

History on Trial
Episode 12
Oregon v. Llewellyn and Edith Banks
Researched and Written by Mira Hayward

PROLOGUE

The first sign of something amiss was the broken window. From the back of the courthouse, the damage was obvious. One of the tall, thin, ground-floor windows was shattered, long cracks radiating out from the window handle.¹

The group of officials stared at the window, worry blossoming in their minds. That broken window, they knew, led into the courthouse records vault. They had actually been on their way to the vault when they briefly stopped outside to survey the construction and saw the window. The Jackson County Courthouse in Medford, Oregon had technically been completed the year before, in 1932, but there were some small projects left to complete. One of those projects - not yet begun - was adding bars to the windows of the courthouse's records vault, to prevent a break in.

County Clerk Nydah Neil led the group back inside and down the hallway to the vault. The room looked undisturbed from the outside. Neil entered the combination lock's code and swung open the heavy door.

Inside, the damage was obvious. Neil stared in horror. Only the day before, she had secured the pouches of ballots in the vault. The men behind her, including attorneys, county officials, and a circuit court judge, were aghast. They were there to look at those very ballots, which were crucial in a hotly contested sheriff's race. After months of political fighting, circuit court judge George Skipworth had ruled that a recount needed to take place.

But now, many of the ballots were gone.

This was only the latest drama to bubble up in Jackson County. Located in Southern Oregon, on the California border, the county had recently become a hotbed of political intrigue.

Governor Julius Meier dispatched the Oregon State Police to help the Medford police investigate. The team found burnt scraps of ballots in the courthouse's furnace. Further out, they found waterlogged ballots caught in an eddy under a bridge. Whoever had taken these ballots did not want them counted.

Back at the courthouse, detectives found a clue. A piece of fabric had snagged on the broken vault window. Clatous McCredie, the Medford chief of police, surveyed the crowd gathered outside. His eyes caught on a torn pant leg. The pants, he thought, looked to be made of the

¹ Account of the ballot theft from Jeffrey Max LaLande, *The Jackson County Rebellion: A Populist Uprising in Depression-Era Oregon* (Corvallis, OR: Oregon State University Press, 2023), 93-97.

same material as the fabric scrap from the window. He fixed his gaze on the pants' owner, twenty-year-old Mason Sexton.

Mason and his younger brother, Milton, were temporarily living in a spare room at the courthouse, doing chores in exchange for lodging. Quietly, McCredie and the detectives took the Sextons into custody.

The Medford police held the brothers in jail for four days without bail or access to a lawyer. On the fourth day, Mason Sexton confessed. He and Milton had broken into the courthouse vault room and stolen the ballots. And they hadn't been alone.

The Sextons were members of the Good Government Congress, a controversial local political organization founded by two Medford men, Llewellyn Banks and Earl Fehl. The Good Government Congress, or GGC, had begun as a populist political movement, but had evolved into something more dangerous. One of the candidates in the contested sheriff's race, Gordon Schermerhorn, was affiliated with the group. Schermerhorn had taken office months earlier, despite the close race, and had been trying to put off the recount for as long as possible. But once Judge Skipworth ruled that the recount would happen, the GGC had moved into action.

The night of February 20th, the GGC held a rally in front of the courthouse. At the same time, a small crew of men gathered behind the building. On a pre-arranged signal, as the crowd cheered for a speaker, a supporter parked nearby loudly revved his engine. With the noise covering him, Mason Sexton smashed the vault window with an ax. The men passed the ballots from the locked room out into waiting vehicles, which ferried them to the outer reaches of the county, where the ballot pouches were split open, their contents dumped in the river or burned in fires.

The Sextons' story was shocking. They implicated a number of important local figures, including the mayor of a nearby town, Sheriff Schermerhorn, and the GGC's leaders, Llewellyn Banks and Earl Fehl. Fehl had recently won election to county government. The political situation had been tense in Jackson County before, but this was a whole new level.

And things were about to get worse. As the police pursued the ballot thieves, the GGC upped its violent rhetoric. And then they acted on it. Less than a month later, when Medford constable George Prescott tried to arrest GGC leader Llewellyn Banks for his part in the robbery, Banks shot Prescott dead. The murder would lead to a trial that had the potential to extinguish the burning ember of insurrection in Jackson County...or fan the flames into an inferno.

Welcome to History on Trial. I'm your host, Mira Hayward. This week Oregon v. Llewellyn and Edith Banks.

ACT I

At 2,801 square miles, Jackson County is slightly larger than the state of Delaware.² It sits atop the Oregon-California border, its western border shooting northward through the Siskiyou Mountains and its eastern through the Cascade Range. Between these heavily forested mountains lies a wedge of fertile valley, nourished by the Rogue River and Bear Creek. The Modoc, Umpqua, Shasta, Takelma, and Latgawa tribes lived on the land that is today Jackson County.³ In the 1850s, white settlers began arriving. Throughout the decade, these settlers, with assistance from the United States army, attacked the native inhabitants, killing hundreds of people, and eventually drove them from the land onto reservations.⁴

With the native peoples removed, white settlers began transforming the land for commercial use. Wheat was the first staple product of the region, but by 1900, fruit was king.⁵ Acres of pear and apple trees sprung up across the valley, bringing with them more money and a new kind of farmer: wealthy outsiders with large holdings. As the fruit industry grew, so too did the economic and class divides in the county. Golf courses and country clubs and private hotels sprung up in the county's largest cities, Medford and Ashland.⁶

Alongside this orchard elite existed smaller farmers, ranchers, and dairy owners, as well as the county's most rural residents, who lived in the forested foothills of the mountains, and mainly worked in mining, logging, or construction.

The class, wealth, and cultural divides in the county made it fertile territory for political movements. Before the Good Government Congress in the 1930s, there were two major political upheavals in Jackson County, both during times of economic turmoil.

In the 1890s, farmers across the country found themselves suffering under the combined burdens of low crop prices, high railroad shipping rates, and unaffordable mortgages. These difficulties led to the rise of a populist political party, the People's Party, which largely consisted of agrarian workers who opposed industrialists, bankers, and monopolists. A chapter of the People's Party was established in Southern Oregon in 1891. Jackson County voters were drawn to the party for its promises to root out corruption and to return power to the people. The people, in this case, being white, protestant farmers - the movement had undercurrents of nativism and religious prejudices. Officials hosted rallies, picnics, and other events that attracted large crowds. By 1894, the party had won enough support to begin to win elections.⁷ Though the movement lost momentum within a few years, it left a mark on Jackson County. As

² "Jackson County History," Oregon Secretary of State.

<https://sos.oregon.gov/archives/records/county/Pages/jackson-history.aspx#:~:text=Modoc%2C%20Shasta%2C%20Rogue%20River%20and,raided%20and%20settled%20the%20area>.

³ "Land Acknowledgment," Jackson County Library Services, 2022.

<https://jcls.org/about/land-acknowledgement/>

⁴ E.A. Schwartz, "Rogue River War of 1855-1856," The Oregon Encyclopedia, last updated March 14, 2022. https://www.oregonencyclopedia.org/articles/rogue_river_war_of_1855-1856/

⁵ LaLande, 23.

⁶ LaLande, 24.

⁷ LaLande, 10.

Jeffrey LaLande writes in his book *The Jackson County Rebellion*, quote, “local farmers’ time of struggle enabled solidarity to overcome individual rural communities’ extreme localism by focusing their attention on an identifiable enemy.”⁸ This was a formula that would prove to be successful time and again in the county.

It was another economic downturn that led to Jackson County’s second political upheaval. In the 1910s, the fruit industry was gravely impacted by a drought, a pest infestation, and World War I, which led to lowered fruit prices.⁹ The difficult times continued through the decade, and by the early 1920s, tensions in the county were high.¹⁰ In 1921, dissatisfied Jacksonians found a political outlet for their unhappiness: the Ku Klux Klan.¹¹ How delightful. The Klan attracted members with its appeals for political reform, support for causes such as prohibition, and, of course, its attacks on Jews, Catholics, and anyone who wasn’t white. By 1922, the KKK was a powerful presence in the county. A series of “night-riding” attacks, in which Klan members abducted people and threatened to lynch them, drew national attention to Jackson County. The Klan continued to influence events in the county - as well as across the country - well into the 1920s.¹² Though many in the region supported the KKK, many others opposed it, and the conflict divided the county for years.¹³

But by the end of the decade, a new concern had arisen. In autumn 1929, the stock market crashed, signaling the beginning of the Great Depression. The Depression’s effects quickly rippled out into Jackson County and the timber and fruit industries struggled to stay afloat. Unemployment was rampant and public services faced huge cuts.¹⁴

That same year, a man named Llewellyn Banks bought a local newspaper called the *Medford Daily News*. The fifty-nine year old Banks was new to the area - he and his wife Edith had only moved to Medford three years earlier, but he had made quite a splash. Born into a modest fruit-growing family from Ohio, Banks now owned citrus groves in California and orchards across Jackson County. Having been in the fruit business his whole life, he had strong ideas about the industry’s future and what changes ought to be made. His controversial views on direct selling quickly earned him enemies amongst Jackson County’s established fruit consignment sellers.¹⁵

Buying the *Medford Daily News* gave Banks another platform for his beliefs. He began writing a column for the paper in which he attacked the fruit sellers. But over time, the scope of his political opinions increased, as did his column’s frequency. He espoused conspiracy theories about bankers, regulatory agencies, and the Federal Reserve. By 1931, he was publishing his column every day, his angry diatribes filling up a whole page.¹⁶

⁸ LaLande, 16-17.

⁹ LaLande, 25.

¹⁰ LaLande, 28.

¹¹ LaLande, 29.

¹² LaLande, 30-37.

¹³ LaLande, 34-37.

¹⁴ LaLande, 40-42.

¹⁵ LaLande, 43, and Joe R. Blakely, *Rebellion, Murder and a Pulitzer Prize* (Createspace, 2015), 130-134.

¹⁶ LaLande, 46.

Banks was not the only controversial publisher in the area. Earl Fehl, a general contractor and real estate developer in his mid-forties, was the owner of the *Pacific Record Herald*, a weekly paper. Like Banks, he went in for conspiracy theories, but his focus was more local: Fehl was obsessed with what he called “the gang,” a cabal of elites who he believed ran city and county government.¹⁷ Fehl did more than just write about government - he also tried to join it, running for Medford mayor four times throughout the 1920s. Another newspaper editor, Robert Ruhl of the Medford *Mail Tribune*, called Fehl, quote, “the hardy perennial, who has been running for Mayor for this city since the Neolithic age.”¹⁸

Banks and Fehl might seem like fringe figures. And in other times, in other places, they may very well have been. But in a county with deep veins of populist sentiment, in a time of great suffering, their voices resonated.

The two men became political allies in 1930, when Banks ran for the United States Senate and Fehl again ran for Medford mayor. Banks’s campaign went nowhere – at least outside of Jackson County. Inside the county, he received 40% of the vote.¹⁹ Fehl, who was running for Medford mayor for the fifth time, did even better. Though he ultimately lost the race, it was only by a margin of 14 votes out of 3,240.²⁰

Over the next two years, conditions worsened in the county. In 1932, the county’s second largest bank failed.²¹ And while banks were failing, Banks and Fehl were also failing. Hahaha... But seriously both men were facing bankruptcy. They were also facing a number of libel suits from people who they had published unsubstantiated, damaging conspiracies about.²²

Fehl and Banks seemed to be at their lowest points. But they were, if nothing else, canny men. In the dire conditions of the Depression, they saw an opportunity. People wanted change. Banks and Fehl thought they could provide that change. Their plan was this: they would take control of the local Republican party, choose candidates that aligned with their political views, and use their newspapers to get those candidates elected. If everything worked out, Banks and Fehl would be running Jackson County.

The two men had different motivations in creating a movement. Llewellyn Banks, frankly, needed the money. A man accustomed to wealth - he drove Cadillacs, wore finely tailored suits, and lived in a beautiful house – he was now barely scraping by. To Banks, the path to power was also a path to money. He could use his government connections to dismiss the suits against him and reduce his taxes.

¹⁷ LaLande, 44.

¹⁸ Blakely, 135.

¹⁹ LaLande, 52.

²⁰ LaLande, 52.

²¹ LaLande, 54.

²² LaLande, 53, 56, 64, 155.

For Earl Fehl, power was the goal itself. He dreamed of taking down the so-called “gang” and getting revenge for the injustices he believed he had suffered at their hands.²³

Though their motivations differed, the men shared a sense of unbridled determination. They would stop at nothing to win – even if that meant breaking the law.

ACT II

Earl Fehl wasn’t satisfied with just electing allies to political office. He wanted to run himself. Fehl, of course, had previously tried to become mayor of Medford. This time, he picked an even more powerful office: he declared his intention to become county judge. A county judge is akin to a county commissioner – the judge and the other commissioners made important decisions about local taxes, infrastructure, and boundaries of election districts.²⁴

Fehl ran an aggressive campaign for the Republican primary nomination. He toured the farthest reaches of Jackson County, speaking in schools and churches, vowing to root out the elite political “gang” that he said was oppressing the common man. “Watch your step, folks,” he told a crowd in Shady Cove, “or they will have you [in jail] if you can’t account for every ten minutes of your life.”²⁵

Fehl campaigned alongside his and Banks’ chosen candidates for other positions: Thomas J. Enright, running for district attorney, and Phil Lowd, running for sheriff. Both were young political newcomers, and their lack of name recognition hurt them: both men lost their primary races. However, another ally, Gordon Schermerhorn, did win the Democratic primary for sheriff, beating the longtime incumbent Ralph Jennings. And most importantly, Fehl won his own primary handily.²⁶

Then, on November 8th, 1932, Fehl won the general election. And though other Fehl-backed candidates lost their races – incumbent George Coddington managed to hold onto the District Attorney’s office – Fehl’s ally Gordon Schermerhorn won the county sheriff election.

This should have been a thrilling moment for Fehl. After years of failure, he had finally won – and won perhaps the most politically powerful position in the county at that.²⁷ But behind the scenes, his personal woes were only increasing. Fehl had lost a number of libel cases, including one whose judgment entailed seizing his printing press. He now had to share a printing press with Banks.²⁸ The two men were also facing yet more lawsuits. When state circuit court judge Harold D. Norton, who happened to be Fehl’s neighbor, refused to dismiss the pending libel

²³ Blakely, 142.

²⁴ Blakely, 140.

²⁵ LaLande, 157.

²⁶ LaLande, 57.

²⁷ LaLande, 56.

²⁸ LaLande, 61.

cases in the summer of 1932, Banks and Fehl began an aggressive recall campaign against Norton, though they kept their involvement with this campaign a secret.²⁹

Banks and Fehl's political gains were also not quite as solid as they wished. Though their ally Schermerhorn had won the sheriff's election, it had been a tight race against the incumbent, Ralph Jennings, who had run a write-in campaign. Jennings was now asking for a recount. Schermerhorn was doing his best to delay the recount, but it was entirely possible that he could lose his position if the recount went forward.

Over the summer, tensions in the area rose. Though Fehl had many supporters, he faced criticism. Two other local newspaper editors, Robert Ruhl of the Medford *Mail Tribune* and Leonard Hall of the Jacksonville *Miner* spoke out against Fehl. Hall was an irreverent, bold writer with a gift for parody, and his attacks on Fehl riled people up so much that he was physically attacked in the street.³⁰

Threats of violence hung over the county like thunder clouds. Comparing the situation in Jackson County to that of Europe before the First World War, the *Oregonian* called the area a "Balkan powder keg."³¹ Banks and Fehl were central to creating this atmosphere. Banks publicly called for a "[citizens'] vigilance committee" to remove District Attorney Coddling and Circuit Court Judge Norton from their offices, even going so far as referencing, "the hangman's noose."³² In response, the American Legion, a veterans organization, posted guards outside county officials' homes. Armed guards became the norm for prominent Jackson County citizens – county commissioner Ralph Billings posted them in his yard and *Mail Tribune* editor Robert Ruhl stationed them outside his printing press.³³ A whole gang of ragtag guards, mainly young, unemployed men, who called themselves the Greensprings Mountain Boys, took to patrolling Banks' and Fehl's shared press, and eventually began personally guarding Banks.³⁴ They swore to, quote, "shoot anybody who came through the door."³⁵ Tensions were so high, one Medford resident said, that, quote "every time a car backfired at night, they crawled under the bed."³⁶

Things did not calm down once Earl Fehl took office. Hundreds of his supporters would show up at county commission meetings and harass the other commissioners. At one meeting, Fehl called for opening the county commissary - typically only a resource for unemployed residents – to everyone. The other commissioners said this would not be possible. In response, the crowd of Fehl's supporters shouted, "hang them[!]...throw them in the river[!]"

As residents became increasingly concerned about Banks and Fehl's embrace of extremes, opposition to their political efforts grew. In mid-January, the American Legion and the County Bar Association organized a meeting for concerned citizens at the Medford Armory. Some 1,500

²⁹ LaLandem 58.

³⁰ LaLande, 62.

³¹ LaLande, 61.

³² LaLande, 62.

³³ LaLande, 62.

³⁴ LaLande, 63.

³⁵ LaLande, 63.

³⁶ LaLande, 63.

people showed up. The group voted to endorse the integrity of county officials like District Attorney Coddling. A smaller subgroup of attendees formed an anti-Banks/Fehl committee, which they called the Committee of the One Hundred.³⁷

At the same time, Banks and Fehl were formally organizing their supporters. In January, they established the Good Government Congress. Banks became the group's "honorary president" with the final say on all decisions.³⁸ Membership was open to any Jackson County voter who paid the 50 cent monthly dues.³⁹ The organization grew quickly - soon, the GGC claimed to have over 6,000 members.⁴⁰ 6,000 is an impressive number in a county with a total population of 30,000, including children.⁴¹ The membership rolls have been lost, so it's hard to verify this number, but Jeffrey LaLande notes that nearly 6,000 people voted for Earl Fehl in his county judge election, and pictures of GGC meetings show large crowds.⁴² At the group's first general assembly on February 4th, approximately 2,000 people showed up.⁴³

Like past political movements in the county, the GGC appealed to people's sense of disenfranchisement and unfairness. The group's preamble, printed on every membership card, began, "We, the citizens, property owners, and taxpayers of Jackson County, Oregon, are faced with economic conditions which under the existing order of things, have passed beyond individual control." After listing these conditions - unemployment, foreclosures, high taxes, low crop prices - the preamble concluded, quote, "we find it necessary to form ourselves into an organization for the protection of our lives, our homes, and our properties."⁴⁴

The GGC also explicitly tied themselves to the American tradition of protest. Their mission statements referenced the Constitution and the Declaration of Independence. Banks compared GGC members to Revolutionary War minutemen.⁴⁵ Many members of the GGC saw themselves as patriots who wanted to bring the county's government back to its representative democratic roots.

Opponents of the GGC saw them differently. Critics called members hillbillies, describing them as uneducated, unsophisticated rural voters who had fallen under the sway of two charismatic demagogues.⁴⁶

Who were the GGC members, actually? It's hard to generalize them. Not all members of the GGC lived in rural areas; not all rural residents were GGC members. Not all members of the GGC were well-intentioned advocates of good government - some saw it as a channel for jobs or personal advancement. Like all political movements, the GGC attracted a varied group. The

³⁷ LaLande, 65.

³⁸ LaLande, 65.

³⁹ LaLande, 66.

⁴⁰ LaLande, 65.

⁴¹ LaLande, 80.

⁴² LaLande, 80.

⁴³ LaLande, 65.

⁴⁴ Blakely, 152.

⁴⁵ LaLande, 77.

⁴⁶ LaLande, 78.

main thing that these people shared was economic status. Rural or urban, male or female, farmer or small business owner, most GGC members had been devastated by the Depression.⁴⁷ They wanted change. Their motives are understandable – but Banks and Fehl were not the men they needed. And the group’s appeals to racism, xenophobia, and anti-Catholic and Jewish prejudices should also not be overlooked.⁴⁸

By mid-February, the GGC leadership was increasingly concerned about the impending sheriff’s recount. It seemed entirely possible that George Schermerhorn, the GGC ally and current sheriff, would be ousted by the recount’s results. It was then that planning for the courthouse break-in began. Though most of the group’s rank-and-file members had no idea about the break-in, the group’s leadership used a planned courthouse rally on February 20th as cover for the crime.⁴⁹

After the Sexton brothers’ arrest and subsequent confession and implication of the GGC in the crime, local officials moved quickly. On February 27th, only 7 days after the break-in, a large group of robbery participants were arrested, including Earl Fehl and Gordon Schermerhorn. The police used the Sextons to elicit confessions from many of the arrested men - they placed each man in turn in a ward alone with the Sextons, and listened in on the subsequent conversations about the break-in. Schermerhorn did not fall for this trap, and Fehl also escaped it – his followers had posted bond for him shortly after his arrest.⁵⁰

Outside the jail, trouble was brewing. Die-hard GGC members, feeling threatened, went on the attack. Men seized newspaper editor Leonard Hall, who opposed the GGC, and held him fast while GGC President Henrietta Martin hit his face repeatedly with a horsewhip. A large group of GGC members assembled outside the courtroom and threatened to break their friends out of jail. In response, the National Guard sent armed men to guard the jail. And Earl Fehl, once released from jail, tried to use the powers of his office to subvert the justice process. He issued writs for the release of all the jailed men, and an arrest warrant for Medford Police Chief Clatous McCredie.⁵¹

On March 6th, the GGC held a rally at the courthouse. In front of approximately 2,000 people, the GGC’s leadership railed against their opponents, and called for action.⁵² Llewellyn Banks, who spoke last, was explicit in his calls for a revolt. Banks was growing desperate – he needed control of the county government in order to escape the large number of lawsuits and creditors’ claims against him – and now that control was slipping through his fingers. “Unless we can have justice,” he told a group of anti-GGC observers at the back of the crowd, “I will take the field of revolution against you people.”⁵³

⁴⁷ LaLande, 77-82.

⁴⁸ LaLande, 84-85.

⁴⁹ LaLande, 93.

⁵⁰ LaLande, 96.

⁵¹ LaLande, 97.

⁵² LaLande, 97.

⁵³ LaLande, 98.

As March wore on, Banks's plans for revolution became more concrete. His world was crumbling – on March 15th, law enforcement officials seized his fruit packinghouse, his orchards, and most devastatingly, his newspaper.⁵⁴ The ownership of these assets would be transferred to the creditors Banks was deeply in debt to. And although Banks had not been arrested in the first round-up of ballot thieves, he had been intimately involved with the crime. He knew it was only a matter of time before he, too, was brought in. Banks was not going to go down without a fight.

For some time, Banks and Fehl had been concocting a plan to seize DA Coddington and other county officials and hold them hostage until they stepped down from their positions. They might even, the two men thought, need to kill the county officials to smooth the process. Sheriff Schermerhorn, usually an enthusiastic ally, had rejected this plan. Undeterred, Banks had begun recruiting, quote, “a secret group of fighting men,” telling them that he, quote, “meant business.”⁵⁵ He told the men to start stashing weapons throughout the countryside.⁵⁶

Banks also began planning for his inevitable arrest. He made a plan to hide out in a supporter's mountain cabin. He typed up two letters, addressed to Chief McCredie and Captain Lee Bown of the Oregon State Police. “I have committed no crime,” Banks wrote, “and I will therefore refuse to submit to arrest on charges framed by the power interests and Medford's old gang. Any effort to arrest me will result in bloodshed and no doubt my death.”⁵⁷

Medford police constable George Prescott had heard about Banks's violent threats, and he was worried. The sixty-three year-old Prescott shared his concerns with James O'Brien, a detective sergeant with the Oregon State Police, when the two men met at Medford city hall on the morning of March 16th, 1933. They were about to arrest Llewellyn Banks. O'Brien and Prescott had arrested a number of ballot theft suspects over the past month, but Prescott worried that this arrest would be different. He had a bad feeling about it.⁵⁸

This wouldn't be Prescott's first run in with Banks. On February 8th, Prescott had gone to Banks's office to confiscate his newsprint, per a court order obtained by one of Banks's unpaid creditors. After Prescott seized the newsprint, Banks lashed out at him in an editorial, saying, quote, “Mr. George Prescott, in full uniform with a badge of authority, seized the paper...[Prescott] violated the law with full knowledge of his act...A state of complete ANARCHY now exists in Jackson County.”⁵⁹ Prescott's wife had been so upset by this public attack on her husband's character that she was briefly bedridden.⁶⁰

Now, O'Brien tried to kid Prescott out of his concern, “Only the mean die young,” he told the older officer. “The old never die young!” Prescott joked back.⁶¹ Nerves settled, the two men set out. They arrived at the Banks home on West Main street around 10:15, and walked up the porch

⁵⁴ LaLande, 98.

⁵⁵ LaLande, 99.

⁵⁶ LaLande, 99.

⁵⁷ Blakely, 87.

⁵⁸ LaLande, 99.

⁵⁹ Blakely, 156.

⁶⁰ Blakely, 170.

⁶¹ LaLande, 99.

steps to the front door.⁶² Edith Banks, Llewellyn's wife, opened the door – but only a crack, leaving the safety-chain latched. She reached through the crack and dropped the letters Banks had written earlier, saying “Here's two letters for you.” “I am sorry, Mrs. Banks,” Prescott said, “but I have a bench warrant for your husband.” Edith tried to shut the door, but Prescott stuck his foot into it, and told her, “Just a minute, I will give you that warrant and let you read it.”⁶³ He reached into his pocket to grab the warrant, but he would never have a chance to pull it out. At that moment, Llewellyn Banks appeared in view with his hunting rifle aimed at Prescott. Before anyone could react, Banks fired. The bullet, designed to mushroom on impact, ripped through Prescott's body.⁶⁴ He fell back into O'Brien's arms, dead.⁶⁵

Chaos erupted. O'Brien ran from the porch and into a nearby home, where he called in the murder. A large force assembled outside the Banks home, armed with tear gas in case Banks would not surrender. But Edith Banks called the police headquarters and said that Banks would surrender peacefully to county deputy sheriff Phil Lowd, a former supporter of Banks'. The police agreed, and Lowd arrived along with State Police captain Lee Bown. Banks shook Bown's hand and told the two men that he had shot Prescott, quote, “just like any burglar.”⁶⁶ He did not seem upset at all.⁶⁷

Prescott's funeral three days later, on March 19th, was said to be the largest ever held in Medford - more than 4,000 people attended.⁶⁸ Prescott had been a beloved community member, involved with service organizations and the Boy Scouts. He left behind his wife Lottie and three children, Francis, Paul, and Nota.⁶⁹

Soon, the District Attorney charged both Llewellyn and Edith Banks with murder. Shock rippled across the community - tensions had been high, yes, but murder? It seemed unthinkable. Now, people wondered, what would happen when the Bankses went to trial?

ACT III

Given the situation in Jackson County, no one was surprised when the Bankses' lawyers asked for a change of venue. “The inhabitants [of the county,] are so biased and prejudiced,” the defense told circuit court Judge George Skipworth, “that a fair and impartial jury cannot be selected.”⁷⁰ Judge Skipworth – an experienced jurist who had previously ruled on the sheriff's recount and would now be presiding over the Banks trial – concurred. He moved the trial to Lane County, a county several hours' drive away. May 3rd was set as the trial date.⁷¹

⁶² LaLande, 100.

⁶³ LaLande, 100.

⁶⁴ Testimony of Colonel E.E. Kelly and Testimony of Doctor Benton C. Wilson, from Blakely, 52.

⁶⁵ LaLande, 100.

⁶⁶ Testimony of Phil Lowd, from Blakely, 86.

⁶⁷ LaLande, 100-101.

⁶⁸ Blakely, 173.

⁶⁹ Blakely, 172-173.

⁷⁰ LaLande, 107

⁷¹ LaLande, 107.

In the meantime, both sides prepared for trial. The Bankses had five defense lawyers, whose fees were paid in part by Llewellyn Banks's wealthy brother-in-law and in part by donations raised from GGC members.⁷² The team consisted of two Jackson County lawyers, Thomas Enright and William Phipps, as well as three experienced trial lawyers from out-of-county, Frank Lonergan, Joseph Hammersly, and Charles Hardy. Lonergan's name was especially well known - the former speaker of the Oregon house, Lonergan was also an accomplished athlete and one of the best defense attorneys in the state.⁷³

The prosecution team began with three lawyers, led by Assistant Oregon Attorney General William S. Levens. Jackson County District Attorney George Coddington and special assistant attorney general Ralph Moody assisted Levens. But on May 2nd, as Levens examined jurors, he began complaining of heart pains. Several hours later, he was dead.⁷⁴ Moody took the lead role on the prosecution only the day before the trial was set to begin. It was a large task, but Moody had the necessary experience: a former assistant US attorney general, he had spent the past several years as a highly successful corporate lawyer. He had been specially appointed as an Oregon assistant attorney general for the trial.

Besides the notable exception of, well, an attorney dying, jury selection was largely uneventful. Six men and six women were seated. One juror would take ill late in the trial, and be replaced by an alternate, making the final composition seven men and six women.

On May 3rd, the trial began in the Lane County Courthouse. As the lawyers presented their opening statements, a three foot tall statue of Lady Justice looked imperiously down at them, a sword in her right hand, the scales of justice in her left. As per usual in Oregon – and I say this lovingly, as an Oregonian – it was raining.⁷⁵

Ralph Moody delivered the opening statement for the prosecution. He did not beat around the bush. "Banks killed Prescott," he said, "Mrs. Banks assisted him. They knew he was an officer of the law serving legal papers, and his death had been carefully mapped out in advance. They had warned Prescott against coming and he came anyway in the line of duty. There can be but one conclusion from the evidence the witnesses will present—Prescott was willfully and maliciously killed according to a premeditated plan. It is murder in the first degree."⁷⁶

Defense lawyer Joseph Hammersly said that the case was indeed a simple one, but not in the way that Moody had presented it. The story was not one of premeditated murder, Hammersly argued, but instead a story about a persecuted man fighting back against his attackers. Banks, in the defense's view, was a thorn in the side of the powerful, and the powerful had tried to punish him for daring to speak out against them. When Banks shot Prescott, it was not a cold blooded murder, it was, quote, "the gesture of a cornered creature defending his home..[it was] a warning

⁷² LaLande, 107.

⁷³ Blakely, 14.

⁷⁴ LaLande, 108,

⁷⁵ Blakely, 15.

⁷⁶ Blakely, 19

to marauders who were trying to force their way in.”⁷⁷ Hammersly also claimed that Prescott’s death was an accident; that Banks had not aimed to kill.⁷⁸

With their parade of witnesses – they would call more than 60 over the next two weeks - the prosecution hoped to rebut these defense claims.⁷⁹ The state called E.A. Fleming, a GGC member who had been at the Banks home on the morning of the murder. Fleming had stopped by unexpectedly to discuss some GGC business with Banks. During their conversation, the matter of Banks’s arrest came up. “No man can come up here with their trumped up warrants and serve on me for I will not go. They will take me out feet first,” Fleming recalled Banks saying. When he warned Banks to be careful, Banks doubled down: “I will do it,” he allegedly told Fleming, “I have said I will do it and no man can come through that door and take me. They will take me over their dead bodies, feet first.”⁸⁰

When the officers knocked on Banks’s door, Banks told Fleming to leave out the back. As Fleming fled, he testified, he heard someone say “Look Out,” or “Get Out,” and then, “almost simultaneously” a loud clap, which Fleming thought was the blast of a gun.⁸¹

Fleming’s account of the sequence of events aligned with that of another witness, Oregon State Police Detective Sergeant James O’Brien, who had been beside Prescott at the time of the shooting. As Prescott reached for the warrants, O’Brien testified, “I saw Mr. Banks appear...and he had this rifle leveled to his shoulder and he called out “Look out,” and I cried “Look out George,” [at] the same instant and tried to pull [Prescott]...away...and just as I did so, the shot was fired.”⁸²

On cross-examination, Frank Lonergan asked O’Brien questions about Prescott’s use of force. O’Brien confirmed that Prescott had quickly stuck his foot in the door as Edith Banks tried to close it. But he said that Prescott never put his shoulder against the door, and forcefully denied Lonergan’s claim that he and Prescott were, quote, “pushing on the door to force it open.”⁸³

With their next witnesses, a string of law enforcement officials who searched the Banks house after the murder, the prosecution worked to establish premeditation. Deputy Sheriff Phil Lowd testified to the contents of the letter that Banks had written to him before the murder, the one in which the defendant had written, quote “Any effort to arrest me will result in bloodshed and probably my own death.”⁸⁴

Edward H. Thomas, an auditor for the State Industrial Accident Commission, testified about a disturbing encounter he’d had with Banks. On March 14th, two days before the murder, Thomas came to Banks’s home. Thomas was trying to get records from Banks about an unrelated labor

⁷⁷ Blakely, 21.

⁷⁸ Blakely, 21.

⁷⁹ LaLande, 108.

⁸⁰ Blakely, 30-31.

⁸¹ Blakely, 33.

⁸² Blakely, 37-38.

⁸³ Blakely, 46.

⁸⁴ Blakely, 84.

matter, and warned Banks that if he did not get the records soon, he would have to issue a subpoena. Banks's reaction to this shocked Thomas: he began swearing, and told Thomas, quote, "I will pluck your heart or any other man's heart out that comes up to this door to serve papers on me." Miming picking up a rifle, Banks said again, "I can pluck any man's heart out that comes up to this door." Thomas, dumbfounded, responded, quote, "Surely you wouldn't be foolish enough to do anything like that?"⁸⁵ Events two days later would prove otherwise.

More evidence of premeditation came from Rodney Roach, an Oregon State Police officer. Roach testified to finding a loaded revolver inside the Banks house after the shooting, as well as extra ammunition, all concealed underneath a woman's coat on a cot.⁸⁶

The defense, in an argument held out of the jury's hearing, objected to this testimony. Frank Lonergan said that there was no evidence that the revolver even belonged to Banks, and pointed out that Roach had found it more than six hours after the shooting. The evidence, Lonergan said, was being, quote "introduced here by the state in an effort to show that an arsenal existed in the Banks home. And to lead the jury into the realms of conjecture and speculation...the information presented here is done for prejudicial purposes and to inflame the minds of the jury."⁸⁷ Ralph Moody said that the evidence was important for the jury in reaching a conclusion about premeditation. The revolver, he argued, demonstrated, quote, "The existence of a conspiracy, backed by a deliberate and premeditated plan in which both defendants took part."⁸⁸

Judge Skipworth agreed with the prosecution's argument, ruling that the testimony was admissible because, quote, "Under the charge of first degree murder the state must show intent, preparedness and premeditation. While it is admitted the weapon was not the one used in the alleged slaying of Prescott, it still has a bearing on the purported preparedness for battle of the defendants."⁸⁹

The state was less successful in introducing another piece of evidence. C.A. Warren, a sergeant with the state police, testified that he found a letter in the pocket of a coat in Llewellyn Banks's bedroom.⁹⁰ When the prosecution tried to admit this letter into evidence, the defense objected, saying that nothing in the letter indicated who it was written by or when it was written. As such, there was no way to objectively connect it to the crime. Judge Skipworth agreed.⁹¹

The prosecution would try multiple times to get this letter admitted. Why was it so important to them? Because it was their strongest evidence of Edith Banks's involvement in the case. We haven't talked much about Edith yet. Fifty-one years old, with strong features and round spectacles, Edith cut an imposing figure – she wore a mink coat to jury selection and a seal skin

⁸⁵ Blakely, 111-114.

⁸⁶ Blakely, 88.

⁸⁷ Blakely, 92-93.

⁸⁸ Blakely, 93.

⁸⁹ Blakely, 93.

⁹⁰ Blakely, 73.

⁹¹ Blakely, 74-75.

coat to the trial's opening.⁹² She had once been Banks's secretary, and was now his second wife.⁹³ They had a daughter, Ruth May, who was twelve years old.⁹⁴ Edith was very involved in the Good Government Congress, and well aware of her husband's potentially violent plans. In the letter that the prosecution wanted to introduce, Edith had counseled Llewellyn not to write down any of his instructions for the gunmen he planned to assemble. Don't use a written bulletin, Edith wrote, use "word of mouth" instead. That way, she thought, he could avoid being charged should legal issues arise.⁹⁵ She also said, quote, "If you are going to fight[,] that should be from home."⁹⁶

Unfortunately for the prosecution, they could not prove that Edith had written the letter: it was addressed to, "Daddy," and signed, "Mother." The prosecution brought on Llewellyn Banks' former secretary, Marjorie Saterlee, who stated that Edith and Llewellyn frequently called one another "Daddy dear," "Daddy," and "Mother," both verbally and in writing.⁹⁷ Saterlee, who said that she was very familiar with Edith Banks's handwriting, also identified the writer of the letter as Edith Banks.⁹⁸ But Judge Skipworth again ruled against admitting the letter, telling the lawyers out of the hearing of the jury that the letter was too general and vague. If the letter was dated, and identified specific circumstances of a threat, or indicated a specific target, its informative value might outweigh its prejudicial impact. But the letter did not have any of those things. He therefore ruled that it would not be admitted.⁹⁹

The prosecution, satisfied that they had introduced enough other evidence to prove the Banks's guilt, gave up the issue. They rested their case on the afternoon of May 11th. As historian Joe Blakely points out in his book *Rebellion, Murder and a Pulitzer Prize*, the prosecution had presented a solid case - but a dry one. The defense, if they could sway the jury's emotions, might have a chance.¹⁰⁰

The next morning, the defense began their presentation. They came out swinging, calling Llewellyn Banks as their first witness. Banks, as usual, presented a polished figure. Now sixty-two years old, he wore wire-framed spectacles and a gray, three piece suit. On stage at GGC rallies, Banks seemed larger than life – one observer recalled how Banks, quote, "knew how to work the crowd...He'd get the tempo going, get them to nod their heads...He could get them to do anything."¹⁰¹ But on the stand, Banks appeared nervous and awkward. As Lonergan walked him through his testimony, though, Banks grew more comfortable. He began to gesticulate more, occasionally pounding on the arms of his chair for emphasis, and even standing up. He said that he had been targeted and harassed by law enforcement in the county for his political

⁹² Blakely, 15-16, 107, and "Illinois Births and Christenings, 1824-1940", database, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:H9LZ-823Z> : 13 February 2020), Edith Robertine Ward, 1881.

⁹³ Blakely, 133.

⁹⁴ "California, County Birth and Death Records, 1800-1994", database, *FamilySearch* (<https://www.familysearch.org/ark:/61903/1:1:QGLW-F297> : Thu Mar 07 20:29:05 UTC 2024), Entry for Ruth May Banks and Llewellyn Alba Banks, 7 January 1921.

⁹⁵ LaLande, 100.

⁹⁶ Blakely, 111.

⁹⁷ Blakely, 108.

⁹⁸ Blakely, 109.

⁹⁹ Blakely, 110.

¹⁰⁰ Blakely, 107.

¹⁰¹ LaLande, 92.

work. He said that George Prescott had threatened to shoot him on sight, and he claimed that on the day of the shooting he, quote, “saw what I believed to be a pistol,” in Prescott’s hand.¹⁰²

This claim of self-defense had not been Banks’s first choice for a defense strategy. While in jail before the trial, he had presented another theory of the case, both to his defense attorneys and to Oregon State Police captain Lee Bown. He told them that he had not fired the fatal shot at all. The real murderer was another man, a private detective he had hired to work as his bodyguard. The man, whose name Banks would or could not give, had shot Prescott and then escaped the police by running out of the back door and hiding amongst the gathering crowd.¹⁰³ His defense attorneys strongly counseled Banks against trying to use this story in court, instead convincing him that a self-defense and temporary insanity defense would work better. Banks initially objected to the insanity defense but eventually agreed to it.¹⁰⁴

To this end, the defense called several doctors to the stand to testify to Banks’ mental condition. Dr. S.E. Josephi, a specialist in, quote, “nervous and mental diseases,” examined Banks for several hours in jail. From this examination, Dr. Josephi concluded that, quote, “at the time of the shooting...[Banks] was insane...he was affected with what is known as...transitory mania.”¹⁰⁵ Under cross examination by Moody, Dr. Josephi expanded on this condition, quote: “Mr. Banks was so confused in thought by the very disturbing circumstances of the episode that...his mental stability was broken down for a time varying from a few moments to several minutes.”¹⁰⁶

Dr. B.F. Scaife, another doctor and defense witness, concurred with Dr. Josephi’s conclusions, describing transitory mania as, quote “[a] frenzied, excited, explosive [mania]...a patient in that condition seems to have an irresistible impulse to accomplish something, whether it is homicide, suicide or whatever flashes into his mind at that time.”¹⁰⁷

Aside from these expert witnesses, the defense’s case mainly consisted of two types of witnesses. The first group were character witnesses - prominent Jackson County residents who testified to Banks being a good man. The second group were witnesses who tried to establish the threat against Banks. Several testified to hearing George Prescott threaten to kill Banks, while others claimed to have seen Prescott aiming a gun at the Banks house while he walked up the stairs on the morning of the murder. The testimony of these witnesses was not convincing - they were all GGC members and no one could corroborate any of their evidence. The prosecution also introduced impartial rebuttal witnesses who disputed accounts of Prescott holding a gun.¹⁰⁸

After calling 24 witnesses, the defense rested on May 16th. The prosecution called several rebuttal witnesses, including character witnesses who spoke about Officer Prescott’s calm

¹⁰² Blakely, 174.

¹⁰³ Blakely, 121 and LaLande, 107.

¹⁰⁴ LaLande, 107.

¹⁰⁵ Blakely, 176.

¹⁰⁶ Blakely, 176.

¹⁰⁷ Blakely, 180.

¹⁰⁸ LaLande, 108.

nature, as well as medical witnesses of their own, who disputed the diagnosis of transitory mania. On Thursday, the case concluded.

Before closing arguments could begin, Judge Skipworth spoke to the lawyers once more, out of the hearing of the jurors. He wanted, he said, quote “to be sure that the right interpretation is placed on the law by both sides of the case in appealing to the jury.”¹⁰⁹ He then went on to explain that the law allows an officer with an arrest warrant to, quote, “break open any door or portal if entrance is refused.”¹¹⁰ Thus, any self-defense arguments would need to prove that, quote, “the officer was using more force than necessary or had threatened the defendant and was attempting to commit a felony on his person.”¹¹¹

With that, the jury was brought back in and closing arguments began. Ralph Moody presented the state’s first argument. He disputed the defense’s self-defense argument, saying, quote “nobody was pestering Banks but his creditors...[that] is no justification for Banks to murder Prescott.”¹¹² He said that both Llewellyn and Edith Banks had planned and prepared for violence.

Frank Lonergan and Charles Hardy presented a different version of events in their defense closings. Hardy called Banks a victim of, quote, “organized persecution.”¹¹³ Lonergan described Banks’s state of mind on the day of the murder, saying, quote, “Banks was a hounded man, staying in his home for ten days before the tragedy to avoid trouble, planning to leave for the mountains to save his own life. Finally, when he saw Prescott trying to break into his home to get him, Banks lost his reason.”¹¹⁴ He asked the jurors to be merciful to the Bankses, who he described as an elderly couple who just wanted to raise their daughter, Ruth May, in peace.¹¹⁵

Moody returned to deliver the prosecution’s final closing argument. Throughout the trial, he wrote in a letter, he had tried to be quote “polite, but unmistakably firm, and to handle myself in the court in a lawyer-like manner.”¹¹⁶ But now, perhaps inspired by Lonergan’s more emotional approach, Moody let loose. He picked up Banks’s arrest warrant. The warrant had been retrieved from Prescott’s dead body and was soaked in the man’s blood. Moody waved it in front of the jury. He said that Llewellyn Banks had cold-bloodedly murdered George Prescott, and Edith Banks had helped him do it. He asked jurors to find the pair guilty and sentence them to death.¹¹⁷ With that, the trial concluded.

Judge Skipworth’s instructions to the jury were straightforward. He explained the laws regarding self-defense and insanity. He told jurors that the guilt or innocence of each defendant should be decided separately. And he provided the jurors with 6 possible verdicts: first degree

¹⁰⁹ Blakely, 185.

¹¹⁰ Blakely, 186.

¹¹¹ Blakely, 186.

¹¹² Blakely, 186.

¹¹³ Blakely, 187.

¹¹⁴ Blakely, 187

¹¹⁵ Blakely, 187.

¹¹⁶ Blakely, 105.

¹¹⁷ Blakely, 188.

murder requiring the death penalty, first degree murder with a recommendation for life in prison, second degree murder, third degree murder, not guilty by reason of insanity, or not guilty. When he had finished his instructions, he dismissed the jury to deliberate.¹¹⁸ It was 3:30PM on Saturday, May 20th.¹¹⁹

The jury deliberated all afternoon and into the evening. At 9PM they adjourned. The next morning, after breakfast in the hotel they were sequestered in during the trial, they resumed their discussion. At 1:30PM, after a total of approximately ten hours of deliberation, they notified the court that they had reached a verdict.¹²⁰

People rushed into the courtroom to hear the verdict - reporters, GGC members, local residents there for the show. The jury foreman delivered their decision to Judge Skipworth, who asked the defendants to stand. Then, he read the verdict aloud: on the charge of murder, in the death of George Prescott, the defendant Edith Banks was found not guilty. The defendant Llewellyn Banks was found GUILTY.

ACT IV

The jury had found Banks guilty of second degree murder. Under Oregon law, the mandatory sentence for second degree murder was life in prison. Despite this, Banks seemed unemotional, telling reporters, quote, "I am undismayed. I have implicit faith in the eternal cause of righteousness. I have been persecuted, prosecuted, and convicted by...the special privilege interests."¹²¹ At his side, Edith Banks wept.¹²²

Banks's crime and conviction produced a mixed reaction amongst GGC members. Most members were horrified and quickly renounced any affiliation with Banks or even with the group. Shortly after the shooting, many GGC members called the district attorney's office and denounced the murder. DA Coddington told people to publicly withdraw their membership, and the *Mail Tribune* printed many withdrawals over the following days.¹²³

However, some diehard members supported Banks, and believed that the murder was just the beginning of the rebellion. One woman said publicly that Prescott, quote, "got what was coming to him" and said, quote, "there will be more of this."¹²⁴ In Gold Hill, one man said he was going to, quote, "take 25 men to Medford and clean out the gang."¹²⁵ In Rogue River, a group of hardcore GGC loyalists allegedly planned to dynamite a mining operation and a hydroelectric plant.¹²⁶

¹¹⁸ Blakely, 188.

¹¹⁹ Blakely, 190.

¹²⁰ Blakely, 190-191.

¹²¹ LaLande, 109.

¹²² Blakely, 190.

¹²³ LaLande, 104.

¹²⁴ LaLande, 105.

¹²⁵ LaLande, 105.

¹²⁶ LaLande, 105.

But by the end of 1933, the GGC was on its last legs. Much of the organization's leadership faced trials of their own. GGC president Henrietta Martin was convicted of "riotous, violent and disorderly conduct," for horse-whipping newspaper editor Leonard Hall.¹²⁷ And over the summer, many men, including Earl Fehl and former Sheriff Gordon Schermerhorn, were found guilty for their roles in the ballot thefts. Schermerhorn was sentenced to three years in prison, while Fehl received the maximum sentence, four years.¹²⁸

This sentencing provoked one last eruption of GGC violence: the day after the sentencing, a GGC supporter named Joseph Johnston got into a fight with Chuck Davis, a Fehl-appointed county employee who had testified against Fehl in his trial. In the ensuing fight, Davis knocked Johnston down. Johnston hit his head on a concrete curb and died soon after.¹²⁹ Writing about these events, the *Oregonian* said, quote, "The Johnston tragedy must be counted as another to be laid on the doorsteps of Banks." Going further, the newspaper opined, quote "Never has there been in the life of Oregon another man who has done such widespread harm as Banks. His megalomania, his obsession of persecution, his violent hatred of all who crossed his purposes, his terrifically perverted leadership, have spread untold harm."¹³⁰

The *Oregonian* was not wrong. In his quest to escape responsibility for his financial failings, Banks had become a demagogue, leading his followers to violence. He preyed on people's insecurities and fears for his own ends, with deadly results.

But Banks was not the only one whose behavior in 1933 was troubling. In their quest to defeat the GGC, some elected officials *did* trample on people's rights. The Medford police held the Sexton brothers in jail for four days without allowing them to contact anyone. And the District Attorney's office, as they prepared for the ballot-theft trials in the spring and summer of 1933, engaged in a variety of underhanded and even illegal activities. They placed audio surveillance in the courthouse, using it to listen in to privileged attorney-client conversations. They tapped phones and intercepted letters and telegrams. These measures were not just used on defendants, but also on possible jurors, witnesses, and attorneys. The District Attorney's office did not use evidence obtained through this surveillance in any trials, but it certainly informed their legal strategy. As Jeffrey LaLande notes, "In using such measures...[DA Coddling] gave at least some, albeit after-the-fact, substance to the GGC's charges of a conspiracy by the legal officers."¹³¹

And there was a grain of truth in Banks' and Fehl's claims about the need for better representation in government. There was no "Gang," of course, no secret cabal of government officials conspiring to oppress the public. But there *were* deep inequalities within the county.

¹²⁷ "Find Mrs. Martin Guilty; Sentence Given Wednesday," *Medford Mail Tribune*, October 10, 1933, page 1. <https://www.newspapers.com/image/97315716/?match=1&terms=henrietta%20martin>. Martin's sentence was ultimately suspended, pending good behavior, by Judge Norton: "Judge Norton's Decision," *Medford Mail Tribune*, October 12, 1933, page 6.

<https://www.newspapers.com/image/97315770/?match=1&terms=henrietta%20martin>

¹²⁸ LaLande, 110-111.

¹²⁹ LaLande, 111.

¹³⁰ LaLande, 111, citing the *Oregonian*, August 6 and 7, 1933.

¹³¹ LaLande, 114.

The county had an elite political class who regularly overlooked the less fortunate. People across the county deserved to have their voices heard and their needs met.

That being said, the Good Government Congress was never going to help its members, because its leaders were not interested in doing so. They were interested in personal gain - in being proved right, in putting themselves above the law, in grasping power and deploying it for their own ends. Fortunately – though their defeat came at the cost of George Prescott's life – Llewellyn Banks and Earl Fehl did not succeed.

Banks refused to accept failure. He still claimed that he had been framed. He said that people were trying to kill him in prison, going so far as to poison himself to prove his point. He tried to bribe a parole officer. A psychologist who examined him reported that Banks dreamed of running Oregon as a military dictatorship.¹³² All of these things are not looked on favorably by parole boards. Banks spent the rest of his life in prison. Edith and Ruth visited him for the first two years, but after Banks accused Edith of stealing money from him, Edith stopped seeing him.¹³³ Banks died of cancer in a prison hospital on September 21st, 1945, aged 75. Edith moved back to California, dying at age 86 on November 10, 1967.¹³⁴

Earl Fehl also refused to admit his guilt. Fehl was released from prison in late 1936, and quickly resumed his old antics, suing the county to try to get his position as county judge back. He and his wife Electa started publishing broadsides which libeled various government officials. He filed multiple lawsuits against anyone he could think of. He tried to buy a rifle and rally the troops. Within three months of his return to Jackson County, the county had filed a notice of insanity against Fehl, and in December, 1937, he was committed to the Oregon State Hospital. After his release four years later, Fehl quieted down somewhat, though he kept up his favorite hobby of suing people for the rest of his life.¹³⁵ He died in his home in Medford on January 29th, 1962, aged 76.¹³⁶

By this time, the Good Government Congress was long gone. But its legacy can still be felt, in moments where charismatic leaders feed on the fears of their followers and incite violence. In those moments, we can learn from the example of those who stand up to such violence, including Jackson County newspaper editors Leonard Hall and Robert Ruhl. Both men had been outspoken against the GGC even when it came at a personal cost: Hall was horsewhipped and beaten several times, while Ruhl faced threats to himself and his family, and had to post armed guards outside his newspaper's offices. In May, 1934, Ruhl's paper, the *Medford Mail Tribune*, was awarded the Pulitzer Prize for public service reporting. Hall, whose newspaper was a little less respectable, did not get such recognition, though even Ruhl thought he deserved it. Another Oregon newspaper, the *Eugene Register Guard*, congratulated the *Mail Tribune* on its prize, and

¹³² LaLande, 126-127.

¹³³ Blakely, 202.

¹³⁴ "California Death Index, 1940-1997," database, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:VP45-1Y8> : 26 November 2014), Edith R Banks, 10 Nov 1967; Department of Public Health Services, Sacramento.

¹³⁵ LaLande, 129-131, 148.

¹³⁶ "Oregon Death Index, 1903-1998," database, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:VZHF-N5F> : 11 December 2014), Earl H Fehl, 29 Jan 1962.

hoped that its win would send a message, writing, quote “There are times when the easiest course, often, for editors and politicians is to cater to public prejudices and suspicions. The Pulitzer award to the *Mail Tribune* is a warning to demagogues...that quackery has become a tiresome fashion.”¹³⁷ 90 years later, it is still a warning that ought to be heeded!

That’s the story of Oregon v. Llewellyn and Edith Banks. Stick around after the break for a look at how a program of *real* political reform helped preserve George Prescott’s memory.

EPILOGUE

In 1933, just as the ballot theft trials were wrapping up, the first effects of the New Deal made themselves felt in Jackson County. President Franklin Roosevelt had promised to bring America out of the Great Depression, saying in his presidential nomination speech, quote “I pledge you, I pledge myself, to a new deal for the American people.”¹³⁸ Over the next seven years, that New Deal took shape via an ambitious set of laws, relief programs, and public works. Many of these programs benefitted Jackson County. Highway construction projects provided jobs, while price-control codes allowed local industries like timber and fruit to get back on their feet.¹³⁹ Medford also became the regional administrative headquarters for the Civilian Conservation Corps. The CCC hired more than 3 million young men across the country to work on improving public lands.¹⁴⁰ One of the CCC’s projects in Medford was creating a trail system on land that had been donated to the city. The resulting park, with an area of 1,700 acres, is the second largest park in Oregon.¹⁴¹ In 1937, the park was dedicated to the memory of George Prescott.¹⁴² The park, Prescott Park, still bears his name today.

Thank you for listening to History on Trial. My main sources for this episode were Jeffrey Max LaLande’s book *The Jackson County Rebellion: A Populist Uprising in Depression-Era Oregon* and Joe R. Blakely’s book *Rebellion, Murder and a Pulitzer Prize*. For a full bibliography as well as a transcript of this episode with citations, please visit our website, historyontrialpodcast.com.

¹³⁷ “Some State Comments on Award of Pulitzer Prize,” *Medford Mail Tribune*, May 9, 1934, page 6, <https://www.newspapers.com/image/97024914/?match=1&terms=pulitzer>

¹³⁸ “President Franklin Delano Roosevelt and the New Deal,” Library of Congress.

<https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/great-depression-and-world-war-ii-1929-1945/franklin-delano-roosevelt-and-the-new-deal>

¹³⁹ LaLande, 123.

¹⁴⁰ “U.S. Census Bureau History: The Civilian Conservation Corps, 1933-1942,” United States Census Bureau, March 2020.

https://www.census.gov/history/www/homepage_archive/2020/march_2020.html#:~:text=Roosevelt%20established%20the%20Civilian%20Conservation,conserve%20the%20nation's%20public%20lands.

¹⁴¹ “Prescott Park brochure,” Medford Parks, Recreation & Facilities.”

<https://www.medfordoregon.gov/files/assets/public/v/1/parks-recreation-and-facilities/documents/misc/prescott-park-brochure.pdf>

¹⁴² LaLande, 123.

