

VIA UPS No. 1Z64589FP299323200
VIA Email: gjerald@marionso.com

May 16, 2016

Chief Gregg Jerald, General Counsel
Marion County Sheriff's Office (MCSO)
692 NW 30th Ave.
Ocala, FL 34475

Public Records Request. F.S. § 119.07(1)(c) All public records requests shall be acknowledged promptly and in good faith. *Access to public records and meetings*, Art. I, Sec. 24, Fla. Const.

Dear Chief Jerald:

Forwarded below, and attached in PDF, is a response by Captain Vyse to my Public Records Request dated May 12, 2016 addressed to you and Captain Vyse. UPS shows Proof of Delivery of my paper PRR to your office May 13, 2016 at 10:45 AM and signed for by "HOUNOR".

Captain Vyse wrote,

The Marion County Sheriff's Office does not have records dating that far back. By law I am required to provide you with anything that is public record that we have existing to us; we are not required to go out and find information that we do not house in our agency. I appreciate the effort you have already put into this and it appears that you have a good start in finding what you are looking for.

Consider this response acknowledgement that the Marion County Sheriff's Office did receive your letter emailed on May 12, 2016 and we are unable to complete your request.

Captain Linda Vyse
Marion County Sheriff's Office

As an attorney, you know the response by Captain Vyse is not legally sufficient. If the MCSO cannot provide records, it must cite a specific section of F.S. ch. 119 et. seq. The response by Captain Vyse that "The Marion County Sheriff's Office does not have records dating that far back." is void for vagueness, and begs the question: What is the records retention schedule?

Captain Vyse also wrote, "By law I am required to provide you with anything that is public record that we have existing to us; we are not required to go out and find information that we do not house in our agency." Fine, but what if the records were wrongly destroyed?

Unfortunately Captain Vyse ignored this part of my PRR: "Provide records of any subsequent investigation into the lynchings." The MCSO has a Cold Case Unit, Supervisor Sgt. Clint Smith. The MCSO Cold Case Unit webpage shows a case going back to April 7, 1958, for Julia Pratt.

Under 382.011(1) the medical examiner must determine of cause of death for "any death for which there is reason to believe that the death may have been due to an unlawful act". Death by lynching is an "unlawful act" even when the victim is turned over to the lynch mob by LE.

Under Uniform Crime Reports (UCR) Item #109, GENERAL RECORDS SCHEDULE GS2 FOR LAW ENFORCEMENT, CORRECTIONAL FACILITIES, AND DISTRICT MEDICAL EXAMINERS (Feb-19-2015), <http://dos.myflorida.com/media/693578/gs02.pdf>

This record series consists of reports from law enforcement agencies to the Florida Department of Law Enforcement pursuant to Section 943.05, Florida Statutes, Criminal Justice Information Program; duties; crime reports, and Rule 11C-4.008, Florida Administrative Code, Uniform Crime Reports Guide Manual. Reports include both offense and arrest crime data relating to murder, manslaughter, forcible sex, robbery, aggravated assault, burglary, larceny, motor vehicle theft, arson, simple assault, domestic violence offenses, property stolen and recovered, motor vehicle recovery, homicides, and law enforcement officer injuries or deaths. This retention is for copies of reports held by the submitting agency, not those received and held by FDLE.

RETENTION:

- a) Record copy. Retain until obsolete, superseded, or administrative value is lost.
- b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

In my view records of lynchings never become "obsolete" when the murder was done by "300 of the best citizens of Marion County" and law enforcement participated by allowing the lynch mob to take the lynching victim from its custody with little or no resistance.

From my PRR to you and Captain Vyse May 12, 2016:

1. John Richards, a black man, was lynched on February 17, 1915 in Marion County Florida for allegedly sending an insulting note to a white woman. Attached you will find Chapter 5, "The End of Lynching in Marion County", from "Lethal Punishment: Lynchings and Legal Executions in the South" by author Margaret Vandiver, a retired professor from the University of Memphis.

Professor Vandiver wrote in *Lethal Punishment*, Chapter 5, pages 71-72,

"A striking aspect of lynching in Marion County is the frequency with which mobs took their victims from the custody of law enforcement, apparently meeting little or no resistance. Of the fifteen cases in which I have been able to determine the circumstances of the suspect's capture by the mob, all but two involved suspects already in the custody of law enforcement officers."

"Between 1885 and 1930, nineteen black men were lynched in Marion County, nine of them for sexual offenses. Marion County lynchings were public affairs, often carried out before hundreds of witnesses, but none of the perpetrators was prosecuted." (page 70)

"Marion County mobs sometimes left a placard or a sign attached to the body of the victim; when Robert Larkin was lynched in 1893, the mob left a placard reading, "Done by 300 of the best citizens of this county." (page 72)

People Lynched in Marion County, Florida 1885 - 1930. (partial list from Table 9)

1. Robert Larkin lynched July 12, 1893, black male
2. Nero Young lynched May 15, 1894, black male
3. William Jackson lynched December 1, 1894, black male
4. William Jones lynched December 15, 1894, black male
5. John Richards lynched February 17, 1915, black male
6. Joseph Nimrod lynched December 29, 1915, black male
7. Richard Anderson lynched January 28, 1916, black male
8. Elijah Jones lynched February 12, 1921, black male
9. Chandler Colding lynched January 11, 1926, black male

"Near the end of the Civil War, several black Union soldiers in Marion County were burned to death for supposedly trying to recruit other blacks into the Union army." (Page 71, ¶2)

Professor Vandiver, page 72, last paragraph,

"White supremacy was deeply established in Marion County. In 1924, the Ocala Banner gave front-page space to an announcement that the Ku Klux Klan would be organizing a chapter in Marion County. Interested parties were instructed to send their name, church and lodge affiliations, and their place of birth, "only 100 per cent Americans wanted." The initiation fee was ten dollars and robes cost another five dollars." [fn 14, Ocala Banner, May 30, 1924, 1.]"

Professor Vandiver, pages 72-73,

"The tradition of lynching was also deeply rooted in the county. The author of a memoir of the community of Citra recalled the route taken by the local school bus in the 1920s: "it went through Cabbage Hammock, by Mr. Wartman's fence, and then by 'The Hanging Tree,' where it was not unusual to see pieces of frayed rope swaying from a stout limb, in the early morning light." [fn15]. Lynching seems to have had broad support among whites in Marion County.""

Professor Vandiver, page 73, second paragraph,

"Until the middle of the 1920s, the local press took a uniformly approving tone when reporting lynchings. When Elijah Jones was lynched for allegedly raping a seventy-year-old white woman and attempting to assault an eleven-year-old white girl, the Ocala Banner reported that three thousand people either participated in hanging Jones or viewed his body after the lynching. The Ocala Evening Star wrote a long article on the lynching, defending it in strident terms. According to the paper, Jones was a "bad nigger," a "filthy ruffian," a "rape fiend," and a "degenerate young devil." Those who lynched him were not a mob but "representative citizens, and they consider it their duty to rid their county of rapists and rattlesnakes as soon as possible." The mob members "understood all about" a remark Jones was reported to have made, "that he

wanted white because he was tired of black. That is the inspiration of all the rape fiends, and the only thing to meet it with is hot lead and hemp." The paper scornfully dismissed an inquiry from the Associated Press concerning race troubles in Marion County, insisting that all was quiet and that everyone was going about their business as usual." [fn16, Ocala Banner, February 18, 1921,5; Ocala Evening Star, February 14,1921,1.]”

CORRECTION: My PRR May 12, 2016 to the MCSO mistakenly quoted an earlier EJI claim of 30 lynchings in Marion County Florida. EJI subsequently reduced the number of lynchings to 18 in its Second Edition that I provided. I regret inadvertently citing to the earlier EJI data.

Mr. Jerald, in addition to the records already requested, provide records for “The Hanging Tree”, its location and history.

Please contact me with any questions. Enclosed is 60 cents and a SASE for a copy of this letter showing received by the MCSO. Thank you.

Sincerely,



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

Tel. 352-854-7807
Email: neilgillespie@mfi.net

Cc. Sgt. Clint Smith, email: csmith@marionso.com
Supervisor, MCSO Cold Case Unit

Enclosures

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Jerald, Gregg" <ggerald@marionso.com>
Cc: "Vyse, Linda" <lvyse@marionso.com>; "Smith, Clinton" <csmith@marionso.com>; "Sowder, Marguerite" <msowder@marionso.com>; <recmgt@dos.myflorida.com>; "Archives" <Archives@DOS.MyFlorida.com>; <info@dos.myflorida.com>; <Cathy.Moloney@DOS.MyFlorida.com>; "Weston Petkovsek" <westonpetkovsek@fdle.state.fl.us>; "Rick Swearingen" <RickSwearingen@fdle.state.fl.us>; "Linton Eason" <lintonason@fdle.state.fl.us>; "Jason Jones" <JasonJones@fdle.state.fl.us>; "Janine Robinson" <JanineRobinson@fdle.state.fl.us>; "Rebecca Cambria" <rebeccacambria@fdle.state.fl.us>; <publicrecords@fdle.state.fl.us>; "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Monday, May 16, 2016 2:53 PM
Subject: Re: Public Records Request to the Marion County Sheriff's Office

Mr. Jerald,

Provide records of lynchings in Marion County that occurred at any time, and not limited to the time frame mentioned in your email (1880's – 1920's). Provide records of lynchings that happened yesterday, last week, a year ago, or at any other time, including the 1930's, 1940's, 1950's and 1960's, all the way to the present. (May 16, 2016). Also include records dating from the American Civil War forward (1861-1865). Marion County has found records of the Civil War whenever it is convenient to support its white supremacy agenda.

Clerk of Court David Ellspermann has images of Confederate money on the Clerk's official government website, Confederate money the Clerk claims was recently found in old files. The Clerk also has images of "hands" on its website, black men conscripted to work under peonage laws.

Look harder Mr. Jerald, you might find some lynching records.

Neil J. Gillespie

----- Original Message -----

From: [Jerald, Gregg](#)
To: ['Neil Gillespie'](#)
Cc: [Vyse, Linda](#) ; [Smith, Clinton](#) ; [Sowder, Marguerite](#)
Sent: Monday, May 16, 2016 2:29 PM
Subject: RE: Public Records Request to the Marion County Sheriff's Office

Mr. Gillespie:

As Capt. Vyse indicated previously, the Marion County Sheriff's Office does not have records dating back to the time frame that you have requested (1880's – 1920's). Please note that Florida had no public records law until 1909 and the law that was passed in 1909 was 1 sentence long and did not have any retention schedule. In fact, it wasn't until 1992 that the right to public records was even guaranteed under the Florida Constitution.

When we receive your request in the mail we will be happy to stamp it received and return it to you in your self-addressed, stamped envelope.

Best regards,

R. Gregg Jerald
Bureau Chief
Bureau of Administrative Services
Marion County Sheriff's Office
Post Office Box 1987
Ocala, Florida 34478
(office) 352-368-3591
(fax) 352-620-7209
gjerald@marionso.com



From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Monday, May 16, 2016 2:06 PM
To: Vyse, Linda; Jerald, Gregg
Cc: Smith, Clinton; recmgt@dos.myflorida.com; Weston Petkovsek; Rick Swearingen; Linton Eason; Jason Jones; Janine Robinson; Rebecca Cambria; publicrecords@fdle.state.fl.us; Archives; info@dos.myflorida.com; Cathy.Moloney@DOS.MyFlorida.com; Neil Gillespie
Subject: Re: Public Records Request to the Marion County Sheriff's Office

TO: Chief Gregg Jerald, General Counsel, Marion County Sheriff's Office (MCSO)
 692 NW 30th Ave., Ocala, FL 34475

Dear Chief Jerald, see attached my PRR to the MCSO May 16, 2016. Also shipping by UPS. Neil J. Gillespie.

Public Records Request, F.S. § 119.07(1)(c) All public records requests shall be acknowledged promptly and in good faith. *Access to public records and meetings*, Art. I, Sec. 24, Fla. Const.

----- Original Message -----

From: [Vyse, Linda](#)
To: '[Neil Gillespie](#)'; [Jerald, Gregg](#)
Sent: Thursday, May 12, 2016 4:15 PM
Subject: RE: Public Records Request to the Marion County Sheriff's Office

Mr. Gillespie,

The Marion County Sheriff's Office does not have records dating that far back. By law I am required to provide you with anything that is public record that we have existing to us; we

are not required to go out and find information that we do not house in our agency. I appreciate the effort you have already put into this and it appears that you have a good start in finding what you are looking for.

Consider this response acknowledgement that the Marion County Sheriff's Office did receive your letter emailed on May 12, 2016 and we are unable to complete your request.

Captain Linda Vyse
Marion County Sheriff's Office
352-368-3579

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Thursday, May 12, 2016 12:16 PM
To: Jerald, Gregg; Vyse, Linda
Cc: Neil Gillespie
Subject: Public Records Request to the Marion County Sheriff's Office

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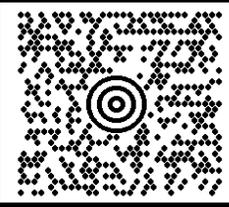
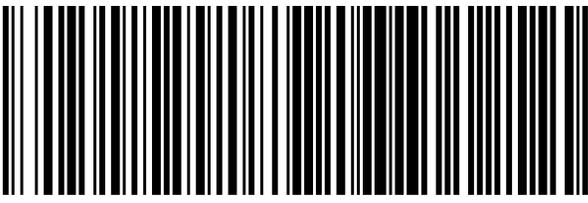
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Chief Gregg Jerald, General Counsel
Marion County Sheriff's Office (MCSO)
692 NW 30th Ave.
Ocala, FL 34475
VIA Email: ggerald@marionso.com

Captain Linda Vyse, MCSO
Records & STAR Unit Commander
VIA Email: lvyse@marionso.com

Public Records Request. F.S. § 119.07(1)(c) All public records requests shall be acknowledged promptly and in good faith. *Access to public records and meetings*, Art. I, Sec. 24, Fla. Const.

Dear Chief Jerald and Captain Vyse:

Provide records identifying people lynched in Marion County, Florida. The actual number of people lynched in Marion County does not appear to be known. Attached are three resources to assist finding the records. Provide records of any subsequent investigation into the lynchings.

1. John Richards, a black man, was lynched on February 17, 1915 in Marion County Florida for allegedly sending an insulting note to a white woman. Attached you will find Chapter 5, "The End of Lynching in Marion County", from "Lethal Punishment: Lynchings and Legal Executions in the South" by author Margaret Vandiver, a retired professor from the University of Memphis.

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"Between 1885 and 1930, nineteen black men were lynched in Marion County, nine of them for sexual offenses. Marion County lynchings were public affairs, often carried out before hundreds of witnesses, but none of the perpetrators was prosecuted." (page 70)

"Marion County mobs sometimes left a placard or a sign attached to the body of the victim; when Robert Larkin was lynched in 1893, the mob left a placard reading, "Done by 300 of the best citizens of this county." (page 72)

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9. Chandler Colding lynched January 11, 1926, black male

2. University of Florida professor Jack Davis is a scholar of race relations in the South. Davis found Marion County led Florida in the number of lynchings. See attached, "Lynchings in Florida? It was a problem here, too" The Gainesville Sun, Gainesville.com, September 3, 2005.

<http://www.gainesville.com/article/20050903/DAYBREAK/50903003?template=printpicart>

3. The Equal Justice Initiative, 122 Commerce Street, Montgomery, Alabama 36104 recently completed "Lynching in America: Confronting the Legacy of Racial Terror" that documents EJI's multi-year investigation into lynching in twelve Southern states during the period between Reconstruction and World War II. EJI researchers documented 3959 racial terror lynchings of African Americans in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia between 1877 and 1950 – at least 700 more lynchings of black people in these states than previously reported in the most comprehensive work done on lynching to date.

<http://eji.org/lynchinginamerica/>

http://www.eji.org/files/Lynching_in_America_2d_Ed_Summary.pdf

The Supplement - Lynchings of African Americans by County, shows 30 lynchings in Marion County, Florida.

http://www.eji.org/files/Lynching_in_America_Supplement_by_County_2nd_Edition.pdf

Please contact me with any questions. Enclosed is 30 cents and a SASE for a copy of this letter showing received by the MCSO. Thank you.

Sincerely,



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net
Enclosures



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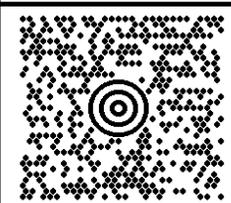
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Neil Gillespie

From: "Vyse, Linda" <lvyse@marionso.com>
To: "Neil Gillespie" <neilgillespie@mfi.net>; "Jerald, Gregg" <ggerald@marionso.com>
Sent: Thursday, May 12, 2016 4:15 PM
Subject: RE: Public Records Request to the Marion County Sheriff's Office
Mr. Gillespie,

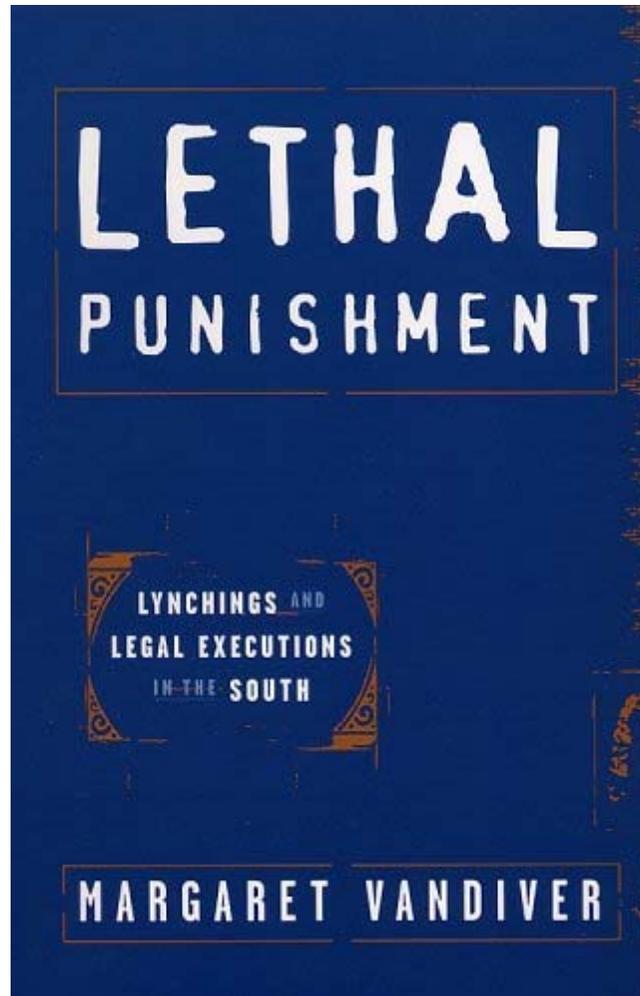
The Marion County Sheriff's Office does not have records dating that far back. By law I am required to provide you with anything that is public record that we have existing to us; we are not required to go out and find information that we do not house in our agency. I appreciate the effort you have already put into this and it appears that you have a good start in finding what you are looking for.

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Captain Linda Vyse
Marion County Sheriff's Office
352-368-3579

From: Neil Gillespie [mailto:neilgillespie@mfi.net]
Sent: Thursday, May 12, 2016 12:16 PM
To: Jerald, Gregg; Vyse, Linda
Cc: Neil Gillespie
Subject: Public Records Request to the Marion County Sheriff's Office

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Chapter 5: “The First Time a Charge Like This Has Ever Been Tried in the Courts”: The End of Lynching in Marion County, Florida. pp. 70-88

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Lethal Punishment: Lynchings and Legal Executions in the South
by Margaret Vandiver
Paperback: 304 pages
Publisher: Rutgers University Press; annotated edition (December 8, 2005)
ISBN-10: 0813537290
ISBN-13: 978-0813537290

Lethal Punishment

LYNCHINGS AND
LEGAL EXECUTIONS
IN THE SOUTH



MARGARET VANDIVER

Rutgers University Press
New Brunswick, New Jersey, and London

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Introduction



*D*yer County, Tennessee, had a well-established tradition of lynching by 1915. At least eight men had been hanged in the small rural county for offenses ranging from horse theft to murder. When Robert Davis was arrested for murdering a young white woman by beheading her, there was every reason to expect a lynching, but the sheriff of Dyer County quickly moved Davis to the relative safety of the Memphis jail. There Davis's luck continued. At a time when indigent African American defendants could expect the barest minimum of legal assistance, Davis's lawyer spent his own funds to investigate the case. He found compelling evidence that the woman had been murdered by her husband, not by Davis. At the request of the prosecutor, the judge entered a verdict of directed acquittal and Davis was freed.

Two years later, Julius Morgan, a black man, was accused of raping a white woman in Dyer County. Morgan narrowly escaped being lynched. The sheriff went to great lengths to protect Morgan from the mob, moving him to jails in Jackson, Union City, and finally Nashville. Morgan was represented by several attorneys who secured a change of venue to Memphis, where he was tried, convicted, and sentenced to death. After his appeal was rejected, Morgan was electrocuted at the state prison in Nashville; he was the first person to die in Tennessee's electric chair.

Just seventeen months after Morgan's legal execution, Lation Scott became the suspect in the rape of a white woman in rural Dyer County. He was captured outside the county and brought back to Dyersburg by law enforcement officers who did not resist when a mob demanded their prisoner. The mob brought Scott to downtown Dyersburg on the morning of December 2, 1917. It was Sunday and church services had just ended. Thousands of people assembled to watch as the leaders of the mob tortured and burned Lation Scott alive a few blocks from the courthouse. Scott was the last person to be lynched in Dyer County.

These three cases, occurring in one county within a three-year period, illustrate some of the complexities of "lethal social control" in the American

South.¹ Why did local law enforcement go to such lengths to save Davis and Morgan but sacrifice Scott? Why did the mob burn Scott, when every other Dyer County lynching had been by hanging? Why did lynching in the county end after the burning of Lation Scott? The differing fates of these three men reveal the capriciousness of the white southern response to African Americans suspected of serious crimes. The man accused of murder was protected, defended, and freed, while both of the men accused of rape died, one in the state prison before a few selected witnesses, the other in downtown Dyersburg before a crowd of thousands.

It is probably impossible to fully answer the questions posed above or the many other questions raised by the cases recounted in this book. I do not claim to have found explanations either for broad patterns in the data or for the varying outcomes of individual cases. What I found as I did the research for this book is evidence of the variety of both legal and extralegal punishment, the complex ways in which they differed from and resembled each other, and the significance of local circumstances and individual actions.

The Scope and Purpose of the Book

This book explores lethal punishment in the late nineteenth and early twentieth century in three distinct cultural and geographic areas, with an emphasis on the relationship between the two types of punishment. Using the cases that occurred in seven rural counties of northwest Tennessee, in Shelby County (Memphis), and in Marion County (Ocala), Florida, I document local histories of executions and lynchings.² I examined local patterns of lethal punishment in an attempt to find productive middle ground between the two major types of lynching studies, those that take an aggregate (or social science) approach, using quantitative statistics to analyze patterns in the data, and those using a case study (or historical) approach.³ I sought to gain breadth by including all instances of lynching and execution within an area for a period of several decades while adding depth through detailed examination of individual cases.

I hoped by this approach to be able to achieve a deeper understanding of lynchings, executions, and the relationship between them than could be attained through statistical analysis. While statistics can test for the existence of a connection between the two types of punishment, statistical analysis is unable to provide insight into the mechanisms by which the two forms of punishment may have been related.⁴ A quick legal execution in response to a threatened lynching, for example, might convey a number of messages to potential lynchers. It might impress them with their own power to influence the authorities and thus encourage them to threaten further violence. Or it might satisfy their immediate desire for retribution and increase their confidence that their wishes would be respected in the future, thus increasing their inclination to rely on the state to carry out punishment. Cases of legal and extralegal executions that were closely proximate in time and location provide an opportunity to explore how local residents

and authorities viewed the two types of punishment. Placing particular cases against the background of local histories and contemporary events can yield insights into otherwise unexplained changes in the behavior of the authorities, who sometimes praised, sometimes denounced, and very rarely attempted to prevent lynchings or punish those responsible.

A disadvantage of the method of research I have chosen for this book is that it does not provide a solid basis for generalization. There is an inevitable trade-off between depth and breadth in research, and I have chosen to try to achieve greater depth at the expense of broadly applicable findings. Thus, this study focuses on a few localities rather than attempting wide geographic coverage. In order to avoid too narrow a focus, I have chosen to look at executions and lynchings in counties with divergent histories and demographics. Close study of events in these small areas should illuminate the local histories of lethal punishment and may provide a tentative basis for broader conclusions, or at least point the way for further research to test the broader applicability of the findings.

The areas I examined in detail for this book are seven rural counties in northwest Tennessee,⁵ Shelby County (Memphis), and Marion County (Ocala), Florida. Table 1 indicates the number of confirmed lynchings and executions for each area during the years studied. The starting and ending years vary by location, depending on whether sources were available for cases from years before the 1880s and on the last identified lynchings in each area. The selection of locations for the study proceeded from my knowledge of and interest in specific local events, the availability of records, and examination of lynching and execution patterns as indicated in existing inventories. I do not consider these areas to be broadly representative of the South; they are chosen precisely because they are “local, individual, and . . . particular.”⁶

The South was not a uniform society; there was “great variety and individuality of southern communities and southern people.”⁷ While certain beliefs and values, including a devotion to white supremacy, were broadly shared by white southerners, the interpretation and application of those values could differ. Among these diverse communities, the occurrence, function, and meaning of lethal punishment are likely to have varied substantially.⁸ Simple examination of data by county reveals striking differences. In some locations a decades-long pattern of lynching ended abruptly, followed by a series of legal executions. In other counties legal executions were rare, lynchings were common, and both

TABLE 1 *Confirmed Lynchings and Executions*

	Years	Lynchings	Legal Executions
Northwest counties, Tennessee	Civil War–1940	66	6
Shelby County, Tennessee	1890–1930	15	23
Marion County, Florida	1885–1932	19	6
Total		100	35

practices came to an end at about the same time. Some counties carried out legal executions but had no lynchings, some had lynchings and no legal executions, and others never used either form of lethal punishment.

I used counties or a group of small contiguous counties as the geographical unit of analysis. County-level data allow the researcher to take into account local political culture, race relations, historical events, and geographic and demographic factors. Data on demographics and economics are usually available by county, and changes over time can be traced conveniently within the county unit. Stewart Tolnay and E. M. Beck argue for counties as the best unit of analysis for studying lynching, noting their importance in the administration of criminal justice and their position as “the smallest spatial unit with which it is possible to study the geographic distribution of southern lynchings on a wide scale.”⁹ W. Fitzhugh Brundage notes, however, that mobs were not constrained by county lines and often crossed them in pursuit of a suspect; thus, the county where a lynching occurred might not be the same county, or even the same state, where the mob originated or the alleged offense took place. In his study of lynchings in Georgia and Virginia, Brundage analyzed cases within regions of the states. This approach was also taken by Terence Finnegan in his study of Mississippi and South Carolina cases and by William Carrigan in his work on lynchings in central Texas.¹⁰

Counties or regions within states can be useful geographic boundaries for studies of capital punishment as well.¹¹ During the earlier years covered by this book, executions were carried out locally by county authorities. Death penalty laws are written at the state level, but death sentences are imposed by courts with countywide jurisdiction, jurors are drawn from county-based records, and prosecutors and defense services are generally organized by county. Counties within a single state can vary widely in the frequency with which they seek and obtain death sentences.

I have made strenuous efforts to document every lynching and legal execution for the counties and years under study. The methods and sources of data I have used and the problems encountered are described in detail in the appendix. In brief, I worked primarily from available inventories of lynchings and from Watt Espy’s inventory of executions.¹² I relied largely on contemporary newspaper reports to confirm the cases of lynching and to find details about them. I also searched county histories, memoirs and diaries, and other relevant sources for information on the cases. For information on the legal executions I used newspaper articles, court records, and documents related to executive clemency, as well as local histories.

Determining what constitutes a lynching is not always easy. I used the following definition, agreed upon at a 1940 meeting of the NAACP and other antilynching organizations: “There must be legal evidence that a person has been killed, and that he met his death illegally at the hands of a group acting under the pretext of service to justice, race, or tradition.”¹³ I am sure that I have not identified all the lynchings that took place in the areas I studied. Certainly I was

unlikely to find lynchings that were never reported in the local or state newspapers. I found that the standard inventories incorrectly listed a number of lynchings that did not occur, occurred in other jurisdictions, or did not meet the definition of lynching.¹⁴ Where I was unable to positively document cases as lynchings, I omitted them. By taking a conservative position and consistently excluding doubtful cases, I ensured that my analysis does not erroneously include as lynchings cases that do not clearly meet the definition of that crime. Documenting legal executions was a much simpler process. I am confident that the list of executions is complete for the later years and is close to complete for the earlier years of the study.

Historical data, in Douglas Eckberg's evocative phrase, often have a "ragged quality" that limits the analysis and conclusions the data can support.¹⁵ In the course of this research, I was frequently confronted by the ragged quality of my data. Information was often missing, sometimes contradictory, and never as complete as I wished. I acknowledge the limitations of my data by noting in case summaries when existing accounts make contradictory assertions, when I am making assumptions based on the available evidence without definite supporting documentation, and when information is missing and cannot be inferred.¹⁶

A weakness of this study, as of most other studies of lynching and historical executions, is the failure to systematically take into account cases that could have, but did not, result in either form of deadly punishment. There are many documented examples of prevented lynchings.¹⁷ Sometimes the courage of one person was sufficient to prevent a lynching, as happened in 1931 in Tennessee, when a sheriff's wife, Pearlie Gooch Butler, single-handedly turned a mob away from the Carroll County jail. Similarly, there were cases in which a death sentence and quick execution seemed all but inevitable, and yet the outcome was a lighter sentence, a commutation, or even an acquittal. To fully understand lethal punishment, we need complete inventories of prevented lynchings and of persons eligible for capital punishment who were not executed. The problems with compiling inventories of executions and lynchings are dwarfed by the problems of identifying potential cases of lethal punishment, however, and those cases I discuss came to my attention by chance.

An Overview of the Book

The book begins with an overview of lynching and the death penalty in the South, a discussion of similarities and differences in the two practices, and a review of the literature that tests the relationship between them. To provide context for the case studies that follow, chapter 2 briefly describes social conditions and race relations in Tennessee and Florida and reviews the history of lynching and the death penalty in both states. The remaining chapters fall into three sections, the first documenting and examining local histories of lethal punishment, the second exploring the relationship between lynching and legal execution through case studies, and the last looking at resistance to both forms of punishment.

In chapter 3, I investigate patterns and cases of lynching and execution in northwest Tennessee, an area where extralegal executions outnumbered legal ones by eleven to one. In these seven counties, many African Americans were lynched for offenses that were not capital crimes—indeed, some were not crimes at all, but were violations of the area's rigid racial caste system. Testifying in court, having knowledge of thefts, fighting a white man, entering a white girl's bedroom, and resisting the Ku Klux Klan are among the reasons for lynchings in northwest Tennessee.

In the fourth and fifth chapters, I restrict my analysis to cases of lethal punishment for sexual offenses. Unlike northwest Tennessee and Marion County, Florida, Shelby County had a large city with a population that increased greatly during the late nineteenth and early twentieth century. Shelby County was the only one of the three areas I studied that made more use of legal than extralegal executions. Through a systematic comparison of cases resulting in lynching and execution, I try to distinguish factors that led to the different outcomes. The chapter concludes with a detailed account of the lynching of Lee Walker and the execution of Henry Johnson.

In chapter 5, I examine cases from Marion County (Ocala), Florida. Marion County had a firmly entrenched tradition of lynching. The public nature of the lynchings, the participation of large crowds, the lack of effective resistance by law enforcement, and enthusiastic endorsement by the local newspapers all indicated a particularly high level of white community support for the practice. Until the 1930s, no African American man accused of raping a white woman had been legally tried in the county. In the early 1930s this long sequence of lynchings ended as three legal death sentences were imposed in quick succession. Correspondence between Marion County and state officials indicates that the substitution of legal execution for lynching in these cases was conscious and deliberate.

The second part of the book explores the complexities of the relationship between lynching and legal executions, using case studies to demonstrate ways in which the legal and extralegal processes imitated, influenced, and differed from each other. While I draw most cases from the counties analyzed in the first part of the book, I include several from other counties in Florida and Tennessee. Lynch mobs occasionally went to great lengths to imitate legal proceedings, holding mock trials, calling witnesses, and having mob members deliberate as jurors. In a sort of mirror image of these mock legal proceedings, authorities sometimes held rushed trials under mob pressure and followed them with quick executions, violating even the minimal due process requirements of the time. The sixth chapter presents examples of mock and sham trials and discusses the varying concepts of law and justice that may have motivated actors in both types of proceeding.

Opposition to lynching among whites often rested on their concern that mob violence would lead to general anarchy. Chapter 7 focuses on a period of turmoil and lawlessness in west Tennessee in 1908 when white fears of lawlessness prompted rare attempts by the authorities to use force to restore order and

prevent lynchings. Building on the theme of threatened anarchy, the eighth chapter is a detailed case study of a mob that wrested control of most law enforcement functions from the established authorities for a period of several weeks and carried out the most brutal lynching in Shelby County's history. The mob that pursued and lynched Ell Persons in Memphis in 1917 forced the sheriff to flee the state, set up roadblocks around the county, searched and detained police officers, and posted guards around the jail and courthouse, providing a chilling illustration of the potential power of the mob, even in a large and relatively cosmopolitan urban area.

The final section of the book shifts from cases of lethal punishment to efforts against lynching and the death penalty. In chapter 9, I examine a number of prevented lynchings that were not followed by legal executions, including an 1892 Florida case in which lynching was averted by the armed resistance of the black community. Although my research on prevented lynchings was not systematic, I believe that the cases I found provide important perspective. Lynching and execution were not inevitable outcomes; these cases prove that intervention and resistance were possible and were sometimes successful. Prevented lynchings raise painful questions as to why intervention was not more common.

In the tenth chapter I describe the campaign against lynching and the movement to abolish capital punishment in Tennessee. Just as the relationship between executions and lynchings is complex and sometimes contradictory, so is the relationship between efforts to abolish the two practices. Tennessee is an ideal state to study these movements because it had several active antilynching efforts and because Tennessee, uniquely among formerly Confederate states, briefly abolished the death penalty for murder through legislation. The final chapter summarizes the findings of the book, outlines issues for further research, and concludes with a discussion of lynchings in relation to the modern use of capital punishment. A methodological appendix contains a detailed discussion of the research process and sources of data.

CHAPTER 5

“The First Time a Charge Like This Has Ever Been Tried in the Courts”

THE END OF LYNCHING IN MARION COUNTY, FLORIDA



The patterns of lynchings and executions in the seven counties of northwest Tennessee and in Shelby County reveal no evidence that legal executions replaced mob lynchings. In Marion County, Florida, in contrast, officials ended a long and deeply rooted tradition of illegal hangings by rushing three black men accused of the rape of white women to trial. These trials were held under mob influence, after lynchings had been narrowly averted, and resulted in the quick imposition of legal death sentences. Correspondence between local and state officials indicates that the authorities deliberately substituted these trials for lynching.¹

Between 1885 and 1930, nineteen black men were lynched in Marion County, nine of them for sexual offenses. Marion County lynchings were public affairs, often carried out before hundreds of witnesses, but none of the perpetrators was prosecuted. By the 1920s, the tradition of mob violence had begun to trouble community leaders who wanted to promote the development of the county. When three white women in the early 1930s reported having been raped by black men in separate incidents, local authorities for the first time resisted attacks by mobs and brought the cases to trial. The state attorney who prosecuted the cases wrote to the governor, “This is the first time in Marion County history that a charge like this has ever been tried in the Courts.”² In each of the three cases the defendants were found guilty and condemned to death; two were executed and the third, whose guilt was very much in doubt, eventually received a life sentence.

Marion County, Florida

Marion County lies in the center of the state of Florida; its county seat is Ocala. The county was established in 1844, before Florida became a state. In the

1850s, Marion County was settled by South Carolinians who established plantation slavery in the area. In the postwar period, the county remained rural, with the exception of Ocala, and agriculture, including citrus, was the predominant means of livelihood. Marion County was the site of several phosphate mines, especially in the area of Dunellon in the southern part of the county.³

Marion County's history contains a number of racially motivated incidents typical of those that occurred in Florida and other southern states in the late nineteenth and early twentieth century. In 1860, Lewis, Israel, and Allen were lynched in Marion County for killing their master, after being informally tried by a group of twelve citizens.⁴ Near the end of the Civil War, several black Union soldiers in Marion County were burned to death for supposedly trying to recruit other blacks into the Union army. A Radical black leader in the area was shot and killed by a white Conservative during Reconstruction, and in the late 1860s there was a period of more than a year when no criminal cases were tried in the county because local judges and lawyers refused to hold court before integrated juries.⁵ The Ku Klux Klan was active in Marion County, and in one case lynched the suspected murderers of a white man, hanging the skeleton of one of their victims from a tree near Ocala.⁶ When black laborers were employed at a lumber camp in Marion County in the late nineteenth century, white workers attacked their sleeping quarters, wounded several men with gunshot, and chased them all away.⁷

Marion County in the early 1930s had a population of nearly 30,000, almost evenly divided between blacks and whites. In contrast, African Americans made up only 29.4 percent of the population of the state of Florida. Ocala, the largest city of Marion County, had 7,281 inhabitants; the 1930 Census classified all the rest of the county as rural. Nearly 3,000 black people lived in Ocala, while 11,560 lived in the rest of the county. The black illiteracy rate in Marion County in 1930 was 18 percent, while native whites had an illiteracy rate of 1.2 percent, and foreign born whites, 2.6 percent. Blacks made up 91 percent of all persons in Marion County employed in domestic and personal service.⁸

Lynchings and Executions in Marion County

The capital sanction, whether legal or extralegal, was reserved entirely for African American men in Marion County during the late nineteenth and first half of the twentieth century. Not until 1946 was a white man executed for any crime committed in the county.⁹ A black man accused of murder in Marion County might receive a trial, but if he were suspected of the sexual assault of a white woman or girl, he would face mob violence. Between 1885 and 1930, Marion County legally executed four men and lynched nine for murder; both the last legal execution and the last two lynchings for murder took place in 1912. In the same time period, nine black men were lynched for sexual offenses.¹⁰ Table 8 summarizes Marion County lynchings and executions.

A striking aspect of lynching in Marion County is the frequency with which mobs took their victims from the custody of law enforcement, apparently

TABLE 8 *Executions and Lynchings in Marion County, 1885–1930*

	Executions	Lynchings
Black		
Murder	4	9
Sexual offense		9
Other		1
Total	4 (100%)	19 (100%)
White		
Murder		
Sexual offense		
Other		
Total		
Total	4	19

Note: Sexual offenses include attempted rape and one case of writing an insulting letter to a white woman. The offense of murder includes attempted murder and complicity.

meeting little or no resistance. Of the fifteen cases in which I have been able to determine the circumstances of the suspect's capture by the mob, all but two involved suspects already in the custody of law enforcement officers. Most of the Marion County lynchings were mass lynchings in Brundage's classification, involving public executions before large crowds. Lynchings in Marion County were almost all carried out by hanging, often with shots being fired into the body. Marion County mobs sometimes left a placard or a sign attached to the body of the victim; when Robert Larkin was lynched in 1893, the mob left a placard reading, "Done by 300 of the best citizens of this county."¹¹ Marion County mobs rarely lynched for noncapital offenses. In 1887, George Green was lynched for theft. Norman McKinney was lynched for wrecking a train in 1901, which resulted in the death of a popular white engineer.¹² The only lynching for a trivial offense occurred in 1915, when John Richards was hanged for writing an "insulting" note to a white woman. A case that occurred in 1868 or 1869 was unusual in that the lynchers were African American. A black man was suspected of murdering a young white woman in Orange Springs. He was whipped by other blacks until he confessed, and then was informally tried by a jury of twelve black men; they found him guilty and hanged him.¹³ Table 9 summarizes lynchings and legal executions for sexual offenses in Marion County.

White supremacy was deeply established in Marion County. In 1924, the *Ocala Banner* gave front-page space to an announcement that the Ku Klux Klan would be organizing a chapter in Marion County. Interested parties were instructed to send their name, church and lodge affiliations, and their place of birth, "only 100 per cent Americans wanted." The initiation fee was ten dollars and robes cost another five dollars.¹⁴ The tradition of lynching was also deeply rooted in the county. The author of a memoir of the community of Citra recalled

the route taken by the local school bus in the 1920s: “it went through Cabbage Hammock, by Mr. Wartman’s fence, and then by ‘The Hanging Tree,’ where it was not unusual to see pieces of frayed rope swaying from a stout limb, in the early morning light.”¹⁵ Lynching seems to have had broad support among whites in Marion County.

Until the middle of the 1920s, the local press took a uniformly approving tone when reporting lynchings. When Elijah Jones was lynched for allegedly raping a seventy-year-old white woman and attempting to assault an eleven-year-old white girl, the *Ocala Banner* reported that three thousand people either participated in hanging Jones or viewed his body after the lynching. The *Ocala Evening Star* wrote a long article on the lynching, defending it in strident terms. According to the paper, Jones was a “bad nigger,” a “filthy ruffian,” a “rape fiend,” and a “degenerate young devil.” Those who lynched him were not a mob but “representative citizens, and they consider it their duty to rid their county of rapists and rattlesnakes as soon as possible.” The mob members “understood all about” a remark Jones was reported to have made, “that he wanted white because he was tired of black. That is the inspiration of all the rape fiends, and the only thing to meet it with is hot lead and hemp.” The paper scornfully dismissed an inquiry from the Associated Press concerning race troubles in Marion County, insisting that all was quiet and that everyone was going about their business as usual.¹⁶

By 1926, when Chandler Colding was lynched in Marion County, support for the long tradition of lynching was beginning to wane.¹⁷ Colding was lynched on suspicion of raping a white woman in the Marion County community of Citra. He was abducted from the custody of law enforcement officers who were taking him to the hospital for identification by the victim. The negative response to this lynching was significant, and, for the first time, Marion County seemed responsive to the critical views of outsiders. The tone of coverage in the local press was much more restrained than had been the case for any previous lynching. The *Ocala Evening Star* wrote brief straightforward accounts of events without justifications for the lynching and with only one use of inflammatory language. The *Ocala Banner* wrote an editorial about “that lynching which occurred twenty miles away” under the headline “Ocala Getting a Bad Name.” The editorial noted that such publicity was “most hurtful . . . [coming] just at a time when we are trying so hard to put Ocala forward by inviting wealthy, intelligence and a decent population by giving her a good name as a law abiding city.” The paper actually went on to say that every effort should be made to prosecute the lynchers. Sheriff S.C.M. Thomas, however, was quoted by the *Gainesville Daily Sun* as saying, “There will be no arrests made on the lynching charge.”¹⁸

Marion County, like the rest of Florida, was indeed trying to attract business and residents. In the 1920s, the local chamber of commerce produced several handsome illustrated booklets, each of about fifty pages, extolling Marion County as a place to live and do business. According to these promotional materials, Marion County was the next thing to paradise. The 1927 booklet described the county’s enchanting landscapes, magnificent trees, excellent roads, wonderful

TABLE 9 *Marion County Lynchings and Executions for Sexual Assault, 1885–1932*

Name, Date, Type of Mob	Age, Gender, Race, Status of Victim	Age, Gender, Race; Status of Suspect	Length of Time Suspect was in Community	Precipitating Event	Where Offense was Committed	Time Between Crime and Capture; Taken from Custody?	Threats or Intervention	Place and Method of Execution or Lynching
Robert Larkin 7/12/1893 Lynched (mass)	17 years old Female White	Young adult Male Black Criminal record	Well known in area	Rape	In or near Citra	A day or two In custody; in prelim hearing	No known attempt to prevent lynching	Near depot, Citra Hanging; body shot Placard on body Mob included blacks
Nero Young 5/15/1894 Lynched (mass)	16 years old Female White	Adult Male Black Arrest for robbery	Well known in area	Rape	Rural area near S. Lake Weir	Within hours Taken from Ocala jail	Judge tried to persuade mob not to lynch him; sheriff held off first assault	Outskirts of Ocala Hanging
William Jackson 12/1/1894 Lynched (unknown)	Adult Female Black	Adult Male Black "Desperado"	Unknown	Rape	Near Martel	In custody of constable	No known attempt to prevent lynching	Hanging Black mob
William Jones 12/15/1894 Lynched (mass)	15 years old Female White	15 or 16 years old Male Black	Lived in community	Rape	Near Reddick	A few hours In custody of constable	No known attempt to prevent lynching	Reddick Hanging
John Richards 2/17/1915 Lynched (mass)	Adult Female White "Respectable" Worked in store	Adult Male Black	Lived and had family in area	Wrote insulting note to white woman	Near Sparr	Taken from custody of deputy sheriffs	No known attempt to prevent lynching	Near Sparr Hanging and shooting

Joseph Nimrod 12/29/1915 Lynched (unknown)	4 years old Female White	17 years old Male Black	Unknown	Attempted rape	In or near Reddick	Unknown	No known attempt to prevent lynching	Outskirts of Reddick Hanging and shooting
Richard Anderson 1/28/1916 Lynched (mass)	Adult Female White "Respected" "Prominent"	Adult Male Black "Desperate" Criminal record	Lived and had family in area	Rape	Ebenezer	Two days Not in custody; mob took him to victim for identification	No known attempt to prevent lynching	Ebenezer Hanging and shooting
Elijah Jones 2/12/1921 Lynched (mass)	77 years old 11 years old Female White	Adult Male Black Escaped convict	Stranger to area	Rape Attempted rape	In or near Ocala	Taken from jail in sheriff's presence	No known attempt to prevent lynching	3 miles from Ocala Hanging and shooting
Chandler Colding 1/11/1926 Lynched (mass)	Adult Female White	26 years old Male Black	Lived in area	Rape	Near Citra	Taken from custody of two officers	No known attempt to prevent lynching	Near Citra Hanging and shooting
John Graham 6/18/1931 Executed	14 years old Female White Schoolgirl	Adult Male Black	Worked at local lumber mill	Rape	Near Kendrick	Within hours	Serious lynching attempt; moved out of county	State prison Electrocution
Lee Jacobs Feb. 26, 1932 Executed	19 years old Female White	22 years old Male Black	Lived and had family in area	Rape	Rural area near Blitchton	Within hours	Serious lynching attempt; moved out of county	State prison Electrocution

business and agricultural opportunities, and healthy climate of “almost constant cooling breezes,” which purportedly kept the summer heat from being excessive. The booklet described Ocala as “permeated with a genuine spirit of progress . . . a wholesome, thoroughly American town.”¹⁹ Writers for the Work Projects Administration agreed, noting in 1939 that Ocala had “the vigorous bustle of a modern northern city.”²⁰

Clearly, the image Marion County’s civic leaders wanted to project was that of a modern, progressive, and law-abiding community. Lynchings undermined this image in at least two ways. First the lurid accounts of crimes committed by blacks against whites might deter whites from visiting or moving to Marion County. Certainly headlines announcing in huge block type that “rape fiends” were prowling the county would not present an attractive view of the area.²¹ Perhaps more important, potential tourists, residents, and, above all, investors were unlikely to be favorably impressed by mob violence and the inability of the local authorities to maintain order. It is likely that these concerns, rather than a growing sensitivity to due process and civil rights, prompted the president of the Ocala Chamber of Commerce and the editor of the *Ocala Banner* to write to Governor Martin requesting an investigation of the 1926 lynching of Chandler Colding.²²

This change of attitude concerning lynchings was occurring throughout Florida during the 1920s. The boom of the era made investment in Florida land, buildings, and tourist-related endeavors highly attractive. The counties and cities of Florida vied with each other to do everything possible to attract the attention of potential tourists, residents, and investors, presenting a view of Florida as a paradise with limitless potential for enjoyment and profit.²³ Editors of major papers began to criticize lynching, not only because it brought bad publicity but also because, in the words of the *Tampa Daily Times*, “the mob is wrong, shocking to the sense of justice which men and women should maintain.”²⁴ The old values of white supremacy and communal punishment had not been abandoned, but newer values were beginning to compete with them. Lynching had become an embarrassment and an obstacle to progress; for some whites, it also raised disturbing issues of justice and fairness.

The Transitional Cases

Concern for the reputation and development of their community had created by the early 1930s a climate in which community leaders in Marion County were no longer willing to tolerate lynching. But the concerns of the business and civic leaders were not sufficient to overcome the deeply rooted tradition of lynching in the area. Only with the addition of two further elements—effective law enforcement resistance to mob attempts to abduct prisoners and quick trials and executions of suspects—was the long career of the lynch mob ended in Marion County. In the early 1930s, three cases provided a transition point between lynching and legal executions for black men suspected of raping white women.²⁵

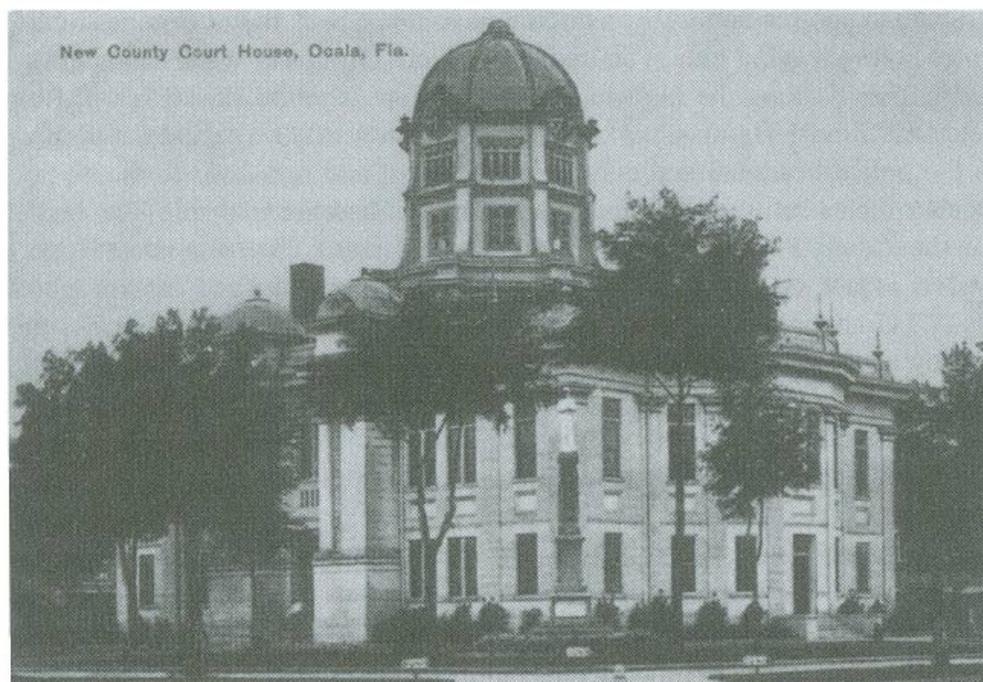


FIGURE 4. Marion County Courthouse, Ocala, Florida. Courtesy of the Florida Photographic Collection, State Archives of Florida.

John Graham, Executed 1931

On March 24, 1931, a fourteen-year-old white girl was raped near the Cummer Lumber Company in a small town not far from Ocala. The assailant slashed the girl's throat, apparently in an attempt to kill her. The girl managed to make her way home and informed her mother, who called the sheriff and reported the crime. Dr. R. D. Ferguson examined and treated the victim in her home and confirmed that she had been raped. The local newspaper later reported Dr. Ferguson's conclusion "that the black fiend accomplished his purpose toward the fair and innocent white child."²⁶ Sheriff S.C.M. Thomas and his deputies arrived at the victim's house and obtained details of the assailant's dress and appearance. An employee of the Cummer Lumber Company who was present recognized the description as fitting John Graham, a twenty-nine-year-old black man who worked for the company. This man said that he had seen Graham in the area soon after the reported time of the crime.²⁷

Sheriff Thomas, with deputies and bloodhounds, went to Graham's home, broke the door down, and arrested him. Graham was taken to the victim's home, where she positively identified him as her attacker. A small group of angry white men and boys had gathered at the victim's home. One officer threatened them with his rifle, while the sheriff and several deputies took Graham to a car "and drove off immediately, scarcely three minutes before three carloads more of white men drove up and stopped at the house."²⁸ Sheriff Thomas personally took

Graham to another county, by a circuitous route on back roads, driving some 265 miles before leaving him in an undisclosed jail. Groups of white men with guns had gathered along the highway, hoping to intercept the sheriff's car. Rumor held that Sheriff Thomas had been seen going toward Ocala, and the mob went to the police headquarters, courthouse, and jail and remained for some hours. Ocala officers refused to reveal where Graham had been taken.²⁹ The headline for the *Ocala Evening Star*, March 25, 1931, read, "SHERIFF SAVES LIFE OF NEGRO AFTER ASSAULT: BLACK FIEND WHO ATTACKED SCHOOL GIRL IS SPIRITED AWAY." Graham had first been taken to Jacksonville, but the "authorities there, fearing an attempt to take the prisoner from the Duval county jail, requested his removal. Sheriff Thomas thereupon took the negro to Orlando. An attempt was made by members of a mob of Marion county men to take the girl's attacker from the Orlando jail and the sheriff of Orange county asked permission to remove the negro to Tampa."³⁰

The continuing possibility of a lynching persuaded Judge W. S. Bullock to forgo a preliminary hearing in the case, and Graham was brought back to Ocala just before his trial began on June 10, 1931. Graham had no legal representation before the trial. At trial, R. L. Anderson and L. W. Duval, described by the *Ocala Evening Star* as two "of the ablest and most experienced lawyers in the city," agreed to serve as defense counsel.³¹ The *Ocala Evening Star* and the *Ocala Banner* reported that Graham was tried, convicted, and sentenced within about one hour.³² The transcript of the trial is eight pages long.

The victim was the first witness for the state. She testified about the attack, again positively identifying Graham as her attacker. Graham's defense countered with only one question on cross examination: "You are sure that this man is the person who assaulted you, Miss _____?" "Real sure."³³ Sheriff Thomas then took the stand and described the events leading to Graham's arrest. The victim, he related, had said her attacker was a negro, tall, and wearing a belt held together by wire and with the letter "N" on the belt buckle, all of which described Graham accurately upon his arrest. There were no questions by the defense. The state's third and last witness was Dr. R. D. Ferguson, who had examined the victim after the assault. He testified as to the nature of her wounds and to witnessing her identification of John Graham. The defense did not cross-examine Dr. Ferguson.³⁴

Graham told his attorneys that his brother-in-law could testify for him, but the lawyers determined that the brother-in-law had nothing helpful to say and did not call him as a witness.³⁵ Graham took the stand himself and denied committing the offense. His entire testimony follows:

Q: You are charged here, John, with committing a rape on the 24th day of March, 1931, on a little girl named _____. That is what you are being tried for. You remember the day that this happened?

A: Yes sir; I remember it.

Q: Where were you?

A: That day?

Q: On that day—yes.

A: I was here in Ocala awhile; in Ocala awhile.

Q: Where were you at the time this is supposed to have taken place? Were you in Ocala at that time?

A: Yes sir; I reckon I was in Ocala.

Q: How long did you stay in Ocala? What time did you get in Ocala, and when did you leave?

A: Well, I don't know, sir, exactly what time it was when I left.

Q: Was it in the afternoon or the forenoon?

A: It was afternoon.

Q: How did you come to Ocala—ride in a car?

A: I come in a car.

Q: Who brought you here in a car?

A: I come here in my brother's-in-law car.

Q: Drive alone?

A: Sir?

Q: Did you drive the car yourself?

A: No sir.

Q: What time did you leave your home to come to Ocala?

A: I left there about 10 o'clock—just about 10 o'clock.

Q: In the forenoon?

A: Yes sir.

Q: Come straight to Ocala?

A: Yes sir.

Q: How long did you stay in Ocala?

A: Well, I don't know, Sir, how long it was I stayed here.

Q: What time did you get back to your home?

A: I got back just about 5 o'clock—just about 5 o'clock.

Q: Is there anything else that you want to tell the jury—your side of the case?

A: That is about all I know.³⁶

Graham was not cross-examined. Counsel for the state and defense agreed to submit the case to the jury without argument.³⁷

Less than three minutes after beginning deliberations, the jury returned a guilty verdict without recommendation of mercy. Judge Bullock immediately pronounced the death sentence, saying, "You need expect no mercy from me, and had it not been for the sheriff who in performance of his duty saved you from the mob on the night of the crime, they would have torn you limb from limb."³⁸

A mob had gathered outside the courthouse and it appeared that Graham might yet be lynched. Sheriff Thomas and a dozen officers managed to remove the defendant from the courthouse, while the judge retained all spectators in court for fifteen to twenty minutes. The sheriff drove Graham to the state prison

at Raiford.³⁹ J. S. Blich, superintendent of the prison, received Graham and immediately wrote to Gov. Doyle E. Carlton asking authorization to keep him in the prison, rather than in the county jail, where condemned prisoners were customarily housed. Blich noted that “the feeling was so high [in Ocala] and Sheriff Thomas saw a mob gathering up, so he slipped him out through the back and brought him here.” Superintendent Blich also wrote a letter marked “Personal” to Nathan Mayo, the state official in charge of prisons, regarding “the negro that Sheriff Thomas run in here yesterday afternoon late.” Blich expressed the hope that “the Governor will issue the death warrant as quickly as possible and let us make an example out of this man.” Pressure for Graham’s death came also from the state attorney who had prosecuted the case. A. P. Buie sent a telegram to Governor Carlton, saying, “Please act promptly allowing officials of Marion County to keep their word to community.”⁴⁰

Governor Carlton was quick to respond. The very next day he sent Superintendent Blich a telegram stating, “This is your authority hold negro rapist expense Marion County pending arrival death warrant naming week of June fifteenth week of execution.” The following day, Superintendent Blich informed the governor that he had scheduled Thursday, June 18, as the day of the execution.⁴¹

John Graham was electrocuted eight days after his trial, without any appeal or request for clemency. The *Ocala Banner* reported that Graham stated, “‘I’m the right man and I’m ready to pay for what I did.’ Barefoot and wearing only the prison garb of shirt and trousers, Graham walked quietly into the death chamber, unassisted by either of the two guards. With a half smile on his lips and scarcely glancing at the witnesses present, he seated himself calmly in the chair.” A group of at least twenty people from Marion County, including the victim’s father, witnessed the execution. Sheriff Thomas, whose efforts had saved Graham from several lynch mobs, threw the switch. Graham was buried in the prison cemetery.⁴²

The day after Graham’s execution, the Marion County grand jury commended local officials for their exceptional efforts to save Graham from lynching. The grand jury reported that Sheriff Thomas had been closely watched and that his name was “forged to an order to a jailer” in an attempt to abduct the defendant. The grand jury also commended state attorney Buie for his efforts to bring the case to trial. The father of the victim had taken his daughter out of Marion County to prevent her from testifying at trial, for fear she would be further humiliated. Buie “for hours, steadfastly, earnestly begged and pleaded with the wild, raving parent” until Buie persuaded him to reveal his daughter’s whereabouts and to allow her to testify.⁴³

Lee Jacobs, Executed 1932

Less than four months after John Graham was executed, another white woman reported having been raped by a black man in Marion County. On the morning of October 8, 1931, a “pretty 19-year-old northern hitchhiker” reported that she had been assaulted.⁴⁴ She was found lying face down by a highway near

Ocala and was taken to Chief E. G. Grimes of the Williston police force. She told Grimes that she had been walking along the highway when she became aware that a man was following her. She reported that the man had overtaken her and raped her in the nearby woods. Chief Grimes took the victim back toward the scene of the alleged crime. On the way, they passed the houses of several black families and noticed a man sitting on the porch of one of the houses. The victim identified him as her attacker.⁴⁵

When Lee Jacobs saw a white woman pointing at him from a car, he left the porch and went into the house. The car drove by again, and Jacobs jumped from a back window and fled. He managed to escape, though shots were fired at him. While Jacobs remained at large, the *Ocala Evening Star* printed its October 8 edition with the headline, "SHERIFF HEADS POSSE ON TRAIL OF BLACK FIEND." The night of October 8, "a mob of angry white men" patrolled the highway searching for Jacobs. The *Ocala Banner* estimated the number of "incensed men" at "two hundred, three hundred, perhaps a thousand."⁴⁶ Jacobs was arrested October 9, some miles south of Ocala, as he walked beside the highway, and was "spirited away to another county by Sheriff S.C.M. Thomas for safe keeping."⁴⁷

Jacobs's trial was held fourteen days after the alleged offense; Jacobs was represented by two local court-appointed attorneys, D. Niel Ferguson and Walter Sturgis.⁴⁸ The trial began on October 22 at 9:00 A.M., and by 10:10 the jury was sworn in. The state used three challenges to dismiss prospective jurors, and the defense used only two out of the ten allowed. Jacobs stated that he was satisfied with the jury, and the trial began immediately, with the state presenting its case.⁴⁹ Jacobs's trial appears to have been somewhat longer than Graham's; the trial transcript in Jacobs' case is sixty-five pages long, in contrast with the eight pages in Graham's case.

The victim testified that Lee Jacobs had assaulted her on the morning of October 8. She related to the jury that while she was walking on State Road 19, Jacobs emerged from the woods and asked her where she was going. When she replied, Jacobs offered her an "improper proposal," which she said she refused. Jacobs robbed her of a few dollars and a wristwatch, threatened her with bodily harm if she did not submit, and dragged her away from the highway into a dense area of the woods. After assaulting her, Jacobs threatened to kill the victim if she reported the rape, or if she looked back before she had walked a mile. She walked away and continued until she fell fainting by the highway.⁵⁰

Nearly as damning as the testimony of the victim was the testimony of Jacobs's aunt, Letha Glenn. Glenn appeared as a witness for the state and reported that she and Jacobs had been sitting on her porch the morning of October 8, and that they had seen the white woman passing on the road. Soon after, she said, Jacobs had excused himself to go cut wood. He returned several hours later. After his return, the victim had driven by with several white men and pointed Jacobs out as he sat on the porch. Jacobs then fled. Glenn's testimony concerning Jacobs's movements was corroborated by George Sanderson, a white man who lived nearby.⁵¹

Dr. J. L. Chalker, who had examined the victim several hours after the alleged attack, testified that he could not be sure that she had been assaulted. He saw no marks of violence.⁵² Lee Jacobs took the stand in his own defense, denying any participation in an assault on the victim. He was also emphatic in denouncing his aunt as a liar, saying she testified falsely to gain control of his property in Marion County. Jacobs offered an alibi, stating that he left his aunt's house in search of a horse and to borrow a dime from a friend named Jesse Stidham. Jacobs testified that on his way back to his aunt's house, he encountered three young men from the town of Montbrook. After some discussion on the importance of calling the three to testify, the defense decided against doing so. Jesse Stidham was not called as a witness either.⁵³

The judge and the attorneys for the state and for the defense used condescending and racially disparaging language during the trial. Buie called Letha Glenn "Aunt Letha" and "Auntie." Both Buie and defense attorney Sturgis referred to Lee Jacobs as "this boy." Judge Stringer referred to the potential witnesses from Montbrook as "three darkies."⁵⁴ From an account of the trial published in the *Ocala Banner*, it appears that Jacobs's defense lawyers were not especially zealous in their representation: "Both attorneys for the defense pointed out that they had been appointed by the court to defend Jacobs and said that they would do their best . . . [they] were officers of the court and acting in such capacity. Mr. Sturgis said that he would not have taken the case if he had not been appointed."⁵⁵

The jurors retired to deliberate at 4:45 p.m. About an hour later the foreman announced that they were unable to reach a verdict. The judge sent them back to the jury room and they deliberated until 10:35 at night but still did not reach a verdict.⁵⁶ The next day, after several more hours of deliberation and a new charge by the judge, the jury returned with a guilty verdict and no recommendation of mercy. According to one account of the trial, Judge Fred Stringer had "sent for the Jury and explained the meaning of rape, in that the word rape did not mean only vicious physical attack or words to that effect but that if the woman consented it was also termed 'rape.'" ⁵⁷ This interpretation of the judge's actions is confirmed by a letter from state attorney Buie to the governor:

However the last morning, when the jury asked the Court to charge them further, they retired, and in a very few minutes brought in their verdict. Never, at any time, did any of the jury doubt that the crime had been committed, but this one juror felt that the woman had consented; that it was a question of the degree of force used in the commission of the act. When this was brought to the attention of the Jury by the Court, there was no question then, and the verdict was rendered.⁵⁸

Judge Stringer sentenced Jacobs to death immediately after the verdict, saying, "You shall then be taken by the Sheriff of Marion County, Florida, and executed according to the Laws of Florida by Electrocution, until you are dead, dead, dead; And may Almighty God have mercy on your soul."⁵⁹

Soon after the trial, Marion County officials began to ask Governor Carlton to take action in the case. On October 31, 1931, state attorney Buie wrote to the governor, requesting an execution date for Jacobs. Buie praised the governor for his speed in issuing a warrant for John Graham and stated "that was the reason, primarily that the Law was not taken into the hands of the people in the [Jacobs] case." Buie asserted that Jacobs's guilt was "absolute" and that one juror had held out for mercy "because he had heard rumors, and only rumors, as to the character of the woman. She was a stranger to Marion county, hitchhiking." Buie went on to urge a speedy execution: "Dont [*sic*] delay your warrant any longer than you can possibly do so. Let us keep our record as to speed up to the level so promptly and efficiently set by you last June." When a month had passed with no warrant, Buie wrote again, making explicit reference to the need for a speedy execution in order to prevent future lynchings. Buie wrote that people "are continually after me" about the case and "I am afraid if such another case happened, the people would take things into their own hands." The governor responded to Buie's request by noting that "some question has been raised and I want to take no chances of an injustice to the prisoner. I feel sure this little delay will do no harm."⁶⁰

Sheriff Thomas also wrote to the governor, complaining:

I had to take steps in saving this negro from mob violence and was assisted by some of the most influential [*sic*] men of the County they believing that this negro would receive the same quick action as the one prior for the same offense and I am afraid that if the same crime should occur again it would be hard to prevent drastic measures from the hands of a mob as the people are resentful and donot [*sic*] fail to express themselves feeling that the negro should have been electrocuted before now and of course they are blaming me for the delay in carrying out the sentence of the Court.⁶¹

In reply to Thomas's letter, the governor wrote, "Several questions have been raised in the above case. It has been suggested by some of the members of the State Board of Pardons that we make sure that no error has been made in this matter." In a letter to one of Jacobs's defense attorneys, the governor asked for the address "of the woman who was offended" and added, "This might be a case for investigation by some of our welfare workers."⁶² Whether the governor received the victim's address or made any attempt to contact her does not appear in the records.

The delay in issuing a warrant angered a number of whites in the area. The Grand Jury of Marion County, meeting for the spring term of 1932, made the following presentment: "It has been brought to our attention that there is evidence of unrest and discontent among the citizens of Marion County, with reference to the disposition of the case of one Lee Jacobs. . . . We respectfully request his Excellency, Governor Doyle E. Carlton, to dispose of this case with as usual expediency as is consistent." Fifty-eight citizens of Marion and neighboring Levy

County signed a petition to the governor, which set out very plainly why they desired the execution:

We, the undersigned, citizens of Marion and Levy Counties, Florida, and residents of the section of said County, in which recently one _____, a white girl, was raped by one Lee Jacobs, a negro man, urge you to take immediate action and complete the death warrant for the execution of the above named negro. . . .

[We] respectfully call your attention to the fact that the delay has already caused a change in the demeanor of the negroes in our section. It is our belief that they have some assurance that his execution will not be consummated and they are showing signs of departing from the humble and restrained position that they have recently assumed. This condition caused us much concern as our habitations are located at some distance from our neighbors and the safety of our ladies, is to some extent jeopardized.

When this man was captured we were disposed to allow the law to take its course, secure in the assurance that justice would be swift, basing our assumption on the action taken in a similar recent case.⁶³

On February 19, 1932, Governor Carlton signed a warrant ordering Jacobs's execution. A commutation hearing was set for February 25, and the execution was scheduled for the next day. Despite pressures for the execution, some efforts were made on Jacobs's behalf. Rev. A. W. Puller, minister for black prisoners at the state prison, made several attempts to inform the governor of "important facts" and of "newly discovered and uncontradictory evidence in behalf of Lee Jacobs." The governor agreed to give Reverend Puller a chance to present his evidence during Jacobs's commutation hearing. But Reverend Puller responded, "Serious second thought convinces me that is best for me and for the fair name of our beloved state for me not to appear in behalf of Lee Jacobs." There is no record of what Reverend Puller had to say, or of why he decided it was best not to say it.⁶⁴ A white Lutheran minister from Fort Lauderdale also wrote to Governor Carlton asking clemency for Jacobs.⁶⁵ D. Niel Ferguson, one of Jacobs's defense attorneys, wrote a letter in his behalf, stating there was "a grave question in the minds of many white people that there was much resistance on the part of the prosecutrix." Ferguson enclosed for the governor's consideration a letter he had received from Dr. R. S. Hughes, arguing that the encounter had been consensual.⁶⁶ Lee Jacobs himself wrote a letter to the governor asking that his life be spared. Jacobs maintained his innocence, writing:

I am asking you for mercy: Please spare my life, to your Honor; the Crime that I am charged with, I am not guilty. The Judge pronounced Death sentence upon me, but I am Innocent of the Crime. I have never been in before. My records is clear from Ocala in Marion County where I was born. I am married and my wife is in bad health. She has no one

to help her but me her husband. I have never gave the officials of Marion County any Trouble before nor any where else in The World, To your Excellency & Greatness, I am begging you to allow me another chance for my life. I am a poor boy, I have no one to help me, but my wife and she is a poor girl, and she have'nt got anything. I am a member of New Hope Baptist Church. I was converted in 1924. I am a Christian, speaking to you in Earnestness & sincerity I am a Motherless child. All my friends have forsaken me. Excusing Jesus & you Governor; I am begging you for I know you has all Power in your hands; Please give me mercy and sympathy: I believe you will) If I go down I will go down a innocent Man. please and to your Honor feel my smpathy. Now I will close which will be Respectfully Yours, From Lee Jacobs.⁶⁷

These efforts on Jacobs's behalf were not successful. The governor's earlier doubts apparently were resolved, and he allowed the execution to proceed. Jacobs was electrocuted at 10:01 A.M. on Friday, February 26. Jacobs's only remark was, "I am ready to die and want to go like a man." He was pronounced dead seven minutes and twenty seconds later.⁶⁸ Like Graham, Jacobs was buried at the prison.⁶⁹ Three days after Jacobs was electrocuted, Sheriff Thomas wrote to the governor commending the prison officials for "courtsies [*sic*] and splendid cooperation . . . shown to myself and the witnesses to the execution of Lee Jacobs."⁷⁰

Will James, Convicted 1932

State attorney Buie wrote to Governor Carlton a few days before Jacobs's execution, "God forbid that we have another of such cases."⁷¹ In fact, Lee Jacobs had been dead only six months when a third white woman in Marion County reported that she had been raped by a black man. The victim was a seventy-seven-year-old woman who was assaulted as she returned to her home from buying groceries. She was met in the road by a man who dragged her into the woods. The assailant kicked the elderly woman, seriously injuring her, but she managed to return to the highway and flag down a passing car.⁷²

The victim described her assailant as a black man wearing tennis shoes and a white cap. A posse with tracking dogs went immediately to the area and found the elderly woman's hat and a loaf of bread left at the scene of the attack. The dogs followed the attacker's scent to a group of houses but then lost the trail. The sheriff and posse were convinced that the attacker was still in the vicinity. They searched the house of Will James, a forty-eight-year-old black man, and found a white cap. James jumped out of his window and tried to flee but was captured. He was wearing tennis shoes at the time. After the arrest, James was taken to jails in Tavares and Gainesville for protection.⁷³ A mob pursuing James searched both the Marion County Jail and the Ocala City Jail, but he had already been taken from the area.⁷⁴

Will James's trial was held November 2, 1932. He was represented by a young lawyer, James Smith Jr., who had never before tried a case.⁷⁵ The elderly

victim, whose eyesight was poor, testified repeatedly that she could not positively identify James but that he bore a resemblance to her attacker. The white cap, said to be worn by the attacker and found at James's residence, was too small for him and was never established as belonging to him. James's tennis shoes were not matched with footprints found at the scene of the crime. James offered alibi witnesses who stated that he was elsewhere when the assault took place.⁷⁶ Although the evidence was weak, the jury returned within fifteen minutes with a verdict of guilty and no recommendation of mercy. When asked if he had anything to say before pronouncement of sentence, James said, "I am not guilty, Judge, and I ask for mercy." He was immediately sentenced to death in the electric chair by Judge W. S. Bullock. Sheriff S.C.M. Thomas and deputies in three cars took James directly to the state prison.⁷⁷ James was in a cell on death row some eight hours after his trial began.

One week after James was sentenced to death, Buie wrote to the governor, stating that "the details of this case are very, very revolting," and that when the governor received the record, Buie "would be glad for you to look over the same and issue your warrant as soon as possible."⁷⁸ No effort was made by James Smith, the court-appointed defense lawyer, to bring an appeal of the conviction or sentence, or to ask for executive clemency. Governor Carlton took no action in James's case, however, perhaps because he was in the last months of his term as governor. Carlton was succeeded in office in January 1933 by David Sholtz, who set James's execution for the week beginning March 27, 1933.⁷⁹ It appeared that James would be executed, but by a most peculiar bit of luck his fate was drastically changed.

Walter Marshall and Ben Grant, two reporters from Jacksonville, went to the state prison on March 24, 1933, to witness the execution of another condemned man, Elvin E. Jeffcoat.⁸⁰ During Jeffcoat's execution, Will James climbed "upon a plumbing fixture in his cell, . . . jumped as high as he could, jack-knifed, and dove head first on the concrete floor." Upon learning of his suicide attempt, Marshall and Grant became interested in James and decided to pursue the case of the "friendless negro." They returned to Jacksonville and contacted two young lawyers, Montague Rosenberg and Fuller Warren.⁸¹ Volunteering their time, the lawyers reviewed the court records. They concluded that the evidence against James was insufficient to support the conviction.

Rosenberg and Warren contacted Judge W. S. Bullock, who told them that he had not been sure of James's guilt and that he had written a letter to Nathan Mayo, the Florida official in charge of prisons, to express his doubts about the case.⁸² The attorneys wired Governor Sholtz, asking for a stay of execution, so that they could make a formal presentation to the pardon board and request clemency for James. Governor Sholtz responded at once and issued a reprieve, stating, "WHEREAS, it has officially been brought to my attention that further investigation should be given this case, as there is serious doubt as to the guilt of the said Will James. . . . NOW, THEREFORE, I . . . do hereby cancel and revoke the Death Warrant."⁸³

Will James was never executed. His sentence was reduced to life and he remained in prison until 1948, when he was paroled.⁸⁴ James had the good fortune to escape death, although he served fifteen years for a crime it is likely he did not commit. Saved from the lynch mob by the quick action of Sheriff Thomas, his legal execution seemed inevitable. James's rescue from the electric chair depended on a series of lucky and unlikely events. If the two sympathetic reporters had not been at the prison, heard of his suicide attempt, and met with him, and if they had not known of two lawyers willing to take the case immediately, James almost certainly would have been executed.

The Transition from Lynching to Execution in Marion County

The cases of John Graham and Lee Jacobs illustrate the point in Marion County history when lynchings were replaced by courtroom proceedings that gave an appearance of propriety to a result that was substantially the same as that reached by a lynch mob. It is ironic that Sheriff Thomas, whose efforts saved Graham, Jacobs, and James from lynching, was the person who actually threw the switch during executions. A further irony lies in the fact that Thomas, who as sheriff was the chief law enforcement officer in Marion County, apparently allowed "various vices to flourish in exchange for kickbacks." Thomas served as sheriff of Marion County from 1921 to 1937 and then again from 1945 to 1946. In 1946 he was removed from office by Governor Caldwell.⁸⁵

The eagerness of white officials and community leaders to prevent lynchings was commendable; still, it is doubtful that they were motivated by great concern for the legal rights of blacks. Lynchings had become embarrassing as local officials attempted to promote the tourism and development potential of Marion County. Even defense lawyers did not necessarily reject the doctrines of white supremacy. Fuller Warren, who generously devoted time and effort to preventing Will James's execution, became governor of Florida in 1949. During his campaign he swore in an affidavit that "no Negroes will be admitted to White schools and colleges" if he were elected.⁸⁶ Warren presided over the execution of seventeen men, eleven of them black, while in office. Warren once promised to expedite the execution of Walter Irvin, a black man condemned upon extremely dubious evidence of the rape of a white woman.⁸⁷

In the minds of many Marion County whites, the goal of trials and lynchings seem to have been identical. Both lynchings and executions were methods of maintaining the status quo of white dominance. Whites intended the effects of quick and brutal punishment to be general as well as specific. The petition requesting Lee Jacobs's execution stated that the electrocution was necessary to keep blacks in the area humble and restrained.

There is very little evidence as to how the defendants in these cases viewed their situations. They may have perceived themselves as individual victims of capricious white actions, or they may have understood their misfortunes as a part of the general oppression of blacks. Existing documents give almost no clue to

John Graham's personality or thoughts. Lee Jacobs's letter requesting clemency indicates an intelligent author but is not the sort of document that can reveal much about its writer's real thoughts. Will James's moods and conversation were reported by the *Jacksonville Journal*, but in racist terms: "'Boss,' he said looking worshipfully at his benefactors, 'I never had no trouble with white folks before in my life. God knows I didn't commit that crime.'" The *Journal* reported that before James attempted suicide, he left two notes. One was to the superintendent of the prison, and the other was "to the negro race."⁸⁸ It would be most interesting to know what James wrote "to the negro race," but the letter was not found with any of the records of the case.

The pattern of lynchings and executions in Marion County is unlike that of northwest Tennessee or Shelby County. Compared to the variety of precipitating events, circumstances of capture, and methods of killing seen in the Tennessee counties, the Marion County cases follow a much more predictable pattern. Marion County mobs very rarely lynched for trivial offenses or caste violations. The lynchings in the county were carried out openly and the great majority of victims were taken from law enforcement officials. Unlike the other two areas studied, Marion County presents a clear break point; no lynchings for any offense occurred after the first legal execution for rape. In both areas of Tennessee, local officials made weak and sporadic efforts to uphold the law and prevent mob violence but then lapsed back into indifference or collusion. In Marion County, officials made almost no effort to prevent lynchings before the 1930s, at which time they quite abruptly and deliberately resisted mobs in order to quickly try and condemn black men accused of sexually assaulting white women. With assertive law enforcement and quick trials, the practice of lynching ended.

Marion County thus provides an example of a jurisdiction where legal executions replaced lynchings. The fact that the situation in the other areas examined differed is evidence that even during this period of white dominance in the South, there were important local variations in the use of lethal punishment. Local traditions, situations, and personalities must be considered in any attempt to explain patterns of lynching and execution.

77. *Memphis Commercial Appeal*, November 4, 1933, 8.
78. In 1934, Percy Smith, Jasper Graham, and Frank Mays; 1940, C. C. Mobley; 1941, Van Gilmore; 1946, George Douglas; 1949, Bruce E. Watson.
79. *Memphis Commercial Appeal*, February 18, 1966, 1.

Chapter 5: “The First Time a Charge Like This Has Ever Been Tried in the Courts”

1. To compile an inventory of lynchings in Marion County, I worked from four sources: the NAACP list, the annual listings published by the *Chicago Tribune*, the inventory posted by the Historic American Lynching Project (which is based on Tolnay and Beck’s data), and the inventory of Florida lynchings in Susan Jean’s senior thesis. (See Appendix A for details on these sources). I confirmed and supplemented these lists with newspaper reports, county histories, and other sources. I am sure that my list undercounts lynchings in Marion County, especially during the early years. I eliminated ten cases that were reported in other inventories; six of the killings I judged to be murders rather than lynchings, two occurred in other Florida counties, and in one case the two victims reported to have been lynched were not killed.

This latter case is of particular interest because the two men were supposedly lynched by a black mob in revenge for their cooperation in the lynching of Robert Alexander, black, by a white mob. E. M. Beck and Stewart E. Tolnay, “When Race Didn’t Matter: Black and White Mob Violence against Their Own Color,” in *Under Sentence of Death: Lynching in the South*, edited by W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1997), 132–54, 140. Beck and Tolnay base their summary of the case on an article published in the *Jacksonville (FL) Times-Union*, June 13, 1899. Three days later the *Florida Times-Union and Citizen* published another article on the case under the headline “Only One Lynched,” the one being Robert Alexander. The paper reported that whites, under the direction of the sheriff, had dispersed the black mob before they were able to lynch their intended victims (June 16, 1899, 2). The *Ocala Evening Star* discussed the case at length and interviewed A. Watkins, one of the men supposedly lynched by the black mob, about his escape (June 12, 1899, 1).

2. A. P. Buie to Doyle E. Carlton, June 13, 1931, RG 690, ser. 443-A, John Graham case file, State Pardon Board Files, FSA.
3. Larry E. Rivers, *Slavery in Florida: Territorial Days to Emancipation* (Gainesville: University Press of Florida, 2000), 66, 73. For an account of a phosphate mining town in Marion County, J. Lester Dinkins, *Dunellon, Boomtown of the 1890’s: The Story of Rainbow Springs and Dunnellon* (St. Petersburg, FL: Great Outdoors Publishing, 1969).
4. James M. Denham, “A Rogue’s Paradise”: *Crime and Punishment in Antebellum Florida, 1821–1861* (Tuscaloosa: University of Alabama Press, 1997), 211, 335.
5. Jerrell H. Shofner, *Nor Is It Over Yet: Florida in the Era of Reconstruction, 1863–1877* (Gainesville: University Presses of Florida, 1974), 19, 192, 103.
6. Joe M. Richardson, *The Negro in the Reconstruction of Florida, 1865–1877* (Tampa, FL: Trend House, 1965), 166.
7. Pamela N. Gibson and Joe Knetsch, “White Caps and Night Mares: Violence against African-Americans in Florida, 1894–1896,” paper presented to Florida Historical Society Annual Meeting, 1998.

8. U.S. Bureau of the Census, *Fifteenth Census of the United States, 1930, Population, Vol. III, Part 1* (Washington, DC: Government Printing Office, 1932), tables 2, 13, 14, and 20.
9. George L. Sullivan was executed January 14, 1946, for a Marion County murder. William J. Bowers, with Glenn L. Pierce and John F. McDevitt, *Legal Homicide: Death as Punishment in America* (Boston: Northeastern University Press, 1984), 426.
10. Marion County was noted for its large number of lynchings. Frank Shay mentioned Ocala as one of the two Florida cities with the most victims of lynching, and Jack E. Davis noted that Marion County had more lynchings than any other county in Florida. Frank Shay, *Judge Lynch: His First Hundred Years* (1938; repr., New York: Biblo and Tannen, 1969), 128; Jack Davis quoted in Walter T. Howard, *Lynchings: Extralegal Violence in Florida during the 1930s* (Selinsgrove, PA: Susquehanna University Press, 1995), 89.
11. *Florida Times-Union*, July 13, 1893, 1.
12. This case is briefly described by Ellis Connell May, *From Dawn to Sunset: Recollections of a Pioneer Florida Judge* (Tampa: Florida Grower Press, 1955), 2:131–32 and in several newspaper articles: *Florida Times-Union and Citizen*, January 17, 1901, 7; *Evening Sentinel*, January 14, 1901, 1; January 15, 1901, 1.
13. This case is mentioned by Richardson, *The Negro in the Reconstruction of Florida*, 38, and by Eloise Robinson Ott and Louis Hickman Chazal, *Ocala Country: Kingdom of the Sun* (Ocala, Fla.: Marion Publishers, 1966), 93–94. Both accounts are brief and the date of the event differs by one year.
14. *Ocala Banner*, May 30, 1924, 1.
15. Faye Melton, *Citra: Home of the Pineapple Orange* ([Citra, FL?]: F. P. Melton, 1987), 20.
16. *Ocala Banner*, February 18, 1921, 5; *Ocala Evening Star*, February 14, 1921, 1.
17. Chandler Colding was also known as Nick Williams. The Ocala and Florida press covered the case: *Ocala Evening Star*, January 11, 1926, 1; January 12, 1926, 1; January 14, 1926, 8; *Tampa Morning Tribune*, January 12, 1926, 1; *Gainesville Daily Sun*, January 12, 1926, 1; *Florida Times-Union*, January 12, 1926, 7; see also clippings in NAACP Papers, sec. 7, ser. A, reel 10, frames 2–4.
18. In its January 14 article, the *Ocala Evening Star* referred to Colding as a “black fiend” (8); *Ocala Banner*, January 29, 1926, 1; *Gainesville Daily Sun*, January 12, 1926, 1.
19. Marion County Chamber of Commerce, *Marion County: The Kingdom of the Sun* (Ocala, FL: n.p., 1927), 15, 17. (Available in P. K. Yonge Collection, University of Florida, Gainesville). See also John M. Spivack, “Paradise Awaits: A Sampling and Brief Analysis of Late Nineteenth Century Promotional Pamphlets on Florida,” *Southern Studies* 21 (1982): 429–38.
20. Federal Writers’ Project, Work Projects Administration, *Florida: A Guide to the Southernmost State* (New York: Oxford University Press, 1939), 525.
21. At least one Florida County explicitly called itself a “white man’s country” in its promotional literature, emphasizing that there were few blacks in the area and thus that it was a safe place to live. Spivack, “Paradise Awaits,” 434–35.
22. Jerrell H. Shofner, “Judge Herbert Rider and the Lynching at LaBelle,” *Florida Historical Quarterly* 59 (1981): 292–306, 296. The Florida State Chamber of Commerce passed a resolution against lynching in June 1926 and pledged to “do all in its power to create a proper regard for law and order.” News clipping in NAACP Papers, sec. 7, ser. A, reel 8, frames 979, 982, 985. See Michael J. Pfeifer, *Rough Justice: Lynching*

- and American Society, 1874–1947* (Urbana: University of Illinois Press, 2004), 139–47, for similar efforts organized by the business and middle class of Shreveport, Louisiana, in the early twentieth century.
23. James M. Ricci, “Boasters, Boosters and Boom: Popular Images of Florida in the 1920s,” *Tampa Bay History* 6 (1984): 31–57; Victoria H. McDonell, “Rise of the ‘Businessman’s Politician’: The 1924 Florida Gubernatorial Race,” *Florida Historical Quarterly* 52 (1973): 39–50.
 24. *Tampa Daily Times*, July 2, 1926, 6-A.
 25. Information on these cases was obtained from several sources. Newspaper reports provided many details of the crimes as they were alleged to have happened and gave a good sense of the attitude of the white community toward the crimes and defendants. The files of the State Pardon Board (RG 690, ser. 443-A), Florida State Archives, Tallahassee, contained much correspondence and legal information on the cases. John Graham’s file is located in box 33 of this series; Lee Jacobs’s and Will James’s files are in box 44. All material from this record group is hereafter cited as State Pardon Board Files. The Death Warrant files of the Division of Elections (RG 156, ser. 12, box 15), also in the Florida State Archives, contained Lee Jacobs’s trial transcript (Marion County Circuit Court, *State of Florida vs. Lee Jacobs* [hereafter cited as Jacobs trial transcript]). Florida State Archives RG 670, ser. 500, includes the prison register, which is cited for information on Will James’s release from prison. John Graham’s transcript (Marion County Circuit Court, *State of Florida v. John Graham* [hereafter cited as Graham trial transcript]) and several legal documents in Will James’s case were located in the Marion County Courthouse in Ocala, Florida. I obtained death certificates for John Graham and Lee Jacobs.
 26. *Ocala Evening Star*, March 25, 1931, 1, 5.
 27. *Ibid.*; *Ocala Banner*, March 27, 1931, 1.
 28. *Ocala Evening Star*, March 25, 1931, 1, 5.
 29. *Ibid.*
 30. *Ocala Banner*, June 12, 1931, 1, 2.
 31. *Ocala Evening Star*, June 11, 1931, 1, 12.
 32. *Ibid.*; *Ocala Banner*, June 12, 1931, 1, 2.
 33. Graham trial transcript, 1–2.
 34. *Ibid.*, 2–4, 4–6.
 35. *Ocala Evening Star*, June 11, 1931, 1, 12.
 36. Graham trial transcript, 7–8.
 37. *Ibid.*, 8.
 38. *Ocala Evening Star*, June 11, 1931, 1.
 39. *Ibid.*
 40. J. S. Blitch to Doyle E. Carlton, June 11, 1931; Blitch to Nathan Mayo, June 11, 1931; telegram from A. P. Buie to Carlton, June 11, 1931, Graham case file, State Pardon Board Files.
 41. Telegram from Carlton to Blitch, June 12, 1931; Blitch to Carlton, June 13, 1931, Graham case file, State Pardon Board Files.
 42. *Ocala Banner*, June 19, 1931, 1, 6; *Ocala Evening Star*, June 18, 1931, 1; State of Florida, State Board of Health, Bureau of Vital Statistics, Certificate of Death, John Graham, June 18, 1931, state file 10217.
 43. *Ocala Evening Star*, June 19, 1931, 1, 5.
 44. *Ibid.*, October 23, 1931, 1.

45. *Ibid.*, October 9, 1931, 1, 8; October 22, 1931, 1, 8.
46. *Ibid.*, October 9, 1931, 1, 8; *Ocala Banner*, October 9, 1931, 1.
47. *Ocala Evening Star*, October 10, 1931, 1.
48. In 1871, three black men had been hanged for the murder of D. Niel Ferguson's grandfather. Ferguson's father, then a child of five, witnessed the triple execution. Ott and Chazal, *Ocali Country*, 94.
49. *Ocala Evening Star*, October 22, 1931, 8.
50. *Ibid.*, 1.
51. *Ibid.*, 8.
52. *Ocala Banner*, October 23, 1931, 1, 6.
53. *Ocala Evening Star*, October 22, 1931, 1, 8.
54. Jacobs trial transcript, 23, 24, 56, 64.
55. *Ocala Banner*, October 23, 1931, 1, 6.
56. *Ibid.*, 1.
57. Dr. R. S. Hughes to D. N. Ferguson, October 30, 1931, Jacobs case file, State Pardon Board Files. Dr. Hughes was an African American physician who practiced medicine in Ocala. Maxine D. Jones, "The African-American Experience in Twentieth-Century Florida," in *The New History of Florida*, edited by Michael Gannon (Gainesville: University Presses of Florida, 1996), 371–90, 380.
58. Buie to Carlton, December 4, 1931, Jacobs case file, State Pardon Board Files.
59. Jacobs trial transcript.
60. Buie to Carlton, October 31, 1931; Buie to Carlton, December 4, 1931; Carlton to Buie, December 8, 1931, Jacobs case file, State Pardon Board Files. Buie and Carlton were on friendly terms. Buie added a footnote about deer hunting to his letter requesting a death warrant: "A ten point buck ran by . . . head and hide in Sim Blitch's hands for mounting and tanning. Better get busy, you are behind; catch up." In his response, the governor addressed Buie as "Dear friend."
61. S.C.M. Thomas to Carlton, January 14, 1932, Jacobs case file, State Pardon Board Files.
62. Carlton to Thomas, January 21, 1932; Carlton to D. Niel Ferguson, November 3, 1931, Jacobs case file, State Pardon Board files.
63. Grand Jury Presentment to W. S. Bullock, Spring term, 1932, Circuit Court, Marion County; petition to Doyle E. Carlton, no date, Jacobs case file, State Pardon Board Files.
64. Telegrams from Rev. A. W. Puller to Carlton, October 26, 1931; Nov. 20, 1931; February 22, 1932; telegram from J. C. Huskisson to Puller, February 23, 1932; telegram from Puller to Secretary of Pardon Board, February 24, 1932, Jacobs case file, State Pardon Board Files.
65. Rev. Dallas Gibson to Carlton, February 23, 1932, Jacobs case file, State Pardon Board Files.
66. D. Niel Ferguson to Carlton, October 30, 1931; Dr. R. S. Hughes to Ferguson, October 30, 1931, Jacobs case file, State Pardon Board Files.
67. Lee Jacobs to Carlton, February 8, 1932, Jacobs case file, State Pardon Board Files. Spelling and punctuation in original.
68. *Ocala Evening Star*, February 26, 1932, 1, 8; L. F. Chapman to Carlton, February 27, 1932, Jacobs case file, State Pardon Board Files.
69. State of Florida, State Board of Health, Bureau of Vital Statistics, Certificate of Death, Lee Jacobs, February 26, 1932, state file 3196. The line indicating place of

- burial is nearly illegible but appears to read “Fla State Farm,” which was the name used for the prison.
70. Thomas to Carlton, February 29, 1932, Jacobs case file, State Pardon Board Files.
 71. Buie to Carlton, February 20, 1932, Jacobs case file, State Pardon Board Files.
 72. *Ocala Evening Star*, October 10, 1932, 5; November 3, 1932, 5.
 73. *Ocala Evening Star*, November 2, 1932, 4; November 3, 1932, 5.
 74. *Ocala Evening Star*, October 12, 1932, 1; Buie to Carlton, Nov. 10, 1932, James case file, State Pardon Board Files.
 75. *Jacksonville Journal*, March 29, 1933, 1.
 76. *Ocala Evening Star*, November 2, 1932, 4; *Jacksonville Journal*, April 14, 1933, 11.
 77. *Ocala Evening Star*, November 3, 1932, 5.
 78. Buie to Carlton, Nov. 10, 1932, James case file, State Pardon Board Files.
 79. *Jacksonville Journal*, March 29, 1933, 1.
 80. Elvin Jeffcoat was a white man condemned for the murder of his wife in Pinellas County in 1930. His lawyers filed several appeals in the attempt to overturn his conviction and sentence. See *Jeffcoat v. State*, 138 So. 385 (Fla. 1931); *Jeffcoat v. Chapman*, 146 So. 588 (Fla. 1933); *Ex parte Jeffcoat*, 146 So. 827 (Fla. 1933).
 81. *Jacksonville Journal*, March 29, 1933, 1.
 82. The letter from Judge Bullock to Nathan Mayo was not found in the Pardon Board or Death Warrant files of the Florida State Archives. I also checked without success the papers in the Florida State Archives of Leonard F. Chapman, superintendent of Florida State Prison when James was on death row, and Nathan Mayo’s papers in the P. K. Yonge Collection, University of Florida.
 83. *Jacksonville Journal*, March 30, 1933, 1; *Florida Times-Union*, March 30, 1933, 6; reprieve issued by Gov. David Sholtz, March 29, 1933, James case file, State Pardon Board Files.
 84. I have been unable to determine whether James’s sentence was reduced through court or executive action. The prison register contained the following information on Will James: his name, sex (M), race (C), age at time of conviction (48), birth state (Florida), county of conviction (Marion), crime for which convicted (rape), sentence imposed (life), date of sentence (November 2, 1932), date of release (December 14, 1948), prison number (24548), and type of release (parole). The prison register did not indicate that James had originally been sentenced to death.
 85. Timothy Brandt Robinson, “Law and Order, by Any Means Necessary: The Life and Times of Willis V. McCall, Sheriff of Lake County, Florida” (master’s thesis, Florida State University, 1997), 22–23.
 86. Quoted in H. D. Price, *The Negro and Southern Politics: A Chapter of Florida History* (New York: New York University Press, 1957), 99.
 87. Bowers, *Legal Homicide*, 426; telegram from Fuller Warren to J. R. Hunter, July 6, 1950, Walter Irwin case file, State Pardon Board Files. For a detailed account of Irwin’s case, see Steven F. Lawson, David R. Colburn, and Darryl Paulson, “Groveland: Florida’s Little Scottsboro,” *Florida Historical Quarterly* 65 (1986): 1–26, and Gary Corsair, *The Groveland Four: The Sad Saga of a Legal Lynching* (Bloomington, IN: 1st Books, 2004). Warren did sponsor legislation to unmask the Ku Klux Klan. David Colburn and Richard Scher, *Florida’s Gubernatorial Politics in the 20th Century* (Tallahassee: University Presses of Florida, 1980), 223.
 88. *Jacksonville Journal*, April 14, 1933, 11.

Lynchings in Florida? It was a problem here, too

By **CLAUDIA ADRIEN**

Special to The Sun

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The shelves of Jack Davis' home office are wall-to-wall, filled with books that depict anything and everything about the states south of the Mason-Dixon Line. Davis, a University of Florida history professor, isn't just passionate about the events that mark the Deep South. Simply put: They're his life.

Feeding his passion, though, hasn't come without a price.

"I just don't have it in me to do another race-relations study," Davis says.

The study of race and the South, a never-ending discussion among historians and laymen alike, is a hot topic nowadays.

In June, a Mississippi jury convicted former Klansman Edgar Ray Killen of three counts of manslaughter for the 1964 deaths of civil-rights activists James Chaney, Andrew Goodman and Michael Schwerner. Also in June, the U.S. Senate officially apologized for all lynchings that took place between 1882 and 1968 in this country. Numerous attempts to pass anti-lynching legislation in the Senate had been filibustered or blocked decades earlier.

For Davis, studying lynchings has meant interviewing hundreds of people living in states like Mississippi and Georgia. And Florida.

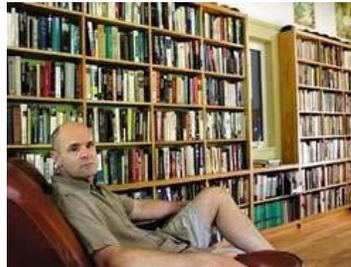
"A black man had more risk of being lynched in Florida than any other place in the country," Davis contends.

The NAACP defines lynchings as any murder that was/is conducted extra-legally or beyond the rule of the court, under the pretense of upholding justice, Davis says.

The NAACP and other sources show that, per number of black people, Florida had the highest lynching rate among any Southern state. Davis says about 36 percent of these lynchings occurred in what historians call Florida's Old Plantation Belt, stretching from the Panhandle to the central part of the state. Between the 1880s to the 1940s, there were more than 200 lynching deaths in the state, and 20 confirmed deaths occurred in Alachua County alone, according to University of Florida research. Alachua County was the second most lynch-prone county behind Marion County. NAACP numbers show 21 lynching deaths there.

Davis began serious research into Florida's lynching past about 15 years ago in Madison County for his master's thesis at the University of South Florida. He investigated the 1945 death of Jesse James Payne, a sharecropper who Davis says had threatened to expose his employer, Levy Goodman, a local tobacco farmer, because the farmer hadn't paid federal taxes on his crop.

Goodman, angered by the potential exposure, accused Payne of molesting the farmer's 5-year-old daughter, historical accounts say. According to these accounts, a lynch mob of 50 white men went after Payne. Davis says the mob was legally organized. The tobacco farmer's brother-in-law, Lonnie T. Davis, was the Madison



TRACY WILCOX/The Gainesville Sun

University of Florida professor Jack Davis is a scholar of race relations in the South.

According to his and others' research, Alachua County has the second highest number of lynchings on record of any county in Florida, right behind Marion County.

County sheriff. Payne survived, with a single gunshot wound in an arm. State Trooper Simeon Moore intervened and sent Payne to the state prison hospital. Moore hoped Payne's injury and his brief hospital stay would calm the mob, accounts say.

But Payne never made it into court after being transferred from the hospital to the Madison County Jail. He was sprung from the jail and shot, his body riddled with bullets, and found on a dirt road, according to Davis' research.

The Payne lynching was the only one on record in the U.S. in 1945, and it became a national story. The lynching took place just after the Allied victory in World War II, when optimism about the country's future reigned.

Florida Gov. Millard F. Caldwell condemned the Payne lynching, but Davis says that was primarily because Caldwell worried the news would hurt Florida's lucrative tourism industry.

"After the 1920s, state leadership generally condemned lynchings," he says, "mainly because Florida was becoming a tourist state."

The nation's focus on Payne's lynching didn't help solve the murder, although Davis, through his research decades later, gathered new evidence. Davis' thesis is part of the UF libraries' collection.

The Payne lynching was only one of several that exposed Florida to nationwide scrutiny. In 1934, Claude Neil was accused of raping a white woman, and many in the town of Marianna were complicit in his lynching, Davis says. A majority of victims were lynched on accusations of murder or theft, not rape, Davis says.

"(The Claude Neil case) really represented a turning point," he says. "It was a lynching that outraged much of the American public outside the South."

The NAACP tried to use the Claude Neil incident to push the federal government into passing anti-lynching legislation - legislation that was never passed.

Despite these high-profile cases, lynchings in Florida for decades received little scholarly attention, Davis says.

"(Florida) doesn't tend to be studied as part of the South as a whole," says W.

Fitzhugh Brundage, a history professor at the University of North Carolina, Chapel Hill.

Brundage, a noted scholar of the South who has written several books about lynchings, says there's no definitive book written about Florida lynchings, and many historians fail to include Florida in their analysis of lynchings. As the former chair of the UF history department, Brundage is keenly aware of Florida's unflattering history, especially in Alachua County.

In 1998, Brundage encouraged a student of his, Susan Jean, to explore her interest in Florida lynchings and especially those that took place around Gainesville. The 18 lynchings Jean verified in Alachua County is a significant number, as few counties in Georgia had that high a figure, Brundage says.

"That is extremely high by any standards in the South," Brundage says.

A surge in interest Scholars didn't begin in-depth lynching studies until the 1990s.

That's because, after the civil-rights movement, scholarly concentration moved to affirmative action and more forward-looking issues surrounding race, says

Brundage. Lynching, scholars reasoned, was part of the past.

That began to change earlier this summer when U.S. senators pushed a resolution through the Senate apologizing for the long string of lynchings in U.S. history. The vote was oral, so no record was kept of who agreed or disagreed with the resolution.

Many of the senators who initiated the legislation were inspired by a book of lynching photographs. The material from "Without Sanctuary: Photographs and Postcards of Lynching in America" was first on display in Atlanta in 2002, and has toured the country since. The exhibit is currently on display at the Chicago Historical Society.

Brundage says the resolution was also inspired by the political motives of a few.

Despite lawmakers' ambiguous motivations, Brundage says he's excited about the recent attention placed on this country's lynchings. Renewed scholarship may shed

light on the darkest elements of human behavior. But, Brundage also hopes there's continued emphasis on Florida's past lynchings.

Digging into the past Jean, Brundage's former student, brought much of this past to light more than seven years ago.

"I got started on it by accident," she says of her honors thesis.

Originally, Jean's intentions were only to look into Alachua County lynchings. But, she felt there wasn't enough information. Instead, Jean spent a summer digging through hundreds of issues of Florida papers and summarily verified more than 200 recorded Florida lynchings between the 1880s and the 1940s.

"Susan has the best count," Brundage says.

History, though, is more than compiling evidence. Jean decided to analyze the ways in which white Southern reporters covered lynchings in Florida, if the lynchings were covered at all.

"I wanted to see if there was continued discussion in the papers," she says.

Jean discovered that some smaller papers would cover a small-town lynching in full detail, whereas a nearby larger newspaper would give it no coverage. Sometimes newspapers were unlikely to report a lynching that could embarrass the community, Jean says.

"(Newspapers) were a product of their time, and they were shaping their time," Jean says. "You're always at the mercy of your records."

Some residents of Newberry, just west of Gainesville, claim there were more lynchings than the 20 that Jean was able to verify for Alachua County. Jean hopes to donate her research to the Newberry Public Library.

Davis insists that renewed study of past lynchings serves a greater purpose than contributing to a body of knowledge.

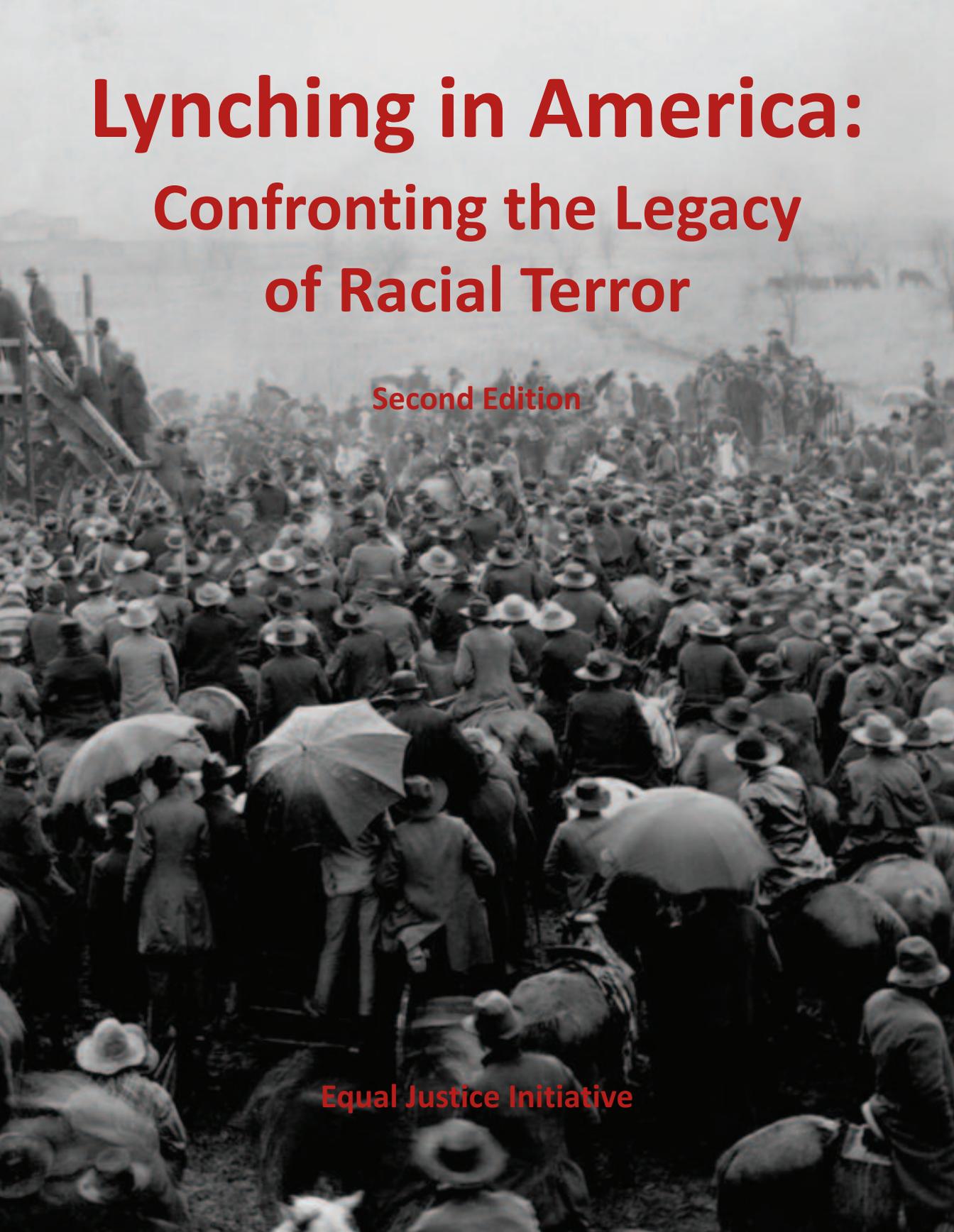
"It's important we don't forget the way things were," he says.

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Lynching in America: Confronting the Legacy of Racial Terror

Second Edition

Equal Justice Initiative





Men and boys pose beneath the body of Lige Daniels shortly after he was lynched on August 3, 1920, in Center, Texas.

From the Civil War until World War II, millions of African Americans were terrorized and traumatized by the lynching of thousands of black men, women, and children. This report documents this history and contends that America's legacy of racial terror must be more fully addressed if racial justice is to be achieved.

Lynching in America: Confronting the Legacy of Racial Terror

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REPORT SUMMARY

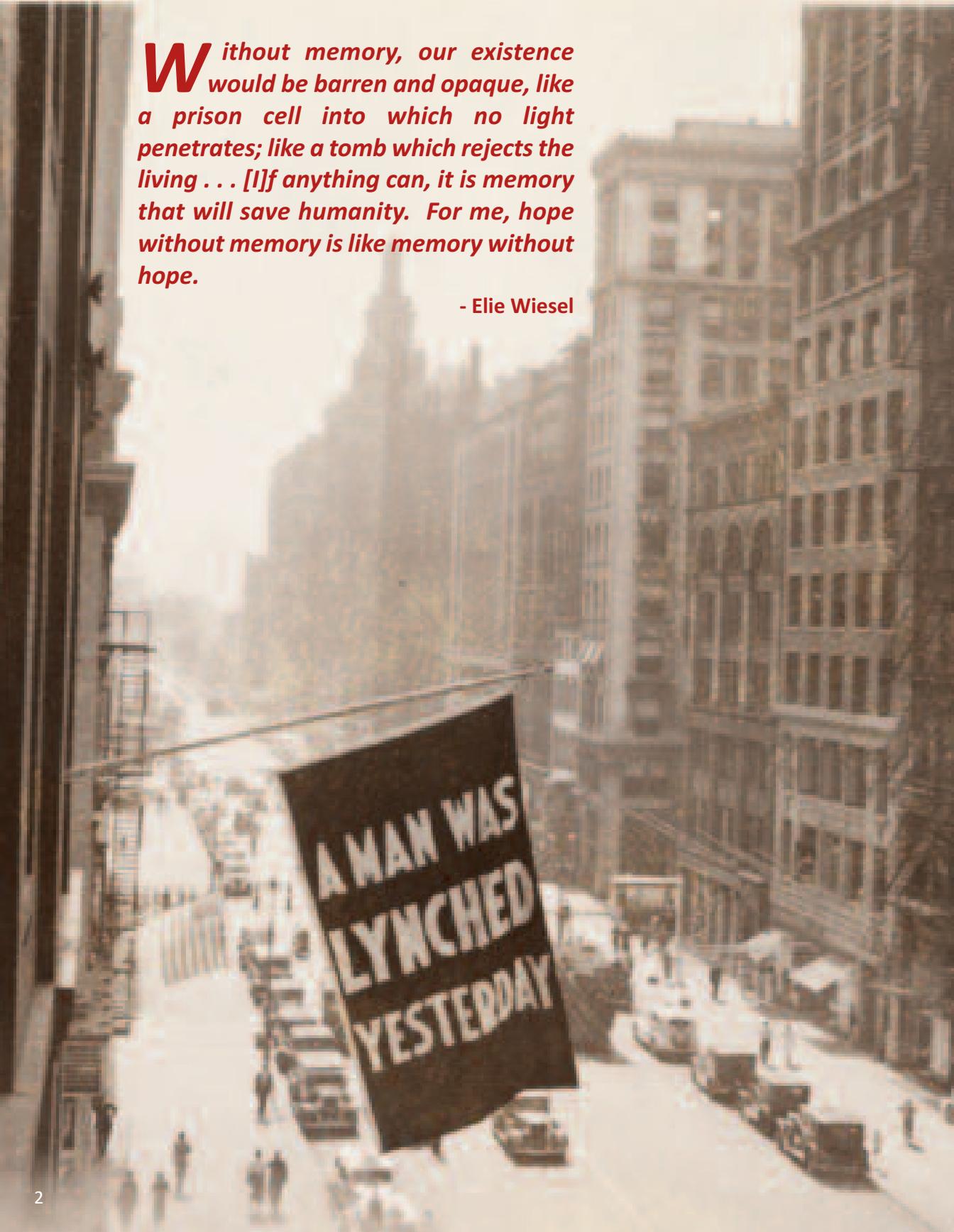
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Opposite: James Allen, ed., et al., Without Sanctuary: Lynching Photography in America (Santa Fe, NM: Twin Palms Publishers, 2000), 117-118. On the cover: 10,000 people gathered to watch the lynching of Henry Smith in Paris, Texas, on February 1, 1893. (© CORBIS.)

Without memory, our existence would be barren and opaque, like a prison cell into which no light penetrates; like a tomb which rejects the living . . . [I]f anything can, it is memory that will save humanity. For me, hope without memory is like memory without hope.

- Elie Wiesel



A MAN WAS
LYNCHED
YESTERDAY

Introduction

During the period between the Civil War and World War II, thousands of African Americans were lynched in the United States. Lynchings were violent and public acts of torture that traumatized black people throughout the country and were largely tolerated by state and federal officials. These lynchings were terrorism. “Terror lynchings” peaked between 1880 and 1940 and claimed the lives of African American men, women, and children who were forced to endure the fear, humiliation, and barbarity of this widespread phenomenon unaided.

Lynching profoundly impacted race relations in this country and shaped the geographic, political, social, and economic conditions of African Americans in ways that are still evident today. Terror lynchings fueled the mass migration of millions of black people from the South into urban ghettos in the North and West throughout the first half of the twentieth century. Lynching created a fearful environment where racial subordination and segregation was maintained with limited resistance for decades. Most critically, lynching reinforced a legacy of racial inequality that has never been adequately addressed in America. The administration of criminal justice in particular is tangled with the history of lynching in profound and important ways that continue to contaminate the integrity and fairness of the justice system.

This report begins a necessary conversation to confront the injustice, inequality, anguish, and suffering that racial terror and violence created. The history of terror lynching complicates contemporary issues of race, punishment, crime, and justice. Mass incarceration, excessive penal punishment, disproportionate sentencing of racial minorities, and police abuse of people of color reveal problems in American society that were framed in the terror era. The narrative of racial difference that lynching dramatized continues to haunt us. Avoiding honest conversation about this history has undermined our ability to build a nation where racial justice can be achieved.

The Context for this Report

In America, there is a legacy of racial inequality shaped by the enslavement of millions of black people. The era of slavery was followed by decades of terrorism and racial subordination most dramatically evidenced by lynching. The civil rights movement of the 1950s and 1960s challenged the legality of many of the most racist practices and structures that sustained racial subordination but the movement was not followed by a continued commitment to truth and reconciliation. Consequently, this legacy of racial inequality has persisted, leaving us vulnerable to a range of problems that continue to reveal racial disparities and injustice. EJI believes it is essential that we begin to discuss our history of racial injustice more soberly and to understand the implications of our past in addressing the challenges of the present.

Lynching in America is the second in a series of reports that examines the trajectory of American history from slavery to mass incarceration. In 2013, EJI published **Slavery in America**, which documents the slavery era and its continuing legacy, and erected three public markers in Montgomery, Alabama, to change the visual landscape of a city and state that has romanticized the mid-nineteenth century and ignored the devastation and horror created by racialized slavery and the slave trade.

Over the past four years, EJI staff have spent thousands of hours researching and documenting terror lynchings in the twelve most active lynching states in America: **Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia**. We distinguish “racial terror lynchings”—the subject of this report—from hangings and mob violence that followed some criminal trial process or that were committed against non-minorities without the threat of terror. Those lynchings were a crude form of punishment that did not have the features of “terror lynchings” directed at racial minorities who were being threatened and menaced in multiple ways.

We also distinguish “terror lynchings” from racial violence and hate crimes that were prosecuted as criminal acts. Although criminal prosecution for hate crimes was rare during the period we examine, such prosecutions ameliorated those acts of violence and racial animus. The lynchings we document were acts of terrorism because these murders were carried out with impunity, sometimes in broad daylight, often “on the courthouse lawn.” These lynchings were not “frontier justice,” because they generally took place in communities where there was a functioning criminal justice system that was deemed too good for African Americans. Terror lynchings were horrific acts of violence whose perpetrators were never held accountable. Indeed, some “public spectacle lynchings” were attended by the entire white community and conducted as celebratory acts of racial control and domination.

Key Findings of this Report

First, racial terror lynching was much more prevalent than previously reported. **EJI researchers have documented several hundred more lynchings than the number identified in the most comprehensive work done on lynching to date.** The extraordinary work of E.M. Beck and Stewart E. Tolnay provided an invaluable resource, as did the research collected at Tuskegee University in Tuskegee, Alabama. These sources are widely viewed as the most comprehensive collection of research data on the subject of lynching in America. EJI conducted extensive analysis of these data as well as supplemental research and investigation of lynchings in each of the subject states. We reviewed local newspapers, historical archives, and court records; conducted interviews with local historians, survivors, and victims’ descendants; and exhaustively examined contemporaneously published reports in

African American newspapers. **EJI has documented 4075 racial terror lynchings in twelve Southern states between the end of Reconstruction in 1877 and 1950, which is at least 800 more lynchings in these states than previously reported.**

Second, some states and counties were particularly terrifying places for African Americans and had dramatically higher rates of lynching than other states and counties we reviewed. Mississippi, Florida, Arkansas, and Louisiana had the highest statewide rates of lynching in the United States. Mississippi, Georgia, and Louisiana had the highest number of lynchings. Hernando, Lafayette, Taylor, and Citrus counties in Florida; Early and Oconee counties in Georgia; Fulton County, Kentucky; and Moore County, Tennessee had the highest rates of terror lynchings in America. Phillips County, Arkansas; Lafourche and Tensas parishes in Louisiana; and New Hanover County, North Carolina, were sites of mass killings of African Americans in single-incident violence that mark them as notorious places in the history of racial terror violence. **The largest numbers of lynchings were found in Jefferson County, Alabama; Orange, Columbia, and Polk counties in Florida; Fulton and Early counties in Georgia; Caddo, Ouachita, Bossier, Iberia, and Tangipahoa parishes in Louisiana; Hinds, Leflore, Kemper, and Yazoo counties in Mississippi; Anderson County, Texas; and Shelby County, Tennessee.**

Third, our research confirms that many victims of terror lynchings were murdered without being accused of any crime; they were killed for minor social transgressions or for demanding basic rights and fair treatment. **Racial terror lynching was a tool used to enforce Jim Crow laws and racial segregation—a tactic for maintaining racial control by victimizing the entire African American community, not merely punishment of an alleged perpetrator for a crime.**

Fourth, our conversations with survivors of lynchings show that terror lynching played a key role in the forced migration of millions of black Americans out of the South. Thousands of people fled to the North and West out of fear of being lynched. **Parents and spouses sent away loved ones who suddenly found themselves at risk of being lynched for a minor social transgression; they characterized these frantic, desperate escapes as surviving “near-lynchings.”**

Fifth, in all of the subject states, we observed that there is an astonishing absence of any effort to acknowledge, discuss, or address lynching. Many of the communities where lynchings took place have gone to great lengths to erect markers and monuments that memorialize the Civil War, the Confederacy, and historical events during which local power was violently reclaimed by white Southerners. These communities celebrate and honor the architects of racial subordination and political leaders known for their belief in white supremacy. There are very few monuments or memorials that address the history and

legacy of lynching in particular or the struggle for racial equality more generally. Most communities do not actively or visibly recognize how their race relations were shaped by terror lynching.

Sixth, we found that most terror lynchings can best be understood as having the features of one or more of the following: **(1) lynchings that resulted from a wildly distorted fear of interracial sex; (2) lynchings in response to casual social transgressions; (3) lynchings based on allegations of serious violent crime; (4) public spectacle lynchings; (5) lynchings that escalated into large-scale violence targeting the entire African American community; and (6) lynchings of sharecroppers, ministers, and community leaders who resisted mistreatment, which were most common between 1915 and 1940.**

Seventh, the decline of lynching in the studied states relied heavily on the increased use of capital punishment imposed by court order following an often accelerated trial. That the death penalty's roots are sunk deep in the legacy of lynching is evidenced by the fact that public executions to mollify the mob continued after the practice was legally banned.

Finally, the Equal Justice Initiative believes that our nation must fully address our history of racial terror and the legacy of racial inequality it has created. This report explores the power of "truth and reconciliation" or transitional justice to address oppressive histories by urging communities to honestly and soberly recognize the pain of the past. Only when we concretize the experience through discourse, memorials, monuments, and other acts of reconciliation can we overcome the shadows cast by these grievous events. We hope you will join our effort to help towns, cities, and states confront and recover from tragic histories of racial violence and terrorism and to improve the health of our communities by creating an environment where there can truly be equal justice for all.



Second Slavery After the Civil War

At the end of the Civil War, the nation did nothing to address the narrative of racial difference that is the most enduring evil of American slavery. Involuntary servitude was horrific for enslaved people, but the ideology of white supremacy was in many ways a more severe barrier to freedom and equality. White Southern identity was grounded in a belief that whites are inherently superior to African Americans. Following the war, whites reacted violently to the notion that they would now have to treat their former human property as equals and pay for their labor. Plantation owners attacked black people simply for claiming their freedom. In May 1866, in Memphis, Tennessee, forty-six African Americans were killed; ninety-one houses, four churches, and twelve schools were burned to the ground; at least five women were raped; and many black people fled the city permanently.

In his 1867 annual message to Congress, President Andrew Johnson declared that black Americans had “less capacity for government than any other race of people,” that they would “relapse into barbarism” if left to their own devices, and that giving them the vote would result in “a tyranny such as this continent has never yet witnessed.” Instead of facilitating black land ownership, President Johnson (a Unionist former slaveholder from Tennessee) advocated a new practice that soon replaced slavery as a primary source of Southern agricultural labor: sharecropping.



MURDER OF A NEGRO AT MRS. CARTER'S HOUSE.

Formerly enslaved people were beaten and murdered for asserting they were free after the Civil War. Without federal troops, freed black men and women remained subject to violence and intimidation for any act or gesture that showed independence or freedom. (Library of Congress.)

Officials struggled to control increasingly violent and lawless groups of white supremacists in their states. Beginning as disparate “social clubs” of former Confederate soldiers, these groups morphed into large paramilitary organizations that drew thousands of members from all sectors of white society. As historian Eric Foner explained, the “wave of counterrevolutionary terror that swept over large parts of the South between 1868 and 1871 lacks a counterpart . . . in the American experience.” While white mobs attacked black voters, the United States Supreme Court began an assault on the legal architecture of Reconstruction. Prior to 1865, the Court had only twice struck down congressional acts as unconstitutional; between 1865 and 1872, the Court did so twelve times. A proposal in Congress to discipline Georgia for the violence and corruption surrounding its 1870 election was defeated by a five-day filibuster, and Northern support for federal intervention on behalf of black people living in the South diminished considerably.

Undermined by the United States Supreme Court and a Congress that retreated from protecting recently emancipated African Americans, Reconstruction collapsed. As one black man from Louisiana stated, “The whole South—every state in the South—had got into the hands of the very men that held us as slaves.” For millions of black men, women, and children, a new violent and tragic era in America had begun. As Mississippi Governor Adelbert Ames predicted, “They are to be returned to a condition of serfdom. An era of second slavery.”

The Politics That Created Terrorism

When Alabama rewrote its constitution in 1901, John B. Knox, president of the constitutional convention, opened the proceedings with a statement of purpose: “Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this state.” The South created a system of state and local laws and practices that constituted a pervasive and deep-rooted racial caste system. The era of “second slavery” had officially begun. Relying on language in the Thirteenth Amendment that prohibits slavery and involuntary servitude “except as punishment for crime,” lawmakers empowered white-controlled governments to extract black labor in private lease contracts or on state-owned farms.

By 1890, the term “Jim Crow” was used to describe the “subordination and separation of black people in the South, much of it codified and much of it still enforced by custom, habit, and violence.” Racial segregation often meant the total exclusion of black people from public facilities, institutions, and opportunities. Over the century that this racial caste system reigned, perceived violations of the racial order were met with brutal violence targeted at black Americans—and lynching was the weapon of choice. Southern lynching took on a racialized character, and a brutal era of racial terror was born.



(Thomas Nast/Harper's Weekly, Sept. 5, 1868)

Lynching in America

By the end of the nineteenth century, Southern lynching had become a tool of racial control that terrorized and targeted African Americans. Through lynching, Southern white communities asserted their racial dominance over the region's political and economic resources—a dominance first achieved through slavery would be restored through terror.

Characteristics of the Lynching Era

The thousands of African Americans lynched between 1877 and 1950 differed in many respects, but in most cases, the circumstances of their murders can be categorized as one or more of the following: (1) lynchings that resulted from a wildly distorted fear of interracial sex; (2) lynchings in response to casual social transgressions; (3) lynchings based on allegations of serious violent crime; (4) public spectacle lynchings; (5) lynchings that escalated into large-scale violence targeting the entire African American community; and (6) lynchings of sharecroppers, ministers, and community leaders who resisted mistreatment, which were most common between 1915 and 1940.

Lynchings Based on Fear of Interracial Sex. Nearly 25 percent of the lynchings of African Americans in the South were based on charges of sexual assault. The mere accusation of rape, even without an identification by the alleged victim, could arouse a lynch mob. The definition of black-on-white “rape” in the South required no allegation of force because white institutions, laws, and most white people rejected the idea that a white woman would willingly consent to sex with an African American man.

In 1889, in Aberdeen, Mississippi, Keith Bowen allegedly tried to enter a room where three white women were sitting; though no further allegation was made against him, Mr. Bowen was lynched by the “entire (white) neighborhood” for his “offense.” General Lee, a black man, was lynched by a white mob in 1904 for merely knocking on the door of a white woman’s house in Reevesville, South Carolina; and in 1912, Thomas Miles was lynched for allegedly inviting a white woman to have a cold drink with him.

Lynchings Based on Minor Social Transgressions. Hundreds of African Americans accused of no serious crime were lynched for social grievances like speaking disrespectfully, refusing to step off the sidewalk, using profane language, using an improper title for a white person, suing a white man, arguing with a white man, bumping into a white woman, and insulting a white person. African Americans living in the South during this era were terrorized by the knowledge that they could be lynched if they intentionally or accidentally violated any social convention defined by any white person.

In 1940, Jesse Thornton was lynched in Luverne, Alabama, for referring to a white police officer by his name without the title of “mister.” In 1918, Private Charles Lewis was lynched in Hickman, Kentucky, after he refused to empty his pockets while wearing his Army uniform. White men lynched Jeff Brown in 1916 in Cedarbluff, Mississippi, for accidentally bumping into a white girl as he ran to catch a train.

Lynchings Based on Allegations of Crime. More than half of the lynching victims EJI documented were killed under accusation of committing murder or rape. Deep racial hostility in the South during this period focused suspicion on black people, whether evidence supported that suspicion or not, especially in cases of violent crime against white victims.

Whites’ accusations against black people were rarely scrutinized seriously. Of the hundreds of black people lynched under accusation of rape and murder, nearly all were killed without being legally convicted. When Berry Noyse was accused of killing the sheriff in Lexington, Tennessee, in 1918, an angry mob lynched him in the courthouse square, dragged his body through the town, shot it dozens of times, and burned the body in the middle of the street below hung banners that read, “This is the way we do our bit.”

Jesse Washington was burned before a crowd of thousands in Waco, Texas, in 1916. (© Bettmann/CORBIS.)



Public Spectacle Lynchings. Large crowds of white people, often numbering in the thousands and including elected officials and prominent citizens, gathered to witness pre-planned, heinous killings that featured prolonged torture, mutilation, dismemberment, and/or burning of the victim. White press justified and promoted these carnival-like events, with vendors selling food, printers producing postcards featuring photographs of the lynching and corpse, and the victim's body parts collected as souvenirs. These killings were bold, public acts that implicated the entire community and sent a message that African Americans were sub-human, their subjugation was to be achieved through any means necessary, and whites who carried out lynchings would face no legal repercussions.

In Dyersburg, Tennessee, a mob tortured Lation Scott with a hot poker iron, gouging out his eyes, shoving the hot poker down his throat and pressing it all over his body before castrating him and burning him alive over a slow fire.

In 1904, after Luther Holbert allegedly killed a local white landowner, he and a black woman believed to be his wife were captured by a mob and taken to Doddsville, Mississippi, to be lynched before hundreds of white spectators. Both victims were tied to a tree and forced to hold out their hands while members of the mob methodically chopped off their fingers and distributed them as souvenirs. Next, their ears were cut off. Mr. Holbert was then beaten so severely that his skull was fractured and one of his eyes was left hang-

Lynching of Henry Smith in Paris, Texas, on February 1, 1893 (© CORBIS)



3,000 WILL BURN NEGRO

Kaiser Under Stronger Guard Following Escape Of Crown Prince

Frank Simonds
Writes For States

NEW ORLEANS STATES

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NEW ORLEANS, LA. THURSDAY, JUNE 26, 1919

1919

From the Jackson, Miss., Daily News, Thursday, June 26, 1919.

27th YEAR

JOHN HARTFIELD WILL BE LYNCHED BY ELLISVILLE MOB AT 5 O'CLOCK THIS AFTERNOON

Governor Bilbo Says He Is Powerless to Prevent It—
Thousands of People Are Flocking Into Ellisville to
Attend the Event—Sheriff and Authorities Are Power-
less to Prevent It.

HATTIESBURG, June 26.—John Hartfield, the negro
alleged to have assaulted an Ellisville, young woman, has
been taken to Ellisville and is guarded by officers in the office
of Dr. Carter in that city. He is wounded in the shoulder but
not seriously. The officers have agreed to turn him over to
the people of the city at 4 o'clock this afternoon when it is
expected he will be burned. The negro is said to have made
a partial confession.

GOV. BILBO SAYS HE IS POWERLESS.

When Gov. Bilbo was shown the
above dispatch and asked what
action, if any, he intended to take
to prevent the affair, he said:

"I am powerless to prevent it.
We have guns for state militia,
but no men. It is impossible to
send troops to the scene for the
obvious reason that we have no
troops.

Several days ago, ...

for the lynching has now been fixed
for five p. m.

A committee of Ellisville citizens has
been appointed to make the necessary
arrangements for the event, and the
mob is pledged to act in conformity
with these arrangements.

Rev. L. G. Gates, pastor of the First
Baptist church of Laurel, left here at
one o'clock for Ellisville to entreat the
mob to use discretion.

THOUSANDS GOING

NEGRO JERKY AND SULLEN AS BURNING HOUR NEARS

To Be Taken to Scene of
Crime and Stood Be-
fore Crowd

ELLISVILLE, Miss., June 26.
—(Special).—As four o'clock ap-
proaches John Hartfield, assailant
of the Ellisville white girl,
is being carefully guarded in the
office of Dr. Carter of this city.

The wounded negro has con-
fessed and seems very nervous.
Dissension has broken out
among the indignant citizens as
to what disposition should be
made of the prisoner.

It is said the negro will be
taken to the scene of his crime,
near the Ellisville railroad
tracks, where he attacked Miss
Meek, and will be stood up where
everybody can see him.

Some of the angry citizens, it
is said, want Hartfield lynched,
while others want him burned.

ELLISVILLE, Miss., June 26—
(Special).—Walter Crawley and
Will Rogers, two farmers, were
members of the posse who shot
Hartfield in the shoulder, and af-
fected his capture.

Three thousand strangers are in
Ellisville today to witness the
disposition of John Hartfield, negro
assailant of Miss Meek.

Officers are unable to control
the crowds.

HATTIESBURG, Miss., June 26.
—John Hartfield, negro assailant
of an Ellisville young woman, has
been brought to Ellisville from
Collins and is guarded by officers
in the office of Dr. Carter in that
city.

He is wounded in the shoulder.
The officers have agreed to turn
him over to the people at 4 o'clock
this afternoon when it is expected
he will be burned.

ing from its socket. Members of the mob used a large corkscrew to bore holes into the victims' bodies and pull out large chunks of "quivering flesh," after which both victims were thrown onto a raging fire and burned. The white men, women, and children present watched the horrific murders while enjoying deviled eggs, lemonade, and whiskey in a picnic-like atmosphere.

Lynchings Targeting the Entire African American Community. Some lynch mobs targeted entire black communities by forcing black people to witness lynchings and demanding that they leave the area or face a similar fate. These lynchings were designed for broad impact—to send a message of domination, to instill fear, and sometimes to drive African Americans from the community. After a lynching in Forsyth County, Georgia, in 1912, white vigilantes distributed leaflets demanding that all black people leave the county or suffer deadly consequences; so many black families fled that, by 1920, the county's black population had plunged from 1100 to just thirty.

To maximize lynching as a terrorizing symbol of power and control over the black community, white mobs frequently chose to lynch victims in a prominent place inside the town's African American district. In 1918 in rural Unicoi County, Tennessee, a group of white men sought a black man named Thomas Devert who was accused of kidnapping a white girl. When the men found Mr. Devert crossing a river with the girl in his arms, they shot him in the head and the girl drowned. Insisting that the entire black community needed to witness Mr. Devert's fate, the enraged mob dragged his dead body to the town railyard and built a funeral pyre. The white men then rounded up all sixty African American residents and forced the men, women, and children to watch the corpse burn. These African Americans and eighty black people who worked at a local quarry were then told to leave the county within twenty-four hours.

Lynchings of Black People Resisting Mistreatment (1915-1940). From 1915 to 1940, whites used lynching to suppress African Americans who, individually and in organized groups, were demanding the economic and civil rights to which they were entitled.

In 1918, when Elton Mitchell of Earle, Arkansas, refused to work on a white-owned farm without pay, "prominent" white citizens of the city cut him into pieces with butcher knives and hung his remains from a tree. In Hernando, Mississippi, in 1935, when white landowners learned that Reverend T. A. Allen was trying to start a sharecropper's union among local impoverished and exploited black laborers, they formed a mob, seized him, shot him many times, and threw him into the Coldwater River. Also in 1935, Joe Spinner Johnson, leader of the Sharecroppers' Union in Perry County, Alabama, was called from work by his landlord and delivered to a white gang that tied him "hog-fashion with a board behind his neck and his hands and feet tied in front of him" and beat him. Mr. Johnson's mutilated body was found several days later in a field near the town of Greensboro.

<p>In 1940, Jesse Thornton was lynched in Luverne, Alabama, for referring to a white police officer by his name without the title of “mister.”</p>	<p>In 1918, Private Charles Lewis was lynched in Hickman, Kentucky, after he refused to empty his pockets while wearing his Army uniform.</p>	<p>White men lynched Jeff Brown in 1916 in Cedarbluff, Mississippi, for accidentally bumping into a white girl as he ran to catch a train.</p>
<p>In 1912, Thomas Miles was lynched for allegedly writing letters to a white woman inviting her to have a cold drink with him.</p>	<p>General Lee, a black man, was lynched by a white mob in 1904 for merely knocking on the door of a white woman’s house in Reevesville, South Carolina.</p>	<p>In 1889, in Aberdeen, Mississippi, Keith Bowen was lynched after he allegedly tried to enter a room where three white women were sitting.</p>

Lynching in the South, 1877-1950

This report documents 4075 lynchings of black people that occurred in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia between 1877 and 1950. The data reveals telling trends across time and region, including that lynchings peaked between 1880 and 1940.

Mississippi, Georgia, and Louisiana had the highest absolute number of African American lynching victims during this period. The rankings change when the number of lynchings are considered relative to each state’s total population and African American population. Mississippi, Florida, and Arkansas had the highest per capita rates of lynching by total population, while Arkansas, Florida, and Louisiana had the highest per capita rates of lynching by African American population. (See Tables 1 and 2.)

The twenty-five counties with the highest rates of lynchings of African Americans during this era are located in eight of the twelve states studied: Arkansas, Florida, Louisiana, Tennessee, Georgia, Kentucky, Texas, and Mississippi. The terror of lynching was not confined to a few outlier states. Racial terror cast a shadow of fear across the region. (See Table 3.)

Table 1: African American Lynching Victims by State, 1877-1950

Alabama	363
Arkansas	491
Florida	307
Georgia	595
Kentucky	170
Louisiana	559
Mississippi	614
North Carolina	122
South Carolina	184
Tennessee	238
Texas	344
Virginia	88
Total	4075

Table 2: Number of African Americans Lynched Annually Per 100,000 Residents in Southern States, 1880 to 1940

State	Per capita rate
Mississippi	0.580
Florida	0.541
Arkansas	0.530
Louisiana	0.479
Georgia	0.380
Alabama	0.278
South Carolina	0.200
Tennessee	0.166
Texas	0.141
Kentucky	0.114
North Carolina	0.083
Virginia	0.081

Table 3: 25 Counties With the Most Lynching Victims, 1877-1950

Rank	County	Lynchings
1.	Phillips, AR	244
2-t.	Caddo, LA	51
2-t.	Lafourche, LA	51
4-t.	Fulton, GA	37
4-t.	Ouachita, LA	37
6.	Orange, FL	33
7.	Tensas, LA	30
8.	Jefferson, AL	29
9.	Bossier, LA	27
10.	Iberia, AL	26
11-t.	Early, GA	24
11-t.	Tangipahoa, LA	24
13-t.	Hinds, MS	22
13-t.	Leflore, MS	22
13-t.	Anderson, TX	22
16-t.	Columbia, FL	21
16-t.	Kemper, MS	21
16-t.	New Hanover, NC	21
19-t.	Polk, FL	20
19-t.	Yazoo, MS	20
19-t.	Shelby, TN	20
22-t.	Alachua, FL	19
22-t.	Fulton, KY	19
22-t.	Carroll, MS	19
22-t.	Lowndes, MS	19

Enabling an Era of Lynching: Retreat, Resistance, and Refuge

The lynching era was fueled by the movement to restore white supremacy, but Northern and federal officials who failed to act as black people were terrorized and murdered enabled this campaign of racial terrorism. For more than six decades, as Southern whites used lynching to enforce a post-slavery system of racial dominance, white officials outside the South watched and did little.

Congress never passed an anti-lynching bill, instead capitulating to Southern politicians who argued that such legislation constituted racial “favoritism” and violated states’ rights. Southern states passed their own anti-lynching laws to show that federal legislation was unnecessary, but refused to enforce them. Very few white people were convicted of murder for lynching a black person in America during this period, and of all lynchings committed after 1900, only 1 percent resulted in a lyncher being convicted of a criminal offense.

By 1886, a “New South” controlled by white supremacist leaders was largely established. The dominant political narrative blamed lynching on its victims, insisting that brutal mob violence was the only appropriate response to the growing scourge of black men raping white women. Southern white politicians

relied on lynching and vigilantism to restore white supremacist state governments and successfully defeated proposed federal voting rights protections. When the Southern-controlled Democratic Party won the White House and a majority of Congress in 1892—just as the national lynching rate soared—the Republican Party “defected entirely to the resurgent white supremacist order,” and in 1896 regained power by running “strictly as a party of economic interests, not civil rights.”

President Theodore Roosevelt declared that “the greatest existing cause of lynching is the perpetration, especially by black men, of the hideous crime of rape.”

Opposition to Lynching

African Americans undertook their own efforts to combat the terror of lynching through grassroots activism. Black people targeted members of white lynch mobs for economic retaliation by boycotting their businesses, refusing to work for them, and setting fire to their property. To thwart lynching attempts, black people risked serious harm to hide fugitives, organized sentinels to guard prisoners against lynch mobs, and engaged in armed self-defense. Black anti-lynching activists like journalists Ida B. Wells and T. Thomas Fortune and Tuskegee sociologist Monroe Work harnessed the growing power of the black press

to dispute the black-on-white rape excuse and demand accountability for lynchings.

Black efforts to combat racial violence during the lynching era gave rise to many important black organizations, including the nation's most effective and longstanding, the National Association for the Advancement of Colored People (NAACP). The NAACP formed in direct response to racial attacks in Springfield, Illinois, in 1908 that shocked Northerners and demonstrated that lynching was not only a Southern phenomenon. The NAACP's campaign decrying lynching as "America's shame" helped turn the tide of public opinion—including in the South. In 1930, white Southerners launched the Association of Southern Women to Prevent Lynching and by 1940, it had 40,000 supporters. By the mid-1930s, "forward-looking white Southerners were compelled to adopt the position that lynching was barbaric and disgraceful, even as they continued to defend white supremacy or rail against black criminality."



*Howard University students protest lynching, 1934.
(© Bettmann/CORBIS.)*

When national lynching rates declined markedly in the 1930s, NAACP Executive Secretary Walter White attributed the trend to these shifts in the public discourse and to anti-lynching activism, as well as to the Great Migration. In a brutal environment of racial subordination and terror, faced with the constant threat of harm, close to six million black Americans fled the South between 1910 and 1970. Within a single decade, the black populations of Georgia and South Carolina declined by 22 percent and 24 percent, respectively. The United States Department of Labor observed that one of the "more effective causes of the exodus . . . is the Negroes' insecurity from mob violence and lynchings."

Confronting Lynching

When the era of racial terror and widespread lynching ended in the mid-twentieth century, it left behind a nation and an American South fundamentally altered by decades of systematic community-based violence against black Americans. The effects of the lynching era echoed through the latter half of the twentieth century. African Americans continued to face violent intimidation when they transgressed social boundaries or asserted their civil rights, and the criminal justice system continued to target people of color and victimize African Americans. These legacies have yet to be confronted.

Black Southerners who survived the lynching era remained subject to the established legal system of racial apartheid known as Jim Crow. As organized resistance to this racial caste system began to swell in the early 1950s, black demonstrators were met with violent opposition from white police officers and community members. Black activists who protested racial segregation and disenfranchisement through boycotts, sit-ins, voter registration drives, and mass marches were beaten, shot, and bombed by whites.

Lynching and racial terror profoundly compromised the criminal justice system, which required no reliable findings of guilt to authorize “legal” executions or to hand over prisoners to the lynch mob. Southern courts deeply embedded themselves in the exploitation of black workers in the South by enforcing “Black Codes” and convict leasing laws that branded black people as criminals to facilitate their reenslavement for state profit. In flagrant violation of federal law, local officials barred African Americans from serving on juries, which reinforced the impunity under which lynching flourished. The fairness of the judicial system was wholly compromised for African Americans, and the courts operated as tools of their subjugation.

Lynching also racialized criminality. Whites defended lynching as necessary to protect their property, families, and Southern way of life from dangerous black criminals, both in response to allegations of criminal behavior and as a preemptive strike against the threat of black violent crime. Although the Constitution’s presumption of innocence is a bedrock principle of American criminal justice, African Americans were assigned a presumption of guilt.



Prisoners from Limestone Correctional Facility in Alabama work on a “chain gang” as punishment, 1995. (© Andrew Holbrooke/CORBIS.)

Lynching's Legacy: Capital Punishment in America

“Perhaps the most important reason that lynching declined is that it was replaced by a more palatable form of violence.”

By 1915, court-ordered executions outpaced lynchings in the former slave states for the first time. Two-thirds of those executed in the 1930s were black, and the trend continued. As African Americans fell to just 22 percent of the South's population between 1910 and 1950, they constituted 75 percent of those executed in the South during that period. In the 1987 case of *McCleskey v. Kemp*, the Supreme Court considered statistical evidence demonstrating that Georgia decisionmakers were more than four times as likely to impose death for the killing of a white person than a black person. Accepting the data as accurate, the Court described racial bias in sentencing as “an inevitable part of our criminal justice system” and upheld Warren McCleskey's death sentence because he had failed to identify a “constitutionally significant risk of racial bias” in his case.

Race remains a significant factor in capital sentencing. African Americans make up less than 13 percent of the nation's population, but 43 percent of those currently on death row in America are black, and nearly 35 percent of those executed since 1976 have been black. In 96 percent of states where researchers have completed studies examining the relationship between race and the death penalty, results reveal a pattern of discrimination based on the race of the victim, the race of the defendant, or both. Capital trials today remain proceedings with little racial diversity; the accused is often the only person of color in the courtroom and illegal racial discrimination in jury selection is widespread, especially in the South and in capital cases. In Houston County, Alabama, prosecutors have excluded 80 percent of qualified African Americans from juries in death penalty cases.

More than eight in ten American lynchings between 1889 and 1918 occurred in the South, and more than eight in ten of the more than 1400 legal executions carried out in this country since 1976 have been in the South. Modern death sentences are disproportionately meted out to African Americans accused of crimes against white victims; efforts to combat racial bias and create federal protection against racial bias in the administration of the death penalty remain thwarted by familiar appeals to the rhetoric of states' rights; and regional data demonstrates that the modern death penalty in America mirrors racial violence of the past. As contemporary proponents of the American death penalty focus on form rather than substance by tinkering with the aesthetics of lethal punishment to improve procedures and methods, capital punishment remains rooted in racial terror—“a direct descendant of lynching.”



*Lynching victims George Dorsey and Dorothy Dorsey Malcolm are buried by the black community, Monroe, Georgia, 1946.
(© Bettmann/CORBIS.)*

Trauma and the Legacy of Lynching

The lynching era left thousands dead; it significantly marginalized black people in the country's political, economic, and social systems; and it fueled a massive migration of black refugees out of the South. In addition, lynching—and other forms of racial terrorism—inflicted deep traumatic and psychological wounds on survivors, witnesses, family members, and the entire African American community. Whites who participated in or witnessed gruesome lynchings and socialized their children in this culture of violence also were psychologically damaged. And state officials' indifference to and complicity in lynchings created enduring national and institutional wounds that we have not yet confronted or begun to heal. Establishing monuments and memorials to commemorate lynching has the power to end the silence and inaction that have compounded this psycho-social trauma and to begin the process of recovery.

Most Southern terror lynching victims were killed on sites that remain unmarked and unrecognized. The Southern landscape is cluttered with plaques, statues, and monuments that record, celebrate, and lionize generations of American defenders of white supremacy, including public officials and private citizens who perpetrated violent crimes against black citizens during the era of racial terror. The absence of a prominent public memorial acknowledging racial terrorism is a powerful statement about our failure to value the African Americans who were killed or gravely wounded in this brutal campaign of racial violence. National commemoration of the atrocities inflicted on African Americans during decades of racial terrorism would begin building trust between the survivors of racial terrorism and the governments and legal systems that failed to protect them.

Lynchings occurred in communities where African Americans today remain marginalized, disproportionately poor, overrepresented in prisons and jails, and underrepresented in decisionmaking roles in the criminal justice system. The traumatic experience of surviving mass violence creates “insecurity, mistrust, and disconnection from people”—psychological harms that were amplified by the dangers inherent in navigating Southern racial boundaries.

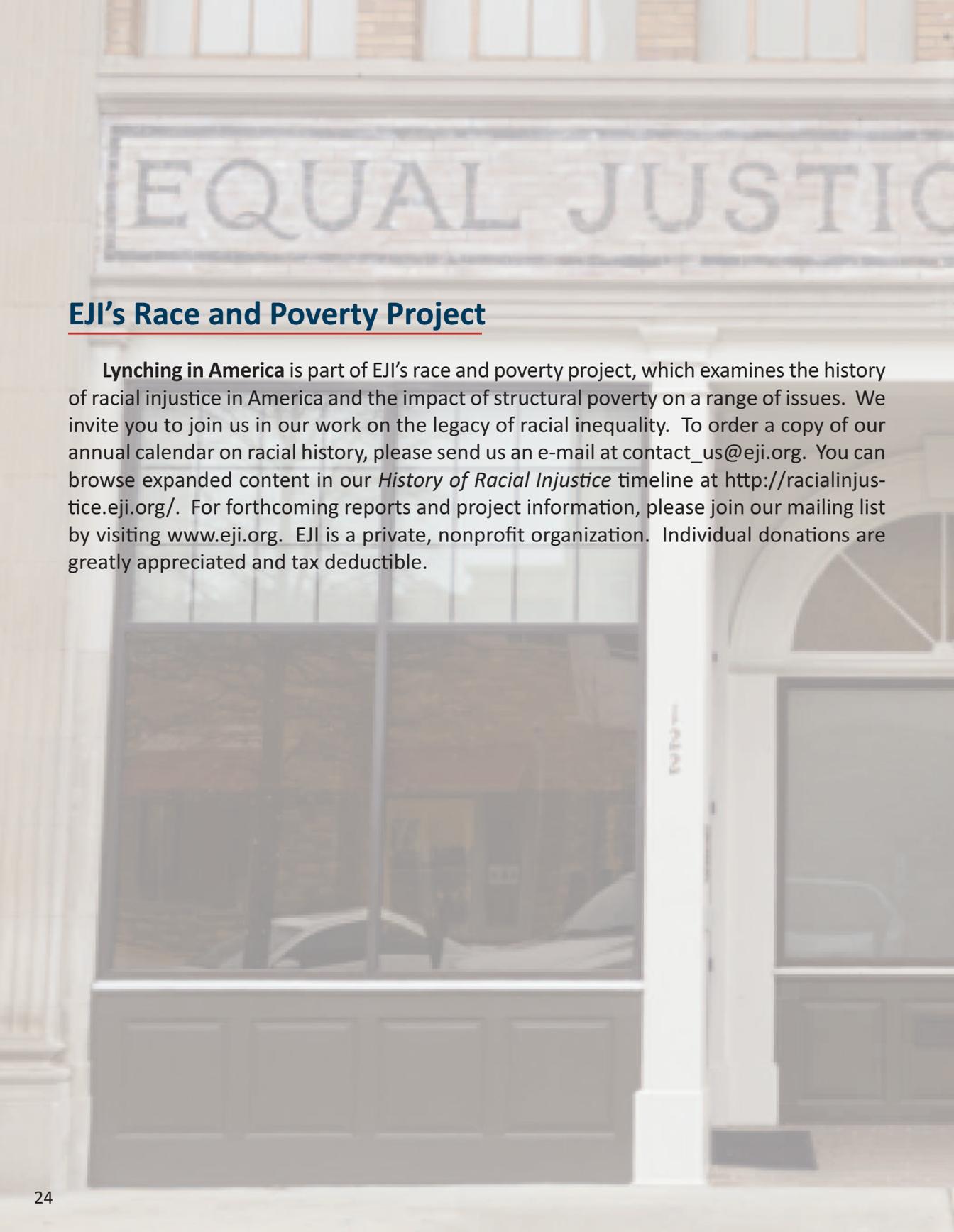
The psychological harm inflicted by the era of terror lynching extends to the millions of white men, women, and children who instigated, attended, celebrated, and internalized these horrific spectacles of collective violence. Participation in collective violence leaves perpetrators with their own dangerous and persistent damage, including harmful defense mechanisms such as “diminish[ed] empathy for victims” that can lead to intensified violent behaviors that target victims outside the original group. Lynching was a civic duty of white Southern men that brought them praise. Southern white children were taught to embrace traumatic violence and the racist narratives underlying it.

Lynchings in the American South were not isolated hate crimes committed by rogue vigilantes. Lynching was targeted racial violence at the core of a systematic campaign of terror perpetrated in furtherance of an unjust social order. Selective public memory compounds the harm of officials’ complicity in lynching and maintains the otherness of black people who have lived in these communities for generations.

Public acknowledgment and commemoration of mass violence is essential not only for victims and survivors, but also for perpetrators and bystanders who suffer from trauma and damage related to their participation in systematic violence and dehumanization. Formalizing a space for memory, reflection, and grieving can help victims “move beyond anger and a sense of powerlessness.” Suffering must be engaged, heard, recognized, and remembered before a society can recover from mass violence.

EJI and community leaders erect public markers about slavery in Montgomery, Alabama, in 2013. (Bernard Troncale.)





EQUAL JUSTICE

EJI's Race and Poverty Project

Lynching in America is part of EJI's race and poverty project, which examines the history of racial injustice in America and the impact of structural poverty on a range of issues. We invite you to join us in our work on the legacy of racial inequality. To order a copy of our annual calendar on racial history, please send us an e-mail at contact_us@eji.org. You can browse expanded content in our *History of Racial Injustice* timeline at <http://racialinjustice.eji.org/>. For forthcoming reports and project information, please join our mailing list by visiting www.eji.org. EJI is a private, nonprofit organization. Individual donations are greatly appreciated and tax deductible.

CE INITIATIVE

For a copy of the full-length *Lynching in America* report, please e-mail EJI at contact_us@eji.org or call 334.269.1803.

Equal Justice Initiative

122 Commerce Street
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www.eji.org





Lynching in America: Confronting the Legacy of Racial Terror

SUPPLEMENT: Lynchings by County

Second Edition

Equal Justice Initiative
122 Commerce Street
Montgomery, Alabama 36104
334.269.1803
www.eji.org

African American Lynching Victims in the South, 1877-1950

Number of Lynchings per County/Parish

ALABAMA		Monroe	18	Logan	1
Autauga	4	Montgomery	12	Lonoke	11
Baldwin	1	Morgan	3	Miller	6
Barbour	5	Perry	1	Mississippi	8
Bibb	15	Pickens	15	Monroe	12
Blount	3	Pike	5	Nevada	2
Bullock	3	Russell	5	Ouachita	10
Butler	12	Shelby	7	Phillips	244
Calhoun	3	St. Clair	7	Poinsett	2
Chambers	2	Sumter	7	Polk	1
Cherokee	2	Talladega	5	Pope	2
Chilton	12	Tallapoosa	4	Prairie	2
Choctaw	7	Tuscaloosa	8	Pulaski	6
Clarke	6	Walker	4	Sebastian	1
Clay	1	Washington	3	Sevier	5
Cleburne	2	Wilcox	6	St. Francis	6
Coffee	2			Stone	2
Colbert	12	ARKANSAS		Union	6
Coosa	2	Arkansas	18	White	3
Covington	7	Ashley	9	Woodruff	2
Crenshaw	4	Boone	2		
Cullman	3	Bradley	2	FLORIDA	
Dale	3	Calhoun	5	Alachua	19
Dallas	15	Chicot	3	Baker	6
Elmore	13	Clark	6	Bay	2
Escambia	1	Cleveland	5	Bradford	5
Etowah	1	Columbia	3	Brevard	1
Franklin	2	Conway	4	Broward	1
Geneva	2	Craighead	5	Calhoun	4
Greene	1	Crittenden	7	Charlotte	1
Hale	2	Cross	2	Citrus	7
Henry	13	Desha	10	Clay	1
Houston	7	Drew	8	Collier	1
Jackson	3	Faulkner	3	Columbia	21
Jefferson	29	Garland	3	DeSoto	3
Lamar	5	Grant	2	Duval	7
Lauderdale	2	Hempstead	9	Escambia	5
Lawrence	2	Hot Spring	1	Franklin	2
Lee	4	Howard	1	Gadsden	4
Limestone	3	Jackson	3	Hamilton	6
Lowndes	14	Jefferson	7	Hardee	1
Macon	1	Johnson	2	Hernando	11
Madison	10	Lafayette	6	Hillsborough	5
Marengo	4	Lee	15	Holmes	5
Marion	1	Lincoln	8	Jackson	9
Mobile	7	Little River	10	Jefferson	1

Lafayette	11	Clinch	2	Lowndes	4
Lake	3	Cobb	1	Macon	3
Lee	3	Coffee	7	Madison	7
Leon	4	Colquitt	8	Marion	3
Levy	8	Columbia	6	McDuffie	2
Liberty	1	Cook	1	McIntosh	3
Madison	16	Coweta	3	Meriwether	7
Manatee	5	Crawford	1	Miller	9
Marion	18	Crisp	7	Mitchell	11
Miami-Dade	3	Dade	2	Monroe	8
Orange	33	Decatur	10	Montgomery	10
Palm Beach	2	DeKalb	3	Morgan	2
Pasco	6	Dodge	8	Murray	2
Pinellas	2	Dooly	8	Muscogee	6
Polk	20	Dougherty	1	Newton	1
Putnam	3	Douglas	1	Oconee	12
Santa Rosa	4	Early	24	Oglethorpe	4
Seminole	2	Echols	4	Peach	2
St. Johns	1	Effingham	4	Pierce	8
Sumter	3	Elbert	2	Pike	3
Suwannee	13	Emanuel	8	Polk	1
Taylor	14	Fayette	3	Pulaski	11
Volusia	3	Floyd	4	Quitman	1
Washington	1	Forsyth	1	Randolph	7

GEORGIA

Appling	3	Franklin	1	Richmond	1
Baker	8	Fulton	37	Schley	4
Baldwin	1	Glascock	1	Screven	3
Barrow	1	Glynn	3	Seminole	3
Bartow	3	Gordon	1	Spalding	7
Bibb	6	Grady	2	Stephens	1
Bleckley	2	Greene	2	Stewart	5
Brantley	1	Gwinnett	3	Sumter	1
Brooks	18	Habersham	6	Talbot	5
Bryan	3	Hancock	3	Taliaferro	2
Bulloch	9	Haralson	1	Tattnall	5
Burke	4	Harris	8	Taylor	1
Butts	2	Henry	1	Telfair	2
Calhoun	9	Houston	5	Terrell	1
Camden	2	Irwin	3	Thomas	8
Campbell	1	Jackson	1	Tift	4
Candler	1	Jasper	10	Toombs	3
Carroll	2	Jefferson	3	Troup	3
Catoosa	2	Jenkins	5	Turner	2
Chatham	2	Johnson	6	Twiggs	5
Chattahoochee	1	Jones	5	Union	1
Chattooga	3	Lamar	3	Walker	1
Clay	7	Laurens	6	Walton	9
Clayton	4	Lee	9	Ware	4
		Liberty	4	Warren	4
		Lincoln	6	Washington	2

Wayne	9
Webster	1
Wheeler	2
Whitfield	5
Wilcox	6
Wilkes	4
Wilkinson	3
Worth	2

KENTUCKY

Adair	1
Allen	1
Anderson	1
Ballard	3
Barren	1
Boone	4
Bourbon	2
Breathitt	1
Breckinridge	4
Caldwell	3
Carlisle	1
Christian	3
Clark	2
Cumberland	1
Daviess	3
Fayette	4
Fleming	2
Floyd	1
Franklin	2
Fulton	19
Gallatin	1
Graves	6
Grayson	1
Green	1
Hancock	1
Hardin	2
Harlan	1
Harrison	1
Hart	2
Henderson	4
Henry	2
Hickman	1
Hopkins	2
Jessamine	2
Knott	1
LaRue	1
Laurel	1
Lincoln	1
Livingston	1
Logan	12

Marion	2
Marshall	3
Mason	4
McCracken	6
McLean	1
Meade	4
Mercer	1
Metcalfe	1
Montgomery	1
Nicholas	3
Ohio	1
Oldham	1
Owen	1
Pike	1
Rowan	1
Scott	1
Shelby	5
Simpson	2
Spencer	1
Todd	8
Trigg	4
Union	3
Warren	5
Washington	2
Wayne	1
Webster	1
Whitley	1
Woodford	2

LOUISIANA

Acadia	1
Allen	2
Ascension	1
Assumption	3
Avoyelles	4
Bienville	10
Bossier	27
Caddo	51
Calcasieu	4
Caldwell	4
Catahoula	9
Claiborne	11
Concordia	14
DeSoto	4
East Baton Rouge	3
East Feliciana	5
Evangeline	7
Franklin	7
Grant	6
Iberia	26

Iberville	7
Jackson	4
Jefferson	12
Jefferson Davis	3
Lafayette	6
Lafourche	51
Lincoln	8
Livingston	1
Madison	11
Morehouse	16
Natchitoches	2
Orleans	14
Ouachita	37
Plaquemines	2
Pointe Coupee	14
Rapides	11
Red River	2
Richland	13
Sabine	1
St. Bernard	4
St. Charles	3
St. Helena	3
St. James	6
St. John the Baptist	4
St. Landry	8
St. Martin	2
St. Mary	4
St. Tammany	9
Tangipahoa	24
Tensas	30
Union	4
Washington	12
Webster	9
West Baton Rouge	3
West Carroll	9
West Feliciana	9
Winn	2

MISSISSIPPI

Adams	3
Alcorn	5
Amite	14
Attala	5
Benton	3
Bolivar	14
Calhoun	2
Carroll	19
Chickasaw	6
Claiborne	5
Clarke	10

Clay	8	Smith	7	Northampton	1
Coahoma	14	Stone	7	Onslow	2
Copiah	11	Sunflower	12	Pender	1
DeSoto	12	Tallahatchie	12	Person	1
Forrest	9	Tate	9	Polk	1
Franklin	13	Tishomingo	4	Richmond	3
George	2	Tunica	10	Rockingham	2
Greene	1	Union	1	Rowan	6
Grenada	7	Walthall	4	Rutherford	1
Hancock	2	Warren	12	Sampson	2
Harrison	13	Washington	12	Stokes	2
Hinds	22	Wayne	1	Union	3
Holmes	10	Webster	1	Vance	2
Humphreys	9	Wilkinson	9	Wake	1
Issaquena	7	Winston	11	Warren	2
Itawamba	1	Yalobusha	3	Washington	3
Jackson	8	Yazoo	20	Watauga	1
Jefferson	6			Wayne	2
Jefferson Davis	1			Wilson	2
Jones	5				
Kemper	21	NORTH CAROLINA		SOUTH CAROLINA	
Lafayette	7	Alamance	2	Abbeville	5
Lamar	1	Anson	2	Aiken	14
Lauderdale	16	Avery	1	Allendale	4
Lawrence	2	Beaufort	1	Anderson	5
Leake	2	Bertie	2	Bamberg	4
Lee	2	Bladen	1	Barnwell	13
Leflore	22	Buncombe	4	Beaufort	1
Lincoln	10	Burke	1	Berkeley	2
Lowndes	19	Cabarrus	2	Cherokee	2
Madison	6	Camden	1	Chester	1
Marion	2	Carteret	1	Chesterfield	2
Marshall	4	Chatham	6	Clarendon	4
Monroe	14	Cleveland	1	Colleton	10
Montgomery	10	Craven	2	Dorchester	3
Neshoba	5	Davidson	1	Edgefield	6
Newton	7	Duplin	2	Fairfield	3
Noxubee	10	Edgecombe	2	Florence	9
Oktibbeha	6	Forsyth	1	Georgetown	1
Panola	5	Franklin	3	Greenville	4
Pearl River	3	Gaston	3	Greenwood	15
Perry	1	Granville	6	Hampton	5
Pike	13	Guilford	1	Jasper	1
Pontotoc	1	Halifax	1	Kershaw	3
Prentiss	1	Haywood	1	Lancaster	2
Quitman	8	Iredell	3	Laurens	11
Rankin	9	Johnston	3	Lexington	8
Scott	9	Lenoir	4	McCormick	2
Sharkey	6	Mecklenburg	2	Newberry	3
Simpson	10	Moore	2	Oconee	5
		Nash	1		
		New Hanover	21		

Orangeburg	8
Pickens	4
Saluda	2
Spartanburg	3
Sumter	3
Union	4
Williamsburg	3
York	9

TENNESSEE

Bedford	5
Bledsoe	2
Campbell	3
Cannon	1
Carroll	4
Claiborne	3
Coffee	8
Crockett	6
Davidson	4
Decatur	2
Dickson	3
Dyer	7
Fayette	3
Franklin	3
Gibson	7
Giles	6
Hamilton	4
Hardeman	1
Hardin	2
Haywood	2
Henderson	3
Henry	2
Humphreys	1
Jefferson	1
Johnson	1
Knox	1
Lake	13
Lauderdale	8
Lawrence	1
Lewis	3
Lincoln	5
Loudon	1
Macon	1
Madison	3
Marshall	8
Maury	5
Meigs	1
Montgomery	1
Moore	8
Morgan	2

Obion	18
Putnam	2
Rhea	6
Roane	1
Robertson	11
Rutherford	5
Shelby	20
Smith	1
Stewart	3
Sullivan	1
Sumner	5
Tipton	3
Unicoi	1
Warren	1
Wayne	2
Weakley	5
Williamson	6
Wilson	2

TEXAS

Anderson	22
Angelina	2
Austin	2
Bastrop	3
Baylor	1
Bee	1
Bell	2
Bexar	1
Bosque	2
Bowie	9
Brazoria	8
Brazos	6
Burleson	1
Burnet	1
Caldwell	3
Cameron	1
Camp	1
Cass	8
Cherokee	2
Collin	1
Colorado	6
Comal	1
Comanche	2
Cooke	2
Coryell	1
Dallas	2
Delta	3
Denton	2
DeWitt	1
El Paso	1

Ellis	1
Falls	7
Fannin	1
Fayette	3
Fort Bend	4
Freestone	8
Galveston	1
Goliad	1
Grayson	2
Gregg	4
Grimes	8
Guadalupe	3
Hardin	2
Harris	4
Harrison	15
Henderson	1
Hill	2
Hopkins	5
Houston	2
Hunt	3
Jackson	1
Jasper	1
Jefferson	1
Kaufman	2
La Salle	1
Lamar	7
Lavaca	2
Lee	1
Leon	2
Liberty	2
Limestone	5
Madison	3
Marion	4
Matagorda	1
McLennan	17
Milam	5
Montgomery	7
Morris	3
Nacogdoches	2
Navarro	4
Newton	3
Nueces	2
Orange	5
Panola	3
Polk	3
Red River	6
Reeves	1
Robertson	8
Rockwall	1
Runnels	1

Rusk	5	Nelson	2
Sabine	10	Newport News	1
San Augustine	1	Northumberland	1
San Jacinto	1	Nottoway	2
Shelby	2	Page	2
Smith	3	Petersburg	1
Tarrant	1	Pittsylvania	1
Taylor	1	Prince Edward	1
Throckmorton	1	Rappahannock	1
Titus	1	Roanoke (city)	2
Travis	4	Rockingham	1
Trinity	1	Russell	2
Tyler	6	Scott	1
Upshur	3	Smyth	1
Val Verde	1	Suffolk	1
Van Zandt	1	Surry	1
Walker	9	Sussex	2
Waller	5	Tazewell	10
Washington	2	Virginia Beach	1
Wharton	4	Warren	1
Wood	2	Warwick	2
Zavala	1	Washington	1
		Wise	3
		Wythe	3

VIRGINIA

Accomack	1
Alexandria	2
Alleghany	3
Amelia	1
Amherst	2
Bath	1
Bland	1
Brunswick	2
Campbell	1
Charles City	1
Charlotte	2
Charlottesville	1
Culpeper	2
Danville	5
Dinwiddie	1
Essex	1
Fauquier	2
Fluvanna	1
Franklin	1
Frederick	1
Halifax	3
Henry	1
King William	2
Loudoun	3
Louisa	1
Mecklenburg	2

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