

FINAL REPORT

of the

LOS ANGELES COUNTY GRAND JURY

(October 25, 1910 - October 13, 1911)

To The

Hon Walter Bordwell,
Judge of the Superior Court, Dept. 9,
Los Angeles County, California.

In making this, the final report of a Grand Jury that has been in session since October 25th, 1910, a year filled with serious problems and some extremely grave ones, this body wishes first to voice its appreciation of you, Judge Walter Bordwell Presiding Judge at the time this Jury was empaneled. It has been a matter of satisfaction to the members of the Jury that your advice and wisdom was always at our service, and we have come to know and respect you as fair and consistent, and endowed with a high sense of the duty coming within your province. To you we are indebted for guidance, your high personal integrity which has influenced each and every one of us and the association which has given us the privilege of contact with a gentleman and a valuable citizen.

Los Angeles, Cal., January 5, 1911.

Hon. Walter Bordwell,
Judge Department 9, Superior Court,
Los Angeles, California.

Pursuant to your instructions of October 25, 1910,
we have made a full and careful examination into the "Times"
disaster, and we will be ready to present our findings to you
at P. M. to-day.

We have discussed with you the advisability of fil-
ing a report, in addition to the findings, and you have not
looked upon this favorably. Now, we want to make an appeal
to you and ask you to accept our report. We want to state
that we believe this not only our privilege, but a duty to
make such a report, and we think the public should know the
facts as we find them, in a matter of such great importance
as this, and that they can only know them from a report made
by this Grand Jury. You informed us that this will not, in
your opinion, effect or invalidate our other findings, also
that it is customary, or at least not unusual, in such cases.

We respectfully and earnestly request that you re-
ceive the report we have prepared.

Respectfully yours,

W. Scott
W. A. Lloyd
J. H. Lincolnton
Jacob Wright
J. E. Case
J. W. Cavanaugh
W. E. Allen
E. J. [unclear]
Clarence E. Webster
Oliver [unclear]
Foreman.

H. R. [unclear]
R. F. [unclear]
S. G. [unclear]
F. E. McCollum
Thos. B. Chapman
J. M. Tibbitts
John Bloem
Saml. W. [unclear]
W. [unclear]
Secretary.

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We respectfully report:

In the morning of October 1, 1910, at about the hour of one o'clock, the building of the Times-Mirror Company, at First Street and Broadway, in Los Angeles City, Los Angeles County, California, was destroyed by explosion and fire.

At least twenty human beings lost their lives in the catastrophe. Forthwith, the charge was made that the building had been destroyed by "the enemies of industrial freedom." Shortly thereafter it was, on the other hand, set forth that the explosion and fire were due to the presence of illuminating gas in the building, and to the accidental explosion of such gas.

The instructions of his Honor call upon this Grand Jury to investigate the cause and circumstances of such disaster, and in compliance with the instructions, we have made such investigation, and do now report to the Court our findings.

It ~~therefore~~ appears at once that either the tragedy was a terrible, indeed, a monstrous crime, perpetrated at midnight, destroying the lives of many innocent persons; or that an unwarranted accusation of murder had been made.

We fully realize the ~~importance~~ importance of the

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1 problem committed to us for solution, and we have therefore
2 given to its consideration our best thought, understanding and
3 effort.
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6 Throughout all the sessions of the Grand Jury every
7 member thereof has been present. There have been no absentees
8 at any time. No relevant fact has seemed too trivial to be
9 considered; no information too remote to be sought. We have
10 called before us all persons from whom we thought information
11 or evidence might be obtained, and at all times we have re-
12 quested the witnesses to place in our possession every fact or
13 circumstance with which they were acquainted, the name and
14 whereabouts of every witness whose testimony might be valuable;
15 and have sought to understand and realize the weight and effect
16 of every fact bearing upon the disaster, no matter how remote
17 or seemingly unimportant. This has taken much time, but we
18 believe that the importance of the inquiry justified it.
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25 We have examined one hundred and seventy-four wit-
26 nesses, many of them several times. We have had before us
27 many exhibits and much documentary evidence.
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29 We have been in session twenty-four working days.

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31 We feel, therefore, that we have done all in our power to
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measure up to the public duty imposed upon us.

Building destroyed by an explosion.

The evidence shows without contradiction that the destruction of the Times Building was caused primarily by some kind of ~~an~~ explosion of tremendous power; that this explosion was followed by fire which contributed to the horrors of the catastrophe; that prior to such explosion there was no fire.

~~This explosion appears to have been occasioned either by a high power local explosive, placed in some part of the building, or by gas permeating the building, or parts thereof, in such quantities as, upon ignition, to cause its destruction.~~

High-power explosive placed in alley.

At the outset of the inquiry it became necessary to determine whether or not the primary explosion was that of a high-power, local explosive

tor gas + (Heard)

We unanimously report that there was placed in the Times Building, in that part thereof commonly known as Ink Alley, a high-power explosive in the nature of dynamite or nitro-glycerine, and that the origin of the catastrophe may be found in the destruction wrought by this agency.

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Ink Alley was a passageway running from Broadway eastwardly through the building, having each end open, with ready access from Broadway, used frequently ^{and} almost as a public thoroughfare. It overwhelmingly appears from the testimony that at a point in said alley about thirty-five feet eastwardly from the sidewalk on Broadway, the explosive was placed, amidst barrels of printer's ink, rubbish and waste paper. The base of the alley consisted of concrete, supported by structural steel I-beams. So great was the power of the explosion that parts of the concrete base of the alley were pulverized into fine dust, much of the concrete was broken, fractured and precipitated with tremendous violence into the basement, killing one of the workmen directly under the spot. Supporting I-beams of structural steel, one of them a twelve inch I-beam, were cut off as if by a pair of gigantic shears; others were buckled, kinked and fractured in a fashion not attributable to fire or weight.

Numerous witnesses testified that the primary explosion made a hole ^{from ten to} at least twenty feet in diameter from the basement of the building thru the roof. In the minds of all the jurors there exists no doubt that the primary explosion in

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1 the Times Building was that of a high-power, highly destructive
2 explosive placed by human agency in the building with criminal
3 intent to wreck and destroy.
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6 Gas not explosive agent.
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8 While it appears from the testimony that gas escaping
9 from several pipes and connections conduced to the ultimate
10 destruction of the building by fire, none of us are of the
11 opinion that the disaster originated in an explosion of gas,
12 or was primarily due thereto. *All the testimony shows clearly and conclusively*
13 *that exploding gas does not produce the*
14 *physical conditions found in the building.*

15 We made exhaustive inquiry into the explosive action
16 of illuminating gas. The possibility of gas being the destroy-
17 ing agent, the explosive force, received full consideration.
18 Expert evidence and testimony of those who have had observation
19 of gas explosions, was extensively taken. Evidence covering
20 hundreds of pages and consuming weeks in the taking cannot be
21 set forth in a report of this kind. Such evidence, however,
22 makes the theory of exploding illuminating gas not only un-
23 tenable, but puerile. We found not one physical fact, we
24 heard the testimony of no expert, we received the evidence of
25 not one witness, which made such hypothesis possible.

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31 ~~We found that great effort had been made to establish~~
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~~the case theory, pamphlets by hundreds of thousands, written
in its support, have been circulated throughout the country~~

On the twenty-sixth of October, 1910, there was published ^{and widely circulated} ~~was~~ purported to be a report and findings of a committee appointed by the State Federation of Labor to investigate the catastrophe. This report, under the circumstances, seemed to us a proper subject for investigation, with a view to determining upon what evidence the findings therein were made. We desired to have the benefit in our investigation of any information which such committee might have in its possession or have knowledge of, and which might be material to the inquiry. We therefore called before us all members of the committee who could be found in the state; namely, six of the seven. We further requested their attorneys to testify as to any information which they possessed, with which request they complied. Upon learning the names of the witnesses before such committee, we called to testify before ^{us} such of the witnesses as could be found, and received from the attorneys of the State Federation depositions and affidavits of the remainder. We further received the testimony of the author of the report. We feel, therefore, that we have availed ourselves of all the evidence

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1 possessed by such committee.

3 A remarkable condition at once became apparent. It
4 appears from the testimony that only three of the seven mem-
5 bers of such committee ~~either~~ signed the report, heard the
6 evidence upon which it was founded, or even read such report
7 before its publication.
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10 We further find that the report was written by
11 John Kenneth Turker, an author, for a financial consideration,
12 and that it was ~~officially~~ promulgated without ^{the} signatures ^{of} a
13 majority of the committee, and without knowledge on the part
14 of four of them as to ~~its~~ its contents.
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17 ~~We called before us the experts whose opinion was
18 taken by this committee, and upon presentation to them of the
19 physical facts and circumstances in evidence before this Grand
20 Jury, they ^{then} gave it as their opinion that the explosion in
21 the Times Building was of a high-power explosive, dynamite or
22 nitro-glycerine, and not gas.~~
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27 After a full, fair and impartial hearing of ~~these~~ ^{committees'}
28 witnesses, and of many others, upon the subject, we find that
29 there is not a scintilla of evidence upon which to base the
30 findings of such report, and that it was issued, as explained
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1 by its author, not as a findings of the facts of the explosion,
2 but as an argument in defense of accusations made.
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4 "Gas Theory" Investigated.
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6 We made diligent inquiry to determine whether or not
7 there was illuminating gas in the building on the night of the
8 disaster, escaping in sufficient quantities to explode. We
9 called before us fifty-three witnesses who were in the build-
10 ing at or close to the time of the explosion. They came from
11 various parts of the building, and we believe that we covered
12 every room and every place in the building. Out of all ~~this~~ ^{these}
13 ~~witnesses~~ ^{witnesses} ~~testimony~~ we found but one witness who said that he smelled
14 any illuminating gas there on the night of the explosion, and he
15 said that he smelled no gas on the floor of the building where
16 the explosion occurred. Many other witnesses were in the same
17 room with this witness at the time he alleges he smelled gas,
18 and they are in accord in saying that they smelled no illuminat-
19 ing gas. It appears that in certain mechanical operations
20 necessary to flux the stereotyping metal there was used in the
21 basement of the Times Building a combination of sulphur, salt-
22 petre, and certain sal-ammoniacs, which caused a distressing
23 odor. This odor was noticed by ^{this} employees ^{before the explosion} and upon complaint
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of the odor by the sole witness who testifies to the smell of gas, the character and nature of the smell was explained to him.

The most diligent inquiry and search failed to bring to our notice any other testimony whatsoever as to the slightest smell of gas in the Times Building on the night of the explosion, and the witness referred to testified that the gas was not present in sufficient quantities to cause an explosion, or even to cause nausea in him. It therefore appears to us that there is no foundation whatever for the belief *or for* of the statement that there was any escaping gas in the building.

It further appears from the testimony, both of experts and *of* those present, that it ~~would have been~~ *was* impossible for even a small quantity of gas to have permeated the building without its presence being detected. *#* It is certain that the explosion occurred in Ink Alley. It is further certain that in an open passageway of the dimensions of Ink Alley -- about ten feet wide and eighteen feet high *#* -- with both ends open, with doors leading into it at various places, sufficient gas to cause the great destruction which we find to have occurred, could not have accumulated. It is further certain that in a building occupied by scores of people, with employes passing through

1 halls, and from one room to another, and in and about the pass-
 2 ageways through the entire building, there could not have been
 3 sufficient gas to cause such awful destruction, without many
 4 people being aware of its presence. We called before us mem-
 5 bers of the committee above mentioned and their attorneys, and
 6 requested them to produce any evidence which they were aware of
 7 concerning the presence of escaping gas in the building, and
 8 they furnished us ~~none~~ ^{none, other than above stated} ~~f~~ On the contrary, they stated before
 9 us that they had informed us of all evidence in their possession,
 10 or within their knowledge.

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 16 Report of the Mayor's Committee.
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18 Having received information that the Mayor of Los
 19 Angeles had appointed a committee to investigate the cause of
 20 the destruction of the Times Building, which committee included
 21 some experts on explosives, we called before us a majority of
 22 the committee, namely, six of the seven members, and fully
 23 examined them as to their investigations, which commenced about
 24 mid-day of October first. The report of such committee was
 25 placed before us, but this Grand Jury ^{for itself} examined into the facts
 26 and evidence upon which such report was founded. It coincides
 27 with our findings and appears to state succinctly the facts in.
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the premises. A portion of that report we incorporate as a correct statement of the proof upon the proposition. *His in the following words*

"It early became evident in our explorations that the cause of the disaster was due to some highly explosive force, having a definite, limited position. As the debris was removed, this became more and more evident, until finally the locality of the primary explosion has been satisfactorily and definitely located by evidences that are complete and convincing. From these evidences we conclude that the explosive used was one of high power, such as nitro-glycerine, or a product of nitro-glycerine, and was located at the time of its explosion in the necked passageway or alley running easterly from Broadway on a level with the street and over the basement used by the Times-Mirror Company as a press room. The position of this explosive was at a point about 30 to 35 feet from the Broadway street line and close to the northerly wall of said passageway or alley above described."

Explosive Investigator Paulus D. Wright

It further appears in evidence before us that on the day of the explosion, and some nine hours later, there was found at the house of H. J. Zeehandelaar, Secretary of the Merchants and Manufacturers Association, on Garland Avenue, in the City

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of Los Angeles, by a servant girl and by the daughter of Mr. Zeehandelaar, an infernal machine consisting of ^{fifteen} ~~sixteen~~ sticks of eighty per cent nitro-gelatin ~~an explosive~~ an explosive of great power -- attached by wire to an electric dry cell and an alarm clock. This bomb was against the side of the house and in a position where, had it exploded, ^{it} there would have been ~~been~~ ~~the~~ ~~destruction~~ ^{destroyed} of the building, and doubtless ^{caused death} the ~~murder~~ of ^{the} occupants. This nitro-gelatin had stamped upon it the name of the maker and the date of its manufacture, ~~and the name of the maker~~

It further appears that some two hours later than the discovery of the explosive at the Zeehandelaar house a suitcase containing a quantity of some high explosive was found, by a gardener, hidden in the shrubbery against the wall of the house of Harrison Gray Otis, the president and general manager of the Times-Mirror Company, which corporation owned the Times building.

The explosive found at the house of Mr. Zeehandelaar has been produced before this Grand Jury and is now in the possession of the District Attorney of this County. Unfortunately, in the attempt by a police officer to open the suitcase ^{found at the Otis} ~~located at the Otis~~ house, an explosion occurred and both suit case and its contents were entirely destroyed.

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Evidence before us proves that this nitro-gelatin found at the Zeehandelaar house was delivered, on the 23rd of September, 1910, at Giant, in Contra Costa County, ^{Calif.} after negotiations for its manufacture and purchase in San Francisco, to three men who came for it in a launch. Five hundred pounds contained in ten boxes were taken by these three men from the Giant Powder Works. Four hundred fifty pounds, or nine boxes of this shipment of nitro-gelatin, have been found in San Francisco and are now in the possession of the District Attorney of this county. ^{The evidence before us clearly and satisfactorily shows that the remainder of the five hundred pounds - the fifty pounds - was used to destroy the Times Building and in the attempt to destroy the Zeehandelaar and Oti houses.} It would be unwise and illegal for this grand jury to set forth in a public report evidence which has been received as to the identity of the men who secured the explosive. It would further be unwise and illegal to set forth the evidence, which has been received, proving the guilt of the murderers of a score of innocent men. Such a course, while satisfying the public curiosity, would but aid and comfort criminals. The bringing of Indictments is the proper method to express our convictions in these matters.

It is sufficient to say that this jury is satisfied from the testimony that the explosive used at the Times Building

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and found at the Zeehandelaar house, and which exploded at the house of General Otis, was a part of this nitro-gelatin purchased at Giant on the 23rd of September, 1910, and that the identity of some, at least, of the destroyers of the Times Building is known by the proper authorities as well as by us, and that in God's good time the murderers will be brought to punishment.

Motive for the Crimes.

~~The motive for the crimes appears from the evidence to have been revenge upon the proprietors of The Times newspaper for its long continued, and, in many respects, bitter opposition to labor unionism; and upon Zeehandelaar for his activity in the same opposition. A mistaken zeal for the cause of labor unionism, and, more particularly, individual belief in the terrible doctrine of Anarchy seems to have actuated those who did this thing.~~

~~There is no doubt, however, that~~
~~while we are satisfied from the testimony that the perpetrators and instigators of this terrible catastrophe have been members of labor unions and officials and organizers therein, and, moreover, intimately associated and connected~~

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with certain leaders and high officials of labor unions, we
have had no testimony that any labor organization, as such,
participated in, advised or abetted the commission of these
crimes, or, in fact, had previous knowledge thereof.

By a unanimous vote the Grand Jury made the following findings:

FIRST: That the Los Angeles Times primary explosion was not occasioned by gas.

SECOND: That the Los Angeles Times primary explosion was occasioned by a high power local explosion.

THIRD: That the explosion occurred in 1st Alley about 35 feet from the Broadway entrance.

FOURTH: That the explosives was placed in the building by human agency, with criminal intent.

FIFTH: That the primary explosion followed by fire was the direct cause of death of twenty or more human beings.