

Lethal Punishment: Lynchings and Legal Executions in the South by Margaret Vandiver

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Lethal Punishment

LYNCHINGS AND
LEGAL EXECUTIONS
IN THE SOUTH



MARGARET VANDIVER

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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.

Lethal Punishment in Tennessee and Florida



Neither Tennessee nor Florida is a typical southern state, if indeed such a thing exists. As a border state including mountainous regions with few slaves and a Delta area of large-scale cotton plantations where slavery drove the economy and culture, Tennessee presented a complex and often contradictory picture. Florida, despite its Spanish heritage, was culturally part of the Deep South until the massive population influxes of the twentieth century. Both states made frequent use of lethal punishment. In this chapter, I review the history of executions and lynchings in both states and provide a brief overview of race relations in Tennessee and Florida at the time of the study.

Lynchings and Executions in Tennessee

Executions in Tennessee

Watt Espy's inventory records 335 people legally executed in Tennessee between statehood in 1796 and 1972, when the U.S. Supreme Court's decision in *Furman v. Georgia* invalidated all death penalty statutes. Sixty-four percent of those executed in Tennessee were African American. Over 95 percent of the people executed in Tennessee were convicted of murder, rape, or associated offenses. Twelve people were executed for other crimes, including aiding a runaway slave, arson, guerrilla activity, horse stealing, housebreaking/burglary, slave revolt, and spying/espionage. Only 4 of the 335 people executed in Tennessee were women; all 4 were executed in the early nineteenth century. A sixteen-year-old boy was the youngest person legally put to death in the state. The Espy inventory contains information on defendants' occupations in about 41 percent of the Tennessee cases. Most of the defendants whose occupations are known worked as laborers, farm hands, servants, and other lower status jobs, or had criminal occupations.¹

Early Tennessee law made execution mandatory upon conviction for first-degree murder and for being an accessory before the fact to first-degree murder,

while allowing a sentence of ten to twenty-one years for a conviction of second-degree murder. In 1838, Tennessee became the first state to give jurors the discretion to impose a death or a life sentence upon a conviction of first-degree murder. Tennessee, like other slaveholding states, had a slave code that made a number of offenses capital when committed by slaves or free blacks, while whites convicted of the same crimes were not eligible for the death penalty.²

Condemned prisoners were executed in the county of conviction, in public, by hanging. Large and enthusiastic crowds often attended executions. The *Memphis Daily Avalanche* described a double hanging that took place in 1861 at the Bluff City Trotting Course in Memphis:

A little before twelve o'clock the prisoners, robed in the habiliments of the grave, were placed in Mr. Smith's furniture wagon and were driven to the scene of the execution. They were accompanied by the Bluff City Guards and the Garibaldi Guards, besides a large number of citizens, men, women and children. The cortege reached the Course a little before twelve o'clock, and found already gathered there about two thousand people, who were anxiously awaiting their arrival.

The prisoners were allowed to address the crowd. Isaac did so at length, exhorting his listeners to turn to God. Isaac told the assemblage that they should "go home to their families and friends [*sic*] and . . . tell them that they had been disappointed—that they had come here to see two murderers die, but had witnessed the death of two Christians."³ While the crowd at this execution was calm and well-behaved, even singing a last hymn for the condemned men, often the crowds that gathered to witness hangings were boisterous, drunken, and potentially violent.

Concern about the ill effects of public executions in Tennessee was expressed as early as 1849, but it was not until 1883 that executions were moved from public spaces to the relative privacy of jail yards. The same legislation that ended public executions sharply restricted the people allowed to witness the execution. A problem with this statute was its requirement that each county construct a private area for executions with an enclosure "higher than the gallows, or so constructed as to exclude the view of persons outside thereof." The considerable effort and expense this entailed could be avoided by moving all executions to the state prison, which was accomplished by a law passed in 1909.⁴

The law did not always have the intended effect of avoiding mob scenes. A triple hanging in the Shelby County jail yard in 1905 attracted "an expectant and motley throng [that] clamored in a morbid way for admission and crushed each other for an impossible glimpse of the jail interior." After the execution

every known method was used to get the crowd to retire gracefully. It declined to do so. Jailer Fleetwood came to the rescue at this juncture and scattered the crowd by the aid of a hose pipe and stream of cold water. One large white man became offended at this treatment and

asked the jailer out to settle the matter in a fist fight. Jailer Fleetwood went out of the gate to accommodate the belligerent gentleman, but the latter changed his mind and left the vicinity.

The bodies of the three executed men were “placed on exhibition” at the county morgue, where they “were viewed by thousands of negroes.”⁵

In 1913, the Tennessee General Assembly passed a bill changing the method of execution from hanging to the electric chair. Gov. Ben W. Hooper had expressed the desire to end hanging in 1911, telling the assembly that “the next step for decency and humanity . . . should be the substitution of electrocution for hanging.” The legislature responded with a bill making electrocution the means of execution in the state. The law provided five thousand dollars for the cost of the “death chamber, apparatus, machinery, and appliances” necessary to comply with the new law. All Tennessee executions between 1916 and 1960 were carried out by electrocution.⁶

Tennessee, like the nation as a whole, carried out more executions in the 1930s than in any other decade. The number of executions was in steep decline by the 1950s; Tennessee’s last pre-*Furman* execution took place in 1960.⁷ The highest number of executions per year in Tennessee was eleven in 1922, followed by ten in 1937 and 1939. Table 2 provides the racial breakdown of Tennessee executions in the years for which complete information is available.

Lynching in Tennessee

The best statistical overview of lynching in Tennessee is provided by the work of Stewart E. Tolnay and E. M. Beck. Tolnay and Beck confirmed 214 victims of lynching in Tennessee between 1882 and 1930; 175 (81.7 percent) of the victims were black. Computing a rough per capita estimate of the risk southern blacks had of being lynched, Tolnay and Beck found that the risk in Tennessee was 38.4 per 100,000 blacks between 1882 and 1930. This risk was similar to that of Georgia, Louisiana, Arkansas, and Kentucky; it was much lower than that of Mississippi and Florida. The NAACP inventory of Tennessee lynchings between 1889 and 1918 lists 196 black and white victims.⁸ Tennessee had a number of lynchings with multiple victims. In 1881, nine men were lynched in connection with the murder of a white man in Springfield, Tennessee. Two of

TABLE 2 *Tennessee Executions, 1916–1960*

	Rape	Homicide	Total
Black	31 (86.1%)	54 (61.4%)	85 (68.5%)
White	5 (13.9%)	34 (38.6%)	39 (31.5%)
Total	36	88	124

Source: Tennessee Department of Correction, “Tennessee Executions,” available at <http://www.state.tn.us/correction/newsreleases/pdf/tnexecutions.pdf>.

them were lynched soon after the murder, five were abducted during trial and hanged from the courthouse balcony, and two more were lynched the same night.⁹

Unlike officials in some other southern states, governors of Tennessee did not openly express support for lynching; indeed, a number of them condemned mob violence. Only infrequently did this rhetorical condemnation translate into action to prevent lynchings or to punish those who took part in them. The overwhelming majority of the perpetrators of lynchings in Tennessee acted with no fear of any negative consequences. Even when the identity of the lynchers was widely known and documented by press accounts and photographs, local authorities concluded that the deceased had been killed by "parties unknown."

Lynchings in Tennessee generally occurred in rural areas or in small towns, but the large cities were not exempt. Memphis, Chattanooga, and even the capital, Nashville, all experienced lynchings.¹⁰ In 1892, Eph Grizzard was hanged from a bridge in downtown Nashville. Years later an African American witness to the killing recalled:

I remember the time when Eph Grizzard was hung over the bridge. . . . They took him out of jail and went running up First Avenue to the bridge and tied the rope around his neck and threw him over. . . . The sheriff of Goodlettsville got up on the bridge and made a speech and said, "If anybody, rich or poor, black or white, grizzly or gray, get up and say anything in this nigger's behalf, we will take them and do them the same way." . . . My heart ached within me. I looked to see that bridge fall in, there was so many people on it that day.¹¹

A particularly disturbing case occurred in 1924, when a fifteen-year-old injured black youth was abducted from the county hospital in Nashville and lynched.¹²

Most lynchings in Tennessee were perpetrated by mobs that briefly formed for the purpose of carrying out the lynching and disbanded immediately afterward. The state also had significant experience with vigilante groups that carried out series of violent acts, the Ku Klux Klan and several groups of night riders among them. In the 1880s in Obion County in northwest Tennessee, a "reign of terror" by "an organized band of desperadoes, thugs, thieves and gangsters," including both blacks and whites, resulted in a local vigilante movement and the lynchings of at least five men.¹³

Tennessee passed a number of laws relevant to suppressing lynching and vigilante action. A law aimed at the Ku Klux Klan was enacted in 1870, providing the death sentence for anyone guilty of assault with intent to murder if the assailant was masked or disguised. In 1881, the Tennessee General Assembly, which at that time included a number of African American members, passed a statute that could have reduced the number of lynchings in Tennessee, had it been vigorously enforced. The law held that any sheriff "who either negligently or wilfully, or by want of proper diligence, firmness and promptness" let a prisoner be taken from his custody and lynched, would be held guilty of a high misdemeanor.

He would be fined, would lose his office, and would be banned from holding office in the future. An 1897 law, generally known as the law against whitecaps, provided punishment for persons who conspired to take human life. Perhaps the most important of Tennessee's antilynching laws was the state police law passed in 1919; it provided for the creation of a 600-member police force to be appointed by and responsible to the governor. The state police were to act under the governor's orders to "suppress all affrays, riots, routs, unlawful assemblies, or other acts of actual or threatened violence to persons or property in this state."¹⁴

Despite the existence of these statutes, the authorities in Tennessee rarely resisted threatened lynchings. A remarkable exception occurred in 1934 when Gov. Hill McAlister ordered out the militia to protect E. K. Harris, a black man on trial for rape in Shelbyville, Bedford County. A mob attacked the courthouse during the trial; the militia opened fire and killed four members of the mob. The judge declared a mistrial and Harris was smuggled out of the courthouse disguised as a member of the militia. The mob dispersed under fire but returned soon afterward and burned the courthouse.¹⁵

Lynching followed the same temporal pattern in Tennessee as in the South as a whole. By the early twentieth century, the number of lynchings was dropping and the practice became increasingly rare in the 1920s and 1930s. The last recorded lynching in Tennessee occurred in 1944, when James Scales, a seventeen-year-old black youth, was lynched in Bledsoe County in southeast Tennessee. Scales was a trusty in a reformatory. He became the suspect in the murder of the superintendent's wife and daughter because he worked in their home and fled from the reformatory on the day of the murders. Scales was quickly captured and placed in jail, but a small mob took him outside and hanged and shot him.¹⁶

Lethal Punishment and Race Relations in Florida

Neither Florida's distinctive early history under Spanish rule nor the tremendous demographic changes of recent decades should obscure the fact that in the nineteenth and much of the twentieth century Florida was culturally a part of the South. Florida was a slave state; it was the third state to join the Confederacy; it enacted and enforced racially discriminatory laws after the Civil War; Reconstruction in the state was long, contentious, and violent; Florida preserved the distinctively southern convict lease system longer than any other state except Alabama; Florida law and law enforcement officials imposed a rigid system of segregation; and the state experienced significant resistance to integration and civil rights. The northern and central parts of the state long remained primarily rural and agrarian, preserving the traditions and attitudes of the Deep South after these had eroded in urban areas and the southern part of the state.

Florida remained a frontier state longer than the rest of the South. David R. Colburn describes Florida in 1900 as an "undeveloped and often inaccessible wilderness," with its small population "isolated and fragmented by enormous

distances.” At the turn of the century, Florida had under half the population of the next least populous southern state. It was not until the 1940s that large and sustained increases in population occurred.¹⁷

Given these conditions, it is not surprising that the administration of justice in Florida was sometimes primitive. A description of conditions in Dunellon in Marion County in the early 1890s noted that the justice of the peace held court outside, under a tree, using a box for a desk and a nail keg for a bench.¹⁸ J. C. Powell, a convict guard who wrote a remarkable memoir of his experiences, recounted a peculiar case occurring in the town of Ochesa in the Panhandle, probably in the 1880s. Two men were accused of murder, and a jury of “backwoods-men” was impaneled to try the case. The jury brought back a guilty verdict in the first-degree for one man and in the second degree for the other. By this verdict the jurors meant to indicate the order in which they wanted the men hanged. Upon learning that they had inadvertently spared the second man from the death sentence, the jurors determined to carry out the execution themselves. Powell, who was present to transport the prisoner to a labor camp, had to go to considerable lengths to rescue his charge from the irate jurors and other would-be lynchers.¹⁹

Executions in Florida

In 1822 the Legislative Council of the Territory of Florida passed laws making murder, rape, and arson capital crimes. From the first enacted laws up until 1924, executions in Florida were held in the county of conviction and were carried out by hanging. An 1847 law required that the hangings be public; in 1872 this requirement was abolished and hangings were held within jails.²⁰ In 1923 the Florida legislature passed a law changing the method of execution from hanging to electrocution, providing that executions were to be carried out in a permanent execution chamber at the state prison. This law was challenged in court but was upheld by the Florida Supreme Court. After the first electrocution, Prison Superintendent J. S. Blich reported to Gov. Cary A. Hardee, “The execution was carried out yesterday on time without a hitch.” County sheriffs were required to act as executioners, until a 1941 law designated the first assistant engineer of Florida State Prison as executioner.²¹ Florida law divided murder into degrees of severity, with second-degree cases ineligible for the death sentence. In capital cases, sentencing discretion lay with the jury; if the jury recommended mercy, the sentence was life. Juries might give or withhold their recommendation of mercy for any reason.²² Capital cases did not receive automatic review by any appellate court and appeals were restricted to challenges to the conviction rather than to the death sentence.²³

Watt Espy’s inventory of executions lists 309 people executed between Florida’s statehood in 1845 and 1964. The pattern of executions in Florida reveals the influence of race on sentencing for capital crimes.²⁴ Between 1924 and 1964, the state of Florida executed 196 men, 132 of them black and 64 of them white. Table 3 summarizes these data. Homicide statistics indicate that between 1937 and 1964, 3,141 whites and 7,837 blacks were victims of homicide in

TABLE 3 *Florida Executions, 1924–1964*

	Rape	Homicide	Total
Black	41 (95.3%)	91 (59.5%)	132 (67.3%)
White	2 (4.7%)	62 (40.5%)	64 (32.7%)
Total	43	153	196

Florida. The percent of black victim homicides that resulted in execution during this period was 0.43; for white victim homicides, the percent was 3.56; for every one black victim homicide that resulted in an execution, more than eight white victim homicides ended with the execution of the offender.²⁵ The influence of race is especially evident for the crime of rape. Between 1924 and 1964, Florida legally executed 43 men for rape, 41 of them black. Race of victim has been identified in 39 of the cases; every victim was white.²⁶

White offenders whose victims were African American often received lenient treatment or went altogether unpunished. James Denton, a white man, shot and killed an African American man for alleged insolence in Micanopy, Florida, on April 6, 1866. Civil authorities were reluctant to arrest Denton, but after several weeks he was taken into custody by U.S. troops. A mob of whites met the soldiers in the nearby town of Gainesville, however, and freed the prisoner. Eventually Denton was tried, found guilty of manslaughter, and sentenced to pay court costs and to serve a jail term of one minute.²⁷

In 1927 a white man was convicted of first-degree murder in the killing of an African American man. The *Jacksonville Journal* noted this was “one of the few cases in this section of the country where a white man has been brought to trial for the murder of a negro.”²⁸ In another unusual case, Britt Pringle, a white man, was condemned to death for murdering an African American man in Jacksonville. Pringle’s conviction was upheld by the Florida Supreme Court, and his execution was scheduled several times, but he was ultimately transferred to the state hospital for the insane and was never executed.²⁹ Not until 1980 was another white person condemned to death in Florida for a crime against a black victim.³⁰

Florida’s legal institutions were entirely in the hands of whites, who did not leave the assumptions and prejudices of their culture behind when acting in their official capacity. Racial beliefs influenced decisions made at every level of the criminal justice system in Florida and were given open expression in Florida’s courtrooms and newspapers. African American witnesses were often subjected to degrading remarks and their testimony was not given serious consideration. In a 1920s case, a prosecutor referred to a black witness as “a haughty and impertinent negro.” When the defense attorney appealed to the Florida Supreme Court, protesting the prosecutor’s remarks, the court expressed surprise that the prosecutor “should exhibit such choler over the impudence of a

vaunting clown.” While not defending the prosecutor’s remarks, the Florida Supreme Court showed even less respect for the witness.³¹ Florida’s newspapers made little pretense of objectivity when reporting on crimes with black suspects. As late as 1945, the *Ft. Lauderdale Daily News* described a suspect as a “lust-mad, hulking, sullen thick-lipped Negro self-confessed rapist.”³² Such reporting both reflected and reinforced the fears and prejudices of whites.

Lynching in Florida

Florida has the unenviable distinction of being the southern state with the most lynchings proportional to population. In his classic study, Arthur Raper commented that Florida’s rate of lynching was “nearly twice as high as that for either Mississippi, Georgia, or Louisiana, more than three times the rate for Alabama, and six times the rate for South Carolina.” David Colburn and Richard Scher noted that Florida’s lynching rate was higher than that of any other state between 1900 and 1920. Tolnay and Beck’s study of lynching in ten southern states concluded that blacks in Florida “bore the highest ‘per capita hazard’ of being victimized by mob violence.” The authors computed the number of black lynching victims per 100,000 blacks (computed as an average over several decades) and found that there were 79.8 black victims per 100,000 in Florida; Mississippi was in second position with 52.8 per 100,000.³³

The demographics of lynching victims in Florida were similar to those in the South as a whole. Using the records of the Tuskegee Institute, Robert L. Zangrando identified 282 victims of lynching in Florida between 1882 and 1968; 91.1 percent of them were black. Tolnay and Beck’s research confirmed 250 Florida lynchings between 1882 and 1930, with 89.6 percent of the victims being African American. Rape or attempted rape was given as the reason for the lynching in 27.6 percent of the Florida cases between 1889 and 1918.³⁴

Several Florida lynchings had multiple victims. In Lake City, Columbia County, six black men were taken from the jail and shot at the edge of town in 1911. In 1916, near Newberry in Alachua County, a mob killed six African Americans, including two women, while searching for a man suspected of killing the sheriff.³⁵ At times, white mobs attacked whole communities of blacks. A mob in Ocoee, Orange County, responded to a black man’s attempt to vote in 1920 by lynching him; the mob then burned the black section of town, driving the entire African American population away.³⁶ The little mostly black town of Rosewood in Levy County was destroyed by rampaging whites in 1923. At least eight people, two white and six black, were killed; the entire black population of the town was driven out and never returned. The attack resulted from a white woman’s allegation that she had been assaulted by a black man. Even in such extreme instances, the press and the criminal justice system gave no assistance to the victims of mob violence. The destruction of Rosewood resulted in no arrests. In an editorial about the killings at Rosewood, the *Gainesville Sun* put the blame for the situation on a “brutish negro” who “made a criminal assault on an unprotected white girl” and held that “law or no law, courts or no courts—as long

as criminal assaults on innocent women continue, lynch law will prevail." In 1994, the Florida legislature voted in favor of reparations for the surviving victims of Rosewood.³⁷

Florida law enforcement officers sometimes participated in lynchings. A black hotel employee in Miami was arrested in 1925 for "improper conduct toward a white woman guest." The chief of police, H. Leslie Quigg, had two of his officers take the accused to a remote area and kill him.³⁸ In 1945 Jesse Payne was taken from the jail in Madison, Florida, and lynched. Suspicion of possible involvement or complicity on the part of the sheriff led to investigation by Gov. Millard Caldwell, who concluded that Payne's lynching was due to "the stupid inefficiency of the sheriff." Governor Caldwell decided, however, that stupidity was not grounds for removal from office, and the sheriff kept his job.³⁹ No one was convicted of lynching in Florida between 1900 and 1934.⁴⁰

Florida governors at times condoned lynching. Sidney J. Catts responded to NAACP criticism by saying, "If any man, White or Black should dishonor one of my family he would meet my pistol square from the shoulder and every white man in the South, who is a red-blooded American, feels the same as I do."⁴¹ Fred Cone, who became governor of Florida in 1937, had himself as a young man "committed a vigilante act when he shot and wounded a carpetbag Republican in an act of political vengeance."⁴² By the 1930s, some state officials had begun to argue that lynchings were unnecessary because executions were a better alternative. As late as 1945, however, Millard Caldwell's remarks after the lynching of Jesse James Payne seemed to many to be an excuse for, if not quite an endorsement of, lynching.⁴³

As was true in the rest of the South, lynching in Florida slowly decreased in the early decades of the twentieth century. The practice had a tenacious hold, however, and during the 1930s, Florida led the nation in the number of lynchings.⁴⁴ The case of Claude Neal, killed in Jackson County in 1934, received national attention because of its extraordinary brutality. Neal was suspected of the rape and murder of a young white woman. The lynching was advertised in advance by radio and newspapers, and a crowd of thousands gathered at the announced site. Neal died after prolonged and grotesque tortures; his corpse was dragged through the streets and hanged from a tree on the courthouse lawn. Postcards picturing the body hanging from the tree were produced and sold. The horror of this killing was an embarrassment to Florida officials and raised feelings against lynching all over the United States.⁴⁵

Lynchings threatened to disrupt judicial proceedings in Florida well into the middle of the century. In 1944 the state attorney and the sheriff of Holmes County wrote to Gov. Spessard Holland requesting a guard of highway patrolmen to protect a black prisoner being brought into court for arraignment. The writers cautioned the governor to make calls to the sheriff's house, rather than to the courthouse, to prevent anyone overhearing and learning when the prisoner was to be in court.⁴⁶ The sheriff of Bradford County in 1950 wrote to the governor that "through the splendid cooperation of law-enforcement officers

and leading citizens of this community I was successful in protecting the defendants against bodily harm.”⁴⁷ The *Orlando Sentinel* wrote about a 1949 case in which four black men were accused of raping a young white woman, “We’ll wait and see what the law does, and if the law doesn’t do right, we’ll do it.”⁴⁸

Conclusion

Florida and Tennessee were distinguished from other southern states by their geography and history. Nonetheless, both states were indisputably southern, and with the possible exception of some parts of eastern Tennessee, their white residents shared the commitment of other white southerners to racial supremacy. It was against this background of beliefs and practices that lethal punishment was imposed. The patterns of legal and extralegal executions in Tennessee and Florida were similar to those of other southern states, with both types of punishment reserved primarily for African Americans suspected of criminal or caste offenses against whites. In the following three chapters, I examine geographical and temporal patterns of lynchings and executions in the rural counties of northwest Tennessee, in the urban area of Shelby County, Memphis, and in Marion County, Florida.

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51. Tolnay and Beck, *A Festival of Violence*, 98–111, 111.

Chapter 2: Lethal Punishment in Tennessee and Florida

1. M. Watt Espy and John Ortiz Smykla, "Executions in the United States, 1608–1991: The Espy File," 3rd ed. (Ann Arbor, MI: Inter-university Consortium of Political and Social Research, 1994).
2. Felonies, *Compilation of the Statutes of Tennessee*, chap. 23, secs. 2–5 (1836); Act Relative to Capital Punishment, *Acts of Tennessee*, chap. 29, "Twenty-second General Assembly, 1837–1838." James R. Acker and Charles S. Lanier, "Beyond Human Ability? The Rise and Fall of Death Penalty Legislation," in *America's Experiment with Capital Punishment*, 2nd ed. (Durham: Carolina Academic Press, 2003), 85–125, 91; Margaret Vandiver, David J. Giacopassi, and Mazie S. Curley, "The Tennessee Slave Code: A Legal Antecedent to Inequities in Modern Capital Cases," *Journal of Ethnicity in Criminal Justice* 1 (2003): 67–89.
3. *Memphis Daily Avalanche*, June 1, 1861, 3. I use the defendant's first name because, as a slave, he had no surname.
4. Act to Provide for the Infliction of the Death Penalty in Private, *Tennessee Public Acts*, chap. 112, Forty-third General Assembly, 1883; Act to . . . Provide That Execution . . . Be Held within an Enclosure, *Tennessee Public Acts*, chap. 500, Fifty-sixth General Assembly, 1909. An article with a detailed description of a public execution and a complaint about the presence of women with their "finer sensibilities" at the scene appeared in the *West Tennessee Whig*, June 15, 1849, 3.
5. *Memphis Commercial Appeal*, July 19, 1905, 5.
6. Act to Provide for the Execution of Persons . . . by Electrocution, *Tennessee Public Acts*, chap. 36, Fifty-eighth General Assembly, 1913.
7. Hugo Adam Bedau, ed., *The Death Penalty In America: Current Controversies* (New York: Oxford University Press, 1997), 11, table 1-3. William Tines was executed for rape on November 7, 1960. For a description of Tines and the crime for which he was convicted, see Richard Urban, "Ultimate Penalty: The Story of William Tines, Tennessee's Last 'Dead Man Walking,'" *Nashville Scene*, November 7, 14, 1996.
8. Stewart E. Tolnay and E. M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Urbana: University of Illinois Press, 1995), 37–38; 45–46. NAACP, *Thirty Years of Lynching in the United States 1889–1918* (1919; repr., New York: Arno Press, 1969). As noted elsewhere, there are errors and omissions in the NAACP inventory.
9. *New York Times*, February 20, 1881, 1.
10. The lynchings of Lee Walker and Ell Person in Memphis are described later in the book. For a detailed account of the lynching of Edward Johnson in Chattanooga, see Mark Curriden and Leroy Phillips Jr., *Contempt of Court: The Turn-of-the-Century Lynching that Launched 100 Years of Federalism* (New York: Faber and Faber, 1999). See Robert P. Ingalls, *Urban Vigilantes in the New South: Tampa, 1882–1936* (Knoxville: University of Tennessee Press, 1988) for a history of lynching in Tampa, Florida.

11. Andrea Sutcliffe, ed., *Mighty Rough Times, I Tell You: Personal Accounts of Slavery in Tennessee* (Winston-Salem, NC: John F. Blair, 2000), 25–26.
12. “Summary of Lynchings for 1924,” NAACP Papers, sec. 7, ser. A, reel 20, frame 360. The papers of the NAACP are an invaluable resource for research into lynching. I made extensive use of the files of the antilynching campaign. Papers of the NAACP: The Antilynching Campaign, 1916–1955, sec. 7, ser. A, various reels (microfilm located in McWhorter Library, University of Memphis; originals in the Manuscript Division, Library of Congress). Hereafter cited as NAACP Papers.
13. E. H. Marshall, *History of Obion County* (Union City, TN: Daily Messenger, 1941), 167–72, 167.
14. Act to Preserve the Public Peace, *Acts of the State of Tennessee*, chap. 54, Thirty-sixth General Assembly, 1869–1870; Act to Punish Sheriffs Who Permit Prisoners in Their Custody to Be Put to Death by Violence, *Acts of the State of Tennessee*, chap. 45, Forty-second General Assembly, 1881; Act to Prevent and Punish the Formation or Continuance of Conspiracies,” *Acts of Tennessee*, chap. 52, Fiftieth General Assembly, 1897; Act to Provide for a State Police, *Public Acts of the State of Tennessee*, chap. 96, Sixty-first General Assembly, 1919. This last act is further discussed in chapter 10.
15. “Races: White Blood for Black,” *Time*, December 31, 1934, 11. *Time* referred to members of the mob as rabble and hillbillies and called Harris a blackamoor. Harris was legally executed in 1936.
16. “Tennessee: Morning in Bledsoe County,” *Time*, December 4, 1944, 22; *Nashville Tennessean*, November 24, 1944, 1, 18.
17. David R. Colburn, “Florida Politics in the Twentieth Century,” in *The New History of Florida*, edited by Michael Gannon (Gainesville: University Press of Florida, 1996), 344–72, 345, 357.
18. Quoted in Samuel Proctor, *Napoleon Bonaparte Broward: Florida’s Fighting Democrat* (Gainesville: University Press of Florida, 1993), 50.
19. J.C. Powell, *The American Siberia Or, Fourteen Years’ Experience in a Southern Convict Camp* (1891; repr., with an introduction by William Warren Rogers, Gainesville: University Presses of Florida, 1976), 154–60.
20. Special Commission for the Study of Abolition of Death Penalty in Capital Cases, *Report of the Special Commission* (Tallahassee: State of Florida, 1963–65), 7.
21. *Blitch v. Buchanan*, 131 So. 151 (Fla. 1930). Blitch quoted in Ken Driggs, “A Current of Electricity Sufficient in Intensity to Cause Immediate Death: A Pre-*Furman* History of Florida’s Electric Chair,” *Stetson Law Review* 22 (1993): 1169–1209, 1183, 1184. Frank Johnson was the first person to die in Florida’s electric chair. *Florida Times-Union*, October 8, 1924, 1.
22. The Florida Supreme Court noted that “the jury can recommend mercy without rhyme or reason. Its authority in this regard is bounded only by the conscience of the jurors.” *Pait v. State*, 112 So.2d 380 (Fla. 1959), 385.
23. *Davis v. State*, 123 So.2d 703 (Fla. 1960), 707.
24. See Driggs, “A Current of Electricity”; Margaret Vandiver, “The Quality of Mercy: Race and Clemency in Florida Death Penalty Cases, 1924–1966,” *University of Richmond Law Review* 27 (1993): 315–43.
25. Margaret Vandiver, “Race, Clemency, and Executions in Florida 1924–1966” (master’s thesis, Florida State University, 1983), 167, citing data from Vital Statistics.

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27. Jerrell H. Shofner, *Nor Is It Over Yet: Florida in the Era of Reconstruction, 1863–1877* (Gainesville: University Presses of Florida, 1974), 88.
28. *Jacksonville Journal*, July 15, 1927, 5.
29. Jerrell H. Shofner, "Judge Herbert Rider and the Lynching at LaBelle," *Florida Historical Quarterly* 59 (1981): 292–306, 295; *Pringle v. State*, 115 So. 543 (Fla. 1927); Driggs, "A Current of Electricity," 1193.
30. Hans Zeisel, "Race Bias in the Administration of the Death Penalty: The Florida Experience," *Harvard Law Review* 95 (1981): 456–68, 466.
31. *Goshea v. State*, 121 So. 797 (Fla. 1929), 798, 799.
32. *Ft. Lauderdale Daily News*, February 20, 1945, 1.
33. Arthur F. Raper, *The Tragedy of Lynching* (Chapel Hill: University of North Carolina Press, 1933), 28; David Colburn and Richard Scher, *Florida's Gubernatorial Politics in the 20th Century* (Tallahassee: University Presses of Florida, 1980), 13; Tolnay and Beck, *Festival of Violence*, 37. A calculation of lynching rates that included western states found that Montana's and Wyoming's rates were higher than Florida's, and that Arizona's rate was close to Florida's. Stephen J. Leonard, *Lynching in Colorado, 1859–1919* (Boulder: University Press of Colorado, 2002), 175, table A.3.
34. Robert L. Zangrando, *The NAACP Crusade against Lynching, 1909–1950* (Philadelphia: Temple University Press, 1980), 5, table 1; Tolnay and Beck, *Festival of Violence*, 273, table C-4; NAACP, *Thirty Years of Lynching*, 53–56.
35. Frank Shay, *Judge Lynch: His First Hundred Years* (1938; repr., New York: Biblo and Tannen, 1969), 128–30.
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38. Shofner, "Judge Herbert Rider," 294.
39. Jack E. Davis, "'Whitewash' in Florida: The Lynching of Jesse James Payne and Its Aftermath," *Florida Historical Quarterly* 68 (1990): 277–98.
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41. Quoted in McGovern, *Anatomy of a Lynching*, 12.
42. Walter T. Howard, *Lynchings: Extralegal Violence in Florida during the 1930s* (Selinsgrove, PA: Susquehanna University Press, 1995), 92.
43. Davis, "'Whitewash' in Florida," 291.
44. Howard, *Lynchings*, 15, 149.
45. McGovern, *Anatomy of a Lynching*.
46. J. Edwin Holsberry and W. B. Driver to Governor Spessard Holland, April 11, 1944, Pardon Board (RG 690, ser. 443-A), Pleas Dixon case file, Florida State Archives (FSA), Tallahassee.
47. Sheriff P. D. Reddish to Gov. Fuller Warren, November 15, 1950, Pardon Board (RG 690, ser. 443-A), Walter McDonald case file, FSA.
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*“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 Manel	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 Blighton	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

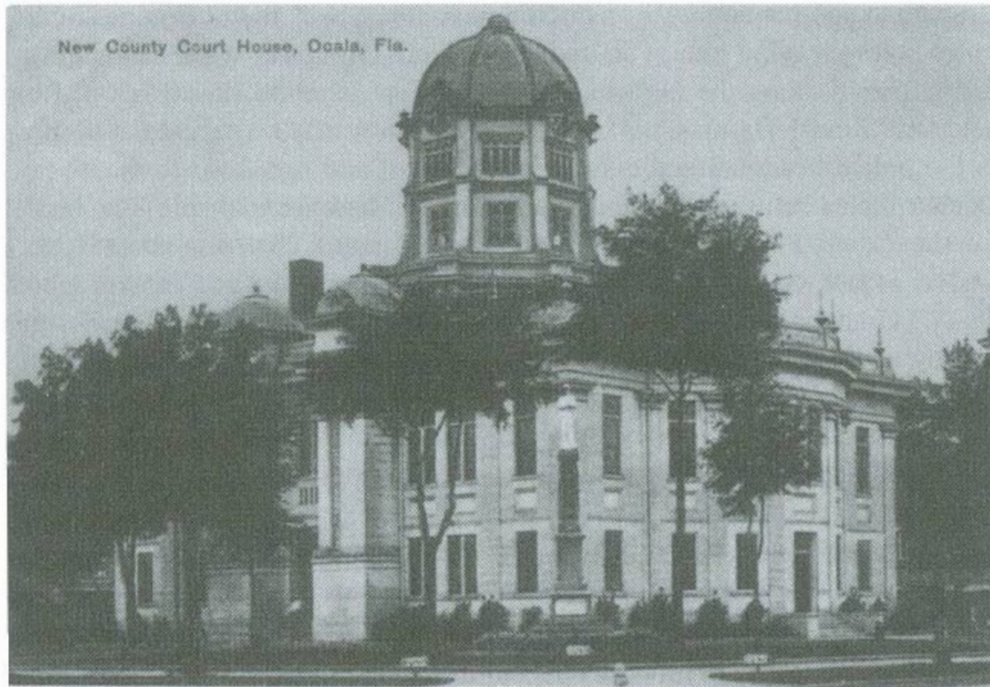


FIGURE 4. Marion County Courthouse, Ocala, Florida. Courtesy of the Florida Photographic Collection, State Archives of Florida.

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. Blitch, 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. Blitch 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 Blitch 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.” Blitch 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 Blitch 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 Blitch 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 influencial [*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.

APPENDIX A: SOURCES AND METHODS

Gathering the data for this study presented a number of challenges. The first and, in some ways the greatest, difficulty was that complete lists of executions and lynchings do not exist. Thus, I had to begin by confirming and supplementing existing inventories in order to construct lists as complete and accurate as possible for the times and places under study. These lists provided a beginning point for data collection. For each case, I searched extensively for all information available from official and unofficial sources.

Executions

COMPILING AN INVENTORY

By the early twentieth century, most states had assumed authority for executions, moving them from the counties of conviction to the central state prison. All executions carried out under state authority are documented; lists of these executions can be obtained from state departments of correction but are more conveniently available in the appendix to William J. Bowers's 1984 book, *Legal Homicide*.¹ This list gives the defendant's name, race, age, date of execution, offense for which convicted, and county of conviction and notes whether any appeal was taken. The beginning date of the list varies by state, depending upon when executions were moved from county to state authority. Tennessee moved to state executions in 1909 and Florida did so in 1924.

There are two sources for systematic inventories of executions under local authority. The *Chicago Tribune* published an annual listing of executions from 1882 through 1918. A more detailed and reliable source is Watt Espy's inventory of executions. Espy's data for the period 1608 through April 24, 1991, have been computerized and made available to researchers through the Inter-university Consortium of Political and Social Research.² At the time of computerization, Espy's list included 14,634 executions performed under civil authority. The data include offender's name, race, age, sex, and occupation; crime committed; and

the county, state, method, and date of execution. The data also indicate whether the execution occurred under local or state authority and, in the cases of slaves, whether the slave owner was compensated for the slave's execution.³

A further source of information on early executions in Tennessee appears in a small volume on Tennessee's county jails, published in 1979.⁴ The authors, Paul and Sophie Crane, traveled to every county in Tennessee, photographed the local jail, interviewed the jailers, and recorded details about each institution, including the meal served the inmates on the day they visited. For each county the Cranes listed lynchings and legal executions, drawing upon the Tuskegee records for lynchings and upon Tennessee legislative reports for early executions.

SOURCES OF INFORMATION

When the date of an execution is established, it generally is not difficult to find basic facts about the case: the race and gender of the defendant and often of the victim, the location and dates of crime and trial, the existence of any legal appeals or requests for executive clemency, and often some description of the crime. There are several sources for this information. Newspapers often carried detailed descriptions of crimes, trials, and executions, although this coverage was not consistent, contained errors, and often did not meet modern standards of objectivity. State appellate opinions in capital cases are generally published, although in Tennessee this was not always the case.⁵ County courthouses or archives may preserve trial transcripts and pre- and posttrial legal filings; occasionally statements of police and witnesses are also available. State archival collections are the best source for information on requests for executive clemency; the clemency files often contain correspondence, petitions, legal papers, and descriptions of the case and the defendant not available elsewhere. Death certificates can provide information on defendants' and victims' ages, occupations, places of birth, and the like.

In general the total amount of paper generated by capital cases during the years under study was but a tiny fraction of the information available on modern cases, and much of what did exist at the time of execution may not be extant. Problems in obtaining information are generally greatest with the older cases. Despite these limitations and difficulties, basic information is available on almost all executions during the years covered by this study, and in some cases there are sufficient records to provide extensive detail.

Lynchings

COMPILING AN INVENTORY

The number of lynchings that occurred in any particular geographical area is unknown and probably will remain so.⁶ The difficulties in establishing a complete list of lynchings and gathering reliable data about them are much greater than doing so for legal executions. The first problem lies in defining lynching. For this study, I use the following definition: "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.”⁷ While not perfect, this definition has probably been the one most widely used by researchers.

There are several inventories of lynchings. The earliest is the annual list of victims of lynching published by the *Chicago Tribune* between 1882 and 1918. Christopher Waldrep explains that the newspaper’s owner hoped to achieve a new style of reporting, one based on objective facts. To achieve this goal, he began publishing a “phalanx of facts, numbers, and tables.”⁸ Despite errors and omissions in this inventory, it forms a very useful beginning point for documenting lynchings within geographic areas and/or particular time periods.

The NAACP published an inventory of lynching for the years 1889 through 1918 in a volume titled *Thirty Years of Lynching in the United States*. Yearly supplements updating the inventory were published in the *Crisis*. As with the *Chicago Tribune*, there are numerous errors and omitted cases in the NAACP listing. The Tuskegee Institute also kept records of lynchings, providing annual summaries of figures to newspapers. The compilers of these lists used different definitions of lynching, with the result that their counts for the same years sometimes differ.⁹

One of the first things anyone researching lynching learns is the limitations of the existing inventories. Early researchers did an extraordinary job with the resources available to them, and without their work the modern researcher would face a nearly insurmountable task. Nonetheless, these inventories are riddled with error, to such an extent that they should not be used as the basis of quantitative analyses of lynching.¹⁰ Despite their limitations, these compilations provide a starting point for building an inventory of lynchings. The information they contain can be confirmed, corrected, and supplemented through local newspapers and other sources of information as discussed below.¹¹

I used several more recent lynching inventories to supplement the older ones. First is the Historical American Lynching Data Collection Project (HAL), an innovative and promising online effort to document lynchings.¹² The project is headed by Dr. Elizabeth Hines of the Earth Sciences Department at the University of North Carolina, Wilmington, and Dr. Eliza Steelwater, an independent scholar in Bloomington, Indiana. The basis of the HAL dataset is the data gathered by Stewart E. Tolnay and E. M. Beck. Tolnay and Beck began with the three inventories described above and corrected and supplemented them by an exhaustive search of contemporary newspapers.¹³ The Tolnay/Beck inventory covers 1882 to 1930 in ten southern states. The HAL project plans to build on these data: “The project is very broadly focused and is intended to continue indefinitely. The goal is to accumulate a database of lynchings that took place at any date within the present borders of the United States. We hope to make the lynching database analogous to the comprehensive list of legal executions compiled by M. Watt Espy.”¹⁴ Hines and Steelwater provide an “automated lynching data submission form” so that new information can conveniently be submitted to them. Of great use to researchers is the fact that the project has posted its inventory of

lynchings in a publicly accessible file. Using this inventory, I found several cases I had not learned of from other sources.¹⁵ The HAL project already provides an important service to researchers and is likely to become the standard inventory of southern lynchings.

I made use of two other inventories of Tennessee lynchings. As mentioned above, Sophie and Paul Crane's book on the jails of Tennessee includes county by county lists of lynchings and legal executions. A second source is the online listing of Tennessee lynchings maintained by James B. Jones, the state historian.¹⁶ Jones's inventory is particularly useful for the years preceding those covered by other listings. Susan Elizabeth Jean's inventory of lynchings in Florida was very useful in working with Marion County cases.¹⁷ Finally, I read through the indexes of the *New York Times* from 1860 to 1930, noting every lynching listed in the geographic areas covered in the book, and the indexes of Norton H. Moses's bibliography on lynching and vigilantism.¹⁸

I compiled lists for each county, including every case mentioned in any of the sources I consulted. As I gathered information on each case, I placed it in one of four categories. Confirmed cases were those I was able to document as meeting the definition of lynching. Eliminated cases were those that did not fit the definition of lynching or happened outside the geographic areas covered by this study.¹⁹ I classified as uncertain cases in which outcome was unclear.²⁰ Finally, I had a category of unconfirmed for cases mentioned in other inventories that I was unable to document.²¹

All inventories of lynching probably undercount cases, especially for the early years. For a killing to be recorded as a lynching in one of the inventories, the event first had to be recognized as such locally, and its occurrence had to be noted in the local papers or in some other way. Then the local record had to reach the attention of people outside the area, usually by being published in a regional paper. This would lead to the *Chicago Tribune*, the NAACP, and/or the Tuskegee Institute becoming aware of the event and recording it in their inventories. Occasionally, however, the standard inventories would miss even a highly publicized case. The NAACP, for instance, did not record the 1893 lynching of Lee Walker, and the *Chicago Tribune* located the lynching in New Albany, Mississippi. Walker was lynched in downtown Memphis before thousands of spectators and the case was covered extensively in the Memphis press. If such a case was missed or misclassified, it is easy to imagine the same happening with obscure rural lynchings.

Many lynchings remain unidentified and may never be documented. Some victims of lynchings simply disappeared, their fates never known or recorded. Some lynchings probably were known locally but word of the event never reached beyond the community. Other cases may have received brief coverage in local papers but were not picked up by wire services.²²

In the course of background reading for this project I came across descriptions of killings that may have been lynchings but were unlisted by any inventories. A county history had the following case:

John Davis, another negro who had made himself very obnoxious to the citizens, was captured. He was a blacksmith and General [Nathan Bedford] Forrest said, "John, I need a good blacksmith, so I guess I will take you along with me." John at once said, "I had rather go to hell than go with you." Forrest turned to his men and simply said, "Boys, take him out and start him." They took him and another negro, who was a barber, down by the Eaton road east of the railroad in a gum thicket and shot them. I saw them just after they were shot. They were buried where they fell.²³

A memoir written by a labor organizer who worked in the west Tennessee and east Arkansas areas described an event remembered from his childhood:

Two blacks had escaped from prison. They made their way to a wooded area in Lauderdale County. . . . A posse was formed, and the band of white men set out. . . . This mob was led by Deputy Sheriff Jeff Yarbrough. . . . He knocked down the front door and went in with two guns blazing. He shot both men, but Jeff Yarbrough died there. . . . The posse brought one wounded man back to Halls and proceeded first to lynch him and then to shoot his body to pieces. The other prisoner somehow managed to escape.²⁴

These cases do not appear on any of the lynching inventories I have examined. They point to the importance of more research in primary and local sources, as difficult as it is to do such research systematically and comprehensively.²⁵

The importance of having a clear definition of lynching is obvious when one is confronted with marginal cases. It can be very difficult to know how to categorize a particular killing. Take for instance the case of Lum Ward, listed by the NAACP, the *Chicago Tribune*, and the *Cranes* as having been lynched in Obion County, Tennessee, in September 1895. His lynching is not listed by Jones or by the HAL project. Only sporadic issues of the local newspaper exist for 1895, and I was delighted to find that the issue for the relevant date had been microfilmed. I reviewed it with difficulty, as the paper from which the microfilm had been made was dark, discolored, and partially burnt or eaten by insects. All articles near the edges of the paper had been destroyed, but the center columns were still barely legible. I found a small article headlined "Lum Ward Killed." The paper reported that Ward was found dead in the public road, having been shot several times in the head and body. Ward had had an argument with several white men some weeks earlier and had been shot and cut at that time. He was on his way to court to testify against the men when he was killed. The white men in question were called before a grand jury and convinced the jurors that they had not been in the area when Ward was killed. The newspaper, calling Ward "a worthless negro" and "a dangerous man," concluded, "It is now supposed some person had a grudge against Ward and took advantage of circumstances to put him out of the way."²⁶ The only other information I found on Ward's case came

from a county history that stated Ward had been suspected as one of a band of robbers but was released for lack of evidence. Soon afterward, “he became involved in an attack on . . . a well known farmer . . . which resulted in the killing of Ward.”²⁷

These sources documented that Lum (Wood) Ward had been killed at the place and time specified in lynching inventories. But they did not answer the question of whether Ward’s killing was a lynching. The death was a homicide and seems to have been racially motivated. But was it carried out by a group or by one or two individuals? Was it done under the “pretext of service to justice, race, or tradition,” or was it done to settle a personal grudge? Without a death certificate, without a prosecution that would have left some account of the event, without further news articles, it seems impossible to learn enough about the event to confidently categorize it. I therefore dropped it from my list of lynchings.

Another case that is difficult to classify occurred in Obion County in 1908, during the time of the night rider disorders. The case is unusual because the victim was a well-known white man, a county squire named George W. Wynne. Wynne had been heard to say that blacks were better than night riders. For this remark, he was brutally whipped with a thorn bush by the riders and died from his injuries ten months later. One man was indicted for the whipping but never stood trial.²⁸ I have chosen to omit this case from my inventory because it is not clear that the night riders intended to kill their victim. They administered a severe beating, probably in order to intimidate and humiliate George Wynne, and his death was probably a predictable result of that abuse, but because there is some ambivalence about intent to kill, I excluded the case.

A 1940 Dyer County case also presented difficulties of classification. Roosevelt Wiseman, a black man wanted for wounding an Arkansas state highway patrolman, was surrounded, shot, and killed by a number of Dyer County law enforcement officers. The local newspaper reported that Wiseman had the patrolman’s gun and attempted to shoot the officers with it. This killing could be considered a posse lynching, but because the victim may have been armed and offering resistance, I do not include it in my inventory.²⁹

Throughout this study, I have included cases as lynchings only if the sources I located indicate the case clearly met the provisions of the definition given above. By adopting this standard, I am confident that my errors are consistent. I could not solve the problem of undercounting lynchings, but I could take every step to avoid overcounting cases. Two excellent recent studies of lynching indicate that overcounting is a serious problem. Tolnay and Beck found that “roughly one of every six previously reported lynchings failed to meet” the same definition used in this study. Similarly, George Wright took a “conservative approach,” dropping cases from the inventories of the *Chicago Tribune*, the NAACP, and the Tuskegee Institute if he found evidence that the victims were armed.³⁰

SOURCES OF INFORMATION

It is more difficult to collect information on lynchings than on executions.³¹ The primary problem is the lack of official records. Records of investigations, indictments, and prosecutions of lynchers are striking in their almost complete absence. The quasi-approved status of lynching meant that prosecutions were exceptionally rare; investigations, if they occurred at all, were usually superficial. Thus, official records provide almost no information, with the exception of death certificates and occasional county coroners' reports.³² Files of governors' correspondence in state archives occasionally contain letters concerning lynching, which may provide some information on specific cases.

Newspapers, therefore, form an indispensable source of information on lynching.³³ There are significant limitations and problems with the information provided by newspapers, however, and it is necessary to use their accounts with skepticism and caution. Newspapers did not always cover local lynchings. Newspaper stories often contained inaccurate information, and several stories about one lynching frequently contradict each other on important facts.³⁴ Papers occasionally reported lynchings, only to retract the story in a subsequent issue.³⁵ National papers usually drew their accounts from local stories and thus repeated inaccuracies and distortions. Newspapers outside the area sometimes reported bizarrely distorted accounts of events.³⁶

One of the most serious limitations to newspapers as a source is that the vast majority of extant local papers were owned and written by whites. This makes them useful for studying the attitudes of the white authors of the stories toward lynching but limits their usefulness as unbiased accounts of what occurred, and makes them almost worthless as a source of information on the feelings and experiences of local blacks. Newspaper accounts can occasionally be supplemented by personal memoirs and local histories, which, however, generally share the shortcomings of newspapers, in addition to being less systematic in their coverage.

The clipping files of the Tuskegee Institute, available on microfilm, are an excellent source of relevant newspaper articles and are particularly valuable if one is seeking to discover how much publicity certain lynchings received outside their immediate geographic areas and what attitudes the northern versus southern and white versus black newspapers took toward the cases. Some cautions should be noted however in terms of using the clipping files as a source of data about cases. The Tuskegee Collection consists largely of clippings from regional and national papers rather than from the urban dailies and rural weeklies of the locations where the lynchings happened. I have found that regional and national papers often contradicted local accounts on important points, and where I have been able to evaluate accuracy, the local accounts seem to be more reliable. The records of the NAACP, also available on microfilm, are a rich source of information and are one of the few extant sources to offer a perspective other than that of local whites. These records include news clippings, correspondence

with local people and with state and federal officials, and in some cases full reports by NAACP investigators.

I have searched widely for other sources of information on cases, including such official documents as death certificates, morgue records, and documentation of any subsequent court proceedings. I have looked for mention of the cases in the correspondence files of the governors and have read local histories, memoirs, and published diaries. Despite these efforts, in many of the cases I researched I found little or no information. It is a disturbing fact that many lynchings seem to have left little trace in either official or public records, although they may still be remembered privately, particularly by the families involved.

To sum up, formidable challenges face the researcher trying to study lynching. Walter Howard advises researchers to use "extra caution" in evaluating the available records and warns that "precisely determining the source and development of extralegal violence in its varied contexts is exceedingly difficult." In a recent article reflecting on the problems of reconstructing what happened in an Arkansas lynching, Vincent Vinikas concluded that much of what occurred is simply lost forever.³⁷

Data on Executions and Lynchings Compared

I have much more confidence that my list of executions is complete than I do for my list of lynchings, and I have full confidence that I have not overcounted legal executions. As discussed above, I am certain that I did undercount lynchings, and despite my conservative standard for inclusion of cases, I may have mistakenly included a few cases that should be classified as murders rather than lynchings.

The extant records on executions tend to have more information on the defendant than on the victim. For lynchings, the opposite is the case. What little is known concerns the victim of the lynch mob, and almost nothing can be learned about the perpetrators, despite the fact that the perpetrators' identity was often known by the entire community. But the impunity with which mobs were allowed to operate means that only rarely can the researcher determine who was a part of a lynch mob.

The lack of information on perpetrators makes it particularly difficult to determine the motives of individuals in the mob. While newspaper accounts and editorials can serve as a rough indication of the overall attitude of the white public toward the mob, it is an error to assume that the same motives drove all mob members. It is quite possible that some mob members used the excuse of white supremacy as a cover to settle personal grudges and to act on personal and economic jealousies. The individual thoughts, motivations, and feelings of the perpetrators will remain unknown in most cases.

For all the cases in this study, both lynchings and legal executions, the greatest frustration was that there was never enough information to answer the questions raised by the information that was available. Even where many

detailed accounts of a case were found, they were never sufficient to give a full understanding of the event. In this regard, I came up against what Vinikas calls “the limits of historical inquiry.” I have tried to recognize those limits in this work by not overreaching the data or placing “insuperable demands upon the evidence.”³⁸

APPENDIX B: INVENTORY OF CONFIRMED LYNCHINGS AND LEGAL EXECUTIONS

Confirmed Lynchings in Northwest Tennessee, Civil War to 1940

Date	Name	Race	Offense	Place
Civil War	[?] Roberson	W	Robbery	Lauderdale
January 29, 1869	Bud Evans	W	Horse theft	Dyer
January 29, 1869	Jim Evans	W	Horse theft	Dyer
January 29, 1869	Giles Moody	W	Horse theft	Dyer
April 24, 1871	William Johnson	B	Taking sheriff's papers/threats	Weakley
April 24, 1871	Edward Johnson	B	Taking sheriff's papers	Weakley
December 19, 1871	Levi Farrington	W	Robbery	Obion
December 19, 1871	David Towler	W	Murder of white man	Obion
August 24, 1872	W. J. Martin	W	Murder of wife	Lauderdale
November 1, 1873	Unknown man	Unknown	Murder of sheriff	Lauderdale
August 26, 1874	Unknown prisoner	B	Resisting whites/ KKK	Gibson
August 26, 1874	Unknown prisoner	B	Resisting whites/ KKK	Gibson
August 26, 1874	Unknown prisoner	B	Resisting whites/ KKK	Gibson
August 26, 1874	Unknown prisoner	B	Resisting whites/ KKK	Gibson
August 26, 1874	Unknown prisoner	B	Resisting whites/ KKK	Gibson
September 5, 1882	Wilson Wade	B	Rape of white woman	Obion

Inventory of Lynchings and Executions 197

Date	Name	Race	Offense	Place
March 11, 1885	Ambrose Young	B	Outlaw gang	Obion
March 11, 1885	Charles Latham	B	Outlaw gang	Obion
March 11, 1885	Frank Freeman	B	Outlaw gang	Obion
April 13, 1885	Bud Farris	W	Outlaw gang/ burglary	Obion
April 13, 1885	Freeman Ward	B	Outlaw gang/ burglary	Obion
March 29, 1886	Weakley Bidley	B	Murder of white man	Crockett
March 29, 1886	Tobe Wais	B	Murder of white man	Crockett
October 14, 1886	Matthew Washington	B	Rape of white woman	Dyer
March 17, 1887	William Hardy	B	Murder of white man	Obion
April 13, 1887	John Thomas	B	Rape of white child	Obion
December 7, 1887	Andy Miller	B	Rape of white child	Obion
December 7, 1887	Adam Charles	B	Rape of white child, accessory	Obion
December 7, 1887	William Smith	B	Rape of white child, accessory	Obion
October 26, 1888	Henry Jones	B	Threats, killed horses	Obion
March 16, 1890	Henry Williams	B	Beating white woman	Crockett
August 16, 1890	Henderson Fox	B	Rape of white child	Gibson
August 16, 1890	Thomas Woodward	B	Robbery of white man	Gibson
August 27, 1892	Dennis Blackwell	B	Attempted rape of white girl	Crockett
October 3, 1892	Alex Bell	B	Attempted rape of white woman	Obion
June 7, 1893	L. C. Dumas	B	Attempted rape of white woman	Weakley
July 27, 1893	Edgar Bell	B	Murder of black man	Weakley

Date	Name	Race	Offense	Place
March 6, 1894	Gregory Lampson	B	Knowledge of thefts	Crockett
June 23, 1896	Manly Bennett	B	Attempted rape of white woman	Gibson
May 23, 1898	Joseph Mitchell	B	Murder	Obion
January 9, 1900	Frank Gingery	B	Brother of murderers of officers	Lauderdale
January 9, 1900	Reuben Gingery	B	Brother of murderers of officers	Lauderdale
January 15, 1900	Anderson Ganse	B	Aiding suspected murderers	Lauderdale
March 22, 1900	Louis Rice	B	Testifying for black man	Lauderdale
October 3, 1900	[?] Williams	B	Robbery/assault of white man	Lake
February 18, 1901	Fred King	B	Attempted rape of white woman	Dyer
March 17, 1901	Ike Fitzgerald	B	Rape of white woman	Lake
October 8, 1902	Garfield Burley	B	Murder of white man	Dyer
October 8, 1902	Curtis Brown	B	Murder of white man	Dyer
December 18, 1903	Joseph Drake	B	Murder of white man	Lauderdale
October 29, 1906	George Estes	B	Murder of deputy	Lauderdale
July 22, 1907	Unknown man	B	Fight with white man	Lake
July 22, 1907	Unknown man	B	Fight with white man	Lake
October 19, 1908	Quentin Rankin	W	Dispute over Reelfoot Lake	Obion
November 24, 1908	Marshall Stineback	B	Murder of deputy	Lake
November 24, 1908	Robert Stineback	B	Murder of deputy	Lake
November 24, 1908	Tee Stineback	B	Murder of deputy	Lake
September 12, 1910	William Sharp	B	Entering white girls' room	Lake
September 12, 1910	Robert Bruce	B	Entering white girls' room	Lake

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Date	Name	Race	Offense	Place
March 21, 1913	John Gregson	B	Murder of white man	Obion
November 7, 1913	John Talley	B	Attempted rape of white woman	Dyer
September 4, 1915	Mallie Wilson	B	Attempted rape of white woman	Weakley
March 18, 1917	William Thomas	B	Murder of police constable	Lauderdale
December 2, 1917	Lation Scott	B	Rape of white woman	Dyer
May 29, 1929	Joseph Boxley	B	Rape of white woman	Crockett
April 18, 1931	George Smith	B	Attempted rape of white woman	Obion

Legal Executions in Northwest Tennessee, Civil War to 1940

Date	Name	Race	Offense	Place
May 10, 1889	Tom Conder	W	Murder of father	Obion
September 19, 1900	Henderson House	B	Murder of white man	Lauderdale
August 8, 1906	John Mitchell	B	Murder of black man	Dyer
January 13, 1912	Tom Kinnon	B	Rape of white woman	Haywood/ Gibson
July 13, 1916	Julius Morgan	B	Rape of white woman	Dyer/ Shelby
September 4, 1940	William Henry	W	Murder of white man	Dyer

Confirmed Lynchings in Shelby County, Tennessee, 1890–1930

Date	Name	Race	Offense
March 9, 1892	Calvin McDowell	B	Dispute with whites/attempted murder
March 9, 1892	Thomas Moss	B	Dispute with whites/attempted murder
March 9, 1892	William Stewart	B	Dispute with whites/attempted murder

Date	Name	Race	Offense
February 11, 1893	Richard Neal	B	Rape of white woman
July 22, 1893	Lee Walker	B	Attempted rape of white woman
August 31, 1894	Warner Williams	B	Barn burning
August 31, 1894	Daniel Hawkins	B	Barn burning
August 31, 1894	Robert Haynes	B	Barn burning
August 31, 1894	Edward Hall	B	Barn burning
August 31, 1894	John Hayes	B	Barn burning
August 31, 1894	Graham White	B	Barn burning
October 10, 1905	Luther Billings	B	Attempted rape of white woman
June 2, 1911	Patrick Crump	B	Attempted rape of white woman
May 22, 1917	Ell Persons	B	Murder of white girl
September 28, 1927	Tommie Williams	B	Attempted rape of white woman

Legal Executions in Shelby County, Tennessee, 1890–1930

Date	Name	Race	Offense
June 24, 1890	Frank Brenish	W	Murder of his wife
June 24, 1890	Parker Harris	B	Murder of his wife
June 24, 1890	Ed Carr	B	Murder of his wife
June 24, 1890	Hardy Ballard	B	Murder of white man
July 24, 1894	Harry Bennett	B	Murder of his wife
August 19, 1897	Harvey Deberry	B	Attempted rape of white child
August 6, 1901	Nathan Carruthers	B	Murder of white man
July 30, 1902	Dan Farley	B	Murder of his wife
July 18, 1905	Toots Taylor	B	Murder of black man
July 18, 1905	Major Mills	B	Murder of his father-in-law
July 18, 1905	A.M. Miles	B	Murder of his wife
August 18, 1905	John Champion	B	Murder of his girlfriend
August 18, 1905	James Norfleet	B	Murder of his wife
August 18, 1905	General Bone	B	Murder of black woman
October 31, 1907	Moses Walds	B	Murder of white man
August 8, 1908	Henry Johnson	B	Rape of white child
November 9, 1910	Moses Cook	W	Murder of his wife

Date	Name	Race	Offense
November 9, 1910	John Casson	B	Murder of white boy
December 19, 1912	Leo Temple	B	Attempted rape of white child
September 3, 1920	Lorenzo Young	B	Murder of police officer
August 17, 1921	Hamp Gholston	B	Murder of white man
August 20, 1926	Charles Barr	B	Murder of white man
May 20, 1927	John Webb	B	Rape of white teenager

Confirmed Lynchings in Marion County, Florida, 1885–1932

Date	Name	Race	Offense
July 3, 1885	Caesar Carooth	B	Murder of 2 women, 1 child, all black
December 12, 1887	George Green	B	Theft of cattle
July 12, 1893	Robert Larkin	B	Rape of white teenager
May 15, 1894	Nero Young	B	Rape of white teenager
December 1, 1894	William Jackson	B	Rape of black woman
December 15, 1894	William Jones	B	Rape of white teenager
March 15, 1897	James Gilmore	B	Murder of two white men
March 15, 1897	James Miley	B	Murder of two white men
March 15, 1897	Ed Holmes	B	Murder of two white men
March 16, 1897	Otis Miller	B	Murder of two white men
June 9, 1899	Robert Alexander	B	Murder (attempted?) of city marshal
January 16, 1901	Norman McKinney	B	Trainwrecking/death of engineer
November 14, 1912	Preece Niles	B	Murder of white man and woman
November 19, 1912	John Archie	B	Complicity in murder of white man and woman
February 17, 1915	John Richards	B	Insulting white woman
December 29, 1915	Joseph Nimrod	B	Attempted rape of white child
January 28, 1916	Richard Anderson	B	Rape of white woman
February 12, 1921	Elijah Jones	B	Rape of elderly woman/ attempted rape of girl
January 11, 1926	Chandler Colding	B	Rape of white woman

Legal Executions in Marion County, Florida, 1885–1932

Date	Name	Race	Offense
January 11, 1894	Edward Dansy	B	Murder of deputy
January 13, 1897	William Lattimore	B	Murder of white man
August 10, 1909	Albert Smith	B	Murder of black man
February 16, 1912	Dave Turner	B	Murder of black woman
June 18, 1931	John Graham	B	Rape of white girl
February 26, 1932	Lee Jacobs	B	Rape of white woman