rowe - Cross
Pafunda

No night time Auger operator

Rowland
Rust guns
Sawed off

Walbourne


Dwayne ~~Stevens~~

operated Bull dozer and grader
worked at nite but went to day
shift.

On nite shift - didn't work
Friday or Monday - didn't know why.

Came in Tuesday morning
in response to call.

went to work at 7^{am}

 - 9-10-

When he reported to work, no men
stationed at any of the points

Went to bottom of hill. in
a suburban with "pete"

Some men were stationed at bottom
of Hill -

Saw man raise hand and
advance toward Donny Blanton's
truck.

Cross ~~Ed~~

Pure to that
asked for
Triple E/Chom

Wegen worked for Roy Mac
Sept 81 -

Hurley called out to come to
work -

When he came to work he
took 25 Automates

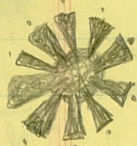
✓ Rowland was in group
of men at foot of hill.

did not see him do anything

Saw Rowland and group of
men at J. R. M. Coal Tipple
on way to work.
(Known as Ed Jones Tipple)

check daily
copy

Mr. Rowland
to sign the
Set of the
J. R. M.
Tipple



Danny Lee Blanton

Truck Driver for 12 years

Worked in and around mines about
all his life.

Contract hauler - hauled coal
from Ray-mac - paid by the
ton.

grew up in McDowell area

~~Had~~

Hauled coal on Monday

2 loads

normal day 4-5 -

men said want to organize
not to haul anymore coal

Drexel Hall - only ~~one~~ he

remembers

Phillip Barth - Contract mined for ^{Ed} Jones

Phillip Dale Moore

Barry Moore

Ricky Moore

Old Willie Moore

If you haul any more we
will blow your truck up

Took this load to Tyeola
then returned to mine site

Stopped 2nd time.

Drexel - old Willie

15-20 people there



1st

Communion

Repeated Threats

35- why didn't you listen to us
if you keep coming back

Bo more - foot w/ crowd

Harry Waller

"Rebo" Gayhart
Melford Gayhart

member

members
his own acts

37
① Phillip Booth ←

Co - Conspirator admonition

② Phillip Booth threatened
him and his family.

③ Drexel Hall - statement

④ old - Moore - u "

⑤ Phillip Drole Moore shot
Drexel Hall pulled a
small gun - pistol -

3/55-

2 weeks after shooting

T.E

37

Particles he took from his oil pan + gave them to Captain Sykes

37

a

Friday saw small number of 25-30 particles approximately saw small at temple on 16th and saw him again Sunday after the shooting

Oran Adams

5 people he identified as being present
at shooting

Barry Moore

Phillips D. Moore

Hermit Newsome

Daniel Hall

Cross - Spencer

1st day saw Sewell Moorely, once
25-30 pellets approximately
saw Sewell at tyzale on 16th and
saw him running away after the shooting

Cross - Adams

613

Harwell

Jones
N.P.M.
T.E. 3.

Pictures - Rd - Bill Hall Branch
intersection - w/ access rd

Jones
N.P.M.
T.E. 4

Pictures Rd - Bill Hall Branch

Jones
N.P.M.
T.E. 5

Joseph Turner
Pictures of Cerley - Jones
Tyjibsa

Re direct

- ① Corporate name of Tyjibsa
- ② Cap not on head
- ③ bullet holes - some went through some only dented
- ④ men shaking fist at him from Jones Tyjibsa

Govt
T.E.
38

- Identified -

ED Jones Exhibit 5

→

Govt D.
ID.
T.E.
32

Truck loaded with Roy-mac
Red Dog 2000

Truck loaded with
Black & white in and T. white w/ black

AR 15
Driver - Passenger
Shotgun - Pistol

The truck was in
Red Baker - 15
Driver - Passenger
Hatchback (Blonde)
1200 Red Dog
Truck loaded with 3 more

The van 125 quit my hill when
the truck was in
at the 78 feet from the highway
the engine stalled

I told the truck to have
no shot out - they left
you can find it here
the find at above

Court.

Abner Justice

Trucks (brown) (trucks hauler)

Coal

4 trucks in Feb 82

1 Truck hauler for Roy-Mac

"Red Dog" Fleming

On pick up behind him -

Blake Johnson in Coal Trucks w/ him
He had AR15

Driver - Passenger

shotgun - Pistol

They lined up in
Pete Baker - 1st

Danny Blanton

His truck (Blanton)

Wen Pick up

Trucks behind him 3 more

He was 125 feet up hill when
he heard gun fire.

Blanton 75 feet from highway
when gun fire commenced.

He ordered his truck to
stop.

Told them they had to leave
no shoot out if they left.

No one fired at him
he fired at no one.

Cross - Pofuda

A. J. Trucking 4 trucks hauls
from deposit jobs of Cool mac -
mac island, Roy mac

Rod C-B - Contact told them
to stop

Wornt going to send his trucks
through gun fire
gun fire lasted - 203 minutes

He walked down to edge of Road
with his AR 15 -

Strayed with State Police arrived

Cross - Harwell

Shot at before he turned and
after he turned

Shot before he turned and
after he turned

Shot before he turned and
after he turned

Shot before he turned and
after he turned

Shot before he turned and
after he turned

Linnville Fleming
drive coal truck

Red dog
hunted on
glam or hartsdale

Fall 1981 he began driving at
Ray-mac.

1st day -

Saw pickets - bunch of people
2 load 2 didn't bother 1 lost load
they stopped - don't remember the
what works

15-20 men there
saw - didn't see any drinking
any guns

no union card
not to sign a petition

People on picket line on Mc Dowell
side shot at Danny Blanton truck

shot before he turned and
after he turned -

He could see Pete's truck
Picket line on McDowell side - Danny
Blanton Truck.

First shots came from
Picket

Pete said Come on -
at road to stop -

Cross-Walbourne

and some other things

9 years

Korak

Shedged - 3000

3000

23 km from Rayburn

He has not

made Bentley down the other

side of the road

State road 51

dep. 1000

3000

He has not

made Bentley

Friday

He has not

made Bentley

and went to bed

and approximately 80

drinking

3000

and went to bed

Ralph Mullen's
Mullen Bros Trucking
9 years

"Kozaki"
Chapman - JAKO
Tipples
Shelby Stone

2 Trucks from Roy-mae
He drove one
Ronald Bentley drove the other

On Friday received a newspaper

State of mind or notice to this
defendant

Smully Joe Mitchell
told him to get his trucks and
go back to Pike County
"Friday"

His brother worked Roy-mae
on Monday - Told him of
threats -

On Tuesday he took weapons
and went to haul coal,

saw approximately 50 men
drinking

Saw some pistols
one man asked him not to
go into site

Drewil Hall - Union president
trying to organize -
talked to men day before
they don't want representation.
Any coal coming off hill
union

health, safety,
3 Trucks on hill

Refused to let me go
on hill - Turned - talked to foreman
on hill on Co B. - threats that
Trucks on hill wouldn't come off
next week hauled coal

No one asked him to join
union - sign petition.

met Danny Newsome at
mouth of Mud Creek and
Went up to Ray-mac site.

Okun v Roberts
448 U.S. 56

v.s.
549 F Supp 903



Mary Lou Halbert
Wife of Donahue Halbert.
her husband is an alcoholic
she has cancer

Marshall Arnold,
Dr. Walrud Arnold

Niece

uncle very nervous
has drinking problem

Identified

Phyllis Moseley
m^s Dowell

Linville - Heart problem, High Blood
Pressure, Nerves -
Drinking problem.
Joe's a drunk

Feb 16 -

Linville left home after she
did (she went to Dr.)
next day - or Thursday Linville
went to Philman Caudill's house
to get Stone top -

Cross Linville living w/ his father
during this week - they were
separated

Dennis L. m^s Allister

Linville Moseley

Had nothing to do

W/ Ray - Mae

Cross - Dawes

Feb = unemployed

Don't know if he was a member
of U. M. W. or not.

Drove coal truck for P. J. M.
Phillip and Jason Moore.

Thomas

Eugene Tackett

"Blue"

37 years age
Alexandra Tackett
3 children

16-12-2

7th grade

1st yr High got expelled for
3 days + quit
Michigan

7 different jobs

Commenced to work in Coal
mines, underground.

5 yrs

worked for Phillip Booth
had bossing papers

1979 got bossing papers

He did odd jobs which men
didn't do.

He never signed any books

Monday

He peddled up Tom Milam

Tuesday

Wed

he saw Phillip Booth
said to attend union meeting

Went to union meeting
he wasn't a member,

Drexil Hall resigned at meeting Wednesday night.

After meeting broke up said for us to meet at Stuffy Stumbo's Barn.

Some Guy brought us a gun.

1st thought meeting at Barn was to set up pocket line. Doesn't know who fired 1st.

He shot in air.

Thought he was protecting pocket line.

Came off hill to Stuffy's barn -
drank beer.

Cross:

Got Foreman papers - 1979
B & E Coal Company.

Tests to become Foreman

1st part of 78 & 79

test had 10 or 11 parts

2nd time only took test on 1 part
took 6 hrs of take test.

Nite Shift foreman

P Booth said to attend
meeting at Union Hall - Wednesday
Nite

!!! Every man who worked for him
had to be on picket line or he
lost his job. !!!

Went to Union Hall - Wed nite
He - Randy Blankenship

Don't know who told him to go
to Steffy Stumbos Barn.

Booth didn't tell him to go
into Hill's

Someone gave them gun and
Pan handle gave them ammo

He shot gun at least nine
times

T.E. 134

Statement to ATF

Agent - Eddy

Eddy did not read statements
to him

Ed Tackett:

~~Edgar Tackett~~

43

Knows Pearl Booth and
Phillip Dale Moore
He accompanied Phillip
Dale Moore to May town
bought gun and ammo.

Man Soldier

no threats made.

Examiner took to him

Thompson secured good medical
records

In department

5 years statement

History

mental exam

not using drugs -

normal

Extreme defects

Can't abstract on

a sophisticated level

Low average - intellectual

of former days -

Below average

In 74 - fell down stairs

blood work hemorrhage

below level - 3 days

4 patients
from

Dr. Robert Gracher
M.D. Specialty Psychiatry

40/50
40
5-8 = 40

This fellow may break his
arm patting himself on the
back.

For evidentiary purposes
the Court finds the witness is an

Examined Eugene Tachett

Examiner took to his

Thomas secured post medical
Records

Indictment
Sworn statement
History

mental examination
not insane, crazy -

normal

Certain defects

Cannot abstract on
a sophisticated level
Low Average - intellectual
performance level -

Below Average

In 74 - fell down stairs
blood vessel hemorrhaged
to skull hole and drained

Tramatic epilepsy.

Intellectual function
is diminished

did not have the ability to
distinguish right from wrong

What test if any
did you perform
w/ regard to his ability
to agree w/ him one

after father all received
put on record

Should have gone to the
instruction of Law as to
Conspiracy and gotten the
elements and then examined
the doctor with regard to
his tests and findings
regarding these ~~the~~ elements.

testifying as to Conspiracy
this is legal

Cross

Elements ~~of~~ Conspiracy as a matter
of law concluded. This matter
then may inquire w/o mentioning
Competency do ~~and~~ trial.

Edgar Jones

Carson Stone

Law Clerk - 8 months

Chau Law School

Ex 17 B

Photo -

26 Oct 1983

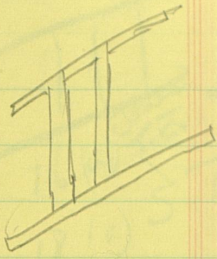
Booth attempting to set up

interview -

✓✓ You mean he approached you?

Patton - Moore - Booth - witness

interview lasted 1 hr or 1 hr 45



~~Oliver Hill~~
John Bon

[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page.]

Jones
T.E.
16 (a)
17 (a)

Henderson Hillin

Typewriter copy of 16 + 18

Jones

T.E.

2 Dec
3 Dec

Memoranda in statement of
Booth - 27 Oct?

21

21(a)

1st page of 36 page statement + last page

(1) Wasnt Phillip Booth asked
about 27 Oct + impeached
as to inconsistent statements

(2) Being in inconsistent
statements which were
subsequently sworn to -

(a) However wasnt this
in evidence and admitted
to by Mr Booth

impeach
set a
credibility
so as to
make a
mental
statement

~~HL~~

Jones

T.E.

22 ✓

Receipt for payment of Notary public.

Education Vice President - JRM
went to work for JRM Co. in
1971.

Jones

T.E.

23 ✓

attended main business school
and 1st term pages 72-73
helped to design
Map, Edger and Doug

Jones

T.E.

24

Articles of Inc. for JRM
Co. Inc.

Jones

T.E.

25

Report - 5/11/77 \$1,000 per value

He became shareholder in 1977
Edger also became s/p in 1977
(99 shares)
33 - him - 33 - Edger

He had responsibility of buying
Contract mineral.

In 79-80 bought from Edger
to Contract mineral

IV

Carson Akins
Son-in-law of Edgar Jones

Executive Vice President - JRM,
Went to work for JRM. Coal Co in
1971.

Attended mine foreman school
asst. 1st class papers. 72-73

belonged to Um. W. G. A.
He, Edgar and Greg

ask him if
this was
trough

Jones
T.E.
24

- Articles of Inc. for JRM
Coal Co.

Jones
T.E.

25 (a) 1
(b) 32
(c) 33
(d) 33

18 April 1969 - Stocks \$1,000 per value

He became stockholder in 1977
Gregory also became 5/14 in 1977
(99 shares)
33 - him - 33 Greg - Edgar

He had responsibility of having
Contract menues.

In 79-80 changed from Payroll
to Contract menues

K miners - responsible for labor
Supplies, lunch dues
Royalties to J.M.W.G.A. - paid by
K miners.

K trucks were engaged in
the same way as K miners,
they were K to haul coal.

10 pm 24,
Jones
T.E.

26.

Purchase Agreement - vehicle
Raymond Wall

K-miners of JRM in
Feb 27

- ① Bryan + - Phillip & Pearl Book
- ② Dye - Dye Bros
- ③ Chinn - Tschett
- ④ Colamity - Phillip & Pearl Book
- ⑤ A + A - Adkins Bros

work of K -
produce coal - place
it outside

mod about
An outstater
coming in ???

Joseph Co. = Turner
Unit = Coopers
JRM = Jones

Phillip Booths hired as
a cutting machine operator.

1st Harry Wallen and
Phillip Booth have Bryant
Coal Company -

they worked together for
2 or 3 weeks - Wallen left

in Feb - JRM had
2 Tipples.

John Hall Branch -
Martin -

On 15 Feb when he went to
office - End. Loader was parked
he learned of strike.

went to A & A

Phillip - Coal + 4 or 5 men
standing around.

McDowell strong union area

He (witness) had responsibility at
John Hall Branch Tipple.

Dug had responsibility at
Martin Tipple.

who is a
decline -
then more
Bryant
company
get ready
coal.

Jones
T.E.

25
26

- (27) = Photo - East m = Powell.
- (28) = Close up view of 27.
- (29) = Close up of JRM office as it exists today.
- (30) = ~~Entered~~ Picture of office - Wall at door is from where Jones desks was
- (31) = Photo of office - inside of office
- (32) = Space below door $\frac{3}{4}'' = 1 ft.$
- (33) =
- (34) =
- (35) = Model Exhibit

81 - 700,000
82 - 400,000 +

N.P.M. ³⁴
Jones
T.E.

Amount of reduction was by reason of
dirty coal.
Booths were very angry

(36) as reduced - (36A)

N.P.M. ³⁵
37 ~~check~~

German 8 turbo	good	-	55,000
		-	35,000
Sturbo		-	9,486.12
1st turbo		-	1,548.38
in 1980		-	2,
K. Paul add.		-	360 ²
1st turbo		-	2,160 ²⁴
		-	1,848. ⁶⁰
		-	9,597. ²⁹
		-	14,344 ³²

10 Feb
10 Feb
24 Feb

2,150 ¹⁵
600
6,430 ⁶⁴

James

All checks drawn on
Cuman Stumbo for Coal produced

N Pm ³⁵

T.E.

38

James

N Pm ³⁶

T.E.

39

Cross - Kirkland

Hall has paid off Truck

Stumbo

1st became K Miner

in 1980

K Rowland

1st started 2 yrs ago.

2

Jones wasn't paying
any union royalties and
he passed this on to the
K haulers and K miners
but was

3

Complained because
others weren't paying --

1

~~Jones~~ attempted
to escape the ire of the
U. M. W. of A. by making
K haulers & K miners
out of the strong U. M. W.
of A. person in his area.

Why does Blue Diamond
still mine thru subsidiaries
rather than K miners???

① Regular practice of JRM,
to base its record upon such
reports received from such
persons w/ knowledge.

① ② This is a report made
by _____.

② ③ It was made by persons
acting in the course of a
regular conducted activity.

③ Regular Practice of
JRM to base its records
upon

JRM

(a) Record kept in the course of a regular conducted business activity.

(b) It must be the regular practice of the business to make such a report

(c) It is the regular practice of the activity to base its activities upon these types of records

upon one who has knowledge of the particular record system

routinely made by an organization in carrying out its normal functions

Computer

this record was made by a person acting in a ~~record~~ regularly conducted activity and routinely made in and as a normal function.

doesn't have to be understood or known by person of person familiarity - person
It decides other or based on trustworthiness

these

5 May 1982
Ident # Range to 1. JCC E87618T017
73 EA-5248

Tax Bill - 1 Jan 1982

7 Jays
Linnell monthly -

10:30

Rebottal

Court

I

Meredith Hoffmann

D/ clerk - Floyd Co Clerk's office

Court

T.E.

49

upm

T.E.

153

original copy of Tax Bill

~~the~~ Certificate of title

vehicle

Linville moseley
Truck off?
Jeep

5 May 1982

Ident # ~~Reg #~~ 1JCC E87618T017₂₇₄

Reg - # 78 EA-5248

Tax Bill - 1 Jan 1982

P. Jeep
Linville moseley -

II

Allen Frazer

D | Circuit Clerk - Floyd Co
Deals w/ Traffic Citation
Jan - June
original & Copy

TE
154-

Traffic Citation
for
Van Patton - Witness
One Citation -

July - 1981 - EA5248 10y 1982
4/2/82 - 11:50 ^{am}

vehicle in 153 - is that noted in 154

Cross - Ed Spencer

III

Frank Eddy;

Govt Ex 151.

Hermit Newsome.

did not tell of personal
involvement in shooting
on John Wall Branch

other Agent
John Sims

Neither attempted arrest or fake
~~arrest~~ arrest on Phillip Booth

no!

Asked about shooting
but got no response.

Govt Ex 151

Statement of Hermit Newsome

Cross - Walburn

IV

Fred Bailey

Detective KSP

Post #9 Pikeville

Feb 1982

Asst in interviews

Govt Ex 151-134.

134 - Statement of Eugene
Trickett.

signed as witness
Mr. Trickett
Frank Eddy.

Post - Entire interview
read back to Eugene Trickett
by Frank Eddy
(asked if any changes)
he indicated none

Govt Ex 151 -

Statement of Hermit Newsome

Cross - Walbourn

Cross-Thomas

Noted a Black-Ford Truck

Come up during interview

① Copy of document on file

Travel Records

Trust of Copy

Records maintained by law

2/12/82

2/13/82

2/11/82

Entered into entry for Search Treasury

Regular duty of Frank Scott

done as regular duty

started in 1985 & last 7 months

V

Bobby "Roy" Justice Custodian of Records

Document of S.M. W & A -

① their records

② they rely on.

made by S.M. W & A
routinely on the road ^{duty of accuracy} ~~by~~ their business

① Copy of document on file

Travel Records

True & ^{accurate} ~~official~~ Copy

Records maintained by law

as of

2/12/82

2/15/82

2/17/82

1st page

2/15/82

2nd page

26/82

Entries made entry to Sec & Treasury

Regular duty of Frank Scott
does as regular duty
turned in 12/15 & last of month

155

III. Robert T. Farah

Working day shift.

to regular shooting at Ray-
more. many missed at home
went directly to Raymore. Some

2 trucks

Danny Blake - Tank shot into

Deep.

Best of accident

Run in front of Mr. Donell. High school

2nd South - Burn Pattern

10th in Am

Large No. of min in typical Area
after h. P. 11

print

11/11/0

Ernie Duleson
Travis JESP.

Working day shift.

to respond to shooting at Ray-
Moe - message received at home
went directly to Ray-Moe scene

2 trucks

Danny Blanton - Truck shot into

Jeep.

Report of accident

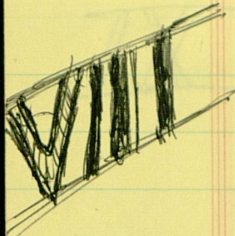
Area in front of Mrs. Dowell High school

Frank Scott - Bruce Patton

10:50 in AM.

Large no of men in triple area
after he conducted

permit



Dr. Nicole Cuniff
 Bulgaria
 Psychiatrist - Fed Correction Center

Examined Eugene Tschelt
 Type of Examination
 2 hrs of personal interview
 psychological ~~test~~ testing
 also information from CD

Reports, Unit staff where Eugene Tschelt
 stayed while awaiting expansion
 Feb-14 - 17 - 4 days
 material Ordinarily used

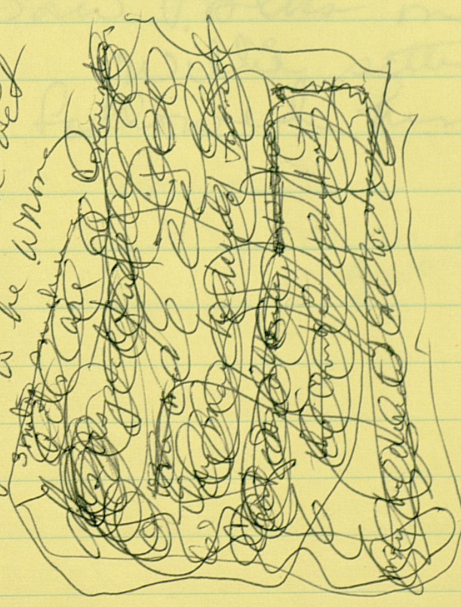
Evidence

No mental disorder
 Seizure disorder
 mental Capacity in 1982
 low - Average intelligence

able to conform and
 Compet

Normal
 State of Mind
 Feb 82 - 83

to whether or not
 Eugene Tschelt could be
 influenced or forced to
 do an act
 which he felt to be wrong



What a jury does
 psychology what a percentage of a jury does what
 for what - take these makes interpretation & deduction
 How to take evidence

~~IX~~

Lloyd Ray

Mc Dowell

worked for Chappard -
presently laid off -

Pastor

Worked for Ray-mae

worked on Auger

helped in shooting

Top of hill - Bell Hall -

John Hall Branch

lived in Mc Dowell

Big Willie Moore

on Monday Feb 15 AP's

First saw Willie at Rickard line

Coming off work

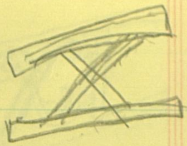
let cable down

Saw tracks on Rd

Willie sitting in Car

followed him home

Monday



Monday
Tuesday
used
thru August
Sunday
500.

Frazier

High School Purcell

Records of Phillip Booth



N.P.M. 52

Cont
T.E
156

Records of Phillip Booth
M^cDowell High School

attended 1st Semester 10th Grade
66-67

2 yrs in grade 9

English 65-66 - Failed English

64-65 - ^{1st Sem} Reading D-
_{2nd Sem} Reading E-

no more high schools in M^cDowell
Area

~~Monday~~

N.P.M. (1)

Monday
T.E 1(a)

Cross -

Brenda JACKETT

GI

Richard Watts
Wheelwright
by Dept of mines

Familiar w/ Tests administered

Govt

T.E

157

158

Bearing upon Credibility of
Psychiatrist rather than
upon Credibility of Eugene Tackett

15-16-17-18 Feb

Remarks 15-22 Feb 82

C 7 108

XII

Burnham Johnson

Huntington West. Va.

mine rating Commissioner's
C + O R.R.

Rating of area for Car
Supply

Govt

Bucks Branch

N P m 55

Formed prepared by
Angie Elliott

TE

11 - Snow

159

12-13 - Ice + Snow

15-16-17-18 Feb

Cool shipped during this
week

2 days

17 -

18.6

Cars

- 7.0

Cars left
over.

19 -

16.3

Cars

- 11.0

Govt.

Remarks 15-22 Feb 82
Wildcat Strike

N P m 56

TE

C 7.108

160

Govt.

2 Jones
N.P.M. 40

TE
40

G-107, monthly mini report
for J.R.M.
for Mrs. Powell Tuggle.

5
P...
P...

4
4
5

James:

Prima facie

no Compo Count 1 Comps

2. In g

3. In g

4. Aided & abetted

5. Aided & abetted

Paul:
P.D. Moore

what about
Comp.

Knowledge get out of town
a) only way to get at them
is by destroying equipment

(4) (b) Timber Rats will do this

2 Timber Rats did this

(5) Check to
to
Casper
Ston

Phelan
money from German
Elga paid German.

Hall + Moore

Bo Moore Hall

1

Moore

2

3

Interstate Commerce

Consulting evidence in
light must possibly to Port
a jury case has been made

Rockwell

Jim Milan

1

2

Thomas

Eugene Thacker

1

4
3

Considering the evidence and
a light most Government

Rowland

Tim Milano

1

3

Walbourne
Harold Moore - Don ground

1

Jimmy -

3

Must me be
changed as
abiter of abiter
ride to be
or you of
off not changed
and of abiter
327 U.S. 640
(1946)

Benny Caudill

~~_____~~ 0

1

~~_____~~ 0

2

7. only present at bottom of hill
Aider & better < ~~_____~~ 0
more presence alone < ~~_____~~ 0
visit sufficient

4

Hermit Newsom

< ~~_____~~

1

2

Mose Meade

Eg. walked up hill

Bunny

10

40

50

80

90

1000 -

Spencer

Linville Moseley

1

~~2~~

Driver

2

Ken up & down road as
looked -

as a better

Adams:

Randy Blankenship 0000 • 1

Thursday → • 3
~~Monday~~

U.S. v. Bebler.

Hollon

Palo Coy boat

"Lohent"

Camp . 1

1st day shooting 2

2nd day shooting 3

Brenson

Pondue - Halbert

Ct 1

2

7

4

5

Kirkland

Jason Moss

Bernie Stumbo

1

Teddy Kenney

Kenneth Rolland

Take more
Phelma - under

Raymond Hall - Got all western Hill

2

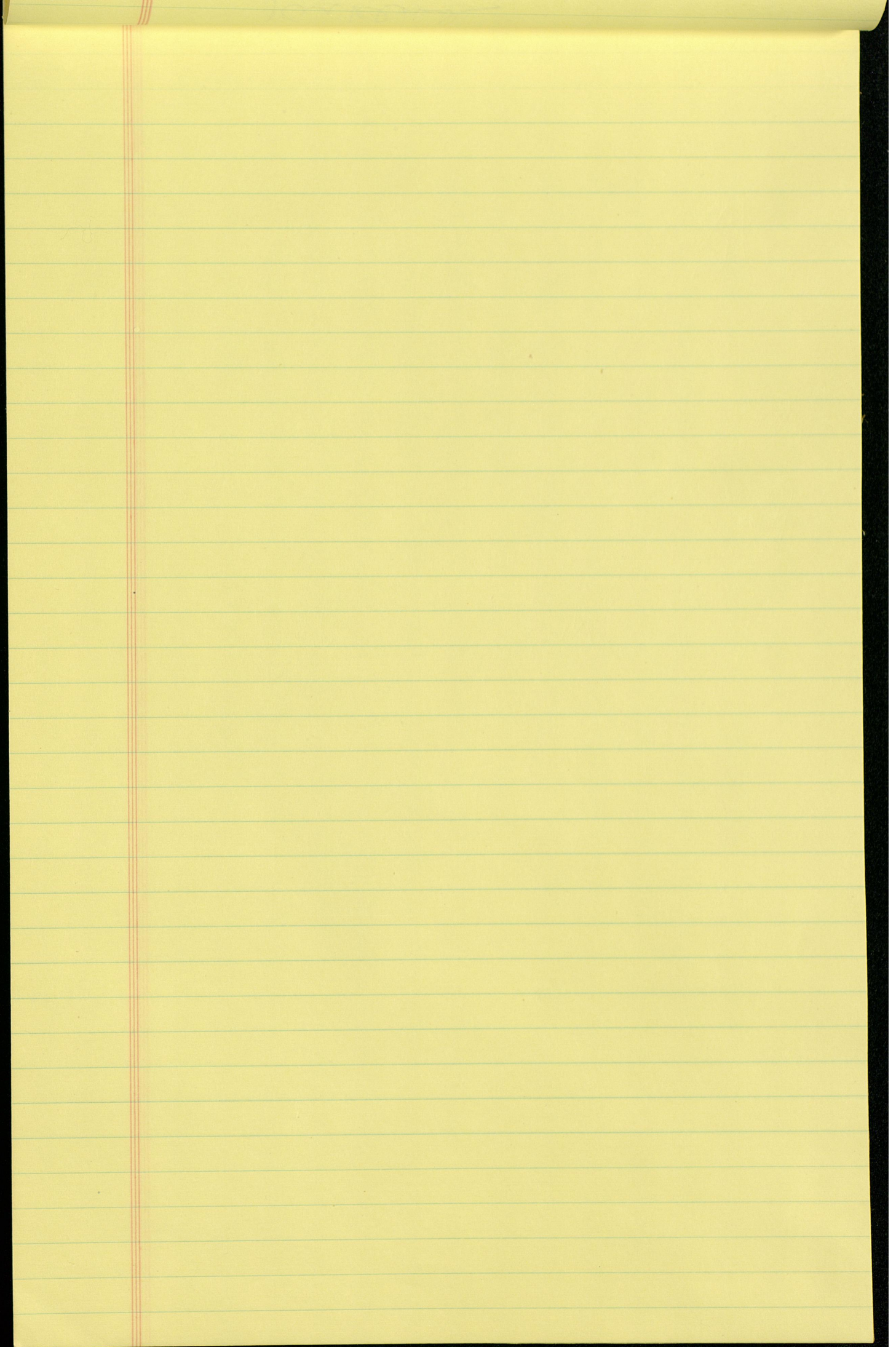
✓ ?? present at house ??

~~3~~
4

Stumbo — Parsons 5

Phelma said Parkville said man
told him kid jobs to do.

Let name of Stumbo & eye
Jones give money to Stumbo.



Calendar

Monday

Motions

~~Bring~~

Tuesday

Motion & Rule 30 Conf.

Wednesday 9^{am} Arguments

Thursday

notice, Argument & cost as below

Friday 9am Introduction of ex

Saturday deliberation -
Bring your personal effects which you will need.
Be open by the time.

Sunday will get to this

Check w/ clerk
to understand
the history
to proceed
Wed at 9.

515 F² 112

Collection

Attempt & Commission

8 offense

Evidence presented concerning

the jury is instructed that
With regard to the Admonition
regarding impeachment of
the testimony of Phillip Booth
by reason of statements of Carson Stone
it was brought out after
the admonition - but alleged
prior inconsistent statements
were not under oath.

If an alleged prior
inconsistent statement is not
under oath - The prior statement
is not
is not substantive evidence -
you can't rely upon it - and
the ~~inconsistent~~ alleged
inconsistency is permitted for
credibility purposes based upon
the believability of the witness testimony
if in the discretion of the jury it has any such bearing
of an alleged prior
inconsistent statement is made
under oath then the jury may
consider it as substantive evidence
and believe such prior statement
as ~~you~~ little or much as you
think proper.