

Colorado  
MIL 1.1/1928

**Biennial Report**

**OF THE**

**Adjutant General**

**State of Colorado**


**TO**

**His Excellency**

**The Governor of Colorado**

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**Denver, Colorado**  
**November 30, 1928**



**Biennial Report**  
**OF THE**  
**Adjutant General**  
**State of Colorado**  
—  
**November 30, 1928**

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Office of  
**THE ADJUTANT GENERAL**  
State of Colorado, Denver.

November 30, 1928.

**Subject:** Biennial Report of The Adjutant General,  
State of Colorado.

**To:** Honorable William H. Adams,  
Governor of Colorado,  
State Capitol,  
Denver, Colorado.

1. In accordance with the requirements of Section 42, Act of the General Assembly of the State of Colorado, approved April 7, 1921, there is submitted herewith the Report of the Adjutant General of Colorado for the biennial period ending November 30, 1928.

1 Inc.

PAUL P. NEWLON,  
The Adjutant General.

**BIENNIAL REPORT**  
of the  
**ADJUTANT GENERAL, STATE OF COLORADO,**  
November 30, 1928.

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Before entering upon the details of this Report it is the desire of The Adjutant General to express his sincere appreciation of the splendid cooperation accorded him and his office by officers and enlisted men of the Colorado National Guard during the past two years.

The unstinted assistance rendered by the splendid corps of Regular Army Instructors and Sergeant Instructors has, at all times, been a source of great satisfaction and pleasure, for, indeed, the Colorado National Guard would not and could not have reached its present high standing without the work of these able Instructors.

For your own ever ready advice, loyalty and cooperation in all things Military, The Adjutant General hereby tenders to Your Excellency, Governor William H. Adams, the Commander-in-Chief of the Colorado National Guard, his sincere thanks and due appreciation with firm hopes and belief that the future holds for our troops nothing but continued solidarity of purpose and a spirit of readiness to serve whenever emergency arises.

During the Biennial period covered by this Report few have been the changes in officer personnel and organizations as compared with some years past. In the year 1927 we had but 22 resignations of officers, while in 1928, up to November 30, there have been but 14. This in itself is, indeed, gratifying and indicates an increased stability in our personnel.

The following is a Roster of Officers of the Colorado National Guard at Midnight, November 30, 1928, including Regular Army Instructors and Sergeant-Instructors:

**COMMANDER-IN-CHIEF**  
**WILLIAM H. ADAMS,**  
Governor of Colorado

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**THE ADJUTANT GENERAL,**  
**COLONEL PAUL P. NEWLON,**  
Adjutant General's Department

**UNITED STATES PROPERTY AND DISBURSING OFFICER,  
MAJOR ALPHONSE P. ARDOUREL,  
Quartermaster Corps.**

Regular Army Instructors and Sergeant-Instructors now on duty with troops of the Colorado National Guard:

Name	Instructor of	Address
Lt. Col. James E. Shelley,	Cav. and State Staff,	Denver.
Captain Albert M. Head,	Infantry,	Denver,
Captain John H. Nankivell,	Infantry,	Denver,
Captain William E. Kneass,	Field Artillery,	Denver.
Captain Edwin W. Piburn,	Infantry,	Denver.
1st Lt. Lucas V. Beau, Jr.,	Air Corps,	Denver.
Tech. Sgt. Thomas M. F. Hamilton,	Infantry,	Denver.
Staff Sgt. Walter E. Willingham,	Cavalry,	Denver.
Sgt. Charles H. Griffis,	Field Artillery,	Pueblo.
Sgt. Morris Lachman,	Infantry,	Ft. Morgan.
Sgt. Joseph E. Warrick,	Air Corps,	Denver.
Sgt. Lee Robinson,	Air Corps,	Denver.
Sgt. Luther R. Hinds,	Infantry,	Denver.

**STATE STAFF**

Colonel Paul P. Newlon, The Adjutant General,  
2892 Bellaire St., Denver.

Major John S. Chase, M.C., State Surgeon,  
639 Marion St., Denver.

Major Alphonse P. Ardourel, State Quartermaster,  
2564 Dexter St., Denver.

Major Louis E. DeHaven, A. G. Dept., 1114 S. Wash. St., Denver.

Captain Lewis de R. Mowry, J. A. G. Dept.,  
950 Clayton St., Denver.

Captain William O. Perry, Ord. Dept.,  
3124 W. 35th Ave., Denver.

Captain Harry L. Reiter, Q. M. Corps, 473 Corona St., Denver.

Captain Charles M. White, Cav., I. G. Dept.,  
2064 Ivanhoe St., Denver.

**157TH INFANTRY**

Colonel Arthur L. Hart, Commanding,  
11937 E. Colfax St., Aurora.

Lt. Col. Wm. E. Guthner, Executive Officer,  
1777 Franklin St., Denver.

Captain Edward C. Austin, Adjutant, 3030 E. 17th Ave., Denver.

Major Rudolph J. Seyfried, Machine Gun Officer,  
270 S. Wash. St., Denver.

Captain Harold H. Richardson, I. P. & T. Officer,  
Rifle Range, Golden.

Captain William T. King, Supply Officer,  
407 S. Clarkson St., Denver.

**Attached**  
Chaplain (Captain) Mark T. Warner, Montrose, Colo.

**Regimental Headquarters Company**  
Captain (Vacant)  
2nd Lt. Carl H. Carlson, Greeley, Colo.

**Service Company**  
Captain Stewart M. Heberling, 1470 Leyden St., Denver.  
1st Lt. Richard A. Freygang, 1228 S. Lincoln St., Denver.  
1st Lt. Frank B. Kalina, R.F.D. No. 3, Golden.  
2nd Lt. Russell M. Little, 1748 S. Marion St., Denver.

**Attached**  
Warrant Officer David C. Carson, Ft. Collins.

**Howitzer Company**  
Captain (Vacant)  
1st Lt. Frank E. Sanburg, Canon City.  
2nd Lt. Claude M. Lester, Canon City.

**Hdqrs. and Hdqrs. Company, 1st Battalion**  
Major Chester A. Grover, 1524 Pearl St., Denver.  
1st Lt. Howard D. Finch, Fruita.  
2nd Lt. Lawrence E. Fromm, Fruita.

**Company "A"**  
Captain Irving P. Beckett, Craig.  
1st Lt. Walter C. Hammond, Craig.  
2nd Lt. James L. Johnson, Craig.

**Company "B"**  
Captain Bert V. DaVolt, 1035 Broadway, Denver.  
1st Lt. Fred F. Thompson, 442 Broadway, Denver.  
2nd Lt. Raymond A. Miller, 74 Garfield St., Denver.

**Company "C"**  
Captain Harry W. Gueno, Delta.  
1st Lt. Homer D. Graham, Delta.  
2nd Lt. Gordon F. Wisoner, Delta.

**Company "D"**  
Captain Irving O. Schaefer, Montrose.  
1st Lt. Robert Roatcap, Montrose.  
2nd Lt. Morris B. Dodge, Montrose.

**Hdqrs. and Hdqrs. Company, 2nd Battalion**  
Major Richard F. Grinstead, 3528 Williams St., Denver.  
1st Lt. Leo A. Noble, Longmont.  
2nd Lt. Bernard A. Faller, Longmont.

**Company "E"**  
Captain Clarence P. Childress, Lamar.  
1st Lt. Wayne G. Downing, Lamar.  
2nd Lt. Giles H. Strong, Lamar.

**Company "F"**

Captain Brooks O. Custer, P. O. Box 229, Boulder.  
 1st Lt. Arthur W. Howard, Boulder.  
 2nd Lt. Milton J. Wilbur, Boulder.

**Company "G"—Hdqrs. and 1st Platoon**

Captain Nasby W. Bolling, Rocky Ford.  
 1st Lt. Jacob L. Holcomb, Rocky Ford.

**2nd Platoon**

2nd Lt. Frank C. Ball, Manzanola.

**Company "H"**

Captain Preston J. C. Murphy, Ft. Collins.  
 1st Lt. Charles J. O'Laughlin, Ft. Collins.  
 2nd Lt. Thatcher M. Stinson, Ft. Collins.

**Hdqrs. and Hdqrs. Company, 3rd Battalion**

Major Rufus A. Johnson, Ft. Morgan.  
 1st Lt. George A. Irvin, Greeley.  
 2nd Lt. George Dauth, Jr., Greeley.

**Company "I"**

Captain Floyd G. Powell, Burlington.  
 1st Lt. Samuel L. Sprenkel, Burlington.  
 2nd Lt. Sidney P. Godsman, Burlington.

**Company "K"**

Captain George J. Williams, Brighton.  
 1st Lt. Karl F. Stolz, Brighton.  
 2nd Lt. (Vacant)

**Company "L"**

Captain Patrick H. Kastler, Brush.  
 1st Lt. Peter Sorensen, Brush.  
 2nd Lt. Fred C. Clay, Brush.

**Company "M"**

Captain Miami O. York, Weldona.  
 1st Lt. Paul M. Willson, Ft. Morgan.  
 2nd Lt. (Vacant)

**Medical Detachment, 157th Infantry**

Major Lee H. Winemiller, M.C., 1439 Eudora St., Denver.  
 Captain Pattison A. Waters, M.C., 4633 E. 10th Ave., Denver.  
 Captain Foye R. Troute, M.C., 2956 S. Bannock, Englewood.  
 Captain Colo C. Combs, D.C., 2200 Holly St., Denver.  
 1st Lt. (Vacant)

**45th Tank Company**

Captain Edward J. Irving, Broomfield.  
 1st Lt. George C. Devalon, R. 3, Golden.  
 1st Lt. Edward B. Allen, 5247 Lowell Blvd., Denver.  
 2nd Lt. William W. White, 11th Ave. Hotel, Denver.  
 2nd Lt. (Vacant)

**117TH CAVALRY****Hdqrs. and Hdqrs. Detachment, 1st Squadron**

Major John Finch, 251 Quitman St., Denver.  
 1st Lt. Duane F. Hartshorn, 1690 Steel St., Denver.  
 1st Lt. Raleigh C. Royall, 3439 Vine St., Denver.  
 2nd Lt. Lou W. Appeldorn, 3112 W. 37th Ave., Denver.

**Medical Department Detachment, 117th Cavalry**

Captain Philip W. Whiteley, M.C., 4530 Batavia St., Denver.  
 Captain Wallace M. Decker, V.C., Monte Vista.

**Troop "A"**

Captain Ronald H. Peters, Monte Vista.  
 1st Lt. Harry E. Kistler, Monte Vista.  
 2nd Lt. Lloyd C. Haggard, Monte Vista.

**Troop "B"**

Captain Raymond W. Combs, 341 Clarkson St., Denver.  
 1st Lt. Elmer F. Arnbrecht, 3529 W. 29th Ave., Denver.  
 2nd Lt. Robert D. Charlton, 1278 Grant St., Denver.

**Troop "C"**

Captain William F. Hunn, Loveland.  
 1st Lt. Howard E. Reed, Loveland.  
 2nd Lt. Herbert J. McFadden, Loveland.

**HEADQUARTERS,****168TH FIELD ARTILLERY BATTALION (HORSE)**

Major William Q. Howell, 736 Garfield St., Denver.  
 Captain Richard T. Wilson, 1032 California St., Denver.  
 1st Lt. Julius Weinberger, 1529 Adams St., Denver.  
 1st Lt. Harry L. Dotson, Hayden.

**Attached**

Chaplain (Captain) Benjamin D. Dagwell,  
 1324 Washington St., Denver.

**Hdqrs. Battery and Combat Train**

Captain Thurston T. Houghton, 704 Fox St., Denver.  
 1st Lt. Oriel D. L. Sibbald, 1356 Pearl St., Denver.  
 2nd Lt. Kenneth S. Johnson, 362 S. Logan St., Denver.  
 2nd Lt. Theodore R. Peck, 654 S. High St., Denver.

**Battery "B"**

Captain Floyd R. Pool, 1034 Ogden St., Denver.  
 1st Lt. Ralph M. Bitler, 1144 Pearl St., Denver.  
 2nd Lt. Howard W. Saisslin, 2713 E. 3rd Ave., Denver.  
 2nd Lt. Theodore O. Marshall, 3143 High St., Denver.

**Battery "C"**

Captain Aubrey J. Keif, 1201 Court St., Pueblo.  
 1st Lt. Daniel C. Oakley, 1610 E. 6th St., Pueblo.  
 2nd Lt. John P. Morgan, 1410 E. Evans St., Pueblo.  
 2nd Lt. (Vacant).

**Medical Department Detachment, Field Artillery**

1st Lt. George A. Unfug, M.C., 650 Thatcher Bldg., Pueblo.  
 Capt. John D. Paxton, V.C., Estes Park, Colo.

#### 45TH DIVISION AIR SERVICE

##### 120th Observation Squadron

Major Bruce Kistler, 836 Ogden St., Denver.  
Captain J. Herald Cordner, 1915 S. Downing St., Denver.  
Capt. Lewis W. Goss, 2070 Ivy St., Denver.  
Captain Carlos L. Reavis, 2037 Franklin St., Denver.  
Captain Virgil D. Stone, 1125 S. Univ. St., Denver.  
Capt. Ralph J. Hall, 1650 Elm St., Denver.  
1st Lt. Edgar E. Chappell, 1031 Filmore St., Denver.  
1st Lt. Daniel F. Kearns, 3500 Albion St., Denver.  
1st Lt. George A. Roberts, 2630 18th St., Denver.  
1st Lt. Homer G. Sweet, 1849 Grove St., Denver.  
1st Lt. Neil T. McMillan, 111 Harrison St., Denver.  
1st Lt. Francis T. Hazeltine, 2037 Fulton St., Aurora.  
1st Lt. Edward J. Brooks, 900 Sherman St., Denver.  
1st Lt. Charles J. LaGue, 1370 Pontiac St., Denver.  
1st Lt. Charles W. France, 1011 E. 17th Ave., Denver.  
2nd Lt. Harrison J. Wellman, Jr., R.F.D. Edgewater, Denver.  
2nd Lt. Edward J. Eshelman, Lowry Field, Denver.  
2nd Lt. Royal Leonard, 1330 High St., Denver.  
2nd Lt. Cecil H. Braddick, 610 Clayton St., Denver.  
2nd Lt. William E. Hunter, 1345 Downing St., Denver.

##### 120th Photo Section

1st Lt. Harley H. Montague, 13 Elati St., Denver.

##### Medical Dept. Detachment

Captain Nolie Mumey, 1905 Jasmine St., Denver.

#### 45TH DIVISION STAFF

Lt. Col. Joseph W. LeFever, Ordnance Dept.,  
2025 E. 24th St., Denver.  
Lt. Col. George M. Corlett, Infantry, G-2, Monte Vista, Colo.  
Captain Joseph E. Moorehead, Ordnance Dept.,  
2224 E. Colfax St., Denver.

#### 89TH INFANTRY BRIGADE

Major John P. Donovan, 3900 Sheridan Blvd., Denver.  
Captain Richard F. Bourne, V.C., 312 Myrtle St., Ft. Collins.  
1st Lt. Milton T. Lightner, Monte Vista.

#### NATIONAL GUARD RESERVE

Colonel Wm. A. Spangler, A. G. Dept., 2304 Albion St., Denver.  
Major Richard H. Jancke, F. A., 77 Sherman St., Denver.  
Capt. Ben H. King, Inf., 1153 S. Gaylord St., Denver.  
Capt. Louis F. Jaccard, Inf., Woodham, N. Y.  
Capt. Charles M. Ross, Inf., Shreveport, La.  
Capt. Lewis N. Scherf, Cav., Box 621, Edgewater, Colo.  
Capt. Bertram A. Burton, Inf., Canon City.  
Capt. Charles M. Armstrong, F.A., 1533 Cook St., Denver.  
Capt. Sidney G. Frazier, Inf., Greeley.

1st Lt. Harry D. Connor, Inf., c/o 819 High St., Denver.  
1st Lt. Oliver H. Whipple, Inf., c/o Water Com., Denver.  
1st Lt. John H. Pearson, Inf., Pueblo.  
1st Lt. Carlson E. Richardson, Cav., 1305 S. Clarkson St., Denver.  
1st Lt. Walter G. Johnson, Inf., 700 S. 4th St., Montrose.  
1st Lt. Chester W. Honnold, Inf., Los Angeles, Calif.  
1st Lt. Robert L. Spalding, Inf., Montrose.  
1st Lt. Raymond M. Wilson, A.C., R. No. 3, Newton, Ill.  
2nd Lt. Clarence L. Cantonwine, Inf., Longmont, Colo.  
2nd Lt. William J. Shay, Cav., 3735 E. Colfax St., Denver.  
2nd Lt. Frank M. Chelf, Inf. (Tanks) 1845 S. Clarkson St., Denver.  
2nd Lt. Chester James, Inf., Des Moines, Ia.  
2nd Lt. John S. MacClary, F.A., 725 W. 14th St., Pueblo.  
2nd Lt. Edward R. Derrington, A.C., 1420 E. 9th St., Pueblo.

#### CHANGES IN ORGANIZATIONS

The changes in organizations of the Colorado National Guard that have taken place during the past two years are as follows: Pursuant to authority of the Secretary of War, dated January 24, 1928, Headquarters Company, 1st Battalion, 157th Infantry, at Montrose, was disbanded and Company "B", 157th Infantry, at Fruita, was converted into a new Headquarters Company, 1st Battalion, 157th Infantry on February 14, 1928.

Authority having been granted by the War Department, under date of February 23, 1928, Headquarters Company, 2nd Battalion, 157th Infantry, stationed in Denver, was converted into a new Company "B", 157th Infantry, April 1, 1928, and a new Headquarters Company, 2nd Battalion, 157th Infantry, organized and inspected for Federal recognition at Longmont on April 2, 1928.

Under date of May 31, 1928, the Secretary of War authorized the disbandment of Flight "B", 120th Observation Squadron, 45th Division Air Service, at Pueblo, which disbandment was accomplished and the organization at Pueblo discontinued on June 30, 1928, leaving the entire Air Squadron of the Colorado National Guard stationed at Denver. The Government hangar on the Pueblo Airport has been leased by the Federal Government to the City of Pueblo with the provision that the United States reserves the right to use said hangar for aircraft purposes at any and all times, and that the hangar shall be maintained in good order and repair at the expense of the licensee who agrees to save the Government harmless from any and all claims for damage to property or injuries to persons incident to the use of the hangar.

#### STRENGTH

On November 30, 1926, the strength of the Colorado National Guard, including National Guard Reserve Officers, was 155 Officers and 1606 enlisted men, a total of 1,761. On November 30, 1928, there were 159 officers and 1563 enlisted men, a total of 1722, including National Guard Reserve.

The total allotment of active officers and enlisted men to the State of Colorado is now 1,858, and, to prevent an excess of this number, certain apportionments to organizations throughout the

State have been made and commanding officers are warned to hold their units within the respective allotments. This, of course, was made necessary on account of lack of funds by the Federal Government to meet the expenses of armory drill pay for a greater number. When this stringency of funds shall have been removed it is hoped that Colorado will be permitted to organize at least a part of the additional units now allocated to her, the complete list of which is as follows:

#### 45th Division Troops

45th Light Tank Company.  
89th Brigade Medical Department Detachment.  
157th Infantry.  
45th Division Air Service.

#### Corps Troops

106th Signal Battalion.  
137th Medical Regiment.

#### 24th Cavalry Division Troops

168th Field Artillery Battalion (Horse).  
128th Engineer Battalion (Mounted).  
124th Medical Squadron, consisting of  
Headquarters,  
Headquarters Detachment,  
124th Collecting Troop,  
124th Ambulance Troop,  
124th Hospital Troop,  
124th Veterinary Troop.

#### Army Troops, other than Cavalry Division

1st Squadron 117th Cavalry.

#### ARMORIES

Armory facilities at most stations outside of Denver are considered adequate not only for present needs but for the accommodation of a much larger number of troops than are at the present time organized.

The State-owned armories are located at the following named towns, and the names of units stationed thereat are given.

1. Boulder, Company "F", 157th Infantry.
2. Burlington, Company "I", 157th Infantry.
3. Brighton, Company "K", 157th Infantry.
4. Brush, Company "L", 157th Infantry.
5. Canon City, Howitzer Company, 157th Infantry.
6. Craig, Company "A", 157th Infantry.
7. Delta, Company "C", 157th Infantry.
8. Fruita, Hdqrs. Company, 1st Battalion, 157th Infantry.
9. Ft. Collins, Company "H" and Band Section, Service Company, 157th Infantry.
10. Ft. Morgan, Company "M", 157th Infantry.
11. Golden, (No organization).

12. Greeley, Regimental Hdqrs. Co., and Hdqrs. Company, 3rd Battalion, 157th Infantry.
13. Loveland, Troop "C", 117th Cavalry.
14. Lamar, Company "E", 157th Infantry.
15. Manzanola, 2nd Platoon, Co. "G", 157th Infantry.
16. Monte Vista, Troop "A", 117th Cavalry.
17. Montrose, Company "D", 157th Infantry.
18. Pueblo, Battery "C", 168th F.A. Battalion (Horse) and Medical Dept. Detachment, 168th F.A. Battalion (Horse).

#### Rented Armories

1. Denver, 45th Tank Company, Medical Department Detachment, 117th Cavalry, Medical Detachment, 157th Infantry, Service Company (less Band), 157th Infantry, Troop "B", 117th Cavalry, Battery "B", 168th F.A. Battalion (Horse), Company "B", 157th Infantry, Hdqrs. and Hdqrs. Detachment, 1st Sqdn., 117th Cavalry, Hdqrs. Battery and Combat Train, 168th F.A. Battalion (Horse).
2. Longmont, Hdqrs. Company, 2nd Battalion, 157th Infantry.
3. Rocky Ford, Hdqrs. and 1st Platoon, Company "G", 157th Infantry.

A casual glance at the number of organizations housed in the rented armory at Denver at once demonstrates the overcrowded condition and the urgent need of a State-owned armory in the Capital City, and it is hoped that within the next few years the savings in the Military Fund may reach such proportions as to make possible the construction of a building not only adequate and creditable to the Colorado National Guard but at the same time a credit and an ornament to Denver.

The 45th Division Air Service is adequately housed at Lowry Field, and, besides keeping up its regularly scheduled drills and instruction, all officers who have taken part in outside activities have received the highest commendation for their efficiency and skill in air work. The Colorado National Guard Air Squadron is now considered second to none in the United States and this office is justly proud to make such an announcement. Many calls have been made on our air officers to assist in locating landing fields at different cities over the State, in consequence of which it is now possible for our ships or visiting ships to land in almost any part of the State and on fields properly laid out and approved by higher authority.

Lowry Field, comprising about 130 acres, is leased land on which this Department holds an option to purchase at a very



reasonable price. This office intends to propose to the Military Board, in the near future, a plan to buy the land and pay for it in about three yearly payments, from our Military Fund.

#### AIR ACCIDENTS

During the two years covered by this report, three officers of the Colorado National Guard Air Corps have met death in airplane accidents, viz., Second Lieutenant Paul C. Vernier, January 24, 1927; Captain Earl H. Zimmerman, June 23, 1928, and Second Lieutenant Charles B. Welles, September 16, 1928.

While the death of these splendid officers is greatly regretted, and the places they occupied in the organization and in the love and esteem of their fellow officers can never be filled by others, it is indeed gratifying to know that their untimely demise was caused by no neglect or inefficiency on the part of officers or men of the 45th Division Air Squadron, but through unavoidable causes incident to their daily vocations not in any way connected with the Colorado National Guard. They were not flying National Guard planes when killed.

#### PROPERTY ACCOUNTING

This office adopted a radical change in the handling of Federal property about two years ago which has been highly commended and recommended by authorities at Washington and has been found very satisfactory not only to the Federal Government but to this office. It has been especially satisfactory to organization commanders. We shipped to our warehouses, from all armories in the State, all tentage, stoves, overcoats and horse equipment of infantry organizations, and blankets, surplus clothing, saddles and harness from mounted organizations. This change has decreased our losses considerably and gives the State a better chance to care for the property by having the bulk of it in our warehouses. Such property is always held in readiness for prompt issue and shipment to organizations on a moment's notice in case of emergency. Upon the completion of the general survey of property now being taken by Regular Army Instructors on duty with the Colorado National Guard it is believed no State in the Union will have a better record and classification of property than Colorado.

#### CAMPS OF INSTRUCTION

Instructional work among officers and enlisted men at the Annual Training Camps the past two years has been most ex-

ceptional, and, judging from comment of higher authority, it is believed that the troops of our State occupy a very high plane of efficiency. At the 1927 Camps, 142 officers and 1196 enlisted men attended and received training at Federal expense. In 1928, 130 officers and 1186 enlisted men were present. The interest manifested by the personnel attending these camps indicate that everyone appreciates the pains and money expended by the Federal Government in the upkeep of the National Guard.

#### NATIONAL MATCHES

In both 1927 and 1928 the Colorado National Guard has been well represented in the National Matches at Camp Perry, Ohio, and, while our teams made no extraordinary marks, their standing showed that practice on home ranges consistently followed out will bring about still better records in the future. In view of the fact that nearly all of our units have home ranges it is believed that within the next few years the Colorado Team will be able to distinguish itself in the National Matches.

#### SERVICE SCHOOLS

The following named officers and enlisted men have been detailed to attend courses at the Service Schools since the last Biennial Report:

Major Rufus A. Johnston, 157th Infantry, Infantry School, Ft. Benning, Ga.

Captain Thurston T. Houghton, 168th Field Artillery Battalion (Horse), Field Artillery School, Ft. Sill, Oklahoma.

Sergeant Henry Briggs, 45th Tank Company, Tank Maintenance School, Ft. Sam Houston, Texas. (At State expense).

Captain Clarence P. Childress, 157th Infantry, Infantry School, Ft. Benning, Ga.

Master Sergeant Theodore O. Marshall, Hdqrs. Battery and Combat Train, 168th Field Artillery Battalion (Horse), Field Artillery School, Ft. Sill, Oklahoma.

First Sergeant Earle T. MacArthur, Co. "F", 157th Infantry, Infantry School, Ft. Benning, Ga.

Captain William F. Hunn, 117th Cavalry, Cavalry School, Ft. Riley, Kansas.

Staff Sergeant Jewell C. Cann, 120th Photo Section, 45th Division Air Service, to Air Corps Technical School, Chanute Field, Ill.

Technical Sergeant Fred L. Schirk, 120th Observation Squadron, 45th Division Air Service Air Corps Technical School, Chanute Field, Ill.

Captain Irving P. Beckett, 157th Infantry, Infantry School, Ft. Benning, Ga.

Officers and enlisted men are ever willing and keen to avail themselves of the opportunity to attend courses offered by the

United States Government in these Service Schools, the only disadvantage being that the number of allotments of courses are not equal to the number who desire to attend.

#### WORLD WAR RECORDS

Owing to the shortage of funds it has not been possible to push the compilation of World War records, began early in 1927, as had been hoped. At the present rate of progress it will probably take another year to complete the work as has been outlined.

#### UNITED STATES MILITARY ACADEMY, WEST POINT

For the selection of enlisted men of the National Guard from Colorado for appointment to the United States Military Academy at West Point, N. Y., there is annually held a preliminary examination early in November. The successful candidate in 1927 was Sergeant Stanford W. Gregory, 120th Observation Squadron, 45th Division Air Service. Sergeant Don E. Cowles, Company "F", 157th Infantry, received the Governor's nomination to the War Department this year.

#### ANNUAL ARMORY INSPECTIONS

These inspections are required by the Federal Government to be made by Regular Army officers whose duty it is to ascertain whether or not the amount and condition of Federal property in the hands of the organizations are satisfactory; whether officers and enlisted men fulfill the requirements of the United States Government and are properly uniformed, armed and equipped; whether they are receiving instruction and training as contemplated by regulations and laws covering their duties in the National Guard, and whether records are properly kept. Upon the report of these inspections depends largely the cooperation and activity of the United States as pertains to issues of equipment, appropriations, and continuation of units or organizations in the National Guard.

The results of these inspections of the Colorado National Guard for the past two years have been, in general, very gratifying, the majority of units receiving ratings of "Satisfactory" and "Very Satisfactory".

#### TROOPS ON STRIKE DUTY

A strike among coal miners, originated and conducted by the Industrial Workers of the World (I. W. W.), and which spread to practically every coal field in the State, was called October 18,

1927. Mass picketing, which is in violation of the Colorado Anti-picketing law, was resorted to on the property of every mine that attempted to work in Huerfano, Las Animas, Fremont and Weld Counties. No mines in Boulder County attempted to work until after troops were in the field. Crowds of picketers, many times to the number of 800 men and women, would gather in towns adjacent to mines attempting to operate and in automobiles and trucks numbering as high as 100 would form a column and go to the mines in the mornings and evenings at the time the shifts were changing and by every known method of intimidation and threat would endeavor to keep men from working. October 28, 1927, on order of Your Excellency, I drove to Walsenburg and Trinidad, known as the Southern Field, with three officers in uniform, to use my efforts to induce the I. W. W. leaders to obey the Anti-picketing law. After a series of conferences lasting about thirty hours they agreed to abide by our wishes in the matter. However, the agreement was broken before sunrise the following morning. One of the leaders with whom I had been in conference organized a picketing party and kept the men at the Tabasco Mine in Berwind Canon from going to work. The picketing continued, and after spending a week in this district, I returned to Denver and made my report. In the meantime, the same methods were resorted to in the Northern Fields embracing the counties of Weld and Boulder. Their activities, however, were centered on the Columbine Mine—the only mine attempting to work. I invariably, in company with three or four officers, visited this district every day in the hopes that we could have some effect on their demonstrations which were growing more bitter all the time. On Monday morning, November 21, 1927, I drove to the Columbine Mine with four officers, accompanied by Mr. Tom Annear, Chairman of the State Industrial Commission, and Mr. Sterling B. Lacey, State Budget Commissioner, still in the hope that we might induce the picketers to obey the law and save possible trouble. We arrived about 6:00 A.M. and found the State Law Enforcement officers, under command of Captain Lewis N. Scherf, Superintendent, in a bitter fight with a mob of probably 600 or 700 picketers, mostly men, who were fighting their way to the tipple of the property. Captain Scherf had only about sixteen men, many of them at the time we arrived being badly wounded. He was forced continually to fall back before superior numbers, all the time cautioning the mob to stop. My party arrived on the battle ground just as Captain Scherf's men had fallen back to the water tank which was within 100 yards of the tipple. I heard Captain Scherf again warn them to stop and that he was

not going any further. The mob continued the attack, cursing Captain Scherf's men and throwing rocks, pieces of iron and anything they could get their hands on. Captain Scherf ordered his men to draw their guns, and again warned the mob that he would shoot if they came any closer. The warning had no effect and Captain Scherf ordered his men to fire. Six men were killed and about twenty wounded. The mob then seemed to realize that they had gone too far, and, picking up all their dead and wounded but five, left the field and returned to Erie. I immediately returned to Denver with Mr. Annear and Mr. Lacey and reported to Your Excellency. After a short discussion of the situation you directed me to mobilize and assume command of what troops I considered necessary to take the situation in hand in order that life and property might be protected. You immediately issued the following Executive Order:

## EXECUTIVE ORDER

### ORDERED:

It having been made to appear to me that certain peace officers and other good and reputable citizens, and I do hereby find that tumult, riot and mob violence are threatened in the Counties of Boulder and Weld, in the State of Colorado, and that in said counties are bodies of men, acting together, by force, and with attempt to commit felonies, and to offer violence to persons and property in said counties, and by force and violence to break and resist the laws of this State, and that the civil authorities thereof are wholly unable to cope with the situation in the preservation and maintenance of order and the laws of the State of Colorado, and I hereby find and declare a state of insurrection exists in said counties.

I therefore direct you, Colonel Paul P. Newlon, The Adjutant General of the State of Colorado, in pursuance of the power and authority vested in me by the Constitution and laws of this State, to forthwith order out and assume command of such troops as in your judgment may be necessary, and that you use such means as you deem right and proper, acting in conjunction with, or independently of, the civil authorities of said counties, as in your judgment and discretion conditions demand, to maintain peace and good order in said communities and to enforce obedience to the Constitution and laws of Colorado.

And I now call upon all law-abiding citizens to assist in maintaining order by strict observance of the laws of Colorado and the United States by continuing in the quiet pursuit of their usual vocations and by refraining from participating in assemblages which are, or are likely to become disorderly, tumultuous or otherwise unlawful.

All disaffected or evilly disposed persons are warned of the illegality of their conduct, and all necessary force will be used to suppress their unlawful action.

Every citizen desiring to work for whom or where he pleases shall be protected to the limit in that lawful and laudable desire, and all life and property shall be protected and rendered safe within the confines of this State.

GIVEN under my hand and the Executive Seal, this twenty-first day of November, A. D., 1927.

WM. H. ADAMS,  
Governor and Commander in Chief.

The following named troops were mobilized and ordered to the Columbine Mine on November 21, 1927:

45th Tank Company,  
Troop "B", 117th Cavalry,  
Hdqrs. Company, 157th Infantry,  
Medical Detachment, 157th Infantry,  
Company "F", 157th Infantry,  
Company "H", 157th Infantry,  
Company "K", 157th Infantry,  
Hdqrs. Battery and Combat Train, 168th F.A. Bn. (Horse),  
45th Division Air Corps,  
Troop "C", 117th Cavalry.

These troops began arriving on the field at 3:00 P.M., reporting to Major Chester A. Grover, 157th Infantry, until my arrival on the troop train from Denver. All troops, other than Denver troops, were transported by automobiles and busses.

On November 27, 1927, Battery "B", 168th F.A. Bn. (Horse), Company "L", 157th Infantry, Hdqrs. Company, 3rd Battalion, 157th Infantry, and Hdqrs. Detachment, 1st Squadron, 117th Cavalry, were ordered to duty, and on December 7, 1927, and December 17, 1927, respectively, Service Company (less Band), 157th Infantry, and Medical Department Detachment, 117th Cavalry, were sent to the field.

As Company "F", 157th Infantry, from Boulder, Colorado, was composed of practically all college men, this Company was relieved on November 29th, as was about half of Company "H", 157th Infantry, from Ft. Collins, for the same reason. Their places were filled, as will be seen, by units referred to in preceding paragraph.

I immediately organized the nineteen mines in Boulder and Weld Counties into three zones with troops stationed at Frederick, Louisville, and the Columbine Mine, the latter of which was later changed to Erie. This was done to insure protection to men who wished to return to work as soon as protection was provided.

I adopted a method that had never been used before. I kept very few men at the mines, the protection being furnished by cavalry and auto patrols. This was done for several reasons, one of which was the comfort of the men. Undoubtedly much sickness was prevented by housing the men in warm barracks which were built at the three zone headquarters. Another reason was that I was able to keep the troops from loafing among the miners and on the streets of the town. This was also conducive to better discipline.

By means of vigilant patrols the situation was very quickly cleared up and the men began to work in practically every mine in the district. Roads, however, were protected as long as troops were in the field in order to permit men to go to and from their work. A considerable number of arrests were made, but, as a rule these parties were turned loose after promising to abide by military orders. All prisoners were eventually released except four for whom a writ of habeas corpus was sued. A detailed report on this court action will be found on another page of this report.

As the situation improved, troops were sent home, and, on April 6, 1928, the last detachment was relieved.

It is with considerable pride and pleasure that I can report that it was never necessary to use a rifle or pistol to enforce our orders during this tour of duty.

In closing this report, I want to express my appreciation to the troops for the manner in which they conducted themselves. They went about their work in a gentlemanly, sober, business-like way, attending strictly to their own affairs, taking no sides in the issue, and, so far, I have not been able to hear a complaint of unfairness on their part. On one or two occasions, only, were complaints made of the abuse of power on the part of anyone, and I hereby express my appreciation of the splendid cooperation and loyalty that at all times was shown by Your Excellency during this trying period. I am sure that this largely accounts for the lack of criticism on the part of the public during and after the period of Military Occupation of the affected area.

#### JEFFERSON COUNTY DETAIL

A small detachment of men under the command of First Lieutenant Bert V. DaVolt, 157th Infantry, made up of members of Company "F", 157th Infantry, and Hdqrs. Company, 2nd Battalion, 157th Infantry, were ordered to guard the Leyden Mine in Jefferson County. This detail was made on November 29, 1927, and relieved March 31, 1928. Jefferson County not being in the district defined in Executive Order was not under my jurisdiction.

#### HABEAS CORPUS COURT CASES ARISING FROM COAL STRIKE.

Two separate actions were brought by prisoners arrested by Military Authorities during the Coal Strike, for their release under Writ of Habeas Corpus. The first was instituted in the District Court of Weld County under the title of "Adam Bell, et. al.,

vs. William H. Adams, Governor of the State of Colorado, et al., No. 7379".

In this action petitioners set up substantially the following facts:

1. The detention of prisoners.
2. A conspiracy among the respondents to deprive them of their liberty.
3. The absence of any commitment order or process for imprisoning petitioners, and failure on the part of respondents to deliver to the petitioners a copy thereof.

The writ was issued by the Court on this Petition. A return was filed by respondents which set forth the following facts:

1. Admitted the detention.
2. Denied the conspiracy.
3. Alleged that the prisoners were rightfully detained by virtue of the Executive Order which is set forth in this report and because of the further fact that the military forces were in the field in compliance therewith.

The petitioners filed their answer to the return, in which they substantially deny the allegations in the return. A motion for judgment on the pleadings was interposed on behalf of the respondents which was argued to the Court. The respondents relied principally on the cases of "In re Moyer, 35 Colo. 159; Moyer vs. Peabody, 148 Fed. 871; 212 U. S. 78"; and the following provisions of the State Constitution: Article 4, Section 2; Article 4, Section 5; and Section 218 Compiled Laws of Colorado, 1921.

After hearing the arguments the Court entered judgment for the respondents on their motion above mentioned and the prisoners were retained in custody.

Later, other prisoners were apprehended and confined. They presented their Petition to the United States District Court for the State of Colorado and alleged substantially the same facts as were set up in the former return. An answer was filed thereto in which a Demurrer was incorporated. The respondents then demurred to the answer.

At the hearing the respondents relied on the same authorities used in the State Court, and in addition thereto the following cases were cited and argued on: "Luther vs Borden, 7 Howard 40; United States vs Wolters, 268 Fed. 69; Ex Parte Graber 247 Fed. 882; United States vs Fischer, 280 Fed. 208; Martin vs Mott, 12 Wheaton 19; In Re William Boyle, 6 Idaho 609, 57 Pac. 706."

After hearing the arguments the Court held that the prison-

ers were wrongfully detained and gave a written opinion thereon which is reported as "United States ex. rel. Palmer, et. al. vs Adams, Governor of Colorado, et. al. in 28 Fed. (2d) at page 141". The more important parts of the decision are that:

1. Martial law had not been declared in the executive order nor in any proclamation. In this regard, on page 144, the Court said: "If the Governor here had declared martial law, we would have an entirely different situation. All the rules applicable thereto, which this Court and others are bound to recognize, would come into play. We would know how to proceed, how far the functions of the Court and civil authorities were abrogated. That is not the case. The situation presented is without a parallel on the facts outside Colorado. It seems to me there either must be martial law or no martial law, and, until there is, no rogatory body can lawfully go around in the State, depriving individuals of the rights that the constitution, both State and Federal, guarantees. We have either one or the other. The two cannot exist side by side."

The Court then quotes from the Milligan case. The following appears in the opinion on the same page: "In my opinion, the State authorities must take one of two positions: either that martial law is justified and declared, and the territory taken over, and civil power made subordinate to the military power, or else they must recognize the civil power, and allow it to deal with the situation. I cannot see any middle ground. I am not saying that the facts would not justify the Governor in declaring martial law, or that he could be called to account if he so declared."

2. Courts cannot inquire into the degree of necessity or substitute its judgment for that of the Governor.

On page 145 the Court said: "The executive is vested with large discretion in such matters, and courts cannot inquire into the degree of necessity or substitute its judgment for that of the Governor. But there must be a limit somewhere. Otherwise we have a government of men and not of laws."

From this decision the respondents appealed to the United States Circuit Court of Appeals which was called for argument on September 18, 1928, at Denver, Colorado. Approximately five months had elapsed this time since the withdrawal of the troops. On November 24, 1928, a decision was handed down in which the Circuit Court decided that the question had become moot. This decision has not yet been published in the Federal Reporter.

Respectfully submitted,

PAUL P. NEWLON,  
The Adjutant General.

MILITARY DEPARTMENT—STATE OF COLORADO

CONDENSED FINANCIAL STATEMENT

1927 AND 1928

RECEIPTS AND DISBURSEMENTS:

During the biennial period 1927-1928, the total disbursements of the Military Department aggregated \$322,370.35 (1927, \$195,993.63 and 1928, \$126,376.72) all of which was paid from the State Military Fund, there being no special appropriations or apportionments available during that period.

The total receipts during the same period were as follows:

	1927	1928	Total
Mill levy from State taxes.....	\$106,556.46	\$108,420.69	\$214,977.15
Miscellaneous Cash Receipts..	634.51	11,238.54	11,873.05
<b>Total .....</b>	<b>\$107,190.97</b>	<b>\$119,659.23</b>	<b>\$226,850.20</b>

The total disbursements during same period were as follows:

	1927	1928	Total
Administrative Salaries .....	\$ 29,032.03	\$ 23,605.05	\$ 52,637.08
Airports (Constr. & Repair)....	9,724.95	1,810.71	11,535.66
Armory Construction .....	76,185.12	384.70	76,569.82
Armory Maintenance .....	2,437.49	339.15	2,776.64
Armory Repairs .....	2,385.99	775.26	3,161.25
Automobile Repairs, etc. ....	2,291.58	3,067.28	5,358.86
Annual Camp Expense .....	183.58	45.00	228.58
Bond Premiums .....	128.50	74.00	202.50
Cash Advance Account.....	988.10	.....	988.10
Drayage and Hauling.....	79.25	243.27	322.52
Forage and Horse Care.....	40.00	.....	40.00
Freight and Express .....	196.22	823.22	1,019.44
Gasoline and Oil.....	2,475.72	2,364.52	4,840.24
Home Target Ranges.....	54.19	.....	54.19
Inspection and Investigation....	2,444.28	1,715.41	4,159.69
Insurance and Taxes.....	2,956.27	2,487.55	5,443.82
Janitor Expense .....	7,690.00	5,040.00	12,730.00
Light, Heat, Power & Water..	9,110.58	10,968.39	20,078.97
Material and Supplies.....	3,846.59	4,550.97	8,397.56
Medical Care and Supplies.....	767.61	2,198.43	2,966.04
Office Supplies & Stationery....	1,343.23	1,076.19	2,419.42
Postage .....	324.50	207.30	531.80
Printing and Advertising.....	744.25	498.10	1,242.35
Property .....	991.69	73.03	1,064.72
Rifle Range Construction.....	418.00	5,925.25	6,343.25
Recruiting Expense .....	231.31	.....	231.31
Rent .....	7,158.70	6,389.50	13,548.20
Rifle Team Expense.....	219.40	250.00	469.40
Refundments to U. S.....	36.25	.....	36.25
Subsistence & Mess Expense..	2,312.03	1,184.95	3,496.98
Telephone and Telegraph.....	1,352.82	1,079.38	2,432.20
Transportation .....	2,441.14	2,846.74	5,287.88
Wages and Labor.....	22,240.36	36,738.56	58,978.92
Miscellaneous .....	3,161.90	9,614.81	12,776.71
<b>Total .....</b>	<b>\$195,993.63</b>	<b>\$126,376.72</b>	<b>\$322,370.35</b>

CASH RECEIPTS were received and distributed as follows:

Administrative Salaries .....	116.66	116.66
Armory Buildings .....	2,040.00	2,040.00
Automobile Repairs, etc.....	16.00	16.00
Cash Advance Account.....	549.03	549.03
Airports (C.&P.) .....	2,608.22	2,608.22
Inspection & Investigation.....	33.50	33.50
Insurance and Taxes.....	2.03	2.03
Material and Supplies.....	118.05	118.05
Property .....	11.53	11.53
Rent .....	40.00	40.00
Rifle Team Expense.....	30.60	30.60
Telephone and Telegraph.....	.45	1.77
Transportation .....	12.73	12.73
Wages and Labor.....	787.00	787.00
Miscellaneous .....	5,465.93	5,465.93
<b>Total .....</b>	<b>\$ 634.51</b>	<b>\$ 11,873.05</b>

At the beginning of the biennial period (December 1, 1926) there was available a balance of \$104,559.93 to the credit of the Military Department, as follows: \$99,559.93 on deposit with the State Treasurer, State of Colorado, and \$5,000.00 as a Quartermaster Revolving Fund, on deposit with the Denver National Bank.

At the close of business on November 30, 1928, a cash balance of \$4,376.25 remained to the credit of the Military Department, on deposit with the Treasurer of the State of Colorado.

Denver, Colorado.  
November 30, 1928.

I certify that, to the best of my knowledge and belief, the foregoing is a correct statement of the transactions of the Finance Department, Military Department, State of Colorado, for the biennial period of 1927-1928, as shown by the books and records of that Department.

During this period this office also disbursed \$209,349.63 obtained on Certificates of Indebtedness, to cover expenditures in connection with 1927-1928 Coal Strike.

A. P. ARDOUREL,  
Major, State Quartermaster.

