

Friends of Blackwater Presents

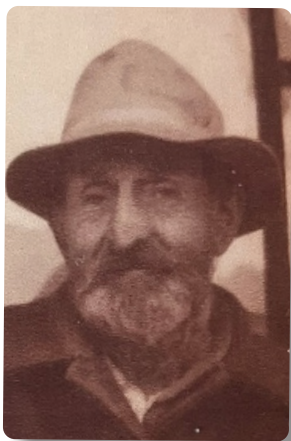
Moonshine Memories



**A MOUNTAINEER
FIGHTS FOR HIS
HOME!**

“LAW, LAND, AND LIVELIHOOD -
THE CURIOUS CASE OF AB CROSSLAND”

HISTORICAL CAST OF CHARACTERS



TOP ROW L-R:
AB CROSSLAND,
LARRY STARCHER, JUDGE
D.E. CUPPETT.

MIDDLE ROW L-R:
RUBY RAINES,
J. PATRICK NICHOLS.

BOTTOM ROW L-R:
RONNIE BEALL,
RON BROWN.



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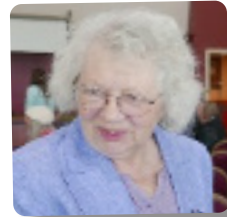
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INTRODUCTION

BY JUDITH S. RODD

DIRECTOR, FRIENDS OF BLACKWATER

This booklet tells the amazing but true story of Ab Crossland, a moonshiner who fought in court to keep his home – and won! For many years, Ab’s remarkable story has been legendary in Tucker County, West Virginia. Now, thanks to newly-accessed court records, the full story can be told.



In 2023, more than 400 people attended a series of free public programs telling Ab Crossland’s story with discussion, historical and legal expertise, music, drama, eyewitnesses, and more. We called this series “Moonshine Memories.” This booklet summarizes the programs’ content.

Friends of Blackwater’s partners were the Tucker County Historical Society; ArtSpring; the Tucker County Highlands History and Education Project; Cottrill’s Opera House; and the Aurora Project. There’s more information on our website, <https://saveblackwater.org>.

We dedicate this booklet to the memory of Sarah Thompson Fletcher (1943-2023), a longtime Canaan Valley resident and Crossland neighbor, and an important part of “Moonshine Memories.”



SARAH FLETCHER

Thanks to Cheyenne Elswick for graphic content; to Jacob Shockley for video recording; to Joyful Productions for sound; to John Bright and Lon Marshall for photography; to Big Belly Deli for catering; to Canaan Valley State Park and the Tucker County Commission for their hospitality; and to the Tucker Community Foundation and the West Virginia Humanities Council for their financial support. All contents are copyright 2023 by Tom Rodd and Friends of Blackwater.

Thanks for your interest and attention. We would love to hear from you!

A handwritten signature in blue ink that reads "Judith S. Rodd".

THE CURIOUS CASE OF AB CROSSLAND

BY TOM RODD,
FRIENDS OF BLACKWATER

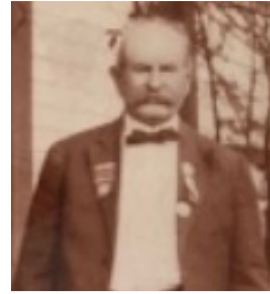
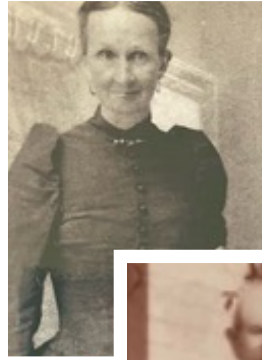


Albert Lewis “Ab” Crossland was born in 1884 in the Eastern Panhandle of West Virginia, the ninth of ten children of Provey and George Crossland. When Ab was a young boy, his family moved to Canaan Valley in Tucker County. Ab’s family were farmers, and his father George also made and sold whiskey that he distilled from fermented grain – known as “making moonshine.”

The historian Hal Gorby explains in his essay in this booklet how making and selling “shine” was a common and important activity in many Appalachian communities. Especially when paid jobs were scarce, moonshining could provide a crucial source of cash income.



AB AND FRIENDS KILLED A STATE RECORD BEAR.



PROVEY AND GEORGE CROSSLAND



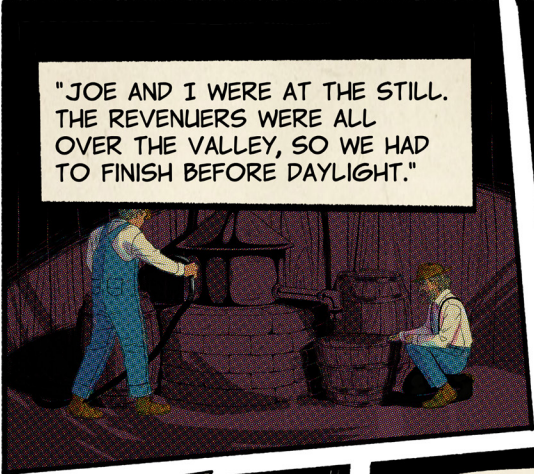
AB CROSSLAND, JOE HEITZ SR., JAKE HARR, JOHN COPPER, JOE HEITZ JR., AROUND 1910

A FATEFUL EVENT

As an adult, Ab continued the family moonshining tradition, leading to a dramatic incident that shaped a big portion of Ab’s life. The following scenario fits the known facts, though some must be imagined.

One dark night in 1931, in a remote

IN 1931, MAKING WHISKEY IS A WAY TO SURVIVE. ON A REMOTE CANAAN VALLEY FARM, AB CROSSLAND AND JOE HEITZ ARE COOKING A BATCH OF "SHINE." THE STILLHOUSE IS ON JOE'S LAND.

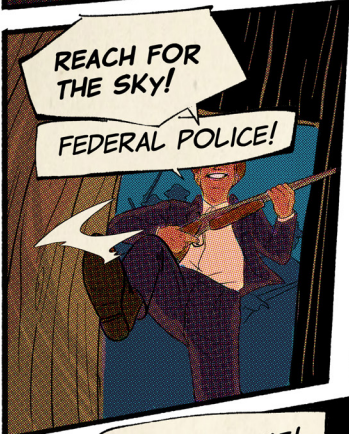


"JOE AND I WERE AT THE STILL. THE REVENUERS WERE ALL OVER THE VALLEY, SO WE HAD TO FINISH BEFORE DAYLIGHT."



"THEY CAUGHT US ANYWAY."

WHAT THE-?



REACH FOR THE SKY!

FEDERAL POLICE!

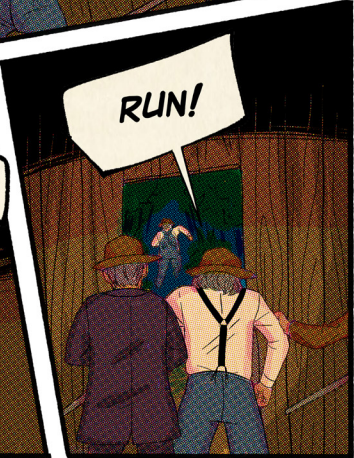


YOU'RE UNDER ARREST!



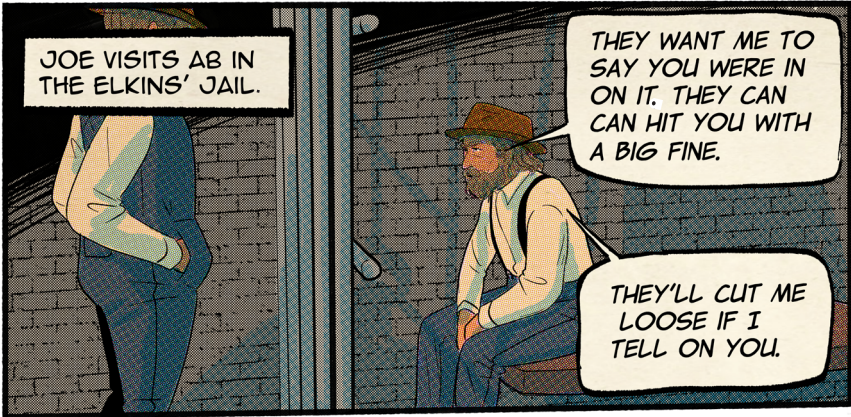
THEY GOT ME!

RUN!



RUN!

JOE HEITZ ESCAPES. THE POLICE WANT AB TO TESTIFY AGAINST JOE. WHAT WILL AB DO?



wooded “holler” on a mountainside above Canaan Valley, Ab and his neighbor Joe Heitz, Jr. were cooking up a batch of whiskey in a “still” located on Joe’s property.

Federal law enforcement agents (called “revenuers”) silently crept through the woods and surrounded the still. Then they burst in, surprising and capturing Ab. But Joe fled into the dark and escaped.

At the jail in nearby Elkins, the revenuers pressured their captive to identify Joe and testify against him – in part so they could seize Joe’s farm.

But Joe promised Ab that if Ab “took the rap” by himself, Ab could live on Joe’s land for the rest of Ab’s life.

AB AND JOE MAKE A DEAL

Ab needed to move from his family farm, so he agreed to keep mum about Joe’s involvement. Ab served a sentence in jail in Elkins – reportedly 90 days, but possibly six months. After Ab was released, he moved into a rough cabin on Joe’s property and lived alone there for the next forty-three years.

With his grizzled beard, beat-up pickup truck, and colorful speech –

JOE PROMISES AB "LIFETIME RIGHTS" ON JOE'S LAND. THEN, FORTY YEARS LATER, THE STATE GOES TO COURT TO EVICT AB. AB'S NEIGHBORS AND LEGAL AID ATTORNEYS HELP AB FIGHT BACK!

THE JUDGE BLOCKS THE BULLDOZERS - BUT FOR HOW LONG? AB CONSULTS WITH HIS LAWYERS.



AB, HOW DID YOU PAY FOR YOUR LIFETIME RIGHTS?



I PAID ON THE INSTALLMENT PLAN! ONE DAY AT A TIME IN THE ELKINS JAIL!



Ab was a well-known character in Canaan Valley. Ab remained a reliable source of quality "shine" – whether he made it himself, or sold what others had made. Ab was also known for his **tame skunks**. A skunk family had their den next to his cabin, and Ab enjoyed feeding them, along with a number of cats. If he wanted to discourage unwanted visitors, he would rouse his stinky friends!

WILL THE DEAL HOLD UP?

In 1951, Joe Heitz died, and his daughter Ruby Raines inherited the property where Ab's cabin stood. Ab continued to make his home on Ruby's land. Then, in the 1960s, the State of West Virginia began

acquiring land in the southern end of Canaan Valley for a new ski resort and state park. The State acquired Ruby Raines' property in a forced sale.

In 1969, construction began on the new park and ski slope. The State filed an eviction case against Ab, and he was served with court papers. Ab, now aged 80, could not imagine losing his home. But the State wanted to put a new access road right by his cabin – and they asked for a court order ejecting him from his home – for good!

Ab's neighbors, Roscoe Beall and his son Ronnie, introduced Ab to the young attorney Ron Brown. Brown

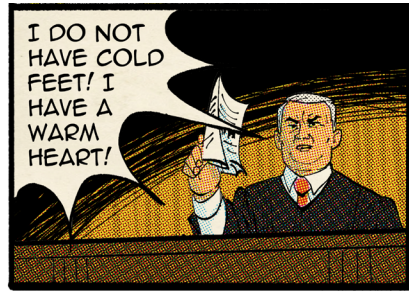
agreed to help Ab, and he recruited another young attorney, Larry Starcher – the Director of a federally funded “Legal Aid” program that provided lawyers for low-income people.

At that time, low-income people who could not afford an attorney, or pay substantial court costs and fees, often could not have their day in court. As Professor Bob Bastress explains in his essay in this booklet, Legal Aid for poor people shook up court systems across America – and it certainly paid off for Ab Crossland!

The State’s bulldozers were clearing a road to the new ski slope that would demolish Ab’s cabin. Lawyers Starcher and Brown rushed into court in Parsons and got Judge David E. Cuppett to put the eviction on hold. Then they made a claim, based on Joe Heitz’s promise of “lifetime rights.” The State was represented by attorneys J. Patrick Nichols and Del Roy Harner.

Starcher and Brown knew Ab’s legal claim was uncertain, but his “David v. Goliath” story was appealing. Starcher went to the press. The front page stories about Ab’s fight to save his home (and his skunks) made the State of West

AB IS NOT AFRAID TO CRITICIZE THE JUDGE.



Virginia look bad. Ab spoke up in a feisty newspaper interview and said that Judge Cuppett had “cold feet” because he was afraid to rule for Ab.

At a hearing before Judge Cuppett, no one knew what Ruby Raines would say. But she was firm in her testimony: “Ab has his rights!”

After more than a year, Judge Cuppett made his ruling. He decided that because the State now owned the property, Ab’s claim was not sufficient to stop an eviction. However, Judge Cuppett delayed the effect of his decision, so that Starcher and Brown could appeal to the West Virginia State Supreme Court.

Judge Cuppett also ruled that Ab could have a free transcript of all the hearings in the case. This “free transcript” order was especially surprising because it came from

JUDGE CUPPETT RULES AGAINST AB’S CLAIM, BUT HE ALSO PUTS PRESSURE ON THE STATE TO SETTLE THE CASE.

said to Mr. Gibson and Mr. Nichols there's no question in the Court's mind but what I would allow a copy of the free transcript to be given to this Defendant in absence of any showing that he has a substantial sum of money with which to pay costs. My

a notorious “penny-pincher” who strictly charged court costs to everyone.

Even though Judge Cuppett had ruled that the State could evict Ab from his cabin, the Judge’s other rulings actually set the stage for Ab to win his case. An appeal before the State Supreme Court would cause more delay for the road construction. And no one could be sure how the Supreme Court might rule.

So the State agreed to drop the eviction case. Ab could stay on the land for the rest of his life, provided that the new Park could build a road across the land. Ab was relieved, and his lawyers and friends were amazed!

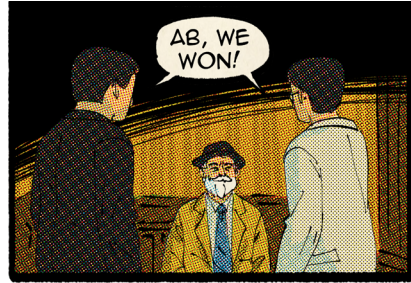
After the case settled, people say that Ab would sell moonshine on Friday afternoons to the workers who were building the ski slopes. After the ski slope opened, Ab sometimes posed for pictures with skiers who stopped by.

A follow-up 1971 newspaper story, with a picture of Ab at his cabin,

AB LIVES TO SEE SKIERS WHERE HE AND JOE HEITZ MADE MOONSHINE.



THANKS TO HIS NEIGHBORS AND LEGAL AID, AB HAS GOOD LAWYERS.



was reprinted around the world. Ab said he received several marriage proposals in the mail!

In 1973, Ab Crossland died. His remains are buried in a small family plot on State Park property near the site of his cabin, next to those of his mother. □



A LEGAL AID REVOLUTION SAVED AB CROSSLAND'S HOME

BY PROFESSOR ROBERT BASTRESS,
WEST VIRGINIA UNIVERSITY
COLLEGE OF LAW



In the United States, programs that provided government-funded legal services for the poor emerged mostly in

what has been called “the liberal moment” – the period beginning with John Kennedy’s inauguration in 1960 and ending with Ronald Reagan’s in 1980. The year 1963 saw the first major developments. That year the Ford Foundation funded legal services demonstration projects in a number of cities, and these served as a model for soon-to-be-created governmental programs.

That same year, the U.S. Supreme Court decided *Gideon v. Wainwright*, a landmark decision that guaranteed the right to counsel in criminal cases, and to a government-paid attorney if the defendant could not afford one. Two years later, Lyndon Johnson launched the “War on Poverty,” which included a legal services division within the Office of Economic Opportunity.

This led to the creation of the Appalachian Research and Defense

Fund (“Appalred”) in Southern West Virginia and Eastern Kentucky, Charleston Legal Aid, and North Central Legal Aid, founded by Larry Starcher. The first wave of legal services lawyers (I was one of them) tended to be young, liberal, and reform minded. In West Virginia they filed major lawsuits over school finance and education reform, prison and jail reform, and remaking the mental health system.

The reception received by legal services lawyers in rural Appalachia, including West Virginia, ranged from cool to overtly hostile. Judges varied. One judge called me at home to scream at me for suing “his school board,” and another referred to me as a “Bolshevik.” Another judge was gracious and cordial to us and our clients – but he always ruled against them. Quite a few local private lawyers resented us for “horning in” on their business. Eventually, the more enlightened members of the Bar figured out that our work actually created more business for them.

Ab Crossland, of course, benefited personally and substantially from the representation provided to him by Legal Aid attorney Larry Starcher. Ab’s case shows why it is so important to provide meaningful access to justice for low-income people; and the good that legal services attorneys can accomplish – especially when they are free of restrictive regulations.



MOONSHINING IN WEST VIRGINIA—STEREOTYPES AND REALITY

BY DR. WILLIAM HAL GORBY,
PROFESSOR OF HISTORY, WEST
VIRGINIA UNIVERSITY



In the pre-industrial era, moonshining was seen as a rational use of surplus agricultural production

across Appalachia. It was cheaper to distill excess corn, wheat, and barley into a few gallons of moonshine than to try and haul large amounts of crops overland to markets. Moonshiners set up along mountain passes and valley roads, and they were seen as respectable members of rural mountain communities. But the situation changed with the rapid period of outside land development and industrialization.

At the same time, we see the emergence of the “Hillbilly” stereotype beginning in the 1870’s, aided by hundreds of stories printed in newspapers, magazines, and dime novels. By the turn of the 20th century, these writings helped depict the mountain people in negative ways. Moonshiners were depicted as a cautionary tale — as part of the “other” in America and falling into savagery. Appalachia emerged as a primitive place, and writers focused their attention on mountain

moonshiners. This came after the start of the federal government’s crackdown on those violating the 1862 federal law to tax distilled spirits. As Bureau of Internal Revenue agents swept through southern Appalachia, the fights between them and illicit moonshiners fed into a popular image of the moonshiner.

One of the earliest depictions appeared in an article titled “The Moonshine Man: A Peep into His Haunts and Hiding Places,” Harper’s Weekly 21 (October 20, 1877). This piece highlighted several of the key stereotypes, notably showing moonshiners as a product of geographic isolation, riddled by poverty, uneducated, and uncivilized. What was left out of these depictions was how the changing economic realities of industrialization were forcing mountain families to take low wage industrial jobs, while trying to supplement their family’s income through collecting herbs and roots or from distilling whiskey.

In 1912, West Virginia voters approved going dry. The 1913 enforcement law, known as the “Yost Law” for the legislator who



sponsored it, reflected all the problems we would see with national Prohibition beginning in 1920. When state enforcement began in 1914, West Virginia was one of the most “bone dry” states in the country, banning all intoxicants over .5% alcohol! Penalties were stiff, including a \$100 to \$500 fine and a 2 to 6 month jail sentence just for a first offense violation. By the late 1920’s the Department of Prohibition in West Virginia was seizing over 600 stills per year. From 1928 to 1930, state agents made 4,338 arrests.

State and federal “fizz ferrets,” as moonshiners called them, were very active across the state. They targeted poorer, working-class moonshiners in dense urban neighborhoods in cities like Wheeling, as well as men

like Ab Crossland, operating in the rural mountains.

Even at the height of the Depression, revenuers were still arresting people statewide at a heavy clip. The Grant County Press reported on July 23, 1931 that the state police had arrested 1,215 people statewide. Roughly 36% of those arrested were for violating the Yost Law.

With Depression conditions, if Joe Heitz had been convicted of a felony, the fines would have probably forced him to sell off his land to pay the court debt. By Ab Crossland taking full responsibility, he saved his friend’s land. It’s no wonder Crossland was respected by his neighbors – for his loyalty, as well as for his efforts to supply quality moonshine. □

“MOONSHINERS SET UP ALONG MOUNTAIN PASSES AND VALLEY ROADS AS RESPECTABLE MEMBERS OF RURAL MOUNTAIN COMMUNITIES. BUT THIS CHANGED WITH OUTSIDE LAND DEVELOPMENT AND INDUSTRIALIZATION.”



CREATING "MOONSHINE MEMORIES"

BY TOM RODD,
FRIENDS OF BLACKWATER



AT AB'S GRAVESITE,
CANAAN VALLEY STATE PARK

I was asked to create a community history program about the Tucker County Circuit Court case of State vs. Ab Crossland. I had heard about the case years ago from attorney Ron Brown and Justice Larry Starcher. I interviewed them and others who were involved, and I located the original court files.

I found that there has been a common misunderstanding that Ab Crossland avoided eviction because the West Virginia Supreme Court overruled Judge Cuppett. In fact, the Supreme Court never looked at Ab's case; it was settled before an appeal was filed.

"Moonshine Memories" is the most recent community history/heritage program put on by Friends of Blackwater and our partners over the past twenty years. Others include "J.R. Clifford and the Carrie Williams

Case;" "A New Home for Liberty – Slavery and the Creation of West Virginia;" and "Shootout at the Depot – the Thompson-Eastham Feud."

These programs have used research, lectures and seminars, publications, signage, drama, social media, and music -- to bring entertaining and illuminating West Virginia stories to audiences of all ages. We have worked with exciting scholars like John Alexander Williams, Ronald Lewis, Connie Rice, John Stealey, Bob Bastress, Cicero Fain, Atiba Ellis, David Vago, and William Hal Gorby.

We think history and heritage programs can help our communities learn from the past and face the future. The historian Howard Zinn put it this way: "To be hopeful in bad times is not foolishly romantic. Human history is not only cruelty, but also compassion, sacrifice, courage, kindness. If we remember those times and places – and there are so many – where people have behaved magnificently, this gives us the energy to act."

I hope you enjoy and learn from our telling of the Ab Crossland story. □



BRINGING AB'S STORY TO LIFE

BY SILAS BRIGHT, DIRECTOR



My goal in this production was to show that there is value in fighting from the grassroots, and that even lawful rulings can sometimes be unjust and carry drastic communal consequences. This is a story where our little guy did make it out on top, but there are situations every day that beckon this same kind of judgment. Even if it seems hopeless, always fight on the right side of history, even if justice and law are not direct equivalents. *Montani Semper Liberi!*





THESE TWO PAGES FEATURE PICTURES FROM THE 2023 "MOONSHINE MEMORIES" PUBLIC PROGRAMS. PARTICIPANTS INCLUDED BARBARA ALFORD, ROBERT BASTRESS, RONNIE BEALL, MITCHELL BEALL, SILAS BRIGHT, RONALD BROWN, SUSAN CALLAHAN, DAVE ESCH, PHYLLIS GARCIA, ELAINE GEORGE, WILLIAM HAL GORBY, LORI HALDEMAN, CARL HARR, DANIEL HEDGES, JAKE KOPEC, DEBBIE MCHENRY, MIKE MILLER, GERRY MILNES, SUSAN MOORE, PAT A. NICHOLS, RAFF POMERANCE, DAVID ROBERTS, JUDY RODD, TOM RODD, MIKE ROSENAU, CASEY RUCKER, DIANA VERA, AND TOM YOCUM.

FOR MORE IMAGES AND OTHER INFORMATION GO TO [HTTPS://SAVEBLACKWATER.ORG/MOONSHINE-MEMORIES](https://saveblackwater.org/moonshine-memories).



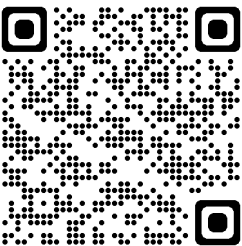
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**COTTRILL'S
 OPERA HOUSE**



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**West Virginia Man Wins
 Battle To Stay In Cabin**
 By SAGE ADKINSON
 "I hope your reader 30 yards of ..." he said. "I don't know what ..."
 The Charleston Gazette