

The 1967 Jefferson City Purple Martin Massacre By Erika Woehlk, Visual Materials Archivist

Missouri lawmakers thought highly of the purple martin in 2003 when they voted the small community of Adrian the Purple Martin Capital of the state. Alas, this admiration wasn't always the case. This essay tells another Jefferson City story regarding this official state symbol.

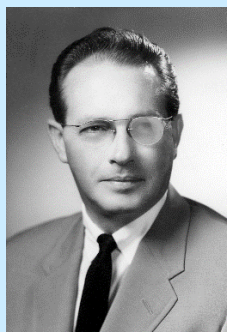
On the evening of Aug. 21, 1967, Conservation Agent Ben Krider received a call from a Jefferson City woman saying that there were men outside the Governor's Mansion shooting purple martins. Krider was a three-minute drive away, and when he arrived on scene, he found bird carcasses all over the ground. The men responsible claimed they believed the birds were starlings. In the United States, European starlings (*Sturnus vulgaris*) are fair game; they are an invasive species native to Europe. Purple martins (*Progne subis*), however, are a protected migratory species. The difference in human terms is obvious – the killing of one is a crime.

Krider estimated that the men had killed approximately 2,000 purple martins with shotguns. He kept around 75 specimens as evidence. Then a question central to this investigation arose: *why* did they shoot the birds? Rumors flew faster than the martins that Missouri Gov. Warren E. Hearnes had ordered the massacre.

The Players:



Gov. Warren E. Hearnes



John Paulus

Melvin Dickson "M.D." Anglin (1906-1992) – An expert witness for the prosecution and President of the National Association for the Protection and Propagation of Purple Martins and Bluebirds of America, Inc.

Earl Kent Campbell (1933-2012) – Served as the Technical Assistant with the Missouri Department of Revenue and as a Cole County Deputy Sheriff. He was part of the group accused of killing the purple martins.

Stanley Charles Diemler (1930-1996) – Worked as the Administrative Officer with the Division of Planning and Construction under the Missouri Department of Revenue. He was also a Cole County Deputy Sheriff, and was accused of killing the martins.

Warren Eastman Hearnese (1923-2009) – Served as Missouri Governor from 1965-1973, and was rumored to have ordered the purple martin massacre.

Larry A. Jarrett (1942-) – A friend of John Paulus, Jr., and part of the group accused of killing the martins.

Byron L. Kinder, Jr. (1933-) – The Cole County Prosecuting Attorney who filed charges against the five men accused of killing the martins.

Ben L. Krider (1931-1985) – An agent with the Missouri Department of Conservation who was first on the scene and identified the birds as purple martins.

Orrin Lee Munger (1899-1978) – The Cole County Magistrate Court Judge who presided over the case of the five men accused of the martin massacre.

John Paulus, Jr. (1909-1993) – Worked as the Director of the Division of Planning and Construction under the Missouri Department of Revenue. He ordered his staff to kill the birds; Paulus himself reportedly received the order from the Highway Patrol who allegedly received the order from Gov. Hearnese.

Edward L. Plogsted (1932-1974) – The husband of Paulus's administrative assistant, Betty Jo Plogsted. He was also friends with Paulus and was one of the five men accused of killing the martins.

Roy Francis Renn (1940-) – Served as the Building and Grounds Superintendent under the Missouri Department of Revenue, and served as a Cole County Deputy Sheriff. He was in charge of groundskeeping and maintenance at the Governor's Mansion, and was one of the group accused of killing the martins.

LeRoy Herman "Bud" Wilbers (1932-2014) – The defense attorney for the five defendants accused of killing the martins.

The martin killings were an immediate press sensation. Stories appeared in local and national newspapers, all lamenting the loss of the birds. The press reported that the men responsible had confused the martins for starlings.



The European starling (*Sturnus vulgaris*)



The purple martin (*Progne subis*)

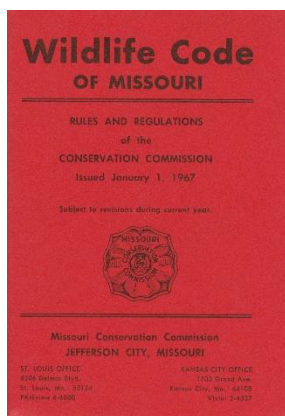
It is true that both species are roughly the same size with the starling being only slightly bigger than the martin. The colors and body shape are different, but to an amateur may be difficult to distinguish. Both species are found in flocks. Whatever the case may have been, the fact remained that 2,000 martins lay dead.

Krider encountered five men that day in August: Earl Campbell, Edward Plogsted, Roy Renn, Larry Jarrett and Stanley Diemler. Three were state employees and the other two were friends of John Paulus, Director of the Division of Planning and Construction. It was Paulus who ordered the men to take out the birds that evening, but newspapers were quick to blame Gov. Hearnes as the original source of Paulus's orders. In fact, the *New York Times* interviewed an anonymous spokesman for Hearnes directly. "It seems that for the last five or six weeks,' the spokesman said, 'the governor has been plagued by birds, and you know purple martins and starlings can be equally noisy. Well, he said to a sergeant in the State Highway Patrol who was on duty at the mansion on Monday, "let's try to do something about these birds." Somehow that was translated into, "let's kill those birds."'" (Kneeland 1967, 14)

According to the same *New York Times* report, the Highway Patrol then reportedly passed Hearnes's order to the Division of Planning and Construction via Stanley Diemler and John Paulus. Hearnes himself refused to comment on the matter. The *St. Louis Post-Dispatch* said on Aug. 23 that "the Governor did not order the shooting." (Rose 1967, 3A) This was the same day the *New York Times* article was published. A *Springfield Leader-Press* article titled, "Martin Massacre Governor's Idea" also came out on the 23rd.

These conflicting reports persisted for the next few days with *Newsweek*, *The New Yorker* and *Time* also picking up the story.

The investigation spanned all levels of government with federal, state and local agencies involved. Investigators included John Hague of the Federal Game Management authority from St. Joseph, Missouri and State Director of Conservation Carl Noren. Noren met with the Governor and at least three of the men involved in the shooting shortly after the incident. Local Cole County Prosecutor Byron Kinder filed misdemeanor charges and Cole County Magistrate Court Judge O. Lee Munger was under public pressure to take up the case.



The charges against the five men stemmed from Missouri Wildlife Code §252.040 Taking of Wildlife. "No wildlife shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited. Any person violating this section shall be guilty of a misdemeanor." (Missouri Conservation Commission 1967, 58-59.) Violations were punishable by up to three months in county jail and/or a fine not exceeding \$500.00 (§ 252.230). Presumably, this was per offense. The judge had it in his power to charge each man with up to 2,000 counts.

The five defendants appeared before Judge Munger with their lawyer L.H. "Bud" Wilbers on Sept. 6 and entered not guilty pleas to one count each. They asked for a jury trial. Munger scheduled the two-day trial for Oct. 19-20.

Martins are the country's largest swallows and are native to North America. For centuries before 1967, invasive species ousted the martins from their natural habitat. One of the invaders? The European starling. Starlings and house sparrows (aka English sparrows) took over the martins' food source and habitat so much so that the eastern subspecies of the bird nearly went extinct. The martins' saving grace turned out to be humans. People started constructing artificial homes that attracted the martins. Soon, these homes were the only habitat saving the subspecies from extinction.

The town of Griggsville, Illinois proudly calls itself the Purple Martin Capital of the Nation. In 1967, the town was home to Trio Manufacturing, the largest manufacturer of purple martin homes in the world. The company's founder J.L. Wade also published a newsletter that had thousands of subscribers nationwide. The birding world was

watching Missouri's purple martin event closely. *The Purple Martin Capital News* sent a reporter and photographer to Jefferson City as soon as it heard about the massacre. They interviewed James Bailey, Missouri Department of Conservation Protection Division Superintendent. Bailey stated that the Conservation Department had not been given advance notice of the plan to shoot the birds. He further confirmed that all the feathered victims were purple martins. Regarding Hearn's involvement, Bailey said, "I'm sure that when he suggested someone get rid of the birds, he did not intend for someone to take a gun and go right out and shoot them." He also said, "There isn't any justification for something like this!" (*The Purple Martin Capital News* August 1967, 4)



Photograph of a tree outside the Governor's mansion taken by a *The Purple Martin Capital News* photographer. The circled area shows a broken limb.

The reporting estimated that the flock outside the Governor's Mansion was 10,000 strong and that between 1,800 and 2,000 birds were killed. Hearn and others in the neighborhood allegedly considered the birds a nuisance. They were noisy, messy and even – also allegedly – broke a tree limb. Several cars in the area were spotted with telltale white droppings on them. *The Purple Martin Capital News* photographer was able to find one broken limb on a tree outside the Governor's Mansion (circled, left), but the reporter could not verify that it was damaged by the martins. He speculated as to other possible causes, such as a flock of starlings that *had* been in the neighborhood weeks prior to the martins' arrival. Another possibility – not mentioned by the reporter – was that the limb was broken by gunfire during the incident.

The reporting supplied a motive for what they and others termed a "massacre." *The Purple Martin Capital News* played another role in this case; they marshaled letter-writers from around the country to flood Gov. Hearn's office with letters of protest. Some of the letters were reprinted in the August and September issues of the *News*. Others wrote to Judge Munger, which may have had a role in his deciding to try the case.

A few days before the trial was to be held in October, Wilbers asked Judge Munger for a continuance. He granted the request and the trial was moved to Nov. 15. When the day

finally came, all five changed their plea to guilty. Wilber told the *Jefferson City Post-Tribune*, "the defendants felt a moral obligation' they should not 'hide behind the law.'" ("Purple Martin Case Resolved..." 1967, 1)

Despite the guilty plea, Munger did allow the prosecution one expert witness: M.D. Anglin, president of an organization called the National Association for the Protection and Propagation of Purple Martins and Bluebirds of America, Inc. Anglin testified on the difference between starlings and purple martins and also supplied advice on how to get rid of starlings. *The Purple Martin Capital News* reporter wrote in November, "When asked by the prosecuting attorney, 'Don't you feel it is incumbent that anyone shooting them should know the difference between them (martins) and other birds?' Mr. Anglin drawled, 'According to where they got their orders. I heard several stories about that, and...'. Both attorneys snapped to attention, and Mr. Kinder interrupted, 'Well, we don't want to go into that!' The gallery rocked with laughter. But Mr. Anglin persevered, 'Well, that's all right, fellows. I don't want to say anything against the governor, either.'" (*The Purple Martin Capital News* November 1967, 3)

Finally, before issuing his sentence, Judge Munger had three specific questions for the five defendants. He wanted to know 1) if they were acting on anyone's orders; 2) if they knew the birds were martins; and 3) if they had known the species would they still have shot them. Stanley Diemler answered on behalf of all five. As to the first, he stated, "The dispersal was done at the request of someone else, but I took on myself the method to be used." (*The Purple Martin Capital News* November 1967, 3) The answer to number two was "no" and to number three the same.

After the hour and a half discourse, Judge Munger fined each of the five \$50.00 plus \$12.10 in court costs for a total of \$62.10 each and sent them on their ways.

Both Anglin and the *News* reporter had the same lesson to teach in the end: the public needs to be educated on avian wildlife. There is also one final irony...purple martin houses stood on the grounds of the Governor's Mansion.

Photo Sources:

P. 1 Warren Hearnese: Missouri State Archives, RG005 Secretary of State Publications Division Portrait Collection, RG5_Portraits_17001-010.

P. 1 John Paulus: Missouri State Archives, RG005 Secretary of State Publications Division Portrait Collection, RG005_Portraits_27-033-064.

P. 3 European starling: The Encyclopedia of Life, photo by Oscar.

P. 3 Purple martin: Missouri State Archives, RG103.03 Department of Conservation Photograph Collection, RG103_Digital_0037, photo by Jim Rathert.

P. 4 Wildlife Code of Missouri: Missouri State Archives, RG000.103 Department of Conservation State Documents Collection, Box 140.

P. 5 Tree: *The Purple Martin Capital News* August 1967 p. 5. Courtesy of North Pike District Library, Griggsville, IL.

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