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# "Hitler is Here": Lynching in Florida During the Era of World War II

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THE FLORIDA STATE UNIVERSITY  
COLLEGE OF ARTS AND SCIENCES

"Hitler is Here": Lynching in Florida  
During the Era of World War II

By

TAMEKA BRADLEY HOBBS

A Dissertation submitted to the  
Department of History  
in partial fulfillment of the  
requirements for the degree of  
Doctor of Philosophy

Degree Awarded  
Summer Semester 2004

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In memory of  
A. C. Williams, Cellos Harrison, Willie James Howard, and  
Jesse James Payne

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pursuing a dream, no matter how distant. My mother, Dorothy Bradley, is my first and best teacher; she has continued to build me up with her belief in me and her faith in God. My father, Lawrence Bradley, is my rock; his love and steadfastness have been the foundation of my success. My husband, William Hobbs, III, has had the unfortunate job of picking up my parts the many times I have fallen to pieces during this process. For that, I thank you. My son, Ashanti, has been my inspiration, a source of comic relief, and remains my greatest body of work.

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## ABSTRACT

This historical study will examine four lynchings that took place in Florida during the 1940s. The investigations include the lynching of A. C. Williams in Gadsden County in 1941; Cellos Harrison in Jackson County in 1943; Willie James Howard in Suwannee County in 1944; and Jesse James Payne in Madison County in 1945. In addition to describing the circumstances surrounding each incident, this study also discusses the reaction of local law enforcement, Florida state public officials, the federal government, and the press. To tell these stories, the study relied on records from local and state governments, investigative records of the U. S. Department of Justice and the Federal Bureau of Investigation and, oral history from family members and residents of the communities in which these lynchings occurred.

The study gives these incidents further exploration, in attempting to fit them into the chronology of the lynching phenomenon in the United States by extracting similarities as well as changes in the practice of lynching itself. These lynchings also indicate an increasingly negative reaction but segments of the American public against such acts of violence. This was due in part to U. S. participation in World War II and the government's increasing concern about the nation's international reputation.

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## BIOGRAPHICAL SKETCH



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In 1998, Hobbs was awarded the Drusilla D. Houston Award by the Association of Black Women Historians, and in 2002, she received the J. Leitch Wright Award in Recognition of Excellence in Research from FSU History Department. Hobbs is a member of the Delta Chapter of Phi Alpha Theta History Honor Society, the Association for the Study of Afro-American Life and History, the American Historical Association, and the Florida Historical Association.

## INTRODUCTION

On the morning of May 28, 2003, at a residence in Belle Glade, Florida, Bernice Golden found her son, Feraris "Ray" Golden, hanging from a schefflera "umbrella" tree in her mother's yard. His body was fifteen feet off the ground. Ray's hands, she said, were bound behind his back. It had rained the night before but strangely, there was no mud on his shoes. She was convinced that her son had been lynched.<sup>1</sup>

Over the next few days, rumors of the lynching persisted. Word spread through the town that Ray Golden had been romantically involved with a white woman, the daughter of the sheriff, no less. Two days after the body was discovered, the medical examiner ruled his death a suicide. Law enforcement officials would later admit that they had never considered investigating the death as a homicide. While the majority of the white community accepted Golden's death as a suicide, blacks in Belle Glade were not convinced. The deep suspicion, even with significant evidence indicating Golden committed suicide, did not subside. Blacks were suspicious of law enforcement officials and did not believe they were above tampering with the evidence.<sup>2</sup>

For blacks in the Belle Glade community, the circumstances of Golden's death were very familiar: a black man hanging in a tree from a makeshift noose. The transgression was equally

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<sup>1</sup> "Was it Suicide or Murder?" *Palm Beach Post*, 27 July 2003.

<sup>2</sup> Ibid.



tragic: a black man rumored to be romantically involved with a white woman. The National Association for the Advancement of Colored People (NAACP) quickly stepped in as a mouthpiece for Belle Glade's black community. Not satisfied with having Golden's death ruled a suicide, they demanded, and received, an inquest, the first in Palm Beach County in eighteen years. Bernice Golden, Ray's mother, traveled to Memphis, Tennessee, where the Southern Christian Leadership Conference (SCLC) was holding their forty-fifth annual convention. There, she shared the stage with Martin Luther King, III, son of the slain civil rights leader, Dr. Martin Luther King, Jr., and president of the SCLC, to bring attention to the circumstances of her son's death. King urged the conference to pass a resolution seeking further investigation into Golden's death. "Black folks don't hang themselves," he said.<sup>3</sup>

As July 28—the day of the inquest—approached, public interest in the situation in Belle Glade continued to grow. National news agencies including *USA Today* and CNN came into town to report from the courtroom. Courthouse officials expected an overflow crowd and prepared to have the proceedings broadcast to other rooms in the courthouse to accommodate the spectators. As the session began in the Belle Glade courtroom, the historical legacy of racial distrust unfolded. As people took their seats, they noticed that the attendees had segregated themselves; whites sat on one side and blacks on the other. The tension was thick. During the inquest, Judge Harold Cohen heard testimony from police, investigators, and the medical examiners. Each detailed what they knew about Golden's death. One officer presented to the court the bed sheet from which they found

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<sup>3</sup> "King's Sons Coming to Glades to Investigate Hanging Death," *Palm Beach Post*, 4 August 2003.

Golden's body hanging on May 28. It was from the bed he slept on in his grandmother's home. They also showed pictures of Ray Golden's dead body to prove that the only marks on his body were around his neck. The medical examiner reported that Golden's alcohol level was four times over the legal limit for driving. Additionally, a toxicology report found traces of cocaine in his system. Even after listening to the evidence, many of the blacks remained unmoved. They sent questions to the judge asking, if Golden was drunk, how did he successfully climb into a tree and hang himself. Many still doubted that the police had done enough to investigate the possibility of murder.<sup>4</sup>

The inquest ended two days later on July 30 when Judge Cohen handed down his decision. Over the past two days, he had heard no evidence that convinced him that Ray Golden's death was the result of anything other than suicide. Aside from the case at hand, Cohen also commented of the anger and division that had gripped the community since Golden's body was found. "It's a sad commentary on our culture," Judge Harold Cohen announced to the courtroom.<sup>5</sup>

Many people, Judge Cohen included, were shocked by the radical differences in opinion that seemed to divide the community along racial lines. Any person familiar with the history of race relations in the United States, however, would not have been surprised. Golden's death brought to the surface the historical distrust that had existed in the hearts and minds of many blacks. Stories of lynching and racial violence had been passed down through generations in black families to warn careless or bold children about the unseen dangers: despite

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<sup>4</sup> "Inquest into Hanging Death Ends; Lynching Ruled Out," *Palm Beach Post*, 30 July 2003.

<sup>5</sup> Ibid.

progress, in places like Belle Glade and other rural areas throughout the South, there were certain things that white people still would not accept from black people. A black man dating a white woman was one of those things.

Golden's death triggered the historical memory of the black community. The circumstances elicited all-too-familiar memories of extralegal violence that resulted in the death of black citizens. It had all the markers of a lynching. While lynching is no longer a prominent part of American life in the way that it once was, the legacy of suspicion, distrust, and an inherent lack of faith in the legal and judicial system remains. Extralegal executions and high-level conspiracies are still plausible in the minds of many blacks because they knew of them from personal experiences or had heard of them.

Although Ray Golden's death took place in the 21<sup>st</sup> century, in the United States, the practice of lynching had been most common during the later 19<sup>th</sup> and early 20<sup>th</sup> centuries. During that period, thousands of people, primarily black men and mainly in the South, lost their lives at the hands of white vigilantes or at the ends of ropes. While rates of lynching gradually subsided after the 1930s, the practice of lynching did not go away completely.

This investigation seeks to explore the practice of lynching in the South during World War II. More specifically, this study will examine four instances of extra-legal murder committed against black men by whites between 1941 and 1945. Large crowds, nooses, and human bonfires did not, in the main, characterize the lynchings described in this study. Instead, a few individuals carried them out in secrecy. Despite the differences, these instances had the same effect as previous lynchings. The incidents colored the memories of blacks who experienced them, either directly or indirectly. Further, these

lynchings sent a warning that whites were determined to maintain the existing racial boundaries at any cost.

The first case in this study is the murder of A. C. Williams. Accused of robbery and the attempted rape of a twelve-year-old white girl, Williams was kidnapped from a jail in Quincy. The would-be lynchers hung him by his neck and shot him, but Williams survived. The following day, during his transportation to a regional hospital, Williams was kidnapped a second time and killed.

Another man, Cellos Harrison, was lynched in Marianna, in 1943. He was accused of killing a white man in February 1940, but after years of legal victories favoring Harrison, whites in the area took matters into their own hands. Harrison was kidnapped from jail and executed by lynchers. His murder, however, caught the attention and interest of federal authorities. The Federal Bureau of Investigations spent a year attempting to solve the case, to no avail.

In 1944, another tragic event took place resulting in the death of another black male. Willie James Howard broke a social taboo by giving a card and a letter to a white girl. The girl's father and two other white men apprehended Howard, bound his hands and feet, and forced him to jump into the Suwannee River.

The murder of Jesse James Payne in Madison in 1945 created a whirlwind of media attention. Accused of attempting to rape a five-year-old white girl, Payne was kidnapped from an unguarded jail and shot to death. While the lynchers were never brought to justice, the American public called the reputation of the state of Florida and its then governor, Millard F. Caldwell, into question. The negative press Caldwell received resulted in a libel suit that concluded four years after the lynching and tarnished Caldwell's political career.

The four lynchings examined in this study, while each unique in their own way, are a part of the United States' bloody lynching legacy. Each reveals a great deal about the varied responses of local, state, and federal government, as well as the American public, to extralegal murder during the 1940s. With the onset of World War II, and its billing as a war to preserve democracy in the world, Americans of all backgrounds became more sensitive to the injustice lynching represented. American citizens refused to allow public officials to sweep these instances under the rug. As a result, public servants and politicians attempted to balance the traditional acceptance of lynching and the relation of black oppression with the fascism the United States fought against in World War II. The lynchings of Williams, Harrison, Howard, and Payne can be used to understand shifting trends in the phenomenon, particularly how the practice of extra-legal murder transformed after the 1930s and how people changed in response to the violence.

Overall, this study seeks to add examples of Florida's struggle with lynching violence to the existing body of knowledge on the subject. In addition to creating a historical record, this study, along with other studies on lynching, racial violence and police brutality, helps explain the historic distrust of law enforcement on the part of some black Americans in contemporary society as communities across the nation continue to struggle with perceived injustices of racial profiling, fatal police shootings of minorities, and other incidents involving law enforcement, as the death of Ray Golden illustrated.

## CHAPTER ONE

### STRANGE FRUIT: AN OVERVIEW OF LYNCHING IN AMERICA

*Southern trees bear strange fruit  
Blood on the leaves  
Blood at the root  
Black bodies swinging in the southern breeze  
Strange fruit hanging from the poplar trees  
Pastoral scene of the gallant south  
The bulging eyes and the twisted mouth  
The scent of magnolia sweet and fresh  
Then the sudden smell of burning flesh  
Here is a fruit for the crows to pluck  
for the rain to gather  
for the wind to suck  
for the sun to rot  
for the tree to drop  
Here is a strange and bitter crop.<sup>1</sup>*

The practice of lynching that pervaded the United States from the late 19<sup>th</sup> through the early 20<sup>th</sup> century is a phenomenon that scholars from all backgrounds—history, psychology, sociology, and economics—continue to analyze. From its origins as a type of vigilante justice, lynching evolved into a form of racialized and regionalized brutality. The motivations for lynching and other types of racial violence are hardly ever simple and clear-cut. The reasons behind such actions emanate from a wellspring of hatred, bravado, anger, fear, and vengeance. These attributes seemed to flow freely throughout the

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<sup>1</sup> Lewis Allan (Abel Meeropol), "Strange Fruit," performed by: Billie Holiday, c. 1939.

South and in the psyche of its people, for it was in this section of the nation that lynching took on its most heinous form.<sup>2</sup>

The practice of lynching was born and perfected in the South. Historians recognize the South Carolina Regulator movement of the late 1760s as the country's first notable move toward vigilantism. At the time of its inception, the regulator movement sought to hasten the judicial process in areas far away from district courts, where the transportation of witnesses would have been slow or problematic. By the 1800s, the practice spread and evolved into 'lynch law.' In this formalized conception of vigilante justice, Judge Charles Lynch of Virginia, the innovator and namesake of lynch law, sought to maintain order and some semblance of justice during protracted intervals between circuit court sessions. In this process, the accused appeared before a tribunal of three judges, during which witnesses testified both for and against the defendant. If found guilty, the offending party was lashed and hung by the thumbs. Initially, it was an organized method of providing immediate justice in the absence of sanctioned legal remedies. In this way, lynch law disintegrated to the vicious practice of lynching; those persons identified as outlaws were subjected to flogging, tarring-and-feathering, or numerous other methods of embarrassment and chastisement.<sup>3</sup>

The mechanisms of lynching changed considerably as time passed and the practice spread into the American frontier. Where lynching had once been utilized as a means of speeding up

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<sup>2</sup> W. Fitzhugh Brundage, *Lynching and the New South* (Chicago: University of Illinois Press, 1993), 1-5.

<sup>3</sup> Richard M. Brown, ed. *American Violence* (Englewood Cliffs: Prentice-Hall, Inc., 1970), 20-21.

the legal process, by the 1800s it became a method of administering punishment to people whose behavior was socially unacceptable. For example, men who beat their wives or failed to provide for their families, or women who did not live up to community standards of ladyhood, could expect a visit from local groups of whitecappers or lynchers.<sup>4</sup>

Under the institution of slavery, lynching was not the first choice of punishment for slaves. In antebellum times, planters and overseers administered punishment to slaves on their plantations, thus providing immediate enforcement of their rules to control the black population and reducing the need for formal law enforcement.<sup>5</sup> When they deemed it necessary, plantation owners disciplined their own slaves using a number of methods, ranging from simple intimidation and threats, to physical punishment for the most horrendous violations. Despite the forms of physical punishment, whether whipping, paddling, or maiming, death was not an objective; slaves, regardless of their offenses, were valued, above all, for their labor.<sup>6</sup> In instances when slaves committed serious crimes which involved the larger community, whites tended to follow legal avenues, as opposed to resorting to extra-legal justice, because many slave states compensated masters for lost property following the conviction

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<sup>4</sup> Ibid.

<sup>5</sup> Hadden describes slave patrols as the predecessor of police forces in America particularly in the South. Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001).

<sup>6</sup> James W. Clarke, "Without Fear or Shame: Lynching, Capital Punishment and the Subculture of Violence in the American South," *British Journal of Political Science* 28 (UK: Cambridge University Press, 1998): 274.



and execution of a slave. This encouraged adherence to legal standards.<sup>7</sup>

In the aftermath of the Civil War and the end of slavery, blacks in the United States fought to free themselves from the legalized oppression that defined the majority of their experiences in the country. As slaves, blacks witnessed the power that laws gave the whites who either owned them or controlled their fates. During the 1860s and 1870s, the questions at the center of the Reconstruction debates revolved around the degree of civil participation and constitutional protections given to freedmen. Whites who sympathized with the freedmen also realized the need for blacks to wield the power of civil participation, the protection of the law, and the authority of the judicial system, to insure the gains they made during Reconstruction would not be encroached upon in the future. The passage of the Thirteenth, Fourteenth, and Fifteenth Amendments offered the semblance of constitutional protection by ending the practice of slavery, providing the full rights of citizenship, and giving black males the right to vote.<sup>8</sup>

While these amendments were symbolic victories, for the most part the protections they offered, without appropriate enforcement, were simply words on paper. Within this twenty-year period, blacks advanced from slavery to freedom and experienced a brief period of political inclusion, social

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<sup>7</sup> Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth Century South* (New York: Oxford University Press, 1984), 132-137.

<sup>8</sup> See Kenneth Stampp, *The Era of Reconstruction, 1865-1877* (New York: Vintage Books, 1965); Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Alfred A. Knopf, 1979); Howard Rabinowitz, *Race Relations in the Urban South, 1865-1890* (New York: Oxford University Press, 1978).

independence, and educational access, only to have it crash down around them by the 1880s. After suffering the sting of military defeat and years of "carpetbag" rule, white southerners were eager to reassert their own sense of social and political order. The withdrawal of federal troops from the South in 1877, the result of a political deal between Republicans and Democrats after the controversial 1876 election, effectively compromised that enforcement. During the dynamic period of race relations in the region between 1880 and 1900, sometimes referred to as "Redemption," southern whites successfully reestablished the control they had previously exercised over their former slaves.<sup>9</sup>

Not only did Redemption signal the halt of the gains made by freedmen and freedwomen during the era of Reconstruction, it also marked the constriction of black participation in southern politics. Southern whites accomplished this primarily through economic intimidation, social segregation, and political exclusion. In addition to these elements of control, whites used physical force to discourage further black advances in society, politics, or the economy. Because blacks had no political voice, they had no legal recourse to the injustices they endured.<sup>10</sup> As a result, during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, white supremacy and the consequential subjugation of blacks became the key themes of race relations in the South. Jim Crow laws established white social control over African Americans, keeping the framework of pre-emancipation race

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<sup>9</sup> For a comprehensive examination of the black experience during Reconstruction in Florida, see Joe M. Richardson's *The Negro in the Reconstruction of Florida, 1865-1877* (Tallahassee: Florida State University, 1965).

<sup>10</sup> See Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Vintage Books, 1998).

relations as the norm.<sup>11</sup> The policy of segregation and discrimination meant limited economic and educational opportunities, low paying jobs, and a life of abject poverty for most blacks. Furthermore, blacks were denied the basic civil rights that white Americans enjoyed. Southern whites successfully disfranchised blacks from the political process and excluded them from protection under the law. The primary example of this was the prevalent practice of lynching blacks that became a legacy of the South.<sup>12</sup> Within this system, white paternalistic and racist attitudes justified the abuse of African Americans, whether verbal or physical, as necessary for the maintenance of Southern social structure.<sup>13</sup>

It was in this climate that lynching became a feature of Southern culture and occurred regularly throughout the region. The most dramatic and tragic evidence of the increased hostility toward blacks was the rise of lynching, the extralegal murder of individuals accused of violating social codes or laws. Lynching in the American South was tortuous, widespread, and random. As a means of inflicting fear and intimidation, lynching became an effective way by which southern whites controlled blacks. The

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<sup>11</sup> The landmark U.S. Supreme Court decision in *Plessy v. Ferguson* established the constitutionality of "separate but equal" which would become the basis of so-called Jim Crow laws in the South and legal segregation in other areas of the nation.

<sup>12</sup> Walter T. Howard, "Vigilante Justice: Extra-Legal Execution in Florida, 1930-1940," (Ph.D. dissertation, Florida State University, 1987), 7-10; Walter T. Howard, *Lynchings: Extralegal Violence in Florida During the 1930s* (Selinsgrove: Susquehanna University Press, 1995); Jerrell H. Shofner, "Custom, Law and History: The Enduring Influence of Florida's 'Black Codes,'" *Florida Historical Quarterly* 55 (January 1977): 277-298.

<sup>13</sup> Charles S. Sydnor, "The Southerners and the Laws," *The Journal of Southern History* 6, (February 1940): 9-10.

practice of lynching was no longer recognized as a tool used by wealthy landowners and government officials when they attempted to maintain some form of legal and moral standards in their settlements. In their place appeared the unruly and bloodthirsty mob. Victims were no longer horse-stealing Tories, but black citizens, the fantastic malefactors and the ultimate scapegoats of everything that was wrong with the South—primarily the South's defeat in the Civil War and its subsequent reconstruction. Presumptions of innocence gave way to the immediate belief of exaggerated guilt. The whip was exchanged for the gun. Tar and feathers traded for rope and flame. Lashing was no longer sufficient punishment, as it was replaced by burning, hanging, shooting, castration, mutilation, and death.<sup>14</sup>

But what, exactly, caused a black person to be lynched? Misdeeds, specifically dealing with overstepping or ignoring established racial boundaries, required instant, unquestioned, and very often, cruel punishment. Black men in particular were lynched for a wide variety of reasons. Some had been accused of crimes such as murder or rape. Others were accused of trivial charges such as attempting to vote, unpopularity, self-defense, or testifying against a white man.<sup>15</sup>

Despite evidence to the contrary, one of the most recurring reasons given by Southerners in defense of lynching was the protection of white women against rape by black men. According to sexual legend in the region, black men were animalistic,

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<sup>14</sup> Ibid.

<sup>15</sup> Ida B. Wells, *A Red Record* (1894) in Jacqueline Jones Royster, ed., *Southern Horrors and Other Writings: The Anti-Lynching Campaign of Ida B. Wells, 1892-1900* (Boston: Bedford/St. Martin's, 1997), 75-80.

sexually uninhibited, and, in the eyes of the South, possessed an unquenchable desire for white women. It was the requirement of caste rules:

Any Negro man who makes advances toward a white woman, even though she be a professional prostitute, has broken the strongest taboo of the system and risks a terrible punishment. [S]ince he is regarded as a primitive being, emotionally unrestrained and sexually uncontrolled, the Negro man is thought by the whites to be always a potential rapist.<sup>16</sup>

Juxtaposed to this image was one of pure, virtuous, white women who were kept upon pedestals of femininity, and placed under chivalric guard by the white men of the South. Jacquelyn Dowd Hall best explained lynching as murder under the guise of chivalry. Legislators made careers by defending the racial need for lynching in the South. Coleman Livingston "Cole" Blease, U.S. Senator and former governor of South Carolina, once stated that "whenever the Constitution (of the United States) comes between me and the virtue of the white women of the South, I say to hell with the Constitution." Another prominent segregationist, Congressman James Thomas Heflin of Alabama, expounded "...that is the way I feel about it. Whenever a negro crosses this dead line between the white race and the negro race and lays his black hands on a white woman he deserves to die...it is 'the call of the blood.'" This myth and mindset preoccupied Southern social thought, and having created this

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<sup>16</sup> Allison Davis, Burleigh B. Gardner, and Mary R. Gardner, *Deep South: A Social Anthropology Study of Caste and Class* (Chicago: University of Chicago Press, 1941), 25.

"monster," white men who would carry out lynching lived "in constant fear of [their] own creation."<sup>17</sup>

For these reasons, the grounds for a lynching were not limited to an accusation of rape but included an array of minor offenses that offended or otherwise caused any slight discomfort for a white woman. These offenses included a black male winking, looking directly into the face or eyes, failing to distance himself, touching or brushing against, or whistling at a white female. In addition, not all lynching victims accused of crimes were actually guilty. Further investigation into these incidents between the 1880s and the 1930s indicate that one-third of lynching victims were falsely accused.<sup>18</sup>

The disparity between the given justification for lynching and the truth of the situation left a conspicuous breach in reasoning. For years, scholars have speculated over the causes for lynching in seeking to explain its savagery and brutality. Ida B. Wells, an internationally famous journalist and activist at the turn of the 20<sup>th</sup> century, characterized lynching as an attack on "race manhood," with the use of violence to eliminate

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<sup>17</sup> W. F. Cash, *The Mind of the South* (New York: Alfred A. Knopf, 1941), 248; J. Thomas Heflin, "A Segregationist Discusses Interracial Marriage," in Newby I.M., ed., *The Development of Segregationist Thought* (USA: Dorsey Press, 1968), 127; Hall, *Revolt Against Chivalry*; Jacquelyn Hall, "'The Mind that Burns in Each Body': Women Rape, and Racial Violence," in *Powers of Desire: The Politics of Sexuality*, ed. Ann Snitow, Christine Stansell and Sharon Thompson (New York: Monthly Review Press, 1983); Walter White, *Rope and Faggot* (New York: Arno Press and the New York Times, 1969), 56.

<sup>18</sup> Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1993), 146-149; Gunnar Myrdal, *An American Dilemma: The Negro Social Structure* (1944; reprint, New York: McGraw-Hill Book Company, 1964), 561.

black men from economic and political competition.<sup>19</sup> Another explanation centers around sexual myth and the threat of miscegenation, a concept historian Leon F. Litwack refers to as "folk pornography."<sup>20</sup> The sexual repression that characterized the religious fervor in the South, coupled with the practice of castrating lynching victims signified for many "a close relation between lynching and thwarted sexual urges."<sup>21</sup> The fact remained that white men could maintain relationships with black women, whether consensual or exploitative, without fear of retribution from black men seeking to protect the virtue of their women. In this way lynching became a method "of punishing Negroes for the white Southerner's own guilt feeling in violating Negro women."<sup>22</sup>

Despite claims that the primary function of lynching was for the "defense" of Southern white women, it also served various other purposes. The lynching of a black person, no matter the crime, served as a source of intimidation and fear for the local black community. Blacks lived in fear of the indiscriminate and torturous violence that whites could carry out against them at any given moment for the slightest of reasons, without legal indictments or prosecution.<sup>23</sup> White southerners used this fear to maintain social control in the region. They were able to reduce greatly or totally eliminate black competition in the spheres of economics and politics,

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<sup>19</sup> Patricia A. Schechter, *Ida B. Wells-Barnett and American Reform, 1880-1930* (Chapel Hill: The University of North Carolina Press, 2001), 112.

<sup>20</sup> Litwack, *Trouble in Mind*, 304.

<sup>21</sup> Myrdal, 562.

<sup>22</sup> Ibid.

<sup>23</sup> Stewart E. Tolnay and E. M. Beck, *A Festival of Violence* (Chicago: University of Illinois Press, 1995), 18.

which insured their place at the bottom of Southern society.<sup>24</sup> For example, lynching played a key role in affirming the place of poor whites within the strata of Southern society. In rural farming areas throughout the South, race was the only distinguishing characteristic between the poverty of blacks and whites. Both groups were uneducated and impoverished, but participation in a lynching for poor whites reaffirmed their place in society's upper caste despite their economic difficulties, giving them a psychological sense of superiority over blacks.<sup>25</sup>

At its core, the lynching of a black person was an act of community solidarity in the white community that reinforced white supremacy, which was not only a state of mind in the South but also a way of life. The deep-seated belief in black racial inferiority was the cornerstone of American social thought, dating back before colonial times and crystallizing with the institutionalization of American slavery. The white mind had long identified blackness with darkness, evil, and hypersexuality, in essence the opposite of whiteness and what was considered to be higher civilization.<sup>26</sup> This dehumanization of blacks made it easy for Southern whites to justify the continued mistreatment and violence against African Americans.

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<sup>24</sup> Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909 - 1950* (Philadelphia: Temple University Press, 1980), 9; Litwack, *Trouble in Mind*, 121.

<sup>25</sup> James McGovern, *The Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge: Louisiana State University Press, 1982), 4; Jack Temple Kirby, *Rural Worlds Lost: The American South 1920-1960* (Baton Rouge: Louisiana State University Press, 1987), 232-252.

<sup>26</sup> Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), 3-20, 32-40, 153-163.



Even after freedom, whites continued to perceive blacks as chattel, more animal than human, and not possessing souls; if these assumptions were true, there was no need for a moral stigma or feelings of wrongdoing. Lynching continued for so long in part because of these common stereotypes.<sup>27</sup> Many whites believed that lynching was simply a necessary reaction to criminal behavior on the part of blacks.<sup>28</sup>

Another explanation for the proliferation of lynching was the South's propensity toward violence; it was a well-documented theme in the history of the section, so much so that "[a] tendency toward violence has been one of the character traits most frequently attributed to Southerners."<sup>29</sup> The importance of codified law had long been debated in the South. Traditionally, Southerners preferred loosely interpreted, frontier-style justice, which excused or overlooked most instances of "personal" violence; fighting and duels were commonly used method to defend honor or settle disputes. It seemed incongruous that the gentility and honor associated with the Southern way of life could be accompanied by occasions of violent frenzy.<sup>30</sup> Sociologist Gunnar Myrdal cited the "strange Southern combination of conservatism and illegality [and] expressions on the part of the Southern public of its dissatisfaction with formal laws, its disregard for orderly

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<sup>27</sup> Tolnay and Beck, 23.

<sup>28</sup> George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914* (New York: Harper and Row Publishers, 1971), 271-275.

<sup>29</sup> Sheldon Hackney, "Southern Violence," *American Historical Review* 74 (1969): 906.

<sup>30</sup> Bertram Wyatt-Brown, *Honor and Violence in the Old South* (New York: Oxford University Press, 1986), 27.

government."<sup>31</sup> Naturally these tendencies affected the treatment of blacks after emancipation.

Other scholars of southern society explain lynching as a reaction to the dullness characteristic of rural life. In his work *Darker Phases of the South*, Frank Tannenbaum argues that "[i]t is this dead monotony which makes the occasional lynching possible... [Southerners] are starved emotionally. They desperately crave some excitement, some interest, some passionate outburst." Lynching, Tannenbaum explains, "takes place not because the people enjoy it, but because the passions, the shouting, the running, the yelling, all conspire to give the starved emotions a full day of play...[I]nstead of planning a lynching for the sake of the excitement, the excitement determines the lynching, and the people who commit it are its victims."<sup>32</sup>

While various factors motivated whites to lynch blacks, lynchings themselves exhibited similarities regardless of causation. Scholar Orlando Patterson identifies lynching as a form of ritual human sacrifice and identifies recurring practices which, when taken as a whole, emerge as common motifs characteristic of such instances. There was the exhilaration of the hunt, sometimes characterized by a posse chase with hound dogs. Mutilation was also a part of the lynching ritual; there are accounts of victims being stabbed and slashed, castrated and skinned. The method of execution is also significant. In many instances, lynchers hung their victims by the neck until they

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<sup>31</sup> Myrdal, 558.

<sup>32</sup> As a New Yorker, surely Tannenbaum's geographic and cultural orientation colored his perceptions of the South and its people. Frank Tannenbaum, *Darker Phases of the South* (New York: G. P. Putnam's Sons, 1924), 24-26.

died; afterward members of the mob might shoot bullets into the body. The use of fire was also a momentous part of the torture; there are numerous examples of victims being tied to a stake, doused with kerosene or gasoline, or surrounded by wood, then set on fire while the lynchers looked on. After the victim was executed, mobs often displayed the dead body in a public place, for the dual purpose of satisfying the bloodlust of the lynchers and sending a message to other blacks. It was not unheard of for lynching victims to be displayed in the town square.<sup>33</sup> As another way of memorializing the event, participants sometimes took souvenir body parts. People removed organs, fingers, toes, teeth, and, in the case of Sam Hose's lynching in 1899, pieces of the victim's bone were sold. Whites even posed for pictures with the lynched corpse, many of which were used on postcards; in response to the sheer volume of such postcards, at one point the United States Post Office refused to deliver the ghastly images.<sup>34</sup>

Over the course of several decades, extralegal violence began to wane in the South. Much of the literature on the subject focuses on the time span from 1880 to 1930 a significant number of lynchings, however, did occur in the 1940s. Not only did the number of lynchings decrease, but they changed in format. After the 1930s, they occurred less frequently and fewer people were involved as participants and spectators.

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<sup>33</sup> Orlando Patterson, *Rituals of Blood: Consequences of Slavery in Two American Centuries* (New York: Basic Books, 1998), 171-232; Ralph Ginzburg, *100 Years of Lynching* (New York: Lancer Books, 1962).

<sup>34</sup> Mary Louise Ellis, " 'Rain Down Fire': The Lynching of Sam Hose" (Ph.D Dissertation, Florida State University, 1992); James Allen, Hilton Als, John Lewis, and Leon F. Litwack, *Without Sanctuary: Lynching Photography in America* (Sante Fe, New Mexico: Twin Palms, 2000).

Attendance decreased from crowds of thousands, to small mobs, to a handful of individuals carrying out secretive kidnappings and executions. The grisly murder of Claude Neal in Jackson County, Florida, in 1934 was the last recorded public lynching in the state that drew a massive crowd.<sup>35</sup>

Florida was unique in relation to the rest of the region; geographically it was "the southernmost member of the union" but many thought it "the least 'southern' of the Dixieland states," with its reputation as a resort for rich northerners.<sup>36</sup> But the state proved to be very southern in the habit of racial violence. For example, after blacks attempted to participate in the political process by voting in November 1920, whites destroyed the black section of Ocoee in Orange County, resulting in the death of several blacks. Three years later, whites destroyed the black township of Rosewood, Levy County, in January 1923. Six blacks and two whites were killed after a white woman falsely claimed a black man assaulted her.<sup>37</sup>

Statistics on lynching document the frequency of the practice nationwide. Between 1882 and 1951, 4,730 lynchings were recorded in the United States. Of these, 82.8% took place on Southern soil and 72.5% of the victims were black. A total

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<sup>35</sup> See McGovern, *Anatomy of a Lynching*.

<sup>36</sup> <sup>18</sup>Tracy Jean Revels, "World War II-Era Florida: Change in the 1940s," in *Florida's Heritage of Diversity*, ed. Mark I. Greenberg, et.al., (Tallahassee: Sentry Press, 1997), 137.

<sup>37</sup> Maxine D. Jones and Kevin M. McCarthy, *African Americans in Florida* (Sarasota: Pineapple Press, 1993), 81-84; Maxine D. Jones, Larry E. Rivers, David R. Colburn, R. Tom Dye, and William A. Rogers. "A Documented History of the Incident Which Occurred at Rosewood, Florida in January 1923," (Submitted to the Florida Legislature, 22 December 1993).

of 282 incidents were recorded for Florida.<sup>38</sup> Even though Florida was one of the most sparsely populated of the Southern states, for the period between 1882 and 1930, it had the highest rate of lynching per 100,000 of its black citizens at 79.8, followed by Mississippi with 52.8. By the 1940s, Florida was one of only two states with recorded lynchings.<sup>39</sup>

Historians have studied lynching in Florida to document incidents and analyze trends and characteristics in the practice. In *Urban Vigilantes in the New South*, Robert Ingalls examined the phenomenon of lynching and how it manifested in Tampa between 1882 and 1936. Tampa was an atypical Florida city—or southern city, for that matter—given the size and diversity of its population. Ingalls concluded that the elites of the community either openly supported or participated in various forms of vigilantism as a means to maintain the status quo.<sup>40</sup> The community sanctions Ingalls described are characteristic of lynching violence, which in this case, trumped race. According to Ingalls, while race was an issue in some of the most vicious

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<sup>38</sup> White victims of lynch mobs tended to be outsiders because of their ethnicity (foreigners) or their political beliefs (socialists and communists). "Lynchings, by States and Race, 1882-1951," *1952 Negro Year Book: A Review of Event Affecting Negro Life*, 1952, p. 277.

<sup>39</sup> Tolney and Beck, 38; National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Negro Universities Press, 1919), 35; Jessie Daniel Ames, *The Changing Character of Lynching, Review of Lynching, 1931-1941* (Atlanta: Commission on Interracial Cooperation, 1942), 2.

<sup>40</sup> Robert P. Ingalls, *Urban Vigilantes in the New South: Tampa, 1882-1936* (Gainesville: University Press of Florida, 1993; originally published by the University of Tennessee, 1988).

instances of mob violence, much of the violence that occurred in Tampa centered on class and labor struggles.

In 1982, James McGovern published *Anatomy of a Lynching*, which focused on the brutal lynching of Claude Neal in 1934 in Jackson County, Florida. McGovern used newspaper reports as well as oral accounts to tell the story of this grisly incident. The author believed that the evidence and details were too scattered to narrow the cause of the lynching to any one factor. However, he acknowledged that the lynchers were encouraged because it was highly unlikely that they would be prosecuted for murder.<sup>41</sup>

In 1995, Walter Howard published his analysis of the fifteen lynchings that occurred in Florida during the decade of the 1930s. Howard identified some trends and transitions of lynching violence during this era. Of the lynchings he investigated, the majority of the victims were taken from police custody.<sup>42</sup> Howard attributed the decline of lynching violence to the increased coverage of instances of vigilante justice in the national press. Communities were not eager to have their townships associated with the sadism that accompanied lynching because outbursts of violence would color white residents with the taint of bestiality. This was especially true in the aftermath of the Neal lynching in 1934, which, through the print media, brought the eyes of the nation upon the state. In addition to the decline in frequency, Howard also noted that the majority of the lynchings during the decade took place in urban areas as opposed to the countryside.<sup>43</sup> This conclusion conflicts

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<sup>41</sup> See McGovern, *Anatomy of a Lynching*.

<sup>42</sup> Howard, *Lynching*, 138.

<sup>43</sup> Ibid., 133.

with suggestions by some sociologists that rural areas were more prone to lynching violence.

There were other differences and similarities in instances of lynchings in Florida in the 1930s and 1940s. Most noticeably, the number of victims decreased from fifteen to four. No whites, however, were lynched during the 1940s, whereas three whites were killed during the previous decade. The lynching parties during the 1930s, with the exception of the Neal lynching, were composed of a small number of people acting in relative secrecy; this pattern continued into the next decade. As Howard described in the 1930s, all but one victim in the 1940s was kidnapped from police custody.<sup>44</sup>

What did change, however, was the location of the lynchings. Whereas lynchings in the 1930s took place all over the state, with nearly half occurring in urban areas, the lynchings of the next decade were confined to rural north Florida. Unlike other areas of the state, the lynching communities of 1940s did not have major cities, diversified non-agricultural economies, or, with the exception of Jackson County, the presence of military bases or training camps. While somewhat circumstantial, these economic and cultural indicators might have predisposed Gadsden, Jackson, Suwannee, and Madison counties for the cultivation of such strange fruit found there during the 1940s.

Overall, several factors led to the ultimate the decline of lynching violence, both statewide and nationwide. First, public awareness of the horrors of lynching were reported and published more frequently. Between 1892 and 1900, Ida B. Wells led a one-woman campaign against the practice, publishing shocking accounts of lynching deaths in both American and European

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<sup>44</sup> Ibid., 38.

newspapers, as well as her own pamphlets.<sup>45</sup> Another African American woman, Mary Talbert, led the Anti-Lynching Crusaders, a women's organization under the auspices of the NAACP. Founded in 1922 and operating under the mantra "A Million Women United to Stop Lynching," Talbert and the Crusaders raised money to campaign for the passage of the Dyer Anti-Lynching bill. Activist Eartha M. M. White of Jacksonville coordinated the activities of the Anti-Lynching Crusaders in Florida.<sup>46</sup> While falling short of their fundraising goals, the organization did much to publicize the atrocities committed against blacks.<sup>47</sup>

Another famous black Floridian, Mary McLeod Bethune, lent her talents and voice to the fight against lynching. Bethune, an educator and civil rights leader and founder of Bethune-Cookman College in Daytona, publicly spoke against the practice within the state of Florida. In 1936, she sponsored an interracial student conference at Bethune-Cookman College to discuss what could be done to improve black life in the state, particularly in regards to continued racial violence. Her activism helped bring attention to the suffering and inequality blacks experienced throughout the nation as well as in Florida.<sup>48</sup>

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<sup>45</sup> See Ida B. Wells-Barnett, *Southern Horrors: A Red Record. Mob Rule in New Orleans* (New York: Arno Press, 1969; originally printed 1892, 1894, and 1900, respectively).

<sup>46</sup> Jones and McCarthy, 60-63, 72-74.

<sup>47</sup> Mary Talbert, national director of the Anti-lynching Crusaders, *Papers of the NAACP: Anti-Lynching Campaign, 1912-1953*, microfilm, Robert Manning Strozier Library, Florida State University, Tallahassee. Hereafter cited as NAACP Papers; Gerda Lerner, ed., *Black Women in White America: A Documentary History* (New York: Vintage Books, 1972, reprint 1973), pp. 211-12.

<sup>48</sup> Maxine D. Jones, "'Without Compromise or Fear': Florida's African American Female Activist," *Florida Historical Quarterly* 77, n. 4 (Spring 1999): 479-480.



The decrease in lynching also coincided with the growth of organizations that spotlighted and researched instances of lynching. The NAACP introduced its anti-lynching campaign in the years before World War I and sought to end lynching through the implementation of federal legislation.<sup>49</sup> Additionally, the Committee for Interracial Cooperation (CIC) and its Southern Commission for the Study of Lynching were active during the 1930s. Based in Atlanta and led by some of the region's leading intellectuals, including Will Alexander, George F. Milton, and Howard Odum, the CIC gathered statistics on lynching and published them, in an effort to educate the masses and thereby change public opinion.<sup>50</sup>

One distinguished anti-lynching group was the Association of Southern Women for the Prevention of Lynching (ASWPL). Founded by Jesse Daniel Ames, this group of white women gave a new face and life to the struggle by confronting the sexual myth that served as justification for those who participated in lynch mobs. The ASWPL wanted to dispel the myth of the frail white woman and the lurking black predator and show America that Southern white men used accusations of rape to justify their brutality. By presenting the actual motivations of those who committed lynching, the ASWPL hoped to turn public sentiment in the South against lynch mobs, thereby ending the violent practice.<sup>51</sup>

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<sup>49</sup> NAACP Division of Research and Information, "Anti-Lynching Legislation, 1921-1945," *NAACP Papers*.

<sup>50</sup> John Egerton, *Speak Now Against the Day: The Generation Before the Civil Rights Movement in the South* (Chapel Hill: The University of North Carolina Press, 1994), 123, 302.

<sup>51</sup> See Hall, *Revolt Against Chivalry*.

Not all of the aforementioned organizations agreed on the best approach to stop the problem of lynching. For some, the seeming decrease in the number of recorded lynchings in the 1930s presented a dilemma. While the ASWPL believed that the decline reflected the fact that white southerners were mending their ways, the NAACP saw the metamorphosis in the practice of lynching. Instead of open violence, lynchers were becoming more clandestine and less carnivalesque with the same grim results: the death and intimidation of black people. Under these changing circumstances, the NAACP, ASWPL, and Tuskegee Institute, which had been systematically tracking lynching statistics since 1882, seemed unable to agree on what characterized a lynching. This difference of opinion was largely based on the motive of the crime. The ASWPL was interested in solving the problem of lynching, taking any signs of improvement. On the other hand, the NAACP used its reporting of lynching to draw attention to their campaign to improve the lives of blacks, not only by ending the practice of lynching, but also fighting for political and civil rights. The differences came to a head in 1940, when the ASWPL declared a "lynchless year"-dating between May 8, 1939 and May 9, 1940.<sup>52</sup> The NAACP was quick to take exception. To settle this dispute, the groups agreed to meet at Tuskegee in December 1940. As a result of compromise, they agreed on a definition of lynching which temporarily satisfied all parties. These parameters prescribed that (1) there had to be a dead body, (2) the death had to be a result of extra-legal action, meaning it occurred outside of the normal legal process of arrest, trial, sentencing, and execution by the state or federal government, (3) the murder had to be carried out by a group (the number of

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<sup>52</sup> *New York Times*, 10 May 1940.

which was not settled) and (4) the motivation for the killing had to be to serve justice, tradition, or race.<sup>53</sup>

Defining what constituted a lynch mob created difficulties for those tracking and protesting the practice. The ASWPL in particular opposed including incidents that involved law enforcement officers. The matter was complicated further by the changes in lynching practices over the decades of the early 20<sup>th</sup> century. Over time, the emphasis changed from spectacle to secrecy, as lynchers acted in smaller groups in conducting preplanned raids and kidnappings. Lynching scholar W. Fitzhugh Brundage discussed these changes in the composition and methods of lynch mobs in his work *Lynching in the New South*. In analyzing lynching patterns in Georgia and Virginia between 1880 and 1930, he identified three different types of lynch mobs: small mobs that fell into two categories, terrorist mobs that were more intent on frightening people than on murdering them, or private mobs that focused on righting a perceived wrong; quasi-legal posses that initially focused on the pursuit and capture of the offending party, only to later turn to extra-legal violence; and, lastly, mass mobs. Given their size and intent, the lynchers who were active in Florida during the 1940s fell into the category of private mobs. In the main, they were a small group of individuals (available descriptions in show no more than three or four people who were involved) who acted in secrecy and, in three of the four cases examined, kidnapped their victims from jail.<sup>54</sup>

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<sup>53</sup> Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899-1940," *The Journal of Southern History*, 66, n. 1 (2000): 75-100.

<sup>54</sup> Brundage, 17-45.

Interestingly, some of the impetus to stop lynching was self-imposed, as Southerners came up with other ways to meet their objectives of attracting northern business to the region. Governors and state officials came under increasing pressure to act or intervene on occasions of racial strife, because stories about lynchings were being published more frequently. Such publicity led to a slight change in public opinion. Some became openly critical of lynching, while others disliked the disgrace and unwanted attention news of lynching brought to their communities. Also, the negative publicity discouraged businesses and industries hoping to move to Florida. Too, southerners increasingly utilized legal avenues as tools to maintain white supremacy. However, as lynching decreased, the rate of blacks who were executed or sentenced to long prison terms increased.<sup>55</sup>

Sensitivity to public opinion also heightened because of America's entry into World War II in 1941. The beginning of the war marked a transitional period for most of the South and Florida was no exception. The war boom profoundly affected the state. As a major training center for naval and aviation forces, the state witnessed an influx of soldiers, both black and white. With them came federal money to build training sites and supporting infrastructure necessary to support them. The war also brought defense industry contracts and well-paying jobs.<sup>56</sup>

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<sup>55</sup> Clarke, 287.

<sup>56</sup> Gary R. Mormino, "World War II," in Michael Gannon, ed., *The New History of Florida* (Gainesville: University Press of Florida, 1996): 323-343. This essay details Florida's transition during World War II; Raymond A. Mohl and Gary R. Mormino, "The Big Change in the Sunshine State: A Social History of Modern Florida," *The New History of Florida* (Gainesville: University Press of Florida, 1996), 418.

The times were changing but people's attitudes were not. Southerners rejected what they viewed as liberal attitudes toward race, which were becoming more common in the North. President Franklin Delano Roosevelt administration's seemingly "soft" stance on race disturbed many Southerners. As proof, they cited Roosevelt's habit of conferring, however symbolically, with select black leaders and scholars, in his so-called "black cabinet," about racial policies, as well as the first lady's activism on behalf of blacks. For many whites across the nation, issues of race seemed insignificant in light of the nation's focus on World War II and the battle to defeat the Axis powers and the preservation of democracy in the world. Nevertheless, many Southerners never lost sight of the goal of white supremacy. Despite the war and the growth that accompanied it, separation and subjugation of blacks remained paramount for whites in Florida, as in other states in the South.<sup>57</sup> Lynching remained as a way to enforce the status quo even during this time of dramatic economic and political change.

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<sup>57</sup> Harvard Sitkoff, *A New Deal for Blacks* (New York: Oxford University Press, 1978); Egerton, *Speak Now Against the Day*; Gary R. Mormino, "GI Joe Meets Jim Crow: Racial Violence and Reform in World War II Florida," *Florida Historical Quarterly* 73(July 1994): 23-42.

## CHAPTER TWO

### LYNCHED TWICE: THE MURDER OF A. C. WILLIAMS

The lynching of A. C. Williams in Gadsden County in 1941 was the first recorded in Florida during the decade of the 1940s. Williams' murder itself was full of intrigue and complexity. This twenty-two year old African American male, accused of attempting to rape a twelve-year-old white girl, was kidnapped twice by a group of vigilantes in order to lynch him. The legacy of the lynchings in the previous decades made state officials painfully aware of the national fall-out from such events. The continued debate over anti-lynching legislation and the public education on the part of activists, coupled with the international attention placed on murderous atrocities being committed in Europe shaped the responses of the authorities to Williams' lynching. In the end, despite the heightened levels of publicity and increasing criticism of lynching violence, Williams' murderers were never brought to justice.

Florida's newly elected governor, Polk County native Spessard Holland, upon taking office in 1941, wanted to turn the corner on the lynching record of the previous decade and avoid a repeat of the negative attention drawn to the state because of racial violence. If it appeared that racial violence was beyond the control of state officials, it could frighten potential investors and negatively affect Florida's economic viability and

thwart his goals of developing the state.<sup>1</sup> However, maintaining the appearance of racial harmony was a difficult task to balance. On the one hand, officials had to contend with the national criticism and demands for investigation and prosecution when lynchings occurred. Over the decades, the newspapers across the nation had begun to publish reports on grisly extralegal murders in the South. This increased awareness of southern atrocities brought unwanted criticism and outrage. The usual justifications for these abominable activities became less convincing while the details of appalling lynching bees became too much for many ordinary Americans, black and white, Northern and Southern, to tolerate without comment.

On the other hand, many locals still saw lynching as justifiable homicide and despised the meddling of outsiders who did not understand the southern way of life or "Negro problem." Florida's own Senator Claude Pepper articulated this sentiment in his 1937 filibuster against anti-lynching legislation. Citing the example of Reconstruction and the failure of the Fifteenth Amendment to protect the rights of African Americans to vote, Pepper believed that the Wagner Anti-Lynching Bill was another well-intended but unenforceable Northern intrusion upon Southern traditions. "[T]he colored race [had not and] will not vote," said Pepper, "because in doing so under present circumstances they endanger the supremacy of a race to which God has committed the destiny of a continent, perhaps the world." He concluded that anti-lynching legislation would also fail because "mere legislation does not change dynamic social conditions."<sup>2</sup>

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<sup>1</sup> Charlton W. Tebeau, *A History of Florida* (Coral Gables: University of Miami Press, 1971), 413.

<sup>2</sup> *U. S. Congressional Record*, 75<sup>th</sup> Congress, 1<sup>st</sup> Session, 8756-8758.

For these reasons, state leaders walked a thin line in order to maintain status quo.

The murder of A. C. Williams invited the attention of the national media. While his killers were never brought to justice, white Floridians were forced to defend their state against claims of barbarity and backwardness. In indirect ways, it also forced them to consider how lynching violence reflected on their character.

### **Background**

The history of Gadsden County mirrors that of other locales in the plantation South. Carved out of the Florida frontier, Gadsden County was chartered in 1823. The allure of new lands and new opportunities induced wealthy planters and yeoman farmers to the area. Once there, farmers experimented with several crops, but by 1828 tobacco prevailed as the region's agricultural mainstay.<sup>3</sup> Slavery became the cornerstone of continued prosperity of tobacco cultivation, as slaves performed the demanding labor required to insure profitable tobacco crops. Gadsden became one of the five black belt counties (Jackson, Leon, Jefferson, and Madison) in North Florida in which slaves accounted for half or more of the population. The agricultural wealth produced a class of elite white planters and slave owners. The Civil War interrupted this prosperity.<sup>4</sup>

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<sup>3</sup> In 1863, there were 4,193 slaves and 5,202 whites in Gadsden County. David A. Avant, *Illustrated Index: J. Randall Stanley's History of Gadsden County* (Tallahassee: L'Avant Studios. 1948), 54.

<sup>4</sup> Avant, 87-100, 137-140; Larry E. Rivers, *Slavery in Florida: Territorial Days to Emancipation* (Gainesville: University Press of Florida, 2000), 36-37.



The defeat of the South and the abolition of slavery meant the end of a way of life in Gadsden County, both socially and economically, for both former slaves and defeated whites. A temporary changing of the guard occurred under Reconstruction as African Americans began to participate in government. The experiment was short-lived, because by the 1880s whites in Quincy and throughout the South began to reestablish white supremacy. They established black codes to remedy the social upheaval caused by their inability to control freedmen. More pressing was the need to stabilize the labor force in order to resume economic recovery. White landowners needed laborers to cultivate crops and blacks needed a way to earn a living and provide for their families. Their complimentary dilemmas were solved by compromise with the advent of new labor structures - tenant farming, sharecropping, and wage labor.<sup>5</sup>

Agriculture in Gadsden County continued under these new systems. Farmers imported the shade technique of cultivating tobacco from Cuba around 1892, which allowed for the growth of a high quality, cigar wrapper leaf, which was previously exclusive to the island. The introduction and successful implementation of shade-grown tobacco resulted, once again, in an influx of people and capital into the region. Gadsden County was the center of it all, with 173 of 211 farms located in the Georgia-Florida District. Over the years, businessmen in the area established several small companies. In 1910 these businesses merged to form the American Sumatra Tobacco Corporation, which became the "world's largest producer and packer of cigar tobacco

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<sup>5</sup> Ennis Lee Chestang, "The Shade-grown Cigar Wrapper Tobacco District of Gadsden County, Florida," (Ph.D dissertation, Indiana University, 1965), 24.

leaf."<sup>6</sup> Nestled between the Ochlockonee and Apalachicola Rivers, "aristocratic old Quincy" became "the shade capital," the heart of the Georgia-Florida shade tobacco district.<sup>7</sup>

However, the good times did not last. In the 1920s, an economic bust succeeded the boom. A crop disease known as black shank hit Gadsden County especially hard, wiping out numerous tobacco crops. Unfortunately, the 1930s held no more hope than the previous decade, as the country entered the grips of the Great Depression. In the ensuing economic reverberation, tobacco prices fell from a high of one-dollar per pound in 1918, to 30¢ per pound by 1934.<sup>8</sup> To avoid over extension of their resources, Gadsden County farmers scaled back production from 3,399 acres in 1929 to 1,533 acres in 1934.<sup>9</sup>

Recovery, however, was on the horizon. In the 1940s tobacco prices stabilized and began to rise because of the economic stimulation caused by World War II. Driven by wartime demand, tobacco prices reached a high of one-dollar per pound in 1943, the first time in a quarter of a century.<sup>10</sup> The increased buying power reflected the prosperity as well. Between 1939 and 1941, the per capita effective buying income for Gadsden County

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<sup>6</sup> In Cuba, "shade" tobacco grew under in the shadow of trees, shielding the plants from direct sunlight and improving the quality of the leaf. Farmers in Gadsden County constructed cloth and board structures to simulate the shade phenomenon; Avant, 155.

<sup>7</sup> Ibid., 151.

<sup>8</sup> Ibid., 171.

<sup>9</sup> Florida State Planning Board, ed. *Statistical Abstract of Florida Counties* (Jacksonville: Florida State Chamber of Commerce, 1944).

<sup>10</sup> Avant, 173.

steadily increased, rising from \$196 to \$333. Still, these values were comparatively meager, representing 48% and 63%, respectively, of the statewide mean of effective buying income.<sup>11</sup>

In that matter, not much changed in Gadsden County between 1860 and 1940. Most activity focused on the cultivation of the county's major cash crop, shade-grown tobacco. As long as Gadsden County farm owners relied on shade tobacco for the local economy, they depended on cheap black labor to produce profitable crops. Just as the main economic resource was the same, Gadsden County's racial compositions, as well as its social and economic structure, had remained consistent since the antebellum period. Blacks still made up a majority of the county's population and agricultural labor force. In 1940, 56% of the county's 31,450 residents were people of African descent. African Americans accounted for 54% of farm wage labor in the county.<sup>12</sup> Overall fifty-two percent of all people over the age of fourteen employed in the county worked in agriculture. Even though large numbers of blacks and whites worked in agriculture, there was a disparity between race and the type of agricultural labor. Most whites occupied the higher positions of farm work and were employed as farmers and managers (18%), or outside of agriculture as clerks and salesmen (14%), while African Americans were relegated to the more menial and grueling aspects of field labor.<sup>13</sup>

The majority of black men worked as wage laborers, tenant farmers or sharecropper. For many, tobacco farming was the only

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<sup>11</sup> *Statistical Abstract of Florida Counties.*

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

way of life they had known. One longtime Gadsden County resident who was born in 1912 recalled, "I was born on 'bacca. Married on a 'bacca farm. Four of my chillin' was born on a 'bacca farm." The work was tedious and the hours were not better; workers recall "workin' from sun to sun, can to cain't."<sup>14</sup> Many still labored under the supervision of white farm managers, much like the white overseers who directed blacks during slavery. Also, blacks often resided on the farms at which they worked. One researcher noted this occurrence:

The laborers (almost 100 percent Negro) are housed in shacks which are located conveniently near the barns and shades. A high dependence upon Negro laborers (which began on the early plantations) has evolved to the point where workers' houses are one of the most significant elements of the rural landscape.<sup>15</sup>

These arrangements insured the black worker's dependence upon white farm owners and managers, establishing living situations greatly reminiscent of slavery. As with other African Americans in the agricultural South, "[t]he prospects for improving their position were not especially encouraging, as opportunities to escape the system contracted rather than expanded... Rather than escaping the arbitrary power of whites, blacks found themselves firmly in their clutches."<sup>16</sup>

According to the design and the intended purpose of Jim Crow policies, combined with the exploitative nature of agricultural wage labor, a level of social and economic

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<sup>14</sup> A. I. Dixie, interview with the author, Quincy, Florida, 21 March 1998.

<sup>15</sup> Chestang, 18.

<sup>16</sup> Litwack, *Trouble in Mind*, 137.

inequality thrived in Quincy.<sup>17</sup> Many African American families in Gadsden County earned just enough to live in the shadow of poverty. There were not many opportunities for blacks to accumulate wealth and land. Despite this trend, some African Americans in Quincy did manage to obtain higher education and acquire some material prosperity. Quincy did have a small black middle-class that consisted of a number of professionals, educators, and landowners.

Some blacks were able to take advantage of the forced social separation by starting their own businesses. Located in downtown Quincy on Adams Street was an area known to blacks and whites as "Nigger Corner," a string of businesses owned and patronized by African Americans.<sup>18</sup> There were several black-owned businesses on the block—a dry cleaning shop, a pool hall, a juke joint with a piccolo (a jukebox), and a grocery store. Dr. William Spencer Stevens, an African American physician, operated a hospital, drug store, and soda shop on Adams Street. Additionally, there were black-owned barbershops, restaurants, insurance agencies, and various entertainment spots sprinkled throughout the town.<sup>19</sup> On the weekends, Adams Street became a "Mecca" where blacks made their weekly pilgrimage, congregating and socializing outside of these stores. People "would come in town on a Friday evening and they would congregate, walk backwards and forwards down the Adams Street." One resident

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<sup>17</sup> Ibid., 121.

<sup>18</sup> Vivian Kelley, interview with author, Quincy, Florida, 16 December 1999.

<sup>19</sup> Sharyn Thompson and Gwendolyn Waldorf, *Historical and Architectural Survey: Quincy, Florida's African-American Resources* (Quincy: The City of Quincy, 1996), 13.

recalled, "We'd sit on our cars down there...It was just a place to be, place to go."<sup>20</sup>

However, the generally peaceful atmosphere of Quincy was occasionally shattered by racial violence. In one documented instance previous to A. C. Williams' death in 1941, violence escalated into lynching in Gadsden County. In 1929, a white mob killed forty-year-old Will "Bull" Larkins in Quincy. Local newspaper accounts reported that Larkins had been accused of attacking a twelve-year-old white girl. Given the fury that a crime of this nature was likely to inspire, Sheriff G. Scott Gregory moved Larkins to the jail in Leon County, and then Madison County. Unfortunately, his efforts were in vain. While transporting the prisoner to Duval County for even greater security, a mob ambushed the sheriff and his party and took Larkins from them. The mob made its way back to Gadsden County, where they "trussed [Larkins] to the railroad crossing signal post with heavy galvanized wire, and shot [him] to death." Afterwards, the mob tied Larkins' body to the back of a car and dragged it around the courthouse square.<sup>21</sup>

Generally whites in Quincy supported the lynching of Bull Larkins. The newspaper characterized him as a "bad nigger," citing previous accusations that Larkins harassed other white women prior to his alleged attack on a white girl. To provide further evidence that Larkins was a habitual predator, news reports highlighted that he terrorized other African Americans in Quincy, noting that Larkins had been accused of raping three

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<sup>20</sup> Ronald Summers [pseud.], interview with the author, Quincy, Florida, 9 March 1998; Kelley, interview.

<sup>21</sup> "Negro Rapist Meets Death at Hands Of Angry Mob Sat. Night," *Gadsden County Times*, 14 November 1929, 1; "Quincy Negro Killed by Mob," *Daily Democrat*, 12 November 1929, 1,8.

young black girls, which apparently prompted no action by local law enforcement. Sheriff Gregory added that the "better class of negroes" in Quincy supported the action of the mob. He, too, took pleasure at "the prompt administering of justice" and that no innocent blacks had been killed.<sup>22</sup>

An editorial summed up the occurrence as just another incident in the fight to maintain white supremacy, noting that,

outraged girlhood or womanhood shall be avenged quickly. The brightest hope of our race depends on man's chivalrous attitude toward women...Men spilling blood for worthy womanhood are a part of the scheme which will never permit the race to die.<sup>23</sup>

The circumstances of the Larkins' lynching and the community's reactions offer an important precedent to the later murder of A. C. Williams.<sup>24</sup>

Typical of the social thought of the day, Larkin's supposed habit of sexual assault was not a problem until the victim was white. It appeared that as long as he attacked blacks, Larkins was not a threat to local whites. However, accusations that he committed the same crime against a white girl required swift

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<sup>22</sup> Ibid., 8.

<sup>23</sup> Editorial, *Gadsden County Times*, 14 November 1929.

<sup>24</sup> In interviews and conversations with African Americans in Quincy, explanations of the Larkins lynching vary a great deal. Some say that Larkins was having an affair with a white woman. Others infer that he simply touched a white woman's leg. The initial reaction of the researcher is to deny the credence of these allegation, because they are based on rumor. However, oral transmissions are often the only alternative source of historical documentation which challenge other versions of events, which may have been "contaminated" by the racial prejudice common during this period.

justice, which was satisfied only with Larkins' death. The severity of his punishment served as a warning to other blacks; they could expect the same treatment if they challenged white authority. The threat succeeded. One resident recalled the feeling of Quincy's black residents: "They was frightened. It was pitiful during that time. [Violence] seems to have been a general practice."<sup>25</sup>

Overall, Quincy was not very different from other small towns in the rural South. In Gadsden County, "[t]he use of large numbers of Negro laborers is part of a regional cultural pattern...Dependence upon Negro laborers is almost as striking a characteristic of that cigar-wrapper area as the use of shades and curing barns."<sup>26</sup> This dependence also created a need to control the labor force. Subjugation and control of blacks created a favorable balance of power for whites, which insured continued economic and social stability; they provided a "great, easily-exploitable, common-labor reservoir."<sup>27</sup> In Gadsden County, racism sustained a paradigm of social and economic control based on fear and oppression. Any threat, real or imagined, to the white power structure required immediate attention and action. These were the conditions that defined black life in Quincy during the time of A. C. Williams' murder.

## **Murder**

Probing into the death of A. C. Williams requires sifting through two conflicting perceptions: his image as the

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<sup>25</sup> Summers, interview.

<sup>26</sup> Chestang, 108.

<sup>27</sup> Oliver C. Cox, "Lynching and the Status Quo," *Journal of Negro Education* 14 (Fall 1945): 584.



perpetrator of a heinous crime versus his image as a victim of a brutal murder. To many whites in Quincy and perhaps throughout the South, Williams was a child rapist who received what he deserved. For a black man, the insinuation alone was deadly because the concept of "innocent until proven guilty" did not apply to African Americans in the South. When a black man was accused of rape, the most abominable crime in the minds of Southern whites, "[t]here was no use in denying it. They'd put you to a limb. You'd be lucky to make it to jail."<sup>28</sup> On the other hand, for those who objected to the lynching, Williams became a *cause célèbre*, an American denied due process because a group of white vigilantes took the law into their own hands.

The events that led to Williams' death began Sunday, 11 May 1941, with his arrest. While patrolling the deserted Quincy streets in his car early that morning, Officer Dan Davis, deputy sheriff of Gadsden County, was startled by the loud blast of gunshots. Anticipating trouble, he drove toward the direction of the sound. While driving to the area he determined the sound had come from, Davis could barely make out in the darkness a figure moving swiftly through the shadows. As he continued to approach, the person came closer into view. Through the darkness, Davis saw a black male running from him. He pursued the man, who, in an attempt to elude him, ran behind a chicken coop then entered the backdoor of a nearby African American

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<sup>28</sup> Frank Singleton, interview with the author, Tallahassee, Florida, 7 December 1999; Michael Belknap, *Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South* (Athens: The University of Georgia Press, 1987), 2.

residence. Officer Davis knocked on the front door, went inside and found Williams there.<sup>29</sup>

After talking with Williams, he inspected behind the chicken coop, where he saw Williams stop. There on the ground Davis found several coins and a kitchen knife. When searching through Williams' clothes, he also discovered a pocket watch and a wristwatch. Davis confronted Williams with what he had found, asking Williams if the items belonged to him. After some hesitation, Williams confirmed that they were his and that he had won them out of town while gambling. Suspicious of his elusive behavior and unconvinced by his claim of ownership of the watches, Officer Davis decided to take Williams into his custody.<sup>30</sup>

Meanwhile, the other officers on duty that evening sought to locate the source of the gunfire. They came upon William Bell, a white man, who appeared to be extremely upset, standing outside his home with a shotgun. He had fired his weapon, he informed the officers, to summon help because someone had broken into his house and attempted to rape his daughter. Upon learning of the alleged attack on the Bell family, Officer Davis then decided to arrest Williams. On Monday, 12 May 1941, authorities charged Arthur C. Williams with burglarizing the

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<sup>29</sup> Testimony by Dan Davis, transcription, "Investigation into the Seizure of A. C. Williams" 12 May 1941, 10-12, Governor Spessard Holland Administrative Collection, Record Groups 102, Florida State Archives, Tallahassee, Florida (hereafter referred to as Holland Collection). This investigation was conducted by Orion C. Parker, state attorney for the second judicial circuit of the state of Florida. Hereafter referred to as Seizure Investigation.

<sup>30</sup> Ibid.

TABLE 1: Chronology of Events Surrounding the Lynching of A. C. Williams

Date	Time	Occurrence
Sunday, 11 May 1941	2:30 AM	Deputy Davis takes A.C. Williams into custody.
	8:00 AM	Davis relays the night's events to Sheriff Luten.
	1:00 PM	Annie Bell calls Dr. Wilhoit to examine Thelma Bell.
Monday, 12 May 1941	12:30 AM	Davis kidnapped by masked men, who force him to open the jail. They abduct A.C. Williams.
	12:30 AM	Luten awakened by yelling. Davis informs him of the kidnapping.
		Law officials searching for Williams.
		State Attorney Orion Parker conducts investigation into Williams' kidnapping.
		A. C. Williams is "discovered" at the Seaboard Quarters.
	10:00 PM	Luten is notified of Williams' arrival at the Seaboard Quarters. He then contacts Judge Love, Dr. Wilhoit, and Chief of Police Ed Wynn.
Tuesday, 13 May 1941	12:30 AM	Webb and party embark for Tallahassee.
	1:00 AM	Webb informs Luten that Williams was kidnapped.
	5:00 AM	Williams' body located.
		Attorney Parker conducts coroner's inquest into Williams' death.
25 May 1941		Special Investigator Maurice Tripp submits his report to Gov. Holland.
14 July 1942		U.S. Attorney George Hoffman submits an investigative report to the Department of Justice in Washington, D.C.
23 July 1942		Assistant Attorney General Wendell Berge closes the case to further investigation.

Note: Information (except where indicated) compiled from sworn testimony given at the Seizure Investigation on 12 May 1941, and the Coroner's Inquest on 13 May 1941. Approximations are given for generalized or conflicting time frames.

Bell home and attempting to rape twelve-year-old Thelma Bell. Davis placed Williams in the jail located at the Quincy courthouse, where he remained without guard throughout the night.<sup>31</sup>

Sometime the next day Officer Davis spoke with the sheriff, M. P. Luten, and told him about the event of the previous evening and about the arrest. At that time, as they would later claim, neither one of the men considered the possibility that Williams' life might be in danger. They sensed no feeling or threat of mob violence. Although Quincy residents went about business as usual, the news of the attempted assault quickly spread. In keeping with tradition, a black man's attempt to rape a young white girl could not go unrequited.<sup>32</sup>

In the seemingly tranquil early morning hours of Monday, 12 May, Officer Davis, traveling on foot, conducted his rounds in downtown Quincy. The still of the morning was interrupted by the sounds of an approaching car. A vehicle pulled up beside Officer Davis and four masked men exited. One of the men pointed a gun at the stunned Davis while the others forced him into the car. The driver pulled off into the darkness, in the direction of the county jail. It was then that the kidnappers informed Davis of their intent: "we just want that goddamn negro out of the jail and we don't want any fuss about it." Davis had little choice but to comply. He was outnumbered and outgunned. The car slowed in front of the jail and the men got out of the

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<sup>31</sup> Ibid.

<sup>32</sup> Testimony by M.P. Luten, transcription, Coronor's Inquest on the body of A.C. Williams, Quincy, Gadsden County, Florida, 13 May 1941, 25-26. This investigation was conducted by Orion C. Parker, state attorney for the second judicial circuit of the state of Florida. Hereafter cited as Coroner's Inquest.

vehicle. As they entered the building, Davis attempted to turn on the lights. One of the men stopped him, saying "we will furnish the light for this party." Davis pointed them to the director of the cells. The masked men proceeded into the cell block and returned with Williams. Before leaving the building, the kidnappers locked Davis in a jail cell.<sup>33</sup>

Sheriff Luten, asleep in the cottage adjacent to the jail, awoke to the sound of Davis' yelling and went to investigate the situation. He found Davis locked in a cell. As Luten released him, Davis divulged to the sheriff the morning's event, "[t]hey got my gun, my handcuffs, and that nigger."<sup>34</sup> After learning the details of the situation, Luten and his deputies began to scour the town in search of Williams and his kidnappers.

Their efforts appeared to be too little, too late. During the course of their probe, the sheriff's search team discovered a severed rope, hanging from a pecan tree with blood splattered beneath it, near the Georgia, Florida, and Atlantic (G. F. & A.) Railroad station. From that spot, a bloody trail continued on the ground for fifty feet, leading underneath a nearby building. Luten and his men brought a bloodhound to the scene, and the dog followed a trail leading directly to the building. Other than the blood, there were no signs of Williams, living or dead.<sup>35</sup>

Since they could not locate Williams, the sheriff assumed he was alive. In a last-ditch effort, they proceeded to the

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<sup>33</sup> Davis, Seizure investigation, p. 3.

<sup>34</sup> "Governor Holland Awaits Reports on Quincy Negro Slaying," *River Junction Tribune*, 6 May 1941, 1.

<sup>35</sup> Luten, Seizure Investigation, p. 32.



**FIGURE 1:** Accused of robbery and the attempted rape of a twelve-year-old white girl, four armed men kidnapped A. C. Williams from the jail in Quincy, Florida, and tried to kill him. Williams survived only to die after he was kidnapped again and shot to death. Family members indicate that Williams was only visiting Quincy at the time of this death, after leaving Quincy for Illinois at a young age. This picture seems to confirm Williams' urban orientation. Source: *Pittsburgh Courier*, 24 May 1941.

Seaboard Quarters to visit Hattie Williams, A.C.'s mother, to see if she knew of his whereabouts. Shocked to hear of her son's fate, she maintained that she had not seen him. Sheriff Luten and his party continued to search for Williams.<sup>36</sup>

The dire situation and fear of later controversy prompted officials for the state of Florida to act. On the afternoon of Monday, 12 May, State Attorney Orion Parker conducted an investigation into Williams' abduction from the county jail. Several individuals were summoned to testify at a hearing: Officer Dan Davis; Sheriff Luten; William Pittman, a black man who was an inmate in the jail at the time of Williams' abduction; Thelma Bell, the victim of the attempted rape; her sister, Marie Bell; and Annie Bell, their mother. Notably,

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<sup>36</sup> Ibid.

William Bell was not questioned as to his whereabouts on the evening of the kidnapping.<sup>37</sup>

The testimony that afternoon described one version of what went on in the Bell home on the morning of Sunday, May 11. The family had settled down for the evening. The two young girls, Maria and Thelma, slept in their bedroom. In the middle of the night Maria, the younger sister, awakened to Thelma's screams. As she awoke, she claimed she saw a black man fleeing the room. Her screams woke her parents, who then came to see what was the trouble. Afterward, William Bell, the girls' father, dressed, retrieved his shotgun and, desperate for help, shot his gun into the air to signal for assistance. Annie Bell, the mother, comforted the girls and tried to discern what had occurred.<sup>38</sup>

In her testimony on May 12, Annie Bell revealed other important details about the discoveries made on the night of the alleged attack. First, she identified as hers the watches and the knife Officer Davis reported that he had taken from A. C. Williams earlier. Further, she related, upon inspecting the bedroom, the officers found a crowbar on the bed and several burned matches on the floor. She concluded Williams intended to use them to harm her children, "Lord, have mercy!" she exclaimed. "He was going to kill my young girl." However, when asked, Mrs. Bell had difficulty explaining how Williams managed to maneuver through the house, first entering the parents' bedroom, burglarizing it, and then proceeding to the girls' room without being detected. In explaining the phenomenon, Anne Bell suspected that Williams used some sort of "black magic," some sort of spell or tranquilizing concoction that deepened the

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<sup>37</sup> Ibid.

<sup>38</sup> Testimony by Maria Bell, Seizure investigation, 28-29.

family's sleep thereby preventing his detection. Seeking to explain the inexplicable through the supernatural, she suggested that maybe he "threw something over us to make us sleep."<sup>39</sup>

Aside from accounting for A. C. Williams' remarkable stealth, other issues hampered the credibility of the Bells' version of events. In particular, Thelma Bell's testimony about the events that occurred on the night of the attack contained questionable inconsistencies that undermined the validity of her story. When questioned by Parker, Thelma would only confide that there was a man in her bed who was "trying to do something nasty." When pressed further she declared "I don't know what he was trying to do, only to rape me." However, only a few moments later in her testimony Thelma stated that the assailant was never between her legs. Further she testified that she was unsure of the race of the perpetrator.<sup>40</sup>

The truth about the events that transpired the morning of May 11 remained elusive once the testimony of Mrs. Bell and the examining physician were taken into account. When testifying about her daughter's condition on that night, Mrs. Bell recalled that upon examining her daughter after the alleged attack, that Thelma was "as nasty there [genital area] as she could be," but, she did not see lacerations in the area.<sup>41</sup> However, according to an examination conducted by Dr. Sterling E. Wilhoit, a local white physician, Thelma Bell was bruised and scratched around

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<sup>39</sup> Testimony of Annie Bell, Seizure Investigation, 24-27.

<sup>40</sup> Testimony of Thelma Bell, Seizure Investigation, 18-23.

<sup>41</sup> Annie Bell, Seizure Investigation, 24.



her neck and had experienced trauma in her vaginal area, leading him to the definite conclusion that she had indeed been raped.<sup>42</sup>

Overall, the testimony given on May 12 during the inquest seemed questionable, particularly when it came to the alleged rape. Thelma Bell, a scared and confused young girl, offered a confusing description of what went on in her bedroom the night before. An especially glaring loophole centered on Thelma Bell's statement that her attacker was never on top of her. Moreover, if taken as truth, the accounts given by the members of the Bell family propose an almost fantastic display of daring and stealth on the part of A. C. Williams, who decided to conclude his thieving expedition with the rape of a young girl while her sister slept in the same room, a few feet away. Nevertheless, the combined testimony of Officer Dan Davis, Annie Bell, Thelma Bell, and Maria Bell, confirmed in many minds Williams' guilt despite the fact that he was not present to defend himself. Even if he had been able to testify, Williams' word would not have counted for much in the eyes of local whites. The intended purpose of the session, to investigate the seizure of a prisoner, was fruitless because Dan Davis was unable to identify his kidnapers, which meant there were no suspects. More importantly, A. C. Williams still had not been located.

This last fact would not remain true for long. Later that evening, Sheriff Luten learned that Williams had returned to the Seaboard Quarters, severely wounded and in need of medical

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<sup>42</sup> Dr. Wilhoit had also examined the twelve-year-old victims in the Larkins rape case in 1929. Maurice Tripp to Governor Spessard Holland, 24 May 1941, Holland Collection. Tripp's correspondence will hereafter cited as the Tripp Report; "Negro Rapist Meets Death at Hands of Angry Mob Sat. Night," *Gadsden County Times*, 14 November 1929, 1.

attention. In actuality, the Williams family and their neighbors had hidden A. C. throughout the day. Although the family realized A. C. needed medical attention, they feared that his attackers would seek to finish the job they started, or worse, that the lynchers would harm other family members.<sup>43</sup> In order to throw off suspicion, they denied knowing his whereabouts. They even went so far as to assist the sheriff earlier in the day to search for Williams. It was later suggested that another reason for the family's hesitance in contacting the authorities was that A. C. himself asked his mother not to contact Sheriff Luten because he had been involved with the first attempt on his life.<sup>44</sup>

Now that Williams had been located, Sheriff Luten had to decide the proper course of action, an arduous task considering that one attempt on his life had already occurred and that state officials from nearby Tallahassee were paying close attention to the case. If Williams was not protected or it was found that Luten failed to act properly, the sheriff could find himself in the middle of national scrutiny, drawing negative attention to his hometown and the state. Luten certainly was under extreme pressure. At the age of sixty-six, Luten had been installed as sheriff in January and a short five months later, his deputy and

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<sup>43</sup> Ann Flipper is the sister of A. C. Williams, the youngest child and the only daughter of Frank and Hattie Williams' fourteen children. A. C. was the oldest. Ann Flipper [pseud.], interview with author, tape recording, Indian Spring, Nevada, via telephone, 27 March 1998.

<sup>44</sup> Mr. Singleton is the brother of Sam Singleton, a member of the party that attempted to transport Williams to Tallahassee. Sam Singleton, now deceased, relayed an account of the events to his brother after the incident. Singleton, interview.

an inmate in his jail had been kidnapped.<sup>45</sup> His reputation was on the line if he could not maintain good order or protect the inmates in his own jail.

Given the gravity of the situation, Luten decided to consult with other citizens in order to decide how to proceed. After receiving news that Williams had been found, Sheriff Luten contacted Edgar C. Love, the judge of the Second Judicial Circuit for the state of Florida and a Quincy resident. The judge advised him to take Williams to Tallahassee to the Florida Agricultural and Mechanical College (FAMC) Hospital, the only medical facility in the region that treated African Americans. Luten, accompanied by Chief of Police Ed Wynn and Dr. Sterling Wilhoit, proceeded to the Seaboard Quarters where the Williams family lived.<sup>46</sup>

At the Williams home, they found Williams lying, writhing in pain, his body bloody. After examining Williams, Dr. Wilhoit noted several gunshot wounds, two through the buttocks, two in the chest, one in the shoulder, and a grazed right wrist. Most of the gunshot wounds were on the right side of the body. He also observed that Williams had been beaten about the head. In his estimation, A. C. Williams was lucky to be alive. One detail that was not included in Dr. Wilhoit's report was whether or not Williams had been castrated. This accusation was a key contention of Denmark Vesey, a reporter for the *Baltimore Afro-American*, in his report on the events in Quincy. The newspaper's headline for May 24 proclaimed "Florida Lynchers Forced Victim to Castrate Himself." According to Vesey's

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<sup>45</sup> "Luten, Bassett Take Office Tuesday," *Gadsden County Times*, 9 January 1941, 1.

<sup>46</sup> Luten, Coroner's Inquest, 28.

report, Williams' abductors had removed his handcuffs and forced him to castrate himself. He spent time in Quincy talking to Williams' family members and people in the community. However, more recent testimony does not support the accusation that Williams had been castrated, either by himself or the mob.<sup>47</sup>

Despite his injuries, Dr. Wilhoit thought Williams to be in "damn good condition," still conscious and with a normal pulse; with adequate medical treatment the doctor believed he had a good chance of surviving with proper medical treatment. However, the customs of the day prevented Williams' from receiving the quickest treatment at a hospital in Quincy because the facility provided services for whites only. Instead, Wilhoit spoke by telephone with Dr. L. H. B. Foote, director of the FAMC hospital and arranged for Williams to be transferred there. Meanwhile, Sheriff Luten contacted Will Webb, a 64-year-old African American funeral home director in Quincy, and made arrangements to have Williams transported to Tallahassee in Webb's hearse.<sup>48</sup> Despite their planning, perplexingly neither

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<sup>47</sup> Baltimore *Afro-American*, 24 May 1941.

<sup>48</sup> Many African Americans dealt with Dr. Wilhoit, despite the fact that an African American physician, Dr. W. S. Stevens, practiced in the city. Considering the practice of segregation, this seemed a curious practice. As it turned out, land owners or farm managers would send their injured workers to Dr. Wilhoit and paid him for the service and medication he administered. It would seem natural, considering the time period, that whites would prefer to patronize the white doctor. Also, when asked about this seeming preference for Dr. Wilhoit, some interview subjects seemed to be less than impressed by Stevens' medical acumen, stating that he had a reputation for "butcherin'" his patients. Testimony of S. E. Wilhoit, Coroner's Inquest, 2-5; Singleton, interview; Webb, Coroner's Inquest; Luten testimony, Coroner's Inquest.

the sheriff, the police chief nor the judge thought to assign a guard or police escort to accompany the party.

Within the black community, one detail of the events that evening would be of great importance in establishing guilt or complicity on the part of those charged to enforce the law - the route Will Webb traveled to Tallahassee. Before the construction of Highway 90, which has become the lifeline between Tallahassee and Quincy, travelers used a system of circuitous streets and back roads to reach the state's capital. The most common route traveled north from Quincy through Havana. On the evening in question, however, it has been suggested that Dr. Wilhoit directed Webb to drive through what was known as St. Hebron, northwest of town, on his way to Tallahassee instead of the usual route through Havana. This suspicious detour became revealing detail in the minds of black Quincy residents. How did A. C. Williams' murderers know where to find him, given that there were only a few people who were aware that he was alive so late that evening? From the testimony that remains, it was only a span of two hours and a half between locating Williams and his departure for Tallahassee, roughly between 10:00 p.m. and 12:30 a.m. For some, it made sense that an "insider" with knowledge of Williams' whereabouts and the plans for his transportation to Tallahassee had to have leaked the information. Oral transmissions of the event maintain that it was Dr. Wilhoit who alerted the lynchers about the route Webb's party would be traveling.<sup>49</sup>

In the early morning hours of May 13, the party of five black men set off on their way to Tallahassee. Traveling with Webb were Rufus Williams, A.C.'s brother, Sam Singleton, Jesse

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<sup>49</sup> Summers, interview.

Lee Hill, and Horace Courtney. As they journeyed through the night towards Tallahassee, Webb noticed the glare of a pair of headlights in his rearview mirror. As the glow grew larger and the car drew closer, the men in the hearse grew more apprehensive. Who else would be traveling on this road at this time of night? In due course, the car overtook the hearse and sped ahead into the darkness. Webb continued and crossed over the railroad tracks about four miles outside of Quincy. Once across the tracks, the men inside the hearse noticed a light on the dark road ahead.<sup>50</sup>

As they approached, they saw someone standing in the middle of the road, flashing down Webb's hearse, signaling him to stop. As Webb brought the hearse vehicle to a stop, the men in the hearse discovered the signaling person was not alone. Three masked men armed with shotguns emerged from the darkness and stood in the road. They demanded that the injured Williams be turned over to them. Reluctantly, Rufus Williams helped Sam Singleton remove his brother from the hearse and placed him in the awaiting car. Rufus later testified that he knew his brother was alive at that point because he heard him exclaim, "Oh Lord," as he was being placed in the vehicle.<sup>51</sup> The men stood by helplessly as the masked men drove off into the night with A. C. Williams. The four black men traveling in the hearse would be the last people, aside from the murderers, to see Williams alive. Later that morning, a passerby discovered Williams' body, riddled with buckshot and bullet wounds, lying

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<sup>50</sup> The presence of another car is mentioned in this report but not in the testimony given by Webb at the Coroner's Inquest on 13 May 1941. Tripp Report, 3.

<sup>51</sup> Testimony by Rufus Williams, Coroner's inquest, 48.

face up on the bridge over the Withlacoochee River, five miles north of Quincy.<sup>52</sup>

### **Aftermath**

After the discovery of Williams' body on Tuesday morning, 13 May 1941, State Attorney Orion Parker initiated a coroner's inquest. Called to give testimony were Chief of Police Ed Wynn; Sheriff Luten, Dan Davis, and William Pittman, a black jail inmate; Dr. Sterling Wilhoit, the physician who examined Williams; Will Webb, the hearse driver; Jessie Lee Hill, Horace Courtney, Sam Singleton, and Rufus Williams, all of whom were in the hearse when Williams was kidnapped for the second time.<sup>53</sup>

One by one, the witnesses spoke of the events the previous night. One by one, they denied involvement, vindicated themselves, or failed to identify any suspects. However, the most revealing portion of the session that morning was not what was spoken but what remained unsaid. When testifying in the coroner's inquest, African Americans seemed nervous and evasive. What the record indicates is a painful attempt on the part of the state attorney to extract information from resistant witnesses. The tension emanates from the pages of the transcribed inquest. For instance, Attorney Parker continuously coaxed Will Webb to remain calm while on the stand: "Now, Will, don't get excited. Just go on and tell us what happened." Later in the interrogation, Parker again urged Webb not to "get so scared that you can't tell this Jury what happened."<sup>54</sup> At the

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<sup>52</sup> Tripp report, 6.

<sup>53</sup> Coroner's Inquest.

<sup>54</sup> Testimony by Will Webb, Coroner's Inquest, 10-12.

conclusion of the inquest, none of the four black men who were in the hearse with Williams could either positively identify the race or recognize the voices of the men who stopped them that night.<sup>55</sup>

Will Webb's reluctance to testify and hesitance to give detail continued as Parker conducted his inquisition. Early in Webb's testimony, he had referred to the kidnappers as boys. But when Parker pressed him about the reference, Webb quickly retreated: "I will tell this jury I was looking at that gun and my eyes got crossed and I wanted to get away from there." The next time Parker pushed him to estimate the ages of the kidnapers, Webb responded that he "would be afraid to say. You know a man just walked up and you see a thing like that and know a man wasn't joking, you would forget what you know."<sup>56</sup>

For Webb, this was a precarious situation indeed. As a mortician serving a primarily black clientele, he enjoyed a certain level of independence. However, like many blacks living in the South, the attitude of the whites around him affected, directly and indirectly, his success. If Webb inspired the hatred of whites by cooperating with investigators, there were a number of ways they could seek retribution. They could contract his credit. Whites could 'encourage' their black employees not to patronize his mortuary. They could run him out of town or do him physical harm. Certainly having a gun pointed in his face on the night of the kidnapping reminded Webb of his own mortality. Whatever the case, there was little that he could do to protect himself. Webb was an old man who could not afford

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<sup>55</sup> Testimony by Will Webb, Sam Singleton, Horace Courtney, Rufus Williams, Jessie Lee Hill, Coroner's Inquest, 8-23, 39-43.

<sup>56</sup> Will Webb, Coroner's Inquest, 13-14.



the financial or physical consequences his testimony might bring.

Even though their testimony revealed little information as to who kidnapped Williams, the fact that these black men were called to testify was a significant act in itself. Typically in Southern courts, black testimony was not given the same credence as testimony from whites. Although Webb and the others were not being asked to testify against any one person, accusing white men they suspected of kidnapping Williams would have had the same effect. Even so, they were not foolhardy enough to believe that their statements would make a difference in the outcome of the trial. Furthermore, to speak up would have placed their lives in danger; in light of the existing vigilante mentality that sealed Williams' fate, identifying or even suggesting details could jeopardize their jobs and personal safety, as well as that of their families.

The suspicion did not end with Webb's dubious statements. Conspicuous contradictions arose in the sworn testimony taken by State Attorney Parker after the murder and the report submitted to Governor Spessard Holland by special investigator Maurice Tripp. One point of contingency concerned Chief of Police Edward Wynn. Sheriff Luten, Dr. Wilhoit, and Will Webb identified Wynn at the Williams' home when arrangements were being made to transport A. C. Williams to Tallahassee. Wynn testified that he received a call from Luten saying "that negro [Williams] is at his mammy's house and I want you to go out with me." Wynn testified that he accompanied Luten to the Williams' home and "was there all the time."<sup>57</sup> However, in the Tripp report, Luten and Wilhoit were identified as "the only two white

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<sup>57</sup> Testimony of Ed Wynn, Coroner's Inquest, 24-25.

persons" present on that night.<sup>58</sup> This detail is important because of the few people who knew of Williams' whereabouts and the plans for his transportation, it is a probable deduction that someone on the scene informed the individuals who kidnapped and killed him. For this reason, the discrepancy should have alerted reviewers of the need for further analysis of the case.

Another aspect of the case that the authorities neglected was the charge of attempted rape. The Bells' testimony established Williams' guilt but their claims went uncontested, even though the accusation of attempted rape was the central event to the situation. Their version of events left many troubling questions unanswered. For instance, what was the time frame of the alleged events which took place at the Bells' home the morning of Sunday, 11 May? Could the assailant break into the house, enter the main bedroom and make off with stolen goods, enter a room with two sleeping children and attempt to rape one of them without waking the other? How long would the assailant be able to attempt to rape twelve-year-old Thelma before she awoke? How long would it have been before she screamed and awoke her younger sister? More important, where was William Bell on the night of 11-12 May, the evening Williams was kidnapped from jail? As the father of the alleged rape victim, why did the investigating authorities not require William Bell to account for his whereabouts?

Even though they were central to the case against A. C. Williams, the inquest revealed little information about the Bell family. According to reports and census information, William Bell worked as a laborer, specifically a woodcutter. He, his wife, Annie, and their five children lived in a rented home.

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<sup>58</sup> Tripp Report, 5.

Also, in the same census report, conducted in the county's 13<sup>th</sup> Precinct, the Williams and Bell families were listed one after the other. This suggests that the two families lived next to or in close proximity to each other. Equally important, those familiar with Williams recall that he worked for the Bell family.<sup>59</sup>

While seemingly circumstantial, the economic indicators of employment and housing, along with family size, imply that the Bell family belonged to the economic and social lower class of "poor white trash" who lived near and possibly worked with blacks. According to newspaper reports, at the time of the murder the Bell's son was serving time on the chain gang for auto theft.<sup>60</sup> Under the social structure of segregation and racism, such close contact could foster tension and resentment between the races. Evidence of propinquity, while not conclusive, provides another perspective on Williams lynching, by introducing the plausibility of interpersonal conflict or an array of ulterior motives in the alleged encounter between A. C. Williams and the Bell family. This detail, if explored, had the potential to either substantiate or refute the allegation of robbery and attempted rape. Existing hostility between the two parties could have inspired a false rape accusation against Williams or, conversely, could have motivated an attack upon the Bells as retribution for a perceived insult or slight.

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<sup>59</sup> Florida Department of Agriculture, *Sixth Census of the State of Florida* (Tallahassee: Department of Agriculture, 1935), microfilm, Florida State Archives, Tallahassee, Florida; Baltimore *Afro-American*, 24 May 1941; Singleton, interview; Summers, interview.

<sup>60</sup> Baltimore *Afro-American*, 24 May 1941.

Under normal circumstances, these loopholes would have clearly signaled a need for deeper research. Unfortunately, there would be no deeper investigation. The results of the inquest were inconclusive. No suspects were identified, and, as Parker reported to the governor, "no evidence has been secured thus far showing any particular person to be involved in this lynching."<sup>61</sup> The lynching of A. C. Williams would remain a tragic mystery.

Overall, the carelessness of legal authorities was the single most significant factor in the Williams' lynching. The double kidnapping and eventual murder of A. C. Williams took place while he was under the general authority of Gadsden County law officials. Williams was accused of the attempted rape of a twelve-year-old girl, a crime certain to arouse Quincy whites, yet law officers did not think it necessary to guard the jail where Williams was being held. Once Williams was located, having survived the first attempt on his life, the officers of Gadsden County again failed to provide protection for him. Both Sheriff Luten and Chief of Police Ed Wynn were present when arrangements were made to transport Williams to Tallahassee but neither thought it necessary to protect a man who had already been kidnapped from their custody once and almost killed. Later, Sheriff Luten claimed that after the first kidnapping, he was not aware of the seriousness of the charges against Williams. Following the second kidnapping and the eventual murder of Williams, Luten claimed that he did not think the

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<sup>61</sup> Orion C. Parker to Governor Spessard Holland, 19 May 1941, Holland Collection.

murderers would be so bold as to make another attempt on Williams' life; he "wasn't dreaming of any such thing."<sup>62</sup>

According to authorities, in cases where people were abducted from jail, the facility was usually unguarded or significantly understaffed.<sup>63</sup> On this occasion, the performance of Luten and his staff walked the fine line between negligence of duty and human error. On one hand, Luten could be viewed as the ageing sheriff, overworked and understaffed, who was outwitted and outmaneuvered by the individuals who were determined to carry out Williams' murder. Conversely, he could have been indifferent to the situation, doing enough to appear to be protecting Williams, thereby preventing the need for state intervention. Nonetheless, blacks in Quincy, like other African Americans throughout the region and nation, had enough previous experience with racist law enforcement officers to recognize that no sincere effort was made to protect the prisoner. One Quincy native recalled, "just look like to me, he could have actually protect [sic] that boy if he had got enough help. But he didn't. He just put him in the ambulance Sunday morning. Wasn't nothin' but the folks' duty to take him."<sup>64</sup> Just the same, many whites in Quincy believed that Williams got what was coming to him.

Both before and after Williams was lynched, bias concerning his culpability was so pervasive that records, court transcripts, letters and newspaper articles assumed his guilt.

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<sup>62</sup> M.P. Luten to Governor Spessard L. Holland, 14 May 1941, Holland Collection; "Masked Men Slay an Accused Negro," *New York Times*, 14 May 1941, 12.

<sup>63</sup> Cox, 580.

<sup>64</sup> Dixie, interview.

Since Williams was murdered before he was officially charged or brought to trial, his version of the events that evening will never be known. In the absence of his testimony, legal defense, or thorough investigation, the void was filled by biased assumptions that implicated Williams as a rapist, thereby reinforcing his criminal image. Williams' guilt was unquestioned and, as a result, it seemed to be a foregone conclusion, in both the investigations and newspaper reports of the incident.

Despite questions raised by such prejudice, little information could be gathered about A. C. Williams, his personal life or his character. According to family members, he left his parent's home at an early age and went to live with relatives in East St. Louis, Illinois.<sup>65</sup> It is alleged that A. C. Williams was only visiting Quincy at the time of his death. If this was the case, it opens the possibility of other factors in his murder. If Williams lived in the North, it is possible that his death might have been caused by some breach of Southern tradition, much like the case of Emmett Till over a decade later in 1955. Till, a fourteen-year-old native of Chicago was killed by two white men in Money, Mississippi, for allegedly making inappropriate comments and gestures to a white woman.<sup>66</sup>

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<sup>65</sup> The only other evidence discovered which supports this is the 1935 census report, in which Arthur Williams is not listed as a member of the Williams household. Flipper, interview.

<sup>66</sup> In Mississippi in 1955, Emmett Till, a fourteen-year-old African American youth and Chicago native, was accused of whistling at a white woman. The woman's husband and brother-in-law kidnapped Till and brutally murdered the young boy. His murder is frequently cited as a catalyst of the civil rights movement. See Stephen J. Whitfield's *Death in the Delta: The Story of Emmett Till* (Baltimore: John Hopkins University Press, 1991).

## Media Attention

News of A. C. Williams' murder stimulated considerable reaction both within and outside the state of Florida. While it was far from a media frenzy, several newspapers across the nation printed articles detailing the lynching. Florida had the unpleasant distinction of recording the first lynching to occur in the United States during the decade of the 1940s, a fact of minimal significance considering the state witnessed several such incidents during the 1930s.<sup>67</sup> By the time of the Williams death, the overall frequency of lynchings appeared to be tapering off, in comparison to the numerous murders recorded in past years; by 1940, the number of reported lynchings decreased by half from the previous decade.<sup>68</sup> Because these types of murders occurred sporadically by this time, the few reported instances of lynching seemed more appalling and many Americans became increasingly sensitive to them.

Many southerners, however, pointed to the decreasing number of lynchings as evidence that the lynching problem would solve itself without the need for federal intervention and compulsory

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<sup>67</sup> Howard, *Lynchings*.

<sup>68</sup> Between 1921 and 1930, the ASWPL recorded 277 lynchings, compared with 114 between 1931 and 1940, a decrease of 59%. According to NAACP statistics, in the time periods previously indicated, the number of lynchings decreased from 290 to 130, showing a 45% decrease. Jessie Daniel Ames, *The Changing Character of Lynching* (Atlanta: Commission of Interracial Cooperation, Inc., 1942), 11. "Lynchings in the United States, 1921-1946," *NAACP Papers*.

laws insisting upon justice for blacks.<sup>69</sup> They believed that white Southerners would (eventually) experience enough compunction over the shameful legacy of extra-legal murder to change their ways.

However, as each year passed and more deaths were added to the lynching rolls, it became evident that whites in the South could not be trusted to come to reason on their own; liberals in both sections, it seemed, had placed too much hope in the saving graces of humanity and decency. The lynching of A. C. Williams confirmed what many African Americans already knew—that in the absence of legal restrictions, the white South would continue to perpetrate these murders. Lynching was yet another violent example that old traditions died hard.

The Williams lynching also received notoriety because of the slow but definite shift, most notably in the 1930s, in public opinion away from silent acceptance of extralegal violence to a cadre of individuals who publicly and loudly criticized lynching. The continued effort of groups such as the NAACP, CIC, and ASWPL, and their work in investigating, reporting, and publishing information about lynching seemed to be reaping benefits. Their reports made the savage injustice of lynching more difficult to ignore and helped to foster a new willingness on the part of many people, particularly white Americans, to speak out against the practice. Additionally, by documenting the brutality of these executions, they effectively

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<sup>69</sup> The ASWPL shared this sentiment. Although they campaigned vigorously throughout the 1930s for the end of lynching, the group refused to endorse federal anti-lynching legislation, citing its belief in the predominance of states' rights. See Hall, 244-248.



combated the justifications Southerners used when arguing for the necessity of lynching.

Because of the work of these groups and modern media, the news of the kidnapping and murder of A. C. Williams spread across the country. The Associated Press carried an account that was published by a number of newspapers throughout the state, as well as the *New York Times* and the *New York Herald Tribune*.<sup>70</sup> The *Tampa Tribune* published news of what they labeled a "double-barreled lynching."<sup>71</sup> Likewise, the *St. Petersburg Times* announced that "[l]ynch law has reared its ugly head once more in Florida, and as a result of this latest mob violence, a new stigma is attached to the state's reputation." While expressing skepticism, the editor pushed for investigation into the matter, so that the lynchers could be prosecuted.<sup>72</sup> In a significant contrast from the other state newspapers, the Tallahassee *Daily Democrat* editorial claimed that the incident was not a lynching but an occasion of private vengeance, something the author seems to suggest was a normal and acceptable display of retribution.<sup>73</sup>

Syndicated columnist Westbrook Pegler wrote what was by far the most notable and critical commentary on the Williams' lynching. A few days after the lynching, he dedicated his column

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<sup>70</sup> "Masked Men Slay an Accused Negro," *New York Times*, 14 May 1941, 12; "Negro Is Killed By Lynchers on Second Attempt," *New York Herald Tribune*, 14 May 1941, 38.

<sup>71</sup> "Wounded Negro Attack Suspect Seized, Killed," *Tampa Morning Tribune*, 14 May 1941, 3.

<sup>72</sup> "Once Again, Lynch Law!," editorial, *St. Petersburg Times*, 14 May 1941, 6.

<sup>73</sup> "Westbrook Pegler Lynches a Community," *Daily Democrat*, 20 May 1941, 4.

to the lynching and severely condemned the city of Quincy and the state of Florida in general. Pegler wrote,

The section of the country in which this horror occurred is in the social and intellectual slum which, according to the hearsay historians of Florida, was populated by low whites who fled from the other southern states, notably Georgia and Alabama, to escape service in the War Between the States, and the white population is distinguished from the Negroes only in the matter of complexion and other racial characteristics....

It is not to scold the people or the state that such observations are made, but rather to indicate how it can be that white men, claiming to be members of a superior breed, can so degrade themselves and embarrass the race in which they hold technical membership in an effort to impress their superiority on their Negro neighbors. Ignorance and brutality die hard and slowly in certain strains of Florida Caucasians and resist such refinements as electric signs, the radio, plumbing and paving, even on the luxury coast of the Atlantic....

Civilization can't be hurried in the Florida swamps and backwoods, on either the whites or Negroes. Each degrades the other, but the white man has moments when he can really show the Negro a very recognizable stump of the tail by which his not so remote ancestors swung from tangled vines amid the stunted trees.<sup>74</sup>

Pegler's stinging criticism offended the people of Quincy and individuals throughout the state, particularly his

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<sup>74</sup> Pegler's heated condemnation of the Quincy lynching was quite interesting, in that in 1933 he found himself in the midst of controversy after writing a column in support of lynching when two whites were lynched in California for kidnapping and murdering a college student. See Oliver Platt, *Pegler: Angry Man of the Press* (Boston: Beacon Press, 1963), 119-123. Westbrook Pegler, "Fair Enough," *Tampa Tribune*, 19 May 1941, p. 9.

derogatory comments about the character and intelligence level of white Floridians. In response, Floridians picked up their pens and countered his attack. An editorial in Tallahassee's *Daily Democrat* entitled "Westbrook Pegler Lynches a Community," praised Quincy's "clean, shaded, paved streets, its well-kept homes and gardens, its air of culture and gentle living, its interest in the general welfare and in community progress, its ample income." In turn, the author charged Pegler as guilty "...of the charges he hurls with abandon at the community, the section and the state."<sup>75</sup> Another writer claimed that Pegler's "vigorous style of writing has led him into frequent controversies, but it is doubtful if he ever has aroused more resentment among persons familiar with the subject involved than in the present case."<sup>76</sup> Some accused Pegler of abusing the power of his journalistic authority. Harold Colee, executive vice-president of the Florida State Chamber of Commerce, believed "injustices, however, small should bring down the thunder of the strong muscled among journalists. This is not only their right, but their duty." However, Colee concluded that Pegler had "seized upon this Quincy incident... to display 'below the belt' shrapnel."<sup>77</sup>

Many of the attacks against Pegler became personal barrages, characterizing the journalist as yet another Northerner who had stuck his nose and pen where they did not belong. Others claimed that Pegler's article was "filled with

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<sup>75</sup> "Westbrook Pegler Lynches a Community," *Daily Democrat*, 20 May 1941, 4.

<sup>76</sup> "Holland Studies Williams Case Reports," *River Junction Tribune*, 23 May 1941, 3.

<sup>77</sup> Harold Colee, *River Junction Tribune*, 30 May 1941, 2.

inaccuracies as to fact and with what would be libel, if a community could sue for libel."<sup>78</sup> Some dismissed Pegler's comments as "perverted intelligence," that a "rational, sensible man would not raise an eyebrow."<sup>79</sup> By far, the most strenuous protest occurred when a group in Marianna went as far as to organize the Society for the Dissolution of the Westbrook Pegler Column.<sup>80</sup>

Quincy's white citizens were outraged that journalists targeted their city with criticism. T. R. Smith, President of the Quincy Junior Chamber of Commerce, wrote,

Robert Burton many years ago spoke of 'the Devil himself, which is the author of confusion and lies.' Substitute Westbrook Pegler for the Devil and Burton's saying is still appropriate.... First the decent people of Quincy and that includes all except a very few of your ilk with little respect for truth and order -- condemn lynchings or murder, just as we do gang warfare, labor outrages, and love nest escapades so common to your urban provincial centers.... You speak of lack of due process of law, and yet you would lynch the citizenry of a small city. We give you the words of Daniel Webster 'The law of the land hears before it condemns, proceeds upon inquiry and renders judgment only after trial.' Good newspapermen adhere to this in their code of ethics. We suggest you try this in your future preachments.<sup>81</sup>

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<sup>78</sup> LaMar Watts, "Here's a Letter From the Editor," *River Junction Tribune*, 23 May 1941, 2.

<sup>79</sup> W. Robert Hopkins, Madison, Tennessee, to *River Junction Tribune*, 30 May 1941, 2.

<sup>80</sup> W. Pooser, Marianna, Florida, *River Junction Tribune*, 30 May 1941, 2.

<sup>81</sup> T. R. Smith, *River Junction Tribune*, 23 May 1941, 1-2.

In addition to individual expressions of condemnation, the protest against Pegler's column on Quincy spread to the state legislature. Two state senators, Amos Lewis of Marianna and Pat Whitaker of Tampa denounced Pegler's writings, referring to him as an "alley-bat news sniper" and a "blasphemer" and cursing him to "drink the dregs of the shame that must be his inevitable reward for his earthly existence."<sup>82</sup>

While many spent their energy trying to defend the reputation of Gadsden County, others spoke in terms of moderation and a changing of the order. One rather enlightened response appeared in an editorial in the *River Junction Tribune*, the local paper for Chattahoochee, a small town in Gadsden County. The column maintained,

Without traditions, life would not be worth living. Without customs to meet the special needs of individual communities, life could not be lived. But tradition and customs must change in a changing world, and nations or communities that do not stay awake to this fact are in a tough spot indeed.... Gadsden County developed as a sort of island community with a tradition of lusty ability to take care of its own affairs and a strong feeling that what the rest of the world thought about it didn't matter. It was a tradition that developed from the necessities imposed by isolation and population balance.... Pegler's attack on the community was a vicious, libelous diatribe with no sound excuse in journalism.... Once - - and not many years ago -- it was possible to dismiss such comments by saying, 'They're outsiders -- they don't understand.' But in this era of close integration between communities and nations, there are no outsiders in the sense of the possibility of isolationism. Anyone who thinks there is an 'outside' world which we can ignore might ask the sheriff how many long distance telephone calls he received the

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<sup>82</sup> "Upper House Flays Pegler For Writings," *Florida Times-Union*, 29 May 1941, 21.

first of last week, and where they came from...[recounted a conversation with an elderly citizen, who remarked] 'A few years ago, we would have handled this differently; but that period is gone forever.' We gather that he had no regrets for what had happened in the past, but was not sorry to see the change - a change that he fully understood, though some of his younger confreres, with far less excuse for traditionalism than he has, do not yet realize that community isolationism today is a hopeless myth.... There is increasing indication that Hitler's greatest help in conquering nations has not come from deliberate traitors; it has come from men who thought they were good citizens, but could not appreciate change.... Disciplined citizenship is the only way to meet the crisis of this decade. If that discipline is not self-imposed by us as individuals through obedience to law and to the principles of democracy, and through full respect for law enforcement agencies, it will be imposed upon us by dictatorship. Take your choice.<sup>83</sup>

The author of the editorial voiced the realization that times were changing. It is interesting that the author made a specific reference to the threat caused by Nazi Germany. News of lynching had the potential to besmirch America's international image as the "defenders of democracy." Such activity also fed German propaganda mills, paralleling discrimination against blacks in the South with prejudice against Jews in Germany.<sup>84</sup> The editor was not alone in his opinion; other well-known citizens of Quincy went one step further and called for the pursuit of the murderers. A businessman from one of the more prominent Quincy families,

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<sup>83</sup> "Attacks on Quincy Show That Community Isolation is a Relic of the Past," *River Junction Tribune*, 23 May 1941, 2.

<sup>84</sup> Johnpeter H. Gill and Robert L. Jenkins, "The Nazis and the American South in the 1930s: A Mirror Image?" *Journal of Southern History* 58 (November 1992): 670-676.

Sanford May, wrote governor Holland urging that the guilty parties be brought to justice, "whether they be among our county officials or not." <sup>85</sup>

Others feared such barbarism would encourage the federal government to take action to prosecute members of the lynch mobs and protect blacks against these types of crimes, since Southern cities and states seemed unable or unwilling to do so. The threat of federal intervention was fresh on the mind of many southerners, especially since federal anti-lynching legislation had been brought before Congress in 1937 and 1940.<sup>86</sup> This latest occurrence of lynching could be used to bolster the argument for federal intervention. Bishop John D. Wing of the Episcopal Church encouraged the governor to remedy the violence in Quincy, "[o]therwise, the outrage will furnish ammunition to those seeking enactment by congress of federal anti-lynching legislation."<sup>87</sup>

Many thought that Governor Holland should push for an inquiry into the Quincy lynching, not only because of the political implications but for moral reasons as well. Among those agitating for action by the state were members of the ASWPL. The organization's executive director, Jesse Daniel Ames, sent Governor Holland a brief letter encouraging investigation into the matter. Various state coordinators of the ASWPL from Mississippi, Alabama, and Virginia wrote to the

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<sup>85</sup> Sanford May, Quincy, Florida, to Governor Spessard Holland, 15 May 1941, Holland Collection.

<sup>86</sup> Zangrando, 19.

<sup>87</sup> "Churchman Asks Ouster of Sheriff in Lynching Case," *Tampa Morning Tribune*, 15 May 1941, 6.

governor as well.<sup>88</sup> Typical of their reserved approach, characterized by a combination of moral suasion and feminine charm, their letters expressed regret that the state's reputation had been besmirched by the tragedy of lynching; this strategy was frequently employed by the ladies to tap into the Southern sense of honor and reputation, thereby persuading officials to investigate these murders.<sup>89</sup>

Jane Haven, chairperson of the Florida council of the ASWPL, contacted Governor Holland, urging him to take action. She asserted that "...law and order as enforced by the state and counties can protect our whole society. When this process is taken away from the state and county by unscrupulous persons then an injustice is done to the people of the state and those who are responsible for law and order should be removed from office."<sup>90</sup> The regional heads of other Florida ASWPL chapters in Madison, Tampa, Miami, and Vero Beach, each forwarded similar sentiments lamenting that Florida would be one of the first states to record a lynching for that year.<sup>91</sup>

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<sup>88</sup> Jessie Daniel Ames to Governor Spessard L. Holland, 29 May 1941; Mrs. L. W. Alford, Chairman of the Mississippi Council of the ASWPL, to Governor Spessard Holland, 2 June 1941; Alma L. Richardson, Virginia Council of the ASWPL, to Governor Spessard Holland, 23 May 1941; Mrs. T. W. Koster, Alabama Conference of the Woman's Society of Christian Service, 24 May 1941, Holland Collection.

<sup>89</sup> Ames, *Revolt Against Chivalry*.

<sup>90</sup> Jane Havens, Chairman of the Florida Council of ASWPL, to Governor Spessard Holland, 26 May 1941, Holland Collection.

<sup>91</sup> Julia Barnwell, Madison, Florida, to Governor Spessard Holland, 18 May 1941; Alice Cramer, Tampa, Florida, to Holland, 16 May 1941; Mrs. J. T. Feaster, Miami, Florida, to Governor Spessard Holland, 15 May 1941; Dorothy Zeuch, Vero Beach, Florida, to Holland, 19 May 1941, Holland Collection.



African Americans, individually and collectively, voiced their vexation over the failure of justice in Quincy. In nearby Tallahassee, a group of black citizens drafted a petition, warning that some African Americans were "seriously considering refusal to pay taxes without adequate protection of life, liberty and property," being insured by the state. Among the petitioners was noted African American educator and community leader John G. Riley.<sup>92</sup> The Miami Negro Youth Council drew up a proclamation denouncing the tragedy, pointing out that Williams was indeed "a prospective draftee." Among the voices of protest that rose from northern blacks were the Harlem's People Club of New York, who pointed out Sheriff Luten's "...criminal failure...to provide guard for the ambulance," and demanded his immediate suspension.<sup>93</sup>

The NAACP made good use of the publicity surrounding the Williams lynching. Instead of writing to Governor Holland, the group appealed directly to President Franklin Roosevelt, urging him to make a statement condemning the events in Quincy. Playing heavily upon the wartime ideologies of democracy being championed by the American government, the NAACP related that,

[w]e are concerned with lynching as it relates to the aims in our national defense effort, to our aid to the democracies of the world, and to our declared opposition to the philosophy and practices of the dictator nations... You have pictured this struggle as one to preserve the democratic freedoms against the assault of the forces of oppression, brutality, and

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<sup>92</sup> Signed petition to Governor Spessard Holland, 23 May 1941, Holland Collection.

<sup>93</sup> Miami Negro Youth Council to Governor Spessard Holland, 29 May 1941; Peter Landon, Harlem Peoples Club, to Governor Spessard Holland, 17 May 1941, Holland Collection.

death. In this immense effort our country is weakened morally and physically by the lynchers who kill at their whim, and by officers of the law who make no effort to protect their prisoners or to arrest lynchers.<sup>94</sup>

While pointing out the brutality of the murder, the group emphasized commonality between the struggle overseas and the plight of blacks in America, a strategic argument that they hoped would compel the country's leaders to take action to correct injustices. NAACP officials also used the Williams' lynching to argue for federal anti-lynching legislation, which the agency continued to fight for in Congress.<sup>95</sup>

The black press also used reports on the Williams' lynching to draw parallels between racism in America and fascism in Europe, comparing the Nazis and the men who carried out the murder in Quincy. The *Baltimore Afro-American* proclaimed the Williams lynching "a story of bestiality and stupidity that rivals the crimes of Hitler."<sup>96</sup> The *Pittsburgh Courier* in an article entitled "Warlike Florida," portrayed the state as a domestic war zone, in which blacks fought, however unsuccessfully, for democracy.<sup>97</sup>

Governor Holland responded to the crisis by calling for an investigation into the matter. He assigned Maurice Tripp as a special investigator, to further explore A. C. Williams' death.

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<sup>94</sup> Roy Wilkins, Assistant Secretary of the NAACP, to Franklin D. Roosevelt, 16 May 1942, *NAACP Papers*.

<sup>95</sup> "Year's Fifth Lynch Case Stirs Action," *Chicago Defender*, 24 May 1941, 8.

<sup>96</sup> *Baltimore Afro-American*, 24 May 1941.

<sup>97</sup> *Pittsburgh Courier*, 24 May 1941.

Within two weeks, Tripp reported his findings. He informed Holland, that

I have discussed this case with many people of prominence in Quincy and I find no mob sentiment. The largest number ever involved was only four persons. There has been no crowd or gathering of any great number of people. The sentiment of the general public is they feel that the officers did their duty.<sup>98</sup>

The Tripp report suggested that the community supported their local law officers and did not want the sheriff to be the state's scapegoat. Williams was dead and life in Quincy returned to normal; there was little support for further investigation. Still, the governor's office passed its finding on to the U. S. Department of Justice.

Unfortunately, this was about the extent of Holland's activity and he made no promises to take further action. When asked when the governor would announce his plan of action for dealing with the Quincy situation, a spokesperson claimed that Governor Holland did not know when he "would be able to reach a decision on whether any action by him against Quincy law enforcement authorities was justified. The pressure of legislative business on the governor was heavy, and the inquest transcript is long."<sup>99</sup> This was a very effective maneuver by which the governor, who, by employing the tactic of stalling, could appear to be taking action while shifting the responsibility of investigation.

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<sup>98</sup> Tripp report, 6.

<sup>99</sup> "Holland Studies Williams Case Reports," *River Junction Tribune*, 23 May 1941, 1.

Details of the investigation of the murder of A. C. Williams were not turned over to the United States Department of Justice until July 1942, a full year later. After reviewing the evidence, the U.S. Attorney Wendell Berge concluded that,

When the boy was placed in the ambulance for transportation to the hospital at Tallahassee, no armed guard or deputy sheriff was placed over him. The failure of the sheriff to take the necessary precaution to protect this negro from further violence merits criticism and any feeling on his part that the wrath of this small group of men had been spent, would hardly be an excuse. The situation was one that really justified and required an armed guard and protective custody in its best sense. The sheriff's failure to do this is perhaps directly responsible for the second episode in this unfortunate affair.<sup>100</sup>

Department officials admitted that Gadsden County officials were guilty of "ineptitude and negligence," but concluded that they did not "intentionally refuse" to protect the prisoner in their custody. Therefore, the department decided to close the case because of the amount of time that had passed since the incident occurred.<sup>101</sup> After a year, the inconclusive investigation uncovered no suspects, so there was no one to indict. The identity of A. C. Williams' murderers remained a mystery.

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<sup>100</sup> George F. Hoffman, U. S. Attorney, Pensacola, Florida, to the Office of the Attorney General, Washington, D.C., 14 July 1942, Holland Collection.

<sup>101</sup> Wendell Berge, Assistant Attorney General, U.S. Department of Justice, to George Earl Hoffman, U.S. Attorney, 23 July 1942, Holland Collection.

## Reaction

The lynching produced fear not only in the victim's family; the black community as a whole suffered its repercussions as well. They were angry, but like other blacks in the South, they had learned to suppress their outrage as a matter of survival. Blacks in Quincy feared retaliation so much that they refrained from publicly discussing the lynching, dreading that doing so would invite the rage of Williams' attackers upon them and their families. As one resident remembered, "people was scared but you didn't hear them talk about it."<sup>102</sup> And even though blacks were "absolutely afraid...[,] no one ever did anything about it," most likely because they acknowledged the futility of protest. Aside from the anguish suffered by other blacks in Quincy, the Williams family bore the brunt of the tribulation. Within two weeks of her son's murder, a heartbroken Hattie Williams took her young children and fled North to live with her sister, partly from grief and partly because she feared the lynchers who killed her son "probably would have killed all of us."<sup>103</sup>

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<sup>102</sup> Kelley, interview.

<sup>103</sup> Flipper, interview.

### CHAPTER THREE

#### THE FAILURE OF FORBEARANCE: THE LYNCHING OF CELLOS HARRISON

Of the lynchings to occur in Florida during the 1940s, the lynching of Cellos Harrison in Marianna in 1943 is exceptional. Unlike the instances in which the lynching victims were accused of rape or unacceptable contact with white women, Harrison's lynching was the result of the murder of a white man. Moreover, the white community in Jackson County exhibited an unusual degree of restraint, initially allowing the court system to determine Harrison's fate. This fact may have been owing less to the desire for due process on the part of Jackson County's citizenry than to the painful memories of the national infamy the community suffered after the horrific public lynching of Claude Neal less than a decade earlier.

The Harrison case ran a fairly lengthy legal battle, which in its course demonstrated an unusual willingness on the part of the Florida Supreme Court to provide equal justice for African Americans. Further, in the aftermath of Harrison's murder, federal agencies, the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) made an uncharacteristically valiant effort to investigate the lynching. Despite these important developments, the perpetrators of the crime were never identified or brought to justice.

## Background

Named in honor of Andrew Jackson, Florida's first territorial governor, the territorial legislature of Florida created Jackson County in 1822, carving it from the eastern part of Escambia County.<sup>1</sup> Although a part of the newly-created state of Florida, during this period Jackson County became another cog in the wheel of the plantation economy of the Old South. The unpaid labor of enslaved blacks was key to the success of Jackson County's economy, as it was for much of the antebellum South. Within the state, Jackson County was the westernmost of the five 'black belt' counties in north Florida, known for its agricultural production and the extensive use of slave labor necessary to produce it. In 1838, Jackson County's population comprised 2,400 slaves, 2,020 whites, and 40 free blacks.<sup>2</sup> Not until 1860 did whites outnumber blacks, 5,306 to 4,903, in the county.<sup>3</sup>

As with other areas in the South, the economy of Jackson County depended heavily on the production of staple crops. After some experimentation with sugar cane, planters eventually submitted to the rule of King Cotton. Slaves grew, picked, and ginned most of the cotton produced in the county, after which it was shipped on the Apalachicola River to Apalachicola and the rest of the world. This single crop represented the majority of

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<sup>1</sup> Jerrell H. Shofner, *Jackson County, Florida—A History* (Marianna, Florida: The Jackson County Heritage Association, 1985), 23.

<sup>2</sup> Ibid., 39.

<sup>3</sup> Rivers, 70-71; J. Randall Stanley, *History of Jackson County* (Marianna: Jackson County Historical Society, 1950), 145.

the county's income; in 1850, farmers in Jackson County exported 7,000 bales of cotton, which increased to 8,600 bales by 1859.<sup>4</sup>

The onset of the Civil War brought many challenges to the people of Jackson County. As the debate of secession became more heated in 1860, the county became a hotbed of Unionist support. In the end, the county's leaders threw their full support behind Florida's secession and the Confederacy. Altogether, nearly 500 white men from Jackson County served in the Confederate Army. While these Jackson County Confederates fought for their cause on far away battlefields, on the home front the county's once bountiful agricultural production suffered greatly under wartime pressures. Although it was necessary to call up all white men capable of serving in order to defend the region and the state, these same men were needed on the farms to compel their slaves to work. Governor John Milton, whose Sylvania Plantation was located in Jackson County, bitterly complained that the Confederacy had drafted so many white men from the area into service that the production of sorely needed foodstuffs necessary to feed the troops was being undermined. Moreover, it left the area with what was viewed as a dangerous population imbalance: "So many men have left for service from [Jackson County] that the proportion of Negroes to white men is greater than twenty to one." This shortage of white males, coupled with the hope of freedom for African Americans that the Civil War represented, was a dangerous combination that Milton and other whites feared would destabilize the institution of slavery in Jackson County.<sup>5</sup>

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<sup>4</sup> Shofner, 120.

<sup>5</sup> Stanley, 152-153, 187-196; Shofner, 233, 235, 243



The absence of white men in Jackson County truly put the county in a difficult position militarily. Milton's fears proved prophetic, as Marianna itself became a battleground in September of 1864. After defeating Confederate forces, the Union Army took control of the city after the Battle of Marianna; in addition to wrecking and pillaging the town, some 600 slaves left with the Union army when it departed.<sup>6</sup>

The conclusion of the Civil War in April of 1865 marked the end of one struggle and the beginning of another. Black and white citizens in post-bellum Jackson County had to deal with displacement, destruction and poverty, in addition to the other more significant implication of emancipation. For whites, the most abhorrent changes were reflected in the social order; their former slaves were free and organizing to attain education and social equality. The fiercest struggles, however, would be waged over the control of local politics. After the war, the Republicans were successful in organizing the black vote in Jackson County. As indicators of their success, several blacks were elected to local and state positions; between 1868 and 1872, two African Americans served as voter registrars; one as tax collector; one as treasurer; seven as county commissioners, seven as justices of the peace; two as constables, and five as city councilmen. During that same period, five black men were elected to the Florida House of Representatives and one black man, Washington Pope, served in the Florida Senate.<sup>7</sup> Because of this success, whites turned to violence to counter the perceived threat of black political domination. As a result, Jackson

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<sup>6</sup> Ibid.

<sup>7</sup> Richardson, 188; Canter Brown, Jr., *Florida's Black Public Officials* (Tuscaloosa: The University of Alabama Press, 1998), 144-148, 162-163.

County was the scene of violent fighting and murder during the Reconstruction period, primarily in an attempt by local whites to eliminate the leaders of the local Republican faction. Referred to as the Second Battle of Marianna by historian Jerrell Shofner, violence claimed the lives of at least 170 people, black, white, men, women and children, in Jackson County between 1869 and 1871.<sup>8</sup>

While Jackson County had been considerably altered politically and socially, the economy continued to thrive on cotton production, along with the introduction of some tobacco cultivation. As an indicator of their prosperity, in 1904, farmers in the county ginned some 20,000 bales of cotton. Nine years later, that number increased to nearly 24,000 bales. Mother Nature, however, would interrupt Jackson County's successful cotton run. The infestation of the boll weevil, spreading through the South from Texas eastwardly, finally reached the Jackson County area in the mid-1910s. The local cotton economy was completely devastated; by 1917, cotton production in the county fell by over 90% to below 2,000 bales.<sup>9</sup>

Facing these new economic realities, local farmers turned to the production of peanuts. Jackson County became "one of the largest producing areas in the United States." Complementary to the growth of peanut agriculture was the construction and operation of several peanut mills in the area. The Marianna Peanut Plant, established in 1923, would become the fourth largest such operation in the nation.<sup>10</sup> Growth and production did well even during the years of the Great Depression; between

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<sup>8</sup> Shofner, 279-293; Richardson, 169-172.

<sup>9</sup> Stanley, 263.

<sup>10</sup> Ibid., 263-265.

1934 and 1942, the average crop yield for peanuts in Jackson County was 34 million pounds.<sup>11</sup> By 1942, the majority of Jackson County's agricultural production revolved around peanuts, with nearly 125,000 acres in cultivation and producing 29,783 pounds in peanut products.<sup>12</sup>

Through the early 1900s, blacks in Jackson County fared well economically. The rates of land ownership and occupational statistics for blacks in Jackson County were remarkably unique when compared to other blacks in the region. Of all black farmers in Jackson County, one-fourth owned their land, nearly twice the rate of land ownership for blacks in other areas of the South. This high rate of land ownership was consistent with the trends reflected in the occupational indicators. Thirty-three percent of blacks made their living as farmers or managers, which were high-level occupations, as compared to 4% statewide, making it the largest job category for blacks in the county. Conversely, thirty-two percent of Jackson County's blacks worked in the two largest areas of black employment, either in domestic service or as hired farm laborers, which were considered traditional lines of work for blacks.<sup>13</sup>

Despite the cruel reality of *de facto* and *de jure* segregation as the law of the land, blacks in Jackson County were creative in dealing with the reality of Jim Crow, as were other blacks in similar circumstances. During the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, the financial independence created by large numbers of black landowners supported the development of a number of black-owned businesses throughout Jackson County, but

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<sup>11</sup> Ibid., 265.

<sup>12</sup> *Statistical Abstract*.

<sup>13</sup> Ibid.; Myrdal, 236.

primarily in Marianna. These businesses influenced the character of black life in Marianna, providing a self-sufficiency that helped blacks maintain their dignity. Some blacks were highly skilled, such as Charles Forrest, a black man, who was the co-owner of the main local newspaper, the *Times Courier*, which was the predecessor to the *Jackson County Floridan*, the major news organ for the area. He also served as the paper's typesetter and printer. Another black man, former slave Armstrong Purdee, practiced law in Jackson County. In addition to his law practice, Purdee dealt in real estate and founded the *West Florida Bugle*, a black newspaper, in 1888. One long-standing black owned business founded during this time but still in operation was the People's Funeral Home, operated by Aaron Grandberry. Another member of that family, Henry Grandberry and his business partner, Ben Smith, made cypress shingles. There were several skilled black tradesmen, particularly in the area of brick masonry; these included Willie and Pete Harrison; Alvin Swilley, Sr., and his sons Lawrence, Alphonso, Alvin, Jr., and Earnest. Other blacks operated businesses that catered exclusively to whites, such as Zannie Garrett's barbershop and Taylor's Restaurant.<sup>14</sup>

The Blue Front, as it was called, was a sizable black business district near downtown Marianna along Madison Street in which several black shop owners operated and were patronized by other blacks. During the early 1900s, Willie Horne and Jim Speight ran stores there, and William Holden operated a fish stand and a hotel. Dick Baker owned a pressing shop. A black woman, Plessie Cook, operated a restaurant called the Red Bird

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<sup>14</sup> Elmore Bryant, interview with the author, 18 October 2003; Nellie Wilson, interview with the author, October 18, 2003; Shofner, 403-404, 465-468.

Café. The facility was segregated with two separate dining areas, one for blacks and one for whites. Member of both races agreed on one thing: Cook served the best stew beef around. Another woman, Maggie Pinder Atwater, operated a bakery on Madison Street.<sup>15</sup>

During this time, other businesses were located in the black community west of town along St. Andrew's Street, known as Brooklyn to some. These establishments served the dining, shopping, and entertainment needs of many of Marianna's black citizens without the sting of racism. Cynthia Forrest, wife of printer Charles Forrest, R. T. Stinson, Aggie Bell Horne, and "Bump" Wynn all operated food stores. Sam White operated the Cotton Club where renowned entertainer Cab Calloway once visited. In the same area, E. E. and Edna DeVaughn operated the Holiday Inn Café, which later became home to W. C. and Curly White's beauty school.<sup>16</sup>

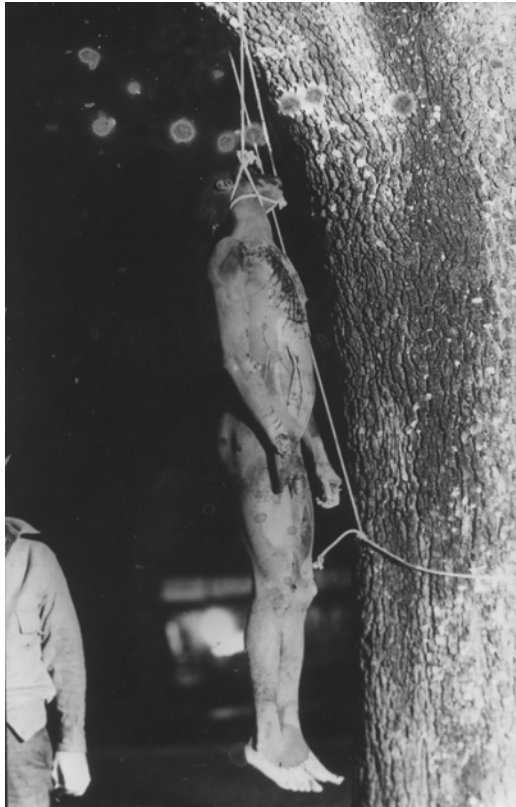
Despite their progress, blacks in Jackson County, like blacks nationwide, lived with the reality of racial violence. There were seven lynchings recorded in Jackson County between 1890 and 1911, five black men, one black woman, and one unknown black.<sup>17</sup> By far, the lynching of Claude Neal in October 1934 was

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<sup>15</sup> Shofner, 465; Bryant interview; Wilson interview.

<sup>16</sup> Shofner, 465-468.

<sup>17</sup> The lynching victims were identified as follows: Simmons Simpson, killed March 29, 1890, in Marianna; John Sanders and an unknown black person, killed June 10, 1910, in Sneads; Doc Peters, killed July 1, 1905, in Cottondale; Edward Christian and Hattie Bowman, killed September 2, 1910, in Graceville; and Galvin Baker, killed March 5, 1911, in Marianna. With the exception of Baker, who was accused of making threats to kill, the other victims were suspected, complicit, or accused of committing murder. NAACP, *Thirty Years of Lynching in the United States*, 53-56.



**FIGURE 2:** The dead body of Claude Neal, October 17, 1934, hanging at the courthouse square in Marianna, Florida. Courtesy of the Florida State Archives Photographic Collection, Tallahassee, Florida.

the most notable instance of lynching to occur in Jackson County. Neal, a twenty-three year old black man, was accused of the rape and murder of Lola Cannidy, a young white girl. Local law enforcement under the leadership of W. Flake Chambliss, sheriff of Jackson County, arrested Neal on suspicion of murder. The sheriff did make an effort to protect Neal from mob violence, shuttling him from Chipley to Panama City in the Florida Panhandle, then on to Brewster, Alabama. While in Alabama, Neal allegedly confessed to raping and killing Lola Cannidy. Once news of the confession spread, a group of whites succeeded in kidnapping Neal from the Brewster jail. They

returned Neal to Marianna while making public their intention to lynch him.<sup>18</sup>

Most astonishing about the Neal lynching was the audacity and brutality of the lynch mob. Exhibiting no fear of interference by law enforcement, local radio and newspapers publicized news of the impending lynching. Eventually the information found its way to the wire for the Associated Press. Despite widespread knowledge of the ensuing events, the state and local government did little to prevent the lynching. As a result, on October 27, 1934, Neal suffered terribly at the hands of his captors. He was tortured extensively; the mob stabbed, skinned, and castrated him, and then forced him to eat his own genitalia. The attending crowd numbered between several hundred to two or five thousand people. Witnesses recalled that small children took part in the ritual of murder, stabbing Neal's lifeless corpse with makeshift wooden daggers.<sup>19</sup>

The lawlessness did not end with the death of Claude Neal. Many whites, who had traveled for miles to partake in or witness the lynching, arrived too late and missed their opportunity to participate in killing Neal. Angry and disappointed, they gathered in Marianna and began to vent their frustrations at blacks over the next two days. In the end, whites assaulted some 200 African Americans. Local blacks heard word of the violence and either avoided the downtown area or stayed home. In the end, the unrest was so great that the National Guard was summoned to quell the violence.<sup>20</sup>

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<sup>18</sup> See McGovern, *Anatomy of a Lynching*.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

With the lynching of Claude Neal, whites in Jackson County demonstrated their proclivity for violent retribution and extra-legal activity. Nearly nine years later, with the lynching of Cellos Harrison, they would exercise a great deal more forbearance, but in the end were unable to eradicate their desire for vengeance.

### **The Beginning of Death**

The details of Cellos Harrison's life are few. Long-time residents recall that his mother, Mary Harrison, worked as a washerwoman. She lived with her three children, Theresa, Cellos, and Leveret, in what was known as Russ Quarters, located near the corner of Borden and Clay Streets in west Marianna.<sup>21</sup> Residents remember that as a young man Cellos helped his mother with the wash by picking up and delivering the clothes to her customers.<sup>22</sup> Physically, Harrison was tall and slender, with a yellowish complexion. In his adulthood, he worked a number of odd jobs, including at Daffin's store, directly across from the Jackson County Courthouse in Marianna. In characterizing Harrison, residents remember him as "daring," and having "a mind of his own," meaning that he contested the status quo.<sup>23</sup>

Others, however, remember Harrison as a drunk. Existing records of Marianna's Municipal Court seem to confirm that Harrison had his share of encounters with the law. Court records reflect a string of arrests for Harrison. He was in court on August 7, 1939, and released with time served, and a few months later on November 27, 1939, the court gave Harrison the choice

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<sup>21</sup> Wilson, interview.

<sup>22</sup> Eva Pittman, interview with author, January 6, 2004.

<sup>23</sup> Bryant interview.



of paying a ten-dollar fine or serving sixty days hard labor in the city jail. The records, however, do not indicate the reason for Harrison's arrest on either of these occasions. The following year on November 19, 1940, Harrison's name appears in court records again when police arrested him for disorderly conduct and fined him seven dollars.<sup>24</sup>

Another of Harrison's encounters with the law came after the murder of a local service station owner, a white man named Johnnie Mayo. In May 1939, Mayo and his wife, Nella, leased a service station from W. B. Sangaree for three years for the nominal fee of one dollar. The station was located on the road leading to the Florida Industrial School for Boys, a facility for delinquent youth, three miles south of Marianna. It was said that Harrison was a frequent patron of the store, buying his daily supply of whiskey from the Mayos.<sup>25</sup>

The morning of February 5, 1940 marked the beginning of tragedy for both Mayo and Harrison. Nella Mayo, on her way to a doctor's appointment, parted company with her husband at their store that morning. At about 9:00 a.m., two black men, Raymond Speights and William "Red" Hicks, were passing in front of the store and heard Johnnie Mayo's cries for help.<sup>26</sup> Entering, they found Mayo lying on the floor in a pool of blood. Wanting to help Mayo but conscious of the repercussions if two black men were caught in a criminal situation with a bleeding white man, Speights and Hicks hurried down the road toward the Boys School

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<sup>24</sup> Municipal Court Records, City of Marianna, 1939-1940, Marianna City Hall.

<sup>25</sup> Jackson County, Deed Records, 1939, Jackson County Courthouse; *Cellos Harrison v. State of Florida*, 19 February 1943, Records of the Florida Supreme Court, Florida State Archives, Tallahassee, Florida.

<sup>26</sup> Ibid.

to look for help. Speights later testified that he refrained from entering the building when he and Hicks first discovered Mayo; he wanted "some white people there," to avoid any possible suspicion that he or Hicks were involved. Along the way, the two men stopped a white truck driver named Charlie Reiff and told him about the situation.<sup>27</sup>

Before long, others came to the scene of the crime, where they found Mayo, lying behind the counter, bleeding from his head and coming in and out of consciousness. He had been struck twice, once over his right temple and once in the top of the head, fracturing his skull and making a hole in the cap he was wearing.<sup>28</sup> In the back room of the structure, they found a muffin pan resting on the bed. There was money scattered on the bed and on the floor, indicating that there had been a robbery. Before long, Dr. C. D. Whitaker came to treat Mayo, and had him immediately transported to his office in town. While Whitaker treated him, Mayo briefly regained consciousness and stated that a "yellow negro" had attacked him. Shortly afterward, Mayo died from his injuries.<sup>29</sup>

Local law enforcement began looking for the perpetrators of the crime at once. In the course of their search, they arrested

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<sup>27</sup> There is conflicting evidence as to who actually discovered Johnnie Mayo on the morning that he was attacked. The local newspaper, the *Jackson County Floridan*, reported that Ira Johnson, truck driver for a local grocery store, discovered Mayo lying on the floor of the service station. But Reiff, not Johnson, gave testimony at Harrison's trial. *Jackson County Floridan*, 6 June 1941.

<sup>28</sup> Interview with Joe Sims in FBI Investigation, 19 August 1943, Department of Justice, Classified Subject Files, Record Group 60, National Archives and Records Administration II, College Park, Maryland, hereafter cited as DOJ Files.

<sup>29</sup> Testimony of Dr. C. D. Whitaker, *State of Florida v. Cellos Harrison*, 1941.

five black men who were discovered near the service station that morning, including Speights and Hicks, the men who had originally discovered Mayo. Cellos Harrison, then age twenty-eight, was one of them. The sheriff questioned them, but finding no strong evidence, released the men. No other suspects were implicated. For the moment, Mayo's murder was unsolved.<sup>30</sup>

Meanwhile, a heated race for the office of sheriff was underway during the spring of 1941. Barkley Gause, a local white, had thrown his hat into the contest for sheriff. As a part of his campaign, he promised Nella Mayo that he would find her husband's killer. Gause's claims were more than soothing words to comfort a grieving widow; he was aware that the unsolved Mayo murder weighed heavily on the minds of many of Marianna's white residents, including Johnnie Mayo's numerous relatives. By promising to find Mayo's killer, Gause succeeded in aligning himself with a significant segment of Jackson County's voters. His strategy proved victorious and Gause won the election.<sup>31</sup>

Months passed and law enforcement officers still were unable to solve Mayo's murder. However, sixteen months after the murder, new information surfaced when Deputy Sheriff J. C. Hornsby reported that he had received a tip. Based on this new information, the sheriff's office tracked down and arrested William "Jabo" Pittman, a black man who was a native of Marianna, in St. Petersburg, Florida, and returned him to Jackson County for interrogation. When questioned, Pittman began to reveal details about his activities around the time that Mayo was killed. He confessed that shortly after Mayo's

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<sup>30</sup> Ibid.

<sup>31</sup> FBI Investigation, 5 July 1943, DOJ Files.

murder he and Cellos Harrison had been in DeFuniak Springs attending a basketball game in which the boys and girls from Jackson County Training School, the local black secondary school, were competing. Pittman recalled that Cellos Harrison was exhibiting what he believed to be unusual behavior. After the Jackson County teams won their games, Pittman stated that Harrison bought members of both teams bottles of Coca-Cola. Also, Pittman recalled that Harrison was gambling heavily that night. This stood out to Pittman because Harrison did not usually have a lot of money. Pittman also remembered that most of the money that Harrison used for his extravagance that evening was silver coins.<sup>32</sup>

Based on the information divulged by Pittman, Marianna police arrested Harrison on May 19, 1941. Since his first arrest in connection with Mayo's murder, Harrison had moved on with his life. He had a job working downtown across from the courthouse and had married his sweetheart, Bessie McClinton, a local schoolteacher, in February 1941. This second arrest must have come as a surprise.<sup>33</sup>

Sheriff Gause, determined to solve Mayo's murder as he had promised, requested assistance in attempting to obtain the truth from Harrison and Pittman. To this end, Governor Holland sent William "Buddy" Gasque, an experienced investigator for the state of Florida who had served under four governors, to assist with the questioning and investigation. Gause was mindful of the need to avoid the controversy that would come if his prisoners were kidnapped and killed on his watch. For this

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<sup>32</sup> *Jackson County Floridan*, 6 June 1941; Testimony of Lawrence Swilley, *State of Florida v. Harrison* (1941).

<sup>33</sup> Marriage Records, Jackson County Courthouse, Marianna, Florida.

reason, Sheriff Gause decided to have Harrison transported to Quincy and jailed for his protection. This relocation provided little comfort for Harrison, for only a few weeks earlier on May 19, 1941, another African American man, A. C. Williams, was taken from the same jail in which Harrison was to be placed.<sup>34</sup>

Harrison remained in the Quincy jail for more than a week. While there, officers pressured him to confess to murdering Johnnie Mayo. Although Sheriff Gause left strict instructions that Harrison was to have no visitors, several law officers paid him visits at the Quincy jail. Among them were Deputy Hershall Malloy, Deputy Charles Standland, and Deputy Stanley, all from Jackson County.<sup>35</sup> They used a combination of threats and enticements to confuse and frighten Harrison; because of the lack of physical evidence, a confession would be necessary for a conviction. According to Harrison, they attempted to obtain a confession from him, but when he refused, they threatened that "some dark night he would be taken out and then he would talk."<sup>36</sup>

After using threats and urgency to pressure Harrison, the officers turned to the method of enticement in seeking a confession from him. On May 30, Sheriff Gause, Jackson County's Chief Deputy Sheriff Jack McMullian, along with Gasque, decided to transfer Harrison yet again, this time from Quincy to the Tallahassee jail, under the pretense of keeping him safe. During this second transfer from Quincy to Tallahassee, Gause drove at a high rate of speed. They seemed as though they were rushing to avoid something. While the car sped along the road, Gasque tried to befriend Harrison. He chided Harrison for

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<sup>34</sup> *Cellos Harrison v. State of Florida*, 19 February 1943.

<sup>35</sup> *Ibid.*

<sup>36</sup> FBI Investigation, 15 September 1943, DOJ Files.

attempting to blame Pittman for the murder; it was cowardly to frame an innocent man, Gasque told Harrison. In the course of their conversation, Gasque also shared with Harrison that he had read the death warrant for an acquaintance of Harrison's, whom he had recently seen walking the streets as a free man in nearby Cottondale. This implied to Harrison that hope was not lost; what Gasque shared with him indicated that if handled correctly, he could survive the charges he faced. Moreover, Harrison later said that Gause mentioned the possibility of avoiding the death penalty, or getting a reduced sentence, if he admitted to the crime.<sup>37</sup> In this way, Harrison was made to believe that the party was being pursued, possibly by a lynch mob. The only way to stop a lynching, to ease the wrath of the mob Harrison believed was pursuing him, was to confess. This was the only way to preserve his life.<sup>38</sup> In the end, a combination of factors—not having access to legal counsel or the comfort of consulting with his family, having his life threatened, fearing being lynched, and hope that a confession would save his life—wore Harrison down. Once the party reached the Tallahassee Jail, Harrison confessed to Mayo's murder.<sup>39</sup>

The contents of the Harrison's confession were printed in the *Jackson County Floridan*. In the presence of Gasque, Sheriff Gause, Cecil Gatlin, deputy sheriff for Leon County, Deputy Porter Holland and Jack McMullian, Harrison claimed that he had gone to Mayo's service station, with a carpenter's hammer and a jug, at 7:00 a.m. to buy liquor. Mayo told Harrison that he did not have any liquor to sell him. Mayo then suggested that

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<sup>37</sup> Testimony of Cellos Harrison, *State of Florida v. Harrison*, (1941).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

Harrison leave his jug and return for it, and the liquor, later that afternoon. Harrison returned a few hours later and found Mayo alone behind the counter. He asked Mayo for some cigarettes, and when he turned around to get them off the shelf, Harrison hit him in the back of the head with the hammer. After Mayo fell to the ground, Harrison hit him again. He then proceeded to the room in the back of the station and took money from a muffin pan he found there. He put some money, about \$30, most of it in silver coins, in his pockets, and left some on the bed. Harrison then crossed the highway and escaped into the woods.<sup>40</sup>

With Harrison's confession, Jackson County officials were eager to begin the trial process, and expected "a speedy conviction."<sup>41</sup> State Attorney L. D. McRae prosecuted the case. A grand jury in Jackson County heard the charges against Harrison on Monday, June 9, 1941. The evidence convinced them and they indicted Harrison on first-degree murder, just ten days after his confession. Things, however, did not go as smoothly as they had planned. Judge E. C. Welch, finding error with the first indictment, quashed it and reconvened the grand jury on Friday, June 13.<sup>42</sup> The second grand jury reached the same conclusion as the first and indicted Harrison for first-degree murder. Harrison was in court again on June 20, where his trial was scheduled to begin on Monday, June 23. The court appointed local attorney Ben F. Barnes to defend Harrison. At this time another significant development occurred; Harrison changed his plea from guilty to not guilty, reputedly telling Chief Deputy

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<sup>40</sup> *Jackson County Floridan*, 5 June 1941.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Jackson County Floridan*, 13 June 1941.

McMullian that he did not intend to kill Mayo, denying premeditation.<sup>43</sup>

The trial began on Monday, June 23, 1941, and was heard before Judge Welch. Over the course of the trial, the jury heard testimony from twenty-five witnesses, including Nella Mayo and Harrison. Dr. C. D. Whitaker, Raymond Speight, Red Hicks, Charlie Reiff, T. C. Carr, and John White testified about the circumstance of Mayo's death on February 5, 1940. The most evidentiary statement came from Dr. Whitaker, who told the jury that in his dying breath, Mayo claimed a "yellow negro" had attacked him. This statement, while circumstantial, worked against Harrison, who was a light-skinned black man. Several other witnesses testified to seeing Harrison either heading in the direction of or returning from the direction of Mayo's store the morning of February 5. Some noted that they had seen him carrying two packages, a jug and another "long" package, presumably the claw hammer used to bash in Mayo's skull.<sup>44</sup>

Other witnesses were called to discuss Harrison's behavior in the days after Mayo's murder. Four blacks, Luke Coleman, Pittman, Lawrence Swilley, and Abraham Robinson, testified to having seen Harrison at the basketball game in DeFuniak Springs. Each gave examples of Harrison's abnormally extravagant spending on gasoline, drinks, and gambling that evening. Their collective testimony supported the presumption that Harrison was lavishly spending his ill-gotten gains.<sup>45</sup>

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<sup>43</sup> *Jackson County Floridan*, 20 June 1941; Testimony of Jack McMullian, *State of Florida v. Harrison*, 1941.

<sup>44</sup> Trial Transcript, *State of Florida v. Cellos Harrison*, (1941).

<sup>45</sup> Ibid.



Lastly, the law enforcement officers testified about their experiences with the defendant. They told the jury that, when questioned, Harrison admitted that the hammer they found at the crime scene belonged to him. He claimed he had loaned it to Pittman to work on some jukeboxes. Despite this revelation, the most contentious part of the testimony came when law enforcement officers began to explain the circumstances of Harrison's confession. Gause, Gasque and McMullian were asked about what transpired in the car during the trip from Quincy to Tallahassee on May 30. During this portion of the testimony, the jury was taken out of the courtroom. Gause confirmed that he had a lengthy discussion with Harrison during that time. While he admitted to talking about reading a death warrant for a man who was later freed, he denied that it was an attempt to give Harrison hope that he too could beat his charges.<sup>46</sup>

Harrison took the stand in his own defense and painted a very different picture. He testified that Gause told him that he would "burn" if his case went to trial and the jury returned a guilty verdict. Harrison also claimed that Gause told him a confession would soften the jury's condemnation, making it possible for him to receive a life sentence instead of a death sentence. It was for these reasons, Harrison claimed, he confessed to the murder.<sup>47</sup>

Based on his client's testimony, Attorney Barnes requested that the confession not be admissible as evidence "on the ground that the inducement of hope was given to this defendant." Judge

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

Welch denied the motion and the jury was allowed to hear the confession.<sup>48</sup>

By Tuesday, June 24, the trial was over and the case was turned over to the all-white jury for deliberation. Within forty minutes, they returned a guilty verdict. Because the jury did not recommend leniency, it was certain that Harrison would be sentenced to death.<sup>49</sup> A few days later, on June 27, Harrison was sentenced to die in the electric chair. The defense's request for a new trial was denied.<sup>50</sup>

With Harrison's conviction and sentencing, Jackson County's white community breathed a sigh of relief, especially the members of Johnnie Mayo's family. On July 18, the *Jackson County Floridan* published a letter of thanks written by Nella Mayo, Mayo's widow, to express her "deep and sincere appreciation to all the persons who contributed in any way to the apprehension and conviction of the Negro who so brutally killed my late husband." She gave special regard to Sheriff Gause.<sup>51</sup>

Despite the conviction, Harrison's attorney took issue with the fairness of the trial, particularly with the charge given to the jury. On September 18, 1941, Attorney Barnes appealed the conviction of Harrison to the Florida Supreme Court. He argued that Judge Welch did not properly instruct the jury to cautiously weigh the contents of the confession, in consideration of the circumstances under which it was taken. There was sufficient indication, Barnes argued, that Harrison

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<sup>48</sup> Ibid.

<sup>49</sup> *Jackson County Floridan*, 27 June 1941.

<sup>50</sup> Ibid., 4 July 1941.

<sup>51</sup> Ibid., 18 July 1941.

had been pressured into the confession, believing that it would save his life. The confession could be considered as evidence only if it was "freely and voluntarily made by the defendant,...that the mind of the accused [was] uninfluenced by fear, hope, promise of reward or other inducements."<sup>52</sup> On January 20, 1942, the Florida Supreme Court ruled that the judge had failed to properly charge the jury and ordered a new trial.<sup>53</sup>

Although the successful appeal of the first conviction was a significant victory, the decision did not guarantee Harrison's freedom. Regardless of the circumstance of the confession or the admonition of the Florida Supreme Court, public knowledge of the confession was sure to convince the potential jurors that Harrison was indeed guilty. Nevertheless, Harrison's second trial began on Tuesday, June 2, 1942. The jury heard testimony for most of two days. They began deliberations on Wednesday at 5:00 p.m. and returned with a verdict in twenty-two hours. On June 4, 1942, for the second time, a jury in Jackson County convicted Harrison and, likewise, a second death sentence was expected.<sup>54</sup>

Defeated again but not outdone, Barnes again began the process of appealing this second conviction to the Florida Supreme Court. This time he argued that Harrison's confession should be thrown out because it was coerced. Unfortunately, for Harrison, it seemed that Barnes' good fortune with the high court of Florida had run out; on December 18, 1942, unconvinced

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<sup>52</sup> Brief of the Appellant, *Cellos Harrison v. State of Florida*, 18 September 1941.

<sup>53</sup> *Cellos Harrison v. State of Florida* (1941).

<sup>54</sup> *Jackson County Floridan*, 5 June 1942.

by Barnes' appeal, the justices upheld the verdict of the Jackson County Court.<sup>55</sup>

After losing the second appeal, Bessie Harrison, desperate to save her husband's life, hired another attorney, Clyde Atkinson. Mrs. Harrison was able to convince him of her husband's innocence and he agreed to take the case. His first action was to submit a motion to file a petition for the Florida Supreme Court to rehear the case. The filing of the motion was late, but Atkinson beseeched the court to approve the request and the appeal. He argued that his clients were unaware that they could appeal for a rehearing.<sup>56</sup>

Surprisingly, the court granted the petition for a rehearing, which took place on January 28, 1943. Even more surprising is what happened next. The court was sharply divided over the contentious decision. In the decision handed down on February 19, 1943, the majority of the justices agreed that the confession, due to the conditions under which it was obtained, was inadmissible. In this second decision on the appeal, Justices James B. Whitfield, Rivers H. Buford, and Alto Adams, sided with Justice Elwyn Thomas, who had written previous dissenting opinion for the appeal in December. The scales tipped in Harrison's favor when Judge Alto Adams changed sides, and making the dissenting opinion the majority.<sup>57</sup>

Writing for the majority, Justice Roy H. Chapman argued "the attending circumstances shortly preceding the signing of the alleged written confession by the appellant [created in his mind] an abiding conviction that it was obtained by influences

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<sup>55</sup> *Cellos Harrison v. State of Florida*, 18 December 1942.

<sup>56</sup> FBI Investigation, 5 July 1943.

<sup>57</sup> *Cellos Harrison v. State of Florida*, 18 December 1942.

calculated to delude the mind of an immature and ignorant colored boy."<sup>58</sup> Chapman pointed to the conditions surrounding the arrest of Harrison in May 1941. He noted that Jackson County law enforcement officers took Harrison to the Quincy jail, knowing that A. C. Williams had been kidnapped from that same jail and lynched just a few weeks earlier. Knowledge of those events undermined Harrison's sense of security. Chapman also noted that although Sheriff Gause had ordered that Harrison not be allowed to receive visitors, he was visited in jail and threatened by Sheriff Gause's own deputies. Furthermore, he noted that while being transferred from the jail in Quincy to Tallahassee, Harrison was given the impression that a mob was pursuing the party. Officers led him to believe the only way to escape death was to admit to the murder. With his confession, they convinced Harrison that he might even reduce the amount of time he spent in jail. The opinion stated:

Poverty, like a huge stone hung about the neck, deterred the development of beneficial facts of the controversy from the moment of appellant's arrest until the death penalty was imposed....It is established that in order to render a confession voluntary or admissible, the mind of the accused should at the time it is obtained or made be free to act uninfluenced by fear or hope.<sup>59</sup>

These conditions were enough to convince a majority of the court that justice had not been served, and the Florida Supreme Court ordered that Harrison be given a new trial.

As a result of Justice Adams changing sides, Justices Thomas and William Glen Terrell were joined by Chief Justice

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<sup>58</sup> *Cellos Harrison v. State of Florida*, 19 February 1943.

<sup>59</sup> *Ibid.*

Armstead Brown in what had become the dissenting opinion. Writing the dissenting opinion, Judge Thomas strongly disagreed with Justice Chapman. He argued that the same confession had been introduced into the first appeal and the court had not then been compelled to withdraw it. Moreover, he felt that the other justices acted as usurpers in overturning the verdicts of the juries in Jackson County. "Two fair and impartial juries" Thomas argued, "have considered all the evidence and returned like verdicts....[the majority opinion] is the invasion of the province of the jury by substituting the court's finding as to the probative force and effect of the evidence for that of the jury and thereby allowing a [self]-confessed twice-convicted murderer to go free."<sup>60</sup>

Despite the setback, State Attorney J. Tom Watson, lead prosecutor in the Harrison case, was determined to place Harrison on trial for murder. On March 16, 1943, he applied to the Florida Supreme Court for clarification of the verdict: was the confession altogether inadmissible or was it simply insufficient in itself to warrant a conviction? In their response, the court stated plainly that, because of the circumstances surrounding Harrison's confession, it was inadmissible as evidence. This decision dealt a blow to the prosecutors in the case. Harrison's confession had been the cornerstone of their case. Attorney Watson had no choice but to nolle-prosse the case and, subsequently, the state prison at Raiford released Harrison from its custody.<sup>61</sup> After two years of legal battles, Cellos Harrison was a free man again.

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<sup>60</sup> Ibid.; *Jackson County Floridan*, 14 May 1943.

<sup>61</sup> "Petition for Clarification of Opinion," *Cellos Harrison v. State of Florida*, filed 2 March 1943.

Back in Jackson County, city officials refused to let go of their desire to see Harrison convicted for the crime they were so certain that he had committed. To that end, they instituted new measures so that no further hindrances would inhibit Harrison's conviction. One major change came shortly after news of Harrison's successful appeal. After learning that a black lawyer in Pensacola had been able to win reprieves for many of his black clients after citing that blacks were routinely omitted from jury duty, the Jackson County Commissioners submitted a petition to the local court to change this process. In response to the petition, on May 20, 1943, Judge Welch ordered that the jury box be refilled and include blacks in the jury pool. While at first glance this seems to be a rather progressive move on the part of white leaders in Marianna, in actuality their motives were less than altruistic. "It would be a travesty on justice," Judge Welch explained, "to say that a Negro could commit a heinous crime—murder or rape—and go free of punishment, while a white man would have to pay the penalty." The Board of Commissioners and Judge Welch successfully closed a significant legal loophole which could have been used by the defense during the inevitable next round of prosecution in the Harrison case.<sup>62</sup>

Jackson County officials wasted no time in their effort to convict Harrison. Just two months after he had been released from Raiford State Prison, on Friday, May 28, 1943, a specially impaneled grand jury indicted Harrison of first-degree murder for the third time. The *Jackson County Floridan* took special note that one black person had been included on the jury and that "the new indictment was speedily brought."<sup>63</sup> Atkinson,

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<sup>62</sup> *Jackson County Floridan*, 28 May 1943.

<sup>63</sup> *Ibid.*, 4 June 1943.

Harrison's attorney, noticed another significant feature of the jury; they were the same people who had testified against Harrison in his original trial. This conflict apparently was not an issue for the court, as it wasted no time scheduling a new trial for June 21, 1943. A warrant was issued for Harrison's arrest. Law enforcement officials located Harrison in Orlando and returned him to Jackson County to stand trial.<sup>64</sup>

In response to the latest indictment, Harrison's attorneys moved to prevent further prosecution. Encouraged by the success of the previous appeals, on June 4, a week after the third indictment was handed down, Atkinson and Weldon G. Starry, another white attorney who was now assisting on the case, applied to the Florida Supreme Court for a writ of habeas corpus and a writ of prohibition. They argued that Harrison was being subjected to malicious prosecution and that another trial would constitute double jeopardy.<sup>65</sup>

The patience of Jackson County's white community began to wear thin. It had been three years since Mayo's murder and two years since Harrison was first convicted. Somehow, Harrison had survived four indictments, two death sentences and won two reprieves from the Florida Supreme Court. Harrison had lived a lifetime for a black man repeatedly convicted of the murder of a white man in a small southern community. In the end, his push for freedom ultimately brought him closer to death.

## **Murder**

After his arrest in Orlando in late May 1943, Harrison was transported back to Marianna. There he remained in jail,

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<sup>64</sup> Statement of Clyde Atkinson, FBI Investigation, 5 July 1943, DOJ Files.

<sup>65</sup> FBI Investigation, 11 June 1943, DOJ Files.



conferring with his lawyers and anxiously awaiting the outcome of their latest legal maneuvering. Naturally, the community was interested in the latest developments in the case. News of the application for the writs was reported in the *Jackson County Floridan* on June 11, 1943. Those awaiting Harrison's prosecution had to be apprehensive. Harrison's lawyers had won every appeal to the Florida Supreme Court either on the first or second attempt. If they were successful this time, all legal avenues would have been exhausted and Harrison would be beyond the reach of the law. For those who believed him guilty and wanted to see him executed, this conclusion was unacceptable. Some decided to take measures into their own hands.<sup>66</sup>

In mid-June, Sheriff Gause went to Ocala to attend a sheriffs' convention. In his absence, responsibility fell to Chief Deputy McMullian. On the evening of June 15, 1943, McMullian did not have night duty and was at home. In his stead, three officers were caring for the jail. Tom Belcher, a sixty-five year old former deputy sheriff in Calhoun and Jackson counties, had been hired a few weeks before to work as the night jailer. Deputy Sheriffs Joe Sims and Lewis Rogers, both of whom lived at the jail, were also on duty that night.<sup>67</sup>

At 6:00 p.m., Deputy Rogers and Patrolman E. B. Jordan began their patrol. After they were finished, Jordan dropped Rogers off at the jail at 10:00 p.m. Exhausted after a long day, Rogers went directly to bed. The other deputy, Joe Sims, was on patrol with Sergeant D. W. "Red" Wells of the Marianna City Police. During the course of the night, Deputy Sims and Sergeant Wells pursued a set of cars being illegally towed

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

TABLE 2: Chronology of Events Surrounding the Lynching of Cellos Harrison		
Date	Time	Event
February 5, 1940	9:00 a.m.	Johnnie Mayo found near death, after being beaten by a hammer; body found by Raymond Speight and Red Hicks, both African Americans
June 1941		Cellos Harrison and Jabo Pittman arrested; Harrison taken to the Quincy jail; he was threatened by law officers; taken to Tallahassee, under the pretense of protecting him; under these circumstances, Harrison confessed to the crime; Pittman subsequently released
June 10, 1941		Harrison indicted for the murder of Johnnie Mayo
June 11, 1941		Witnesses subpoenaed
January 20, 1942		Harrison's appeal to the Florida Supreme Court is affirmed; Court rules that the judge failed to properly direct the jury.
June 2, 1942		Harrison convicted of Mayo murder for the second time
December 18, 1942		Original appeal filed with the Florida Supreme Court by Ben F. Barnes and Clyde W. Atkinson.
January 28, 1943		Petition for rehearing filed
February 19, 1943		Decision on appeal in favor of Harrison; confession was forced; J. Tom Watson and Woodrow M. Melvin for the State of Florida; nol prossed (not processed) by the circuit court
		Harrison indicted by grand jury in Marianna; trial set for June 21, 1943
May 28, 1943		Harrison taken from Orlando and returned to Marianna
June 16, 1943	12:20 a.m.	Harrison kidnapped from the Jackson County jail
	4:20 a.m.	Harrison's body found off State Road 84, six feet off the pavement

without tags, in the western part of the county. They also intended to patrol the Kokomo Club, a troublesome jook joint in that section.<sup>68</sup>

<sup>68</sup> Statement of D. W. Wells, FBI Investigation, 19 August 1943, DOJ Files.

Around midnight, Belcher sat on the porch of the jail, reading the newspaper. Suddenly a car pulled up in front of the jail. The street was dark because the board of commissioners had recently instituted a policy of shutting off all streetlights in Marianna during "moonlit" nights. The men yelled to Belcher that they had a drunk for him to put in jail. In the darkness, Belcher could see two figures, one man standing behind another man with his head wrapped in bandages.<sup>69</sup>

Belcher proceeded to open the gate, when he noticed that the second man was wearing a paper bag over his head. Startled, Belcher then looked at the car, from which he saw two other men exit, also wearing masks. "We want Cellos Harrison," the men told Belcher. They all walked onto the porch of the jail, and demanded that Belcher turn the lights off. Maybe because Belcher was not moving fast enough, one of the men turned them off himself. Next, the men asked Belcher for the keys to the jail. He lied and told them that one of the other deputies had them. The men laughed and repeated their demand. In actuality, the keys were hanging behind the door down the hall. One of the men stumbled down the hallway in the darkness, bumping into the door and jingling the keys. Belcher then called out to Deputy Sims, who he believed to be asleep in his room at the jail. Two of the men pulled guns on Belcher, pointing one at his side and one at his back. "Keep going. We don't want to hurt anybody, but we come after Cellos Harrison."<sup>70</sup>

The five men went upstairs to the holding cells and into the "bull ring," the outer chamber before the cells. After

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<sup>69</sup> Ibid.

<sup>70</sup> Robert Hadley, who was incarcerated at the Marianna Jail the night Harrison was kidnapped, described these versions of events. FBI Investigation, 5 July 1943, DOJ Files.

unlocking the door, they called for Harrison. "What do you want with me this time of night?" asked Harrison. "Come on," one of the men replied, "we want to take you to a better jail. You're liable to get hurt here." Harrison would not go voluntarily so the men grabbed hold of him and attempted to pull him from his cell. In the tussling, Harrison pulled the bag off one of the kidnappers' head.<sup>71</sup>

After seizing Harrison, the men left the jail. Deputy Rogers, who had slept through the kidnapping, was awakened by the sound of the gate slamming when the kidnappers exited. He later said he caught a glimpse of the "bullet back" car driving off from in front of the jail. Once he had taken in what had occurred, Rogers called Chief Deputy McMullian, who in turn called Patrolman Jordan. Jordan then called to notify his boss, Lt. Reid Clifton of the Florida Highway Patrol, who was stationed in Chipley. Clifton left Chipley en route to Marianna with Patrolmen Henry Mills and W. E. Butler. McMullian also contacted Chief of Police Turner and asked him to have the streetlights turned on.<sup>72</sup> Bunny Sims, who sat on the town council and was also in charge of the local American Legion, wanted to take action and call up his troops, fearing that widespread violence might occur as it had in the aftermath of the Neal lynching years before. Not seeing an immediate threat, his commander in Jacksonville told Sims not to take action unless the governor called for it.<sup>73</sup>

Upon arriving at the jail in Marianna, Lt. Clifton and his men were surprised to find the members of the sheriff's

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<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

department engaged in a game of dominoes. Appalled by their lack of interest in pursuing the criminals, Lt. Clifton refused to stay in the company of "that bunch," and he and his men began to patrol the area in search of the kidnappers and Harrison. After Lt. Clifton and his men left, the remaining officers, including Chief of Police Turner, Joe Sims, Red Wells, Leo Kirkland, and Tink Reddick, went to Tee's Restaurant for coffee at about 2:30 a.m.<sup>74</sup>

Hoping to locate Harrison and his kidnappers before any violence occurred, Lt. Clifton and his patrolman traveled Highway 84 heading south. As they drove along the road, they saw a body on the ground a few feet from the road. It was Cellos Harrison, clad in his night shorts and lying motionless on his back. He had been severely beaten about the face, there was a hole in his jaw and he had been hit along his temples. The most damaging blows were made to the top of his forehead, presumably with a hatchet; with two blows, a piece of his skull had been removed and his brains spouted from the wound. Harrison was dead and, notably, had been killed in a manner and with an instrument similar to those used to kill Johnnie Mayo.<sup>75</sup>

After discovering Harrison's body, the officers on the scene began looking for evidence as to who committed the murder. While there was blood on Harrison's head and on the ground beneath his head, there was no blood anywhere else on Harrison's body. This led officers to conclude that Harrison must have been unconscious and lying on the ground when the blows were dealt. There were no clearly identifiable footprints found on

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<sup>74</sup> FBI Investigation, 5 July 1943, DOJ Files; FBI Investigation, 19 August 1943, DOJ Files.

<sup>75</sup> FBI Investigation, 5 July 1943, DOJ Files; FBI Investigation, 15 March 1944, DOJ Files.

the ground surrounding the body. The officers did, however, find a paper bag similar to the ones Belser said the kidnappers were wearing. It was taken to the sheriff's office as evidence. After officers were finished with the crime scene, according to Chief Deputy McMullian, Harrison's body was picked up by the "darkey" who owned People's Funeral Home.<sup>76</sup>

Later that morning, a coroner's inquest was held to investigate Harrison's kidnapping and murder. Several witnesses gave testimony at the inquest, but none of the testimony proved to be particularly revealing. Belser said he was too surprised and overwhelmed during the kidnapping to stop the men or to remember any identifying characteristics. Deputy Rogers, while at the jail, had slept through the kidnapping. Deputy Sims claimed to be in another part of the county, and Sheriff Gause was out of town.<sup>77</sup>

Another set of possible witnesses turned out to be of no use to the case. Attorney Weldon Starry, who was working with Clyde Atkinson to defend Harrison before his death, later recalled a disturbing set of events that occurred during the coroner's inquest. He was present when several black inmates who had been incarcerated with Harrison came to court to testify to what they saw the night he was kidnapped. Starry said that there were about fifty whites who came to court that day and positioned themselves around the perimeter of the courtroom. Their sole purpose, Attorney Starry claimed, was to intimidate the witnesses and keep them from telling what or who they saw the night Harrison was kidnapped. As each man took the stand, each was asked if they knew anything relating to the kidnapping

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<sup>76</sup> Coroner's Inquest into the Death of Cellos Harrison, 16 June 1943, Marianna, Florida.

<sup>77</sup> Ibid.

of Cellos Harrison. Each answered negatively, after which the whites in the courtroom smiled and nodded, encouragingly. Their strategy worked; none of the inmates were able to give any significant information about the kidnapping, even though at least one kidnapper had his mask removed.<sup>78</sup>

In the end, no witness was able to identify any distinguishing traits or provide clues which would have indicated who was responsible for the lynching. In the absence of any physical evidence or corroborating testimony, the jury concluded that Cellos Harrison met his death "at the hands of a person or persons unknown."<sup>79</sup>

### **Aftermath**

Now that Harrison was dead, whites in Jackson County were no doubt eager to put the incident behind them. Their experiment with "due process" had failed, and some people had taken it upon themselves to do what they believed the court system could not accomplish: retribution. In many ways, Harrison's guilt or innocence was inconsequential. A black person had taken a white life, presumably, and "balance" had to be restored. An example needed to be made. Guilty or not, Harrison was a suitable ram in the bush, sacrificed on the altar of white supremacy.

The vengeance of Harrison's murders, however, came at a price. Unfortunately for them, Harrison's lynching would not go away quietly, as news of the incident spread rapidly around the state and nation. The Tallahassee *Daily Democrat* published news of the lynching on the same day that Harrison's body was

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<sup>78</sup> FBI Investigation, 5 July 1943, DOJ Files.

<sup>79</sup> Ibid.; FBI Investigation, 5 July 1943, DOJ Files.

discovered. The *Tampa Morning Tribune* and the *Atlanta Daily World* covered the story the following day. From there, the Associated Press distributed the news to other newspapers throughout the nation.<sup>80</sup>

Several interested parties wrote directly to state and federal officials encouraging an investigation of the Harrison lynching. George E. Haynes and James Myers with the Federal Council of the Churches of Christ in America sent a telegram to U. S. Attorney General Frances Biddle on the day after the murder urging federal investigation. Speaking of the lynching in Marianna and racial violence in Beaumont, Texas, Hayes and Myers argued that such incidents

jeopardize not only the lives and liberty of many innocent law-abiding citizens but the very power of our nation as it struggles for its life. It doubtless also gives aid and comfort to axis enemies. Such outrages within our own land will greatly reduce our influence with our many colored allies who will judge what we say over there by what is done over here... We urge therefore that the federal department of Justice exhaust the possibilities of federal action to assure that those responsible for these outrages be apprehended and prosecuted as criminals impairing the national order.<sup>81</sup>

Within the state of Florida, Harry T. Moore, president of the Florida State Conference of the NAACP, wrote to Governor Spessard Holland on July 12, 1943. As he characteristically did after other lynching incidents, Moore eloquently provided the governor with details surrounding Harrison's murder and urged

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<sup>80</sup> *Daily Democrat*, 16 June 1943; *Tampa Morning Tribune*, 17 June 1943.

<sup>81</sup> George Hayes and James Myers, Federal Council of the Churches of Christ in America, to U. S. Attorney General Francis Biddle, Washington, DC, 17 June 1943, DOJ Files.



Holland to investigate. Strategically, Moore based his protest of Harrison's lynching in the wartime language of patriotism and democracy, stating:

It is hardly necessary to say that such incidents only tend to create a spirit of doubt and fear among Negro citizens. While our country is engaged in a gigantic struggle against the forces of hate and evil abroad, it is even more important that a stronger spirit of unity and hope should exist among all American citizens, regardless of race or color. Nothing could do more to lift the sagging citizens, regardless of race or color. Nothing could do more to lift the sagging morale of colored Americans than to see justice done in a case like this. If the morale of American Negroes is to be lifted to higher level in this fight for democracy abroad, it must be done through a more practical application of the fundamental principles of democracy at home.<sup>82</sup>

Once apprised of the situation in Marianna, Attorney General Biddle requested that Wendell Berge, Assistant U.S. Attorney General, take action. The Department of Justice, by order of President Franklin Roosevelt, was to investigate all instances of lynching and do everything in their power to bring the lynchers to justice. Needing eyes and ears on the scene, Berge wrote to George Earl Hoffman, U.S. Attorney for the Northern District of Florida in Pensacola, on June 17, 1943 requesting a report. Hoffman replied on June 25, sharing with Berge what information he discovered surrounding the Harrison lynching.<sup>83</sup>

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<sup>82</sup> Harry T. Moore, President of the Florida Conference of the NAACP, Mims, Florida, to Spessard Holland, Governor, State of Florida, Tallahassee, Florida, 12 July 1943, DOJ Files.

<sup>83</sup> Wendell Berge, Assistant Attorney General, Department of Justice, to George Earl Hoffman, U. S. Attorney for the Northern District of Florida, Pensacola, 17 June 1943. DOJ Files.

More than simply informational, Hoffman's correspondence played down the need for federal interest in the Harrison lynching. He characterized the violence as isolated, maybe even justifiable, and that in the aftermath, all things were under control. In Hoffman's view, the lynching was a case of retribution for the murder of Johnnie Mayo, of which Hoffman claimed Harrison was guilty, despite two successful appeals to the Florida Supreme Court. "While the case is one that presents a violation of the Federal law with reference to guarantee of civil liberties," Hoffman admitted, "it may be noted that this lynch-murder was committed without any public clamor, rioting or racial clash." As further evidence of the local sentiment against the lynching, Hoffman included a clipping of an editorial condemning the lynching from the *Pensacola Journal*.<sup>84</sup>

Despite Hoffman's attempts to characterize Harrison's lynching as an isolated but regrettable episode, the representatives of the federal government were not convinced. On the same day that Berge wrote to Hoffman, he forwarded a memorandum to J. Edgar Hoover, director of the Federal Bureau of Investigation (FBI), referencing President Roosevelt's request that the Department of Justice thoroughly investigate instances of lynching and seek to bring the perpetrators to justice. As a result of this request, the FBI became very involved in the attempt to identify Harrison's lynchers. Beginning in July 1943, six FBI agents from the Miami office worked the case for nine months: Clare Franklin Carter, Joel D. Colglazier, Charles Williams Johnson, Jack Borden, and Elmer Francis Vickers. Over the course of their investigation, the agents interviewed nearly sixty people, some of them more than once, in an effort to

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<sup>84</sup> Hoffman to Berge, 25 June 1943, DOJ Files.

determine who played a role in the Harrison lynching.<sup>85</sup> While the FBI agents failed to uncover any tangible evidence to substantiate prosecution, the information they gathered pointed to several possible culprits and suspicious characters.

One likely subject was a white man named Frank Lee. Although he was Johnnie Mayo's brother-in-law (his wife and Nella Mayo were sisters), the FBI investigation revealed that Lee was initially a suspect in Mayo's murder. Lee's name came up frequently in the interrogations because several Jackson County residents recalled that he had publicly suggested that Harrison be lynched. Former officer W. R. Davis, who worked for the police department when Mayo was killed, remembered that Lee made the statement, "He ought to be lynched," referring to Harrison.<sup>86</sup>

When questioned by FBI agents, however, Lee and his wife insisted that he had been at home at the tourist camp they operated on the night in question. After Mayo's murder, presumably Lee had become close friends with Mayo's father. While some told the FBI they had heard Lee suggesting that Harrison be killed, others doubted that Lee was capable of carrying out the lynching. Some described Lee as "an illiterate person and that he was somewhat given to exaggeration" and they

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<sup>85</sup> The following is a list of the FBI agents who investigated the Harrison lynching and the dates of their reports; Clare Franklin Carter and Joel D. Colglazier (5 July 1943); Charles Williams Johnson (15 September 1943); Jack Borden (19 August 1943, 17 November 1943, 9 February 1944); Elmer Francis Vickers (15 March 1944), DOJ Files.

<sup>86</sup> FBI Investigation, 5 July 1943, DOJ Files.

"did not believe Lee had sufficient courage or initiative to execute the type of lynching involved here." <sup>87</sup>

Another white man who drew strong suspicion was Lonnie Walls. He was a former police officer from Savannah, Georgia, who had lost part of his left arm to a gunshot injury and wore a steel claw in its stead. During the time he lived in Jackson County, Walls had a shadowy reputation in the community. He once operated a jook joint in Marianna where he had beaten some young men with a blackjack. Afterward Walls was arrested for carrying a concealed weapon.<sup>88</sup>

In the months after Harrison's murder, Walls had frequented Taylor's Pool Room. Around the bar, Walls bragged about killing a black man while he was in law enforcement. Other times he talked about breaking a black man's arm with his claw. Moreover, town gossip insinuated that Walls and Nella Mayo, the murdered man's wife, were romantically involved, some even suggesting that he lived with her.<sup>89</sup>

Walls came under suspicion primarily because of his activities after Harrison's murder. Witnesses remembered seeing him downtown, with a visible bloodstain on his shirt. More interestingly, on the morning that Harrison's body was found, Walls used a telephone in Nifty's Cleaning Shop to call Nella Mayo and tell her that Harrison was dead. Additionally, the day after the lynching, Walls had been overheard at Taylor's Pool Room talking loudly about being the one to tell Nella Mayo that Cellos Harrison had been killed and bragged about taking her to

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<sup>87</sup> FBI Investigation, 9 February 1944, DOJ Files; Statement of B. L. Solomon, FBI Investigation, 17 November 1943; Statement of Mary Harrison, FBI Investigation, 5 July 1943, DOJ Files.

<sup>88</sup> FBI Investigation, 5 July 1943, DOJ Files.

<sup>89</sup> Ibid.

the spot where he was killed and bragged that he even "showed her the nigger."<sup>90</sup>

The tone of his conversation, his disdain for blacks, his alleged relationship with Nella Mayo, and the bloody stain on his shirt made some people wonder if Walls had been involved in Harrison's lynching. FBI agent Carter sought Walls and questioned him about his involvement in the Harrison lynching. While he admitted his acquaintance with Nella Mayo, he insisted that the extent of their relationship was an occasional ride to town, as he did not have a car. As far as the telephone call he made to Nella Mayo the day Harrison was killed, it was simply a courtesy call to a friend, as he knew she would be interested in the news. As for the bloodstain, Walls claimed it came from a sore on the back of his hand, which Agent Carter claimed looked like an "infected mosquito bite." Because of his handicap, Walls claimed, he had to use the back of his hand to fasten his shirt buttons, thus the sore was the origin of the blood on his shirt. Despite his comments at the bar and his association with Nella Mayo, there was no physical evidence to link Walls to Harrison's lynching.<sup>91</sup>

In a case such as this, it was natural to assume that Mayo's family members would have been involved in the lynching of Harrison. In its truest form, the practice of lynching sought to right a perceived wrong and satisfy a desire for justice. It was still true that in many areas in the South, a community sanctioned extra-legal violence when the wheels of justice did not move fast enough, or effectively enough. The relatives of Mayo, three years after his murder, might have been

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<sup>90</sup> Statement of James Finlayson, FBI Investigation, 5 July 1943, DOJ Files.

<sup>91</sup> Ibid.

the only people in Jackson County who harbored enough anger to be motivated to kill Harrison.

FBI investigators followed this lead as well and began to trace the activities of Johnnie Mayo's immediate family around the time of Harrison's murder. Since Mayo's murder in February 1940, the Mayo family had relocated to Tallahassee. His parents and three brothers, Roy, Wilbur and Frank, resided there, and a fourth brother, Milton, was serving in the U. S. Navy. FBI agents interviewed the neighbors of the Mayo family in Tallahassee. The investigation revealed nothing that led the FBI to suspect any of their involvement. Co-workers and neighbors characterized Mayo's family members as hard-working and peaceful. No one had heard any member of the family talk of taking vengeance against Harrison. Further, they verified that the Mayos were in Tallahassee on the day that Cellos Harrison was lynched. In the end, the FBI's investigation failed to reveal the complicity of Johnnie Mayo's father, mother and brothers.<sup>92</sup>

While Mayo's immediate relatives lived in Tallahassee, the family was large and many of his cousins still lived in Jackson County. In the aftermath of the Harrison lynching, many people suspected that Mayo's local relatives had played a role in his death. Sergeant Wells of the Marianna Police Force commented on the night of Harrison's kidnapping that he would have looked for Harrison's body along Highway 84, because the road led to the community where many of Mayo's relatives lived. Notably, this was where the body was eventually found.<sup>93</sup>

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<sup>92</sup> FBI Investigation, 5 July 1943, DOJ Files.

<sup>93</sup> FBI Investigation, 19 August 1943, DOJ Files.

Of all the suspects in the Harrison lynching, the members of law enforcement, individually and collectively, raised the most suspicion. First was Sheriff Gause of Jackson County. Gause's activities during his campaign for office in 1941 showed that he was not above opportunism to gain political office. During the FBI's investigation, several people spoke negatively of Sheriff Gause's character. Gause's predecessor, Sheriff W. L. Watford, had a reputation for aggressively pursuing lawbreakers, especially violators of the county's gambling and liquor laws. Gause, however, did not appear to be cut from the same cloth. At least two individuals told the FBI that Gause took money under the table from the gambling and liquor interests in the county. One of the individuals who spoke against Sheriff Gause was Joe Sims, a former deputy of Gause. He had left Gause's administration after coming into conflict with him after arresting Sheriff Gause's brother on a liquor violation. Even when pressured by Gause to drop the charges, Sims refused, resulting in the increased tension between the two.<sup>94</sup>

In addition to comments against Sheriff Gause's supposedly scurrilous character, residents apprised the FBI agents of his feelings in regards to Cellos Harrison. One individual recalled that Gause had been less than pleased with the outcome of Harrison's first appeal. While in the car returning from Tallahassee to Marianna after Harrison was granted a new trial, Gause angrily blamed bribery for the Florida Supreme Court's decision. The subject said that Gause believed "the whole layout [meaning the court justices] divided the money between them and turned the nigger loose." The same individual saw Gause at a local fish fry after the lynching. He heard Gause

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<sup>94</sup> Ibid.; Shofner, *Jackson County*, 523.

stating that Harrison's lynching "had all blowed over pretty smooth."<sup>95</sup> This was a strange assessment considering that Gause and his men had failed to solve the case, which might have caused other officers of the law great consternation. Gause's comments suggest he may have shared the sentiment of the lynching party: that in order for justice to be served in the Mayo case, Harrison had to die.<sup>96</sup>

Interestingly, subsequent investigation revealed that Sims, the former deputy sheriff who spoke so negatively about Sheriff Gause, may himself have been involved in Harrison's kidnapping and lynching. Interviewed in 1944 by FBI agents, Tom Moore, a black man who had been in the Marianna jail the night Harrison was kidnapped, shared some critical information about that night. Moore told the agents about the conversation he overheard between Harrison and the men who kidnapped him. His recollections confirmed the description that Robert Hadley, another inmate, had given to the agents about the incidents at the jail on the night of Harrison's kidnapping. Moore, however, recalled that Harrison called one of his kidnappers by name. Moore told agents that when the kidnappers first called Harrison, he replied asking, "Mr. Joe, is that you?" Could he have been referring to Joe Sims? This explanation makes sense because Harrison would have concluded that Sims, as an officer of the law, had the authority to remove him from jail. If Harrison had been unable to identify the person coming for him in the middle of the night as an officer of the law, would he not have resisted more forcefully?

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<sup>95</sup> FBI Investigation, 5 July 1943, DOJ Files.

<sup>96</sup> Ibid.



Moore's statement to the FBI was a significant, but circumstantial, development. Until that point, the agents had been unable to identify any of the kidnappers. Moore's statement was the most specific in that direction. Still, Moore's recollection was as revealing as it was speculative. Because none of the men in the jail, inmates and officers alike, saw the faces of the men, Moore's recollections were circumstantial. Deputy Sims accounted for his whereabouts on the evening of June 15 and Red Wells, a police officer for the city of Marianna, confirmed his alibi. There is no way of knowing if Harrison's statement was factual and based on his recognition and positive identification of the source, or if it was simply a guess on his part. According to Moore, the person addressed as "Mr. Joe" responded to Harrison's question.<sup>97</sup>

One of the most vocal and consistent critics of the performance of Jackson County law enforcement was Lt. Clifton of the Florida Highway Patrol. He was interviewed by agents in DeLand, Florida, in March 1944, nearly a year after the lynching. Although several months had passed, Lt. Clifton readily articulated what had gone wrong during the Harrison lynching. He squarely blamed the inactivity and disinterest of local law enforcement. From what he observed the officers from Marianna made no attempt to investigate the lynching and were generally unconcerned with trying to find Harrison, his kidnappers, or to prevent his possible lynching. The statements given by Jackson County law officers about their activities on the night that Harrison was killed confirm Lt. Clifton's observations. After Harrison had been kidnapped, instead of patrolling the county in search of the lynching party, they

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<sup>97</sup> FBI Investigation, 9 February 1944, DOJ Files.

drank coffee and played dominoes. Plainly states, they engaged in recreational activities while a man was being killed.<sup>98</sup>

Attorney Starry, a member of Harrison's legal team, also relayed a story that spoke to the disinterest of law enforcement in solving Harrison's murder. When Starry inquired about the state of the investigation, specifically asking if the officers had tried to lift fingerprints from the paper bag found at the crime scene with Harrison's body, he said the officers looked amused and laughed at him.<sup>99</sup>

Ultimately, it seems as if the lynching was allowed to happen or, in the worst case, was thoroughly planned and coordinated with law officers. The most obvious problem was the failure of Sheriff Gause and his staff to protect adequately the prisoner. After Harrison's first arrest, Gause had been prudent enough to move him to Quincy and then on to the Tallahassee jail. Why then, after two murder convictions were set aside, did Gause not take the precaution of moving Harrison? Sheriff Gause defended his actions by pointing to Harrison's successful appeals. Part of the reason Harrison's second appeal was successful, and his confession was thrown out, was because of Harrison being transported to a safe location by law enforcement officers. Harrison claimed and his lawyers argued that instead of seeking to protect him, Gause and his men used the process of transportation from Marianna to Quincy as an opportunity to intimidate Harrison because another black man had recently been kidnapped and lynched from that same jail, and to coerce him into a false confession. Moreover, it was during transportation by the sheriff and his men that Harrison was made to believe

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<sup>98</sup> FBI Investigation, 15 March 1944, DOJ Files.

<sup>99</sup> FBI Investigation, 5 July 1943, DOJ Files.

that the party was being pursued by a mob and the only way to save himself was to confess. In essence, the grounds for Harrison's successful second appeal before the Florida Supreme Court rested upon his being transported by Sheriff Gause and his men. Gause later claimed that because of the criticism of the Florida Supreme Court of his actions in the previous incident, he did not attempt to remove Harrison from Jackson County again.<sup>100</sup>

While Sheriff Gause's reasons for not removing Harrison from Jackson County seemed understandable, his failure to provide adequate protection for him was not. A few weeks before Harrison was kidnapped and lynched, Sheriff Gause hired Tom Belser to work at the jail. Initially Gause claimed that he hired Belser because the other jailers complained that they had too many responsibilities. For those reasons, Belser was brought in to assist the officers. Tom Belser was an experienced, but aged, lawman who had served sixteen years in law enforcement at the time he was hired.

Given his extensive background in law enforcement, Belser's behavior on the night of Harrison's kidnapping is inconsistent. In his testimony before the coroner's jury, he claimed that he was surprised and tricked by the men at the gate who told him they had a drunk for him to lock up. It is difficult to believe that a man with so many years experience as a law officer, and

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<sup>100</sup> Gause's sensitivity to the issue came as a result of being criticized by the Florida Supreme Court for transporting Harrison previously. Gause "stated that prior to the original trial Harrison had been taken by him to the jail of Chipley, Florida for his own protection and that this appeared to have resulted in the Supreme Court's language impliedly reprimanding the local authorities for such transportation. He said this may have influenced the Judge in his decision to leave Harrison in the Marianna jail, also." Ibid.

charged with the protection of a prisoner with such an inflammatory record as Harrison, would be so naïve. Belser also claimed in his testimony that he could not resist the kidnappers because he was afraid and overpowered. For those who knew Belser, this claim did not have the ring of truth. Amos Lewis, a long-time Jackson County resident and former state senator, spoke candidly with FBI investigators about Belser. He claimed that in his years of being acquainted with Belser, he had never known him to fear anyone. If he claimed any different, Lewis insisted, Belser was lying. Another man, local attorney Thomas Walker, felt that Belser was central to the success of the kidnapping. He insisted that Belser knew more than he was telling. Walker, echoing Lewis, described Belser as "fearless" and rejected the claim that he did not know more about the lynching.<sup>101</sup>

Belser's role in the kidnapping becomes even more suspicious because of the conflicting reasons Sheriff Gause gave for hiring him. When asked by FBI agents, Gause claimed that Belser had been hired at the request of his jailers for assistance. However, in a letter to Governor Spessard Holland reporting on the Harrison lynching, Gause claimed that Belser had been hired for the specific purpose of protecting Harrison.<sup>102</sup> This claim raises several red flags. Why would Gause hire a sixty-five year old man, who admittedly weighed only 110 pounds, to defend a prisoner in jail? Furthermore, if this were true, why would he change his story? The claim that

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<sup>101</sup> FBI Investigation, 11 April 1944, DOJ Files.

<sup>102</sup> In a letter to Governor Holland, he explained "I employed one Tom Belser as a sepcial [sic] night watchman to be up and on the alert at night while Harrison was in jail." W. Barkley Gause, Marianna, Florida, to Governor Spessard Holland, Tallahassee, Florida, 24 June 1943, Holland Collection.

Belser was only hired to "protect" Harrison was confirmed when within a few days of Harrison's lynching, Belser was no longer working at the jail.<sup>103</sup>

Another unbelievable claim surrounding the kidnapping was that Deputy Rogers slept through the kidnapping. Rogers had been on patrol with E. B. Jordan, who dropped him off at the jail at 10:00 p.m. that night. Later Deputy Rogers claimed that he went directly to sleep and awoke to the sound of the front gate of the jail slamming, after which he only saw the tail end of the car that carried Harrison and his kidnappers. This meant that Rogers slept through the kidnappers' entry into the jail as well as Belser's calls for assistance before the kidnappers silenced him. Not everyone believed Rogers' account of events. Officer Jordan told the FBI that he was "certain" that Rogers had heard the activities and knew the participants. He based his claims on his prior experiences with Rogers. Jordan claimed "that he has recently attempted to enter the jail during the night time without awakening Rogers and that as careful and quiet as he may be Rogers always opens the door just as he gets there and asks him what he has."<sup>104</sup>

In the end, despite the diligent work of the FBI and the clues, rumors and innuendo gathered during the course of their investigation, there was simply not enough evidence to indicate the persons responsible for the kidnapping and lynching of Cellos Harrison. After months on the case, the Department of Justice was satisfied that all possible leads had been followed.

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<sup>103</sup> Statement of R. T. Gilmore, FBI Investigation, 17 November 1943, DOJ Files.

<sup>104</sup> Coroner's Inquest; FBI Investigation, 11 April 1944, DOJ Files.

On July 19, 1944, eleven months after Harrison's murder and a year since the federal investigation began, Assistant Attorney General Tom Clark wrote to J. Edgar Hoover, calling off any further investigation and closing the case.<sup>105</sup>

## **Reaction**

In the aftermath of Harrison's lynching, blacks in Jackson County tried to go on with their lives. Many stayed home in the days following the lynching, fearing a violent outbreak similar to the one that followed the Neal lynching in 1934. The immediate members of Cellos Harrison's family left the area. His wife, Bessie, left for New York in May 1943, just before Harrison was killed. His sister, Theresa, had already moved to Newark, New Jersey. After Harrison's lynching, Theresa came and took her mother, Mary, to live with her.<sup>106</sup>

It is probable that most whites in Jackson County felt that justice had been served. Prior to the lynching, remarkable restraint had been exercised in giving the wheels of justice an opportunity to operate. To avoid the appearance of impropriety, Judge Welch took the precaution of throwing out the first indictment due to complications. After the Florida Supreme Court ordered Harrison's retrial, they followed the order. The city fathers of Marianna took the unusual step of allowing blacks to serve on the jury, again to project the façade of fairness. It was only when the wheels of justice slowed, and it looked as though the confessed murderer of Johnnie Mayo would go free, that whites began to take matters into their own hands.

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<sup>105</sup> J. Edgar Hoover to Tom C. Clark, 3 July 1944, DOJ Files; Tom C. Clark to J. Edgar Hoover, 10 July 1944, DOJ Files.

<sup>106</sup> Wilson, interview; FBI Investigation, 26 June 1944, DOJ Files.

Many citizens blamed the Florida Supreme Court for the lynching. Some believed that "northern" money had been injected into the case, hinting that the NAACP or some similar organization was attempting to use the Harrison incident for political gain. Some said it was the legal maneuvering of Harrison's lawyers that raised the ire of the lynchers; it was the application for the writs of *habeas corpus* and prohibition that made people angry. Others believed that Harrison simply got what he deserved. In the end, it was the feeling that Harrison would evade a suitable legal punishment, death being the only appropriate answer, that spurred vigilantes to take action.<sup>107</sup>

The example of the Harrison lynching also suggests that the Jackson County community had learned a valuable lesson after the lynching of Claude Neal in 1934. The notoriety of that incident hung like a dark cloud on the town's collective consciousness. To have another lynching recorded in their township, especially with the country focused on fighting a war for democracy in Europe, would invite negative attention and, possibly, a federal investigation. They exhibited patience with the legal process, instead of quickly resorting to murder.

While the evidence is inconclusive, it could be argued that whites in Jackson County were just as calculating when they finally decided to take matters into their own hands. There are too many coincidences and mistakes for Harrison's kidnapping and eventual lynching to have occurred without the knowledge or support of local law enforcement: an absent sheriff; the age and feebleness of the jailer hired to "protect" Harrison; the failure to remove Harrison to a safer jail; a normally alert jailer who sleeps through the kidnapping; the other deputy

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<sup>107</sup> Statements of B. Skipper, Mrs. Phillips, and Mrs. Lewis, FBI Investigation, 5 July 1943.

sheriff on pursuit and patrol in the far end of the county; the fact that the sheriff's men played dominoes and drank coffee instead of going to look for Harrison.

Nationally, news of Harrison's lynching was buried among news of other recent outbursts of racial violence around the country. While the nation focused on striking a blow for democracy in Europe, equality remained elusive for non-white Americans in many areas of the nation. For a population wrecked by the Great Depression, the growth of war industries meant relocation to areas where work was available. This ensuing population shift created new problems, mainly in urban areas, which were forced to deal with the population pressures brought on by competition for jobs and housing, as well as racial antagonism.

Just two weeks before the Harrison lynching, fighting broke out in Los Angeles, California, on June 3, 1943. Soldiers and sailors stationed in the area raided the Mexican-American community because it was rumored that some gang members had attacked white wives of servicemen. Referred to as the Zoot-Suit riots, some 600 Chicanos, with their zoot suits and slick, duck tailed hairdos, were arrested for their activities during the riot. No whites, conversely, were ever brought to justice.<sup>108</sup>

Similar racial tensions brought about rioting in Beaumont, Texas, on June 15 and 16, 1943. Violence erupted after a white woman claimed a black man had raped her. These rumors only fanned the flames of interracial and economic tensions which had

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<sup>108</sup> Edward J. Escobar, *Race, Police, and the Making of Political Identities: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999), 233-253; Maurico Mazón, *The Zoot-Suit Riots: The Psychology of Symbolic Annihilation* (Austin: University of Texas Press, 1984).



burned for months. Between 1941 to 1948, the city witnessed a population increase of over 55,000 people who came seeking jobs in the war factories and shipyards. An alleged rape was all that was needed to spark the powder keg that Beaumont had become. Thousands of whites gathered in Beaumont to await justice. After the victim failed to identify her attacker, the angry crowd focused their wrath on the local black community. Whites burned or plundered black homes and businesses. When the hostility subsided, police had arrested over 200 people, fifty people suffered injuries and three people died as a result of the violence.<sup>109</sup>

A few days later one of the worst of the wartime riots commenced in Detroit, Michigan. The problem developed at Belle Isle, an area park, on June 20, 1943. Like Beaumont, the pressures of a rapidly increasing population had seemingly set the entire city on edge. Nearly a half million people, along with 50,000 blacks had moved to Detroit during the early 1940s. On the day the fighting broke out, rumors spread throughout the city that whites had killed a black woman and her baby and threw them into the river, and, conversely, that blacks had raped a white woman and killed her boyfriend, who was in the Navy. Spurred by these tales and the underlying tensions that developed from economic competition and population pressures, sporadic fights between blacks and whites resulted in days of fierce rioting. In the end, police arrested some 2,000 people and thirty-four people lost their lives in the violence, including twenty-five blacks and nine whites. The aftermath of

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<sup>109</sup> Baltimore *Afro American*, 16 June 1943; James A. Burran, "Violence in an 'Arsenal of Democracy'," *East Texas Historical Journal* 14 (Spring 1976): 39-52; James S. Olson and Sharon Phair, 'Anatomy of a Race Riot: Beaumont, Texas, 1943,' *Texana* 11 (1973): 64-72.

the riot left \$2 million in property damage and a loss of one million hours of labor; this negatively affected the area's defense industry.<sup>110</sup>

The military saw its fair share of racial outbursts during the summer of 1943. At Fort Benning, Georgia, a black man was beaten and demoted after being discovered in the company of a white member of the Women's Army Auxiliary Corp (WAAC).<sup>111</sup> There was a riot at Camp Stewart, Georgia, after it was rumored that a black woman had been beaten to death by local police officers while attempting to visit her husband. The violence resulted in one death and six injuries.<sup>112</sup>

In Jackson County war mobilization meant new jobs, which also changed the nature of labor relations in Jackson County. The area became the home of the Marianna Army Air Force in the early months of 1942. Because of these new realities, tension developed between local blacks and whites. The increase in job offerings led blacks to choose positions outside of agriculture. Whites in turn complained of labor shortages. They also pointed out that black men were earning more money and their wives, who would normally work as domestics for white families, were staying home. Blacks were, they claimed, undermining the war effort. In reality, whites feared a disruption of the status quo - their ability to exploit blacks for their labor, while at the same time insuring their subservience. To combat this perceived effrontery, the city passed "work or jail" ordinances;

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<sup>110</sup> Baltimore *Afro-American*, 26 June 1943; Dominic J. Capeci, Jr. and Martha Wilkerson, *Layered Violence: The Detroit Rioters of 1943* (Jackson: University Press of Mississippi, 1991), 3-31.

<sup>111</sup> Atlanta *Daily World*, n.d.

<sup>112</sup> Baltimore *Afro-American*, 3 July 1943.

reminiscent of vagrancy laws passed by southern whites after the end of the Civil War, the law provided broad powers for the arrest of idlers found on the street of Marianna without work. The city encouraged white women who experienced difficulty getting their maids to work to call the police.<sup>113</sup>

In reporting Harrison's lynching and the other violent outbreaks, members of the black press captured the sentiments of black Americans, particularly black soldiers. White America could not ask blacks to fight for democracy in foreign lands and deny them the benefits of democracy in their own country. Blacks would be unwilling to accept second-class citizenship after returning home from war. Whites, the black press asserted, knew this. The rash of racial violence that occurred during this period was evidence in their eyes that whites were aware of the desire for change among blacks, but were willing to fight to preserve the status quo. Journalist Cliff Mackay, in speaking of the wartime violence, confirmed this tendency:

It is this fear that motivates the growing attacks in Mississippi, Georgia, South Carolina and Arkansas on brown boys wearing the brown uniform of the United States Army. The fear is real among these elements in America that these brown boys taught to kill and sacrifice their lives if need be for freedom, will no longer be willing to accept the sub-standard status of second class citizenship upon their return....The same fear lies behind the sudden outbreak of attacks against Negro workmen, not only in the South, but in Northern Industrial centers as well.<sup>114</sup>

Despite the sense of righteous obligation the United States claimed it felt for its European allies, the lynching of Cellos

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<sup>113</sup> Shofner, *Jackson County*, 516-517.

<sup>114</sup> Cliff Mackay, "Repression Rears Its Ugly Head," *Atlanta Daily World*, 20 June 1943.

Harrison proved that not all of America's white citizens were as obligated to the welfare of African American neighbors. "The most horrible Nazi atrocity stories coming from occupied Europe are no worse than these home front outrages," the *New York Age* reminded its readers. "The desire for liberation from such oppression can be no greater in the minds of Nazi-dominated Europeans than in the hearts of prejudice-flayed Negroes in America."<sup>115</sup>

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<sup>115</sup> *New York Age*, 26 June 1943.

## CHAPTER FOUR

### "THE LIFE OF A NEGRO IN SUWANNEE COUNTY IS A VERY CHEAP ARTICLE": THE DEATH OF WILLIE JAMES HOWARD, 1944

While thousands of people lost their lives to lynching violence between the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, some of the most egregious instances of lynching were committed against youthful victims. One of the most tragic and well-known examples of the senselessness violence characteristic of lynching was the brutal murder of Emmitt Till in Money, Mississippi, in 1955. Aside from the fact that he was killed by two white men for allegedly flirting with a white woman, it was Till's age, a tender fourteen years, that made the tragedy that much more callous.<sup>1</sup>

But while Till may be the best-known young victim of Southern violence, another young African American boy was killed for a similar reason nearly ten years earlier in central North Florida. One Sunday morning in January 1944, eleven years before Till's tragic death, three white men forced another teenage, a fifteen-year-old Willie James Howard, to jump into the Suwannee River to his death. In the foolishness of youth, this boy fatally chose to overstep the bounds and taboos of Southern culture by passing a note to a white girl with whom he was acquainted the day before. This action cost him his life.

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<sup>1</sup> See Whitfield, *A Death in the Delta*.

Even though Cellos Harrison had been killed just six months earlier, the threat of negative press or potential federal involvement did not deter Howard's killers. Unlike the lynchings of Williams and Harrison, Howard's murder did not garner a great deal of national attention. Nevertheless, in many ways, his death was much more tragic than the others because of his young age and the petty offense of which he was charged.

### **Background**

*Way down upon de Swanee Ribber,  
Far, far away,  
Dere's wha my heart is turning ebber,  
Dere's wha de old folks stay.  
All up and down de whole creation  
Sadly I roam,  
Still longing for de old plantation,  
And for de old folks at home.<sup>2</sup>*

While the namesake of Suwannee County became famous because of its mention in Stephen Foster's minstrel song "The Suwannee River (Old Folks at Home)," the reality of its history is far less spectacular. Sandy soil, pine trees and the famously placid river meandering to the Gulf of Mexico dominate the landscape of Suwannee County. Like many other areas in north Florida, the history of Suwannee County involves the native Americans, the Spanish, African, and British. According to local history the area was first settled by the Timucuans and later the Seminole Indians. After Florida was ceded to the United States, the present area of Suwannee County was included

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<sup>2</sup> Stephen C. Foster, "The Suwannee River (Old Folks at Home)" (c. 1851). It was adopted as Florida's state song in 1935.

within the boundaries of Duval County, which was chartered in 1822.<sup>3</sup>

It would not be until later that the state of Florida officially chartered Suwannee County on December 21, 1858. Not long afterward, the city of Live Oak, which would eventually become the county seat, was officially recognized in 1863. Initially, its 687 square miles was sparsely populated. The census of 1860 reported 2,303 people living in the area: 1,467 whites, 835 slaves, and one free black man. While slavery existed in antebellum Suwannee County, it would be inaccurate to describe it as having a plantation economy, which is more associated with the five more notable 'black belt' counties in north Florida. The largest plantation in the county belonged to T. D. Dexter, a white man who owned fifty-three slaves. Unlike Dexter, the majority of slaveholders in the county only owned a few slaves. Of the ninety-three whites who owned slaves, the majority (fifty-seven) owned less than ten slaves.<sup>4</sup>

Suwannee County's small size and relative youth did not exempt it from the disruption and turmoil caused by the Civil War. For whites, the coming of the war brought a combination of exhilaration, uncertainty, and fears, which later turned into the misery of defeat in April 1865. For enslaved African Americans in Florida, as with other people in bondage throughout the South, the most anticipated change to occur came with emancipation. With the close of the war and the end of slavery, blacks began exploring their freedom. To that end, a few blacks in Suwannee County were elected to serve in public offices.

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<sup>3</sup> Suwannee 2000 History Committee, *Echoes of the Past: A History of Suwannee County, 1858-2000* (St. Petersburg, Florida: Southern Heritage Press, 2000), 1-4.

<sup>4</sup> Ibid., 5-6.

Between 1870 and 1877, nine African Americans served on the Suwannee County Commission: Tully C. Denham, Lewis Fields, Berry M. Gardner, Nathan Goodman, Nelson M. Kerby, Samuel McIver, George Manker, Caleb Simpkins, and Frank Stockton. Another African American, Robert Allen served as justice of the peace between 1876 and 1877, and Thomas L. Thompson served as a city councilman for Live Oak in 1878. Over a decade later, President Theodore Roosevelt appointed a black man named Thomas Harris to serve as Live Oak's postmaster from 1889-1905.<sup>5</sup>

Suwannee County's central location, approximately halfway between Tallahassee and Jacksonville and the proximity of the Suwannee River, made it a convenient regional crossroads for transportation and communication. Live Oak, the seat of government in the county, gained its name from the live oaks travelers would rest and eat beneath them. In the years after the Civil War, the importance of the county as a transportation stop increased. Initially steamboats on the Suwannee River moved goods and supplies from the interior of north Florida to the Gulf of Mexico, as well as provided recreational cruises for those who could afford it. In later decades, steamboat transportation was replaced by the railroad.<sup>6</sup>

It was the railroad that became the lifeline of Suwannee County. The primary function of the railroad was to transport the lumber, turpentine, and resin, all derived from the plentiful long-leaf yellow pine trees that abounded in the area.

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<sup>5</sup> Chestine Epps Curry, "History of Suwannee County and its Black Settlers," unpublished paper in the possession of the author, n.d.; Suwannee 2000 History Committee, 50; Brown, *Florida's Black Public Officials*, 181; Suwannee 2000 History Committee, 206.

<sup>6</sup> Suwannee 2000 History Committee, 8-9, 17-18.



Several rail systems emerged in Live Oak and the surrounding areas during the early 1900s—the Live Oak-Rowland Bluff Railroad, the Live Oak, Charlotte-Harbor Railway, the Live Oak, Perry and Gulf Railroad, and the Savannah Western Railroad. Many would dissolve or merge before being taken over by the Atlantic Coast Line Railway. Aside from business, the railroads also brought tourists into the area. One popular attraction was the Suwannee Springs Hotel. It was a popular venue for northerners to spend their winters; the Plant Railroad System, owned by renowned railroad mogul Henry Plant, ran a train directly from Savannah, Georgia, to the hotel. While at the Suwannee Springs Hotel, visitors indulged themselves in the sulfur springs, which were believed to have medicinal properties, and the plentiful game in the surrounding woods for hunting.<sup>7</sup>

The aggressive harvesting of pine trees for timber inevitably outpaced nature's ability to reproduce. The reduction in the availability of pine and pine products simultaneously diminished the importance of the local railway system, which was already being surpassed in importance by the automobile. By the 1930s, the economy of Suwannee County began to depend on other, more diverse agricultural products. Key among these was tobacco. Despite the transition from timber to tobacco, one fact remained the same: a successful local economy depended upon black labor. The main crops growing in Suwannee County in the 1940s were corn, peanuts, tobacco, cotton, and watermelon, respectively. Fifty-six percent of the working population engaged in some type of farming, compared with a statewide average of sixteen percent. Race, however, influenced

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<sup>7</sup> Ibid., 70.

where blacks and whites fit into the strata of farm labor. While the majority of whites (43.3%) were either farm owners or managers, only 16.6% of blacks held the same positions. The majority of blacks were either farm laborers who earned wages (20.2%) or laborers in other areas besides agriculture (21.5%).<sup>8</sup> It was a comparatively poor county with the effective buying income per capita for the residents half the statewide mean, \$343 per capita as opposed to \$685 per capita for the state. Blacks made up only about one-third of the county's population (32.1%), one of the lowest when compared with the black population of surrounding counties like Madison (47.7%), Hamilton (42.1%), and Columbia (38.6%).<sup>9</sup>

As in other southern towns, life in Live Oak was dictated by the rules of segregation and a rigid code of racial etiquette. Contact between blacks and whites was usually limited to labor and commerce, when they interacted with their white bosses or merchants. As a result, African Americans in Live Oak created and maintained their own society, including their own neighborhoods, schools, churches, and businesses. Blacks lived among each other in mostly all-black sections of town like the West End and Sugar Hill, or in the numerous other rural communities. The Fort family, African Americans from South Carolina, came to Suwannee County a few years after the Civil War and established the all-black community of Fort Union. In Live Oak, a few blacks owned their own businesses. Several of these businesses were grouped at the Hopps Building in downtown Live Oak on Howard Street. Called "The Hill" by local blacks, the building housed several African American-owned

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<sup>8</sup> *Statistical Abstract.*

<sup>9</sup> *Ibid.*

businesses, such as Eddie Holmes' laundry, a bar operated by Ike Smith, Mary Bell's restaurant and Gertrude Solomon's restaurant. Besides this concentration of businesses, other black entrepreneurs and professionals lived and worked in the community.<sup>10</sup>

For its relatively small size, Live Oak had notable institutions of learning for its black population. The main school, established in 1868, had roots in the era of Reconstruction when Nancy Parshley, the white wife of the town's founding father, donated land for the construction of a black school. Named after the famous abolitionist and lecturer Frederick Douglass, the Douglass school was located on Houston Street, just a few hundred yards away from the all-white high school. In addition to the Douglass School, the Florida Baptist Institute, one of the predecessors to Florida Memorial College currently located in Miami operated in Live Oak from 1879 to 1941. Another religious denomination, the African Methodist Episcopal (AME) Church Conference, also chose Suwannee County as the location where they would construct the Brown Theological Seminary in 1872.<sup>11</sup> Certainly, these educational institutions improved the quality of life for those local African Americans who were in a position to take advantage of such opportunities. Despite Suwannee County's seeming progressive attainments in the area of black education, it was not exempt from the blot of lynching violence. During the early twentieth century, Live Oak witnessed only sporadic lynchings. For example, on December 15, 1891, two black men were lynched in Suwannee County after being accused of murder. Seven years later, on November 6,

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<sup>10</sup> Ruth Linton, interview with author, 13 July 2003.

<sup>11</sup> Suwannee 2000 History Committee, 47.

1898, Arthur Williams was killed in Wellborne, just east of Live Oak, after being accused of murder. Another black man, Jack Thomas, was lynched on June 27, 1900, having been charged with attempted rape. Some forty-four years passed before another name was added to this tragic roll.<sup>12</sup>

## **Murder**

New Year's Day 1944 fell upon Live Oak with the usual celebratory air of the holiday season. The pace of life slowed, with people taking off from work to observe the holiday. Many of the residents of Live Oak, both black and white, were celebrating with their family and friends. In addition to fellowship, there were important folk rituals that were a part of properly ringing in the New Year. In accordance with the commonly held superstition that whatever one did on New Year's Day one would do for the rest of the year, many African Americans probably had cleaned their homes in hopes of maintaining that cleanliness throughout the year. Many had also prepared the traditional holiday meal of black-eyed peas with hog jowls and collard greens, which, according to tradition, would invite prosperity and good luck for the year. However, beneath the placid exterior of celebration, trouble was stirring in Live Oak; events were set in motion that same day that would undermine this peace and cost a boy his life.

The Howards were the African American family at the center of the tragedy. James Howard, a husband and father, was originally from Georgia but lived with his wife, the former Lula Figgs, on a plot of land that he owned on the east side of Live

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<sup>12</sup> Tolney and Beck, 38; NAACP, *Thirty Years of Lynching in the United States*, 53-55; Ames, *The Changing Character of Lynching*, 2.

Oak. Their son, Willie James, was born on July 13, 1928. The family attended the local Missionary Baptist Church. By 1943, James Howard worked for the Bond-Howell Lumber Company.<sup>13</sup> His son, Willie James Howard, was a young boy, just fifteen years of age. Long-time residents of Suwannee County who remember him describe him as having an average to stocky build, yellowish in color, and having a distinct round-shaped face. Most comment on his pleasant and friendly nature; classmates remember Willie James as "jolly" and "lovable." Others recall that he had a wonderful singing voice. Members of his immediate family gave him the pet name "Giddy-Boy," referring to his jovial disposition. He was a good student.<sup>14</sup>

According to oral history, Willie James had been employed at Van Priest's, the local Five and Dime store in the fall of 1943. Usually he worked there after school cleaning the floors but had begun to work full-time during the holiday season since school was not in session. According to black residents, it was a rare circumstance in Live Oak for a black youth to work in such a position. Willie James' job represented the crossing of a crucial boundary; he held a job in the service sector, as opposed to the agricultural labor in which African Americans in this county were commonly involved. Typically, blacks were restricted to employment at "negro jobs," usually the dirtiest and most menial jobs available. Better jobs, such as management, or working indoors in service or sales positions,

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<sup>13</sup> Florida Department of Agriculture, *Sixth Census of the State of Florida* (Tallahassee: Department of Agriculture, 1935), microfilm, Florida State Archives, Tallahassee, Florida.

<sup>14</sup> Dorothy DePass, interview with author, 28 February 1999; Ruth Linton, interview; Walter Mae Philmore, interview with author, 19 July 2003; Harry T. Moore to Roy Wilkins, 15 March 1944, *NAACP Papers*.

were reserved for whites. It was a significant marker of progress in relations between the races when blacks were able to work where they shopped. During the Great Depression and World War II, African Americans across the U.S., desperate to expand job opportunities, had been campaigning for economic respect: to be able to work in the stores where they spent their hard-earned money meant economic respect and some level of reciprocity.<sup>15</sup>

Aside from the economic importance, Willie James' employment had momentous social implications in that he came into more frequent contact with whites. Nevertheless, the question remains as to why Willie James was hired for this job? Was he hired because his age and jovial demeanor made him less threatening to whites? There is no way to be certain, but such speculation seems reasonable and is consistent with the racial code of the day.

Regardless of the symbolic nature of Willie James' employment at Van Priest's, it was a precarious step forward. Just because he was hired to clean and sweep the floors did not mean that he would be received as an equal by the management or other white employees. It would have been premature to assume that greater contact between the races in a working environment would do much to ameliorate race relations unless one sees the world through the innocent and hopeful eyes of a fifteen-year-old. Perhaps Willie James' friendly enthusiasm combined with naïveté about the seriousness of racial boundaries would prove to be a deadly combination.

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<sup>15</sup> DePass, interview; Philmore, interview.



**FIGURE 3:** This 1946 yearbook photograph shows Cynthia Goff during her junior year in high school. Two years before, she was at the center of the lynching of Willie James Howard in Live Oak, Florida. Howard was accused of sending her a card and a note, for which Cynthia Goff's father forced him to jump to his death into the Suwannee River. Source: *The Suwannean*, 1946, Suwannee Valley Regional Library.

According to records, sometime in December, Willie James gave Christmas cards to all of his coworkers at Van Priest's. Among those employees was Cynthia Goff, a white girl who worked as a cashier in the store. Cynthia and Willie James were the same age, in the same grade, but he attended all-black Douglass High School, while Cynthia attended all-white Suwannee High School. Except for the fact that they worked at Van Priest's it is very unlikely that their paths would have crossed. Her family was in good standing in the community. Cynthia's father, Alexander Phillip Goff, Sr., was an influential public figure; he had been elected to represent the area in the Florida House of Representatives from 1931 to 1933, and by 1944, he served as postmaster in the Live Oak post office. Goff had also served as

Worshipful Master of the Barrett Masonic Lodge #43. His wife ran their boarding house.<sup>16</sup>

Reports claim that Cynthia took offense to receiving a Christmas card from a black person. Although a seemingly insignificant act, this cordial type of interaction between blacks and whites was viewed as too intimate and too familiar, especially between a black boy and a white girl. After discovering that Cynthia was offended, Willie James attempted to apologize to her. He corresponded with her a second time in order to explain himself. The following is the text of the note that Willie James supposedly gave to Cynthia on New Year's Day 1944:

Dear Friend,

Just a few line[s] to let you hear from me [.] I am well an[d] hope you are the same. This is what I said on that [C]hristmas card. From W. J. H. With L. [love] I hope you will understand what I mean. That is what I said[.] [N]ow please don't get angry with me because you can never tell what may get in some body[.] I did not put it in there my self. God did[.] I can't help what he does[,] can I[?] I know you don't think much of our kind of people but we don't hate you all[.] [W]e want to be your all friends but you want let us [.] [P]lease don't let any body see this[.] I hope I haven't made you [mad.] [I]f I did tell me about it an[d] I will [forget] about it. I wish this was [a] northern state[.] I guess you call me fresh. Write an[d] tell me what you think of me[,] good or bad. Sincerely yours, with,  
From Y.K.W.

Fo[r] Cynthia Goff

I love your name. I love your voice, for a S.H.  
[sweetheart] you are my choice.<sup>17</sup>

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<sup>16</sup> Suwannee 2000 History Committee, 150, 211; Census, Suwannee County, 1935.

<sup>17</sup> State Attorney David Lanier to Governor Spessard Holland, TL, 7 February 1944, *NAACP Papers*. The letter is reprinted from



Assuming that it is authentic and credible, it is very surprising. First, he restates what he believed upset Cynthia about the Christmas card: the fact that he signed it with an "L." which was short for "Love." In this second communication, Willie James boldly makes his intentions known. Willie James is attracted to Cynthia and he wanted to let her know. In an effort to legitimize his right to make such a claim, he turns to the heavens, claiming that God caused him to love her. The next statement is revealing because of what it illustrates about the previous interaction of Willie James and Cynthia. He indicates that he knows that she does not like black people, but it is not clear how he came to that conclusion. Does he know this from observation or did it come up in a conversation they had? The next few lines in the letter are simultaneously bold and foolhardy. Willie James brashly declares that he wishes that he and Cynthia were in a northern state. Assumably, he believed a change in geographic location also carried with it a change in social atmosphere, ergo the possibility of Cynthia softening her heart towards him. But, seeming to recognize the dangerous forwardness of his words, Willie James requests that Cynthia not show the note to anyone. His hesitation is fleeting, as he concludes the letter with a clear statement of his intentions toward Cynthia: although Willie James knows that Cynthia may judge him as forward or "fresh," he concludes the note by declaring that he had a crush on her and wants to know if his feelings are reciprocated. Given the letter's contents, its author, and its intended recipient, as well as the era in which it was written, it is as baffling as it is brazen.

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a typewritten copy included with investigative reports. The reports do not include a copy of the original letter.

Willie James would not have to wait long for a reply. After reading the letter, Cynthia gave it to her father. He was outraged. Who was this black boy writing love letters to his daughter? This was a serious violation of the Southern social code. Of all of the laws and social codes providing for the separation of the races, the need to separate, and keep separate, black men and white women was of special significance. In the years after Reconstruction, the belief abounded that black men were rapists and their greatest prize was a white woman. The other component of this southern sexual myth was that it was the duty of white men to protect their women by any means necessary. This meant that any slight to a white woman, whether real or perceived, could be met with justifiable violence. Making eye contact, brushing against, or otherwise intimidating or threatening a white woman was punishable by death. Clearly Willie James had violated this code and had to be corrected.<sup>18</sup>

Goff needed assistance for what he had in mind. He called upon Reginald Scott, Sr., a local white farmer, and S. B. "Mack" McCullers, a local white salesman.<sup>19</sup> Goff told them about the letter, and that a black boy had been getting "fresh" with his daughter. They no doubt shared Goff's outrage. It was their duty, as Southern white men, to put this boy in his place.

According to the account of the incident given by Willie James' mother, Lula Howard, on the morning of January 2, 1944, a

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<sup>18</sup> See Davis, et al., *Deep South; Hall, Revolt Against Chivalry*.

<sup>19</sup> Census, Suwannee County, 1935. Marriage records also document marital relationship between Reginald Scott and the McCullers family. Reginald Scott married Jewel McCullers in June of 1926. Marriage Records, Suwannee Valley Genealogical Society.

car pulled up to the house with three white men, Phil Goff, Cynthia's father, Reginald Scott and S. B. McCullers. Goff asked Mrs. Howard about the whereabouts of her son. She said that he was home. Just then, Willie James walked out on the porch. Goff then grabbed him and attempted to drag him off the porch. Mrs. Howard tried to pull Willie James back. What, she asked, had Willie James done to deserve such treatment? Just then, Goff reached back and grabbed a gun. He pointed it at Mrs. Howard and she stopped resisting, allowing her son to slip from her grasp.<sup>20</sup>

Once they had Willie James in their possession, the three white men forced him into the vehicle and the party sped off. Frightened and not knowing what to do next, Lula Howard went to her sister's home, where her niece recalled seeing her walking back and forth across the porch. The niece asked what was wrong. Where was Giddy-Boy? Mrs. Howard continued to pace the length of the porch, wringing her hands. The three white men had taken him, she explained, but they promised to bring him back. Mrs. Howard then decided that if she could find her husband, James, he would know what to do. She went to the Bond-Howell Lumber Company, where her husband worked, only to be informed by Mrs. Howell, the mill owner's wife, that the same party of men had picked up the elder Howard as well.<sup>21</sup>

The sequence of events that occurred after this point are disputed. The end, however, is conclusive: Willie James Howard drowned in the Suwannee River on January 2, 1944. The parties who were present at the scene of his plunge disagreed about what

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<sup>20</sup> Statement given by Lula Howard to Orange County official, 19 March 1944, *NAACP Papers*.

<sup>21</sup> *Ibid.*

had occurred at the river. A. P. Goff, Reginald Scott, and S. B. McCullers, along with James Howard, gave an affidavit before Sheriff Tom Henry of Suwannee County on the day of Willie James' death. The three whites stated that their only purpose that morning was to have James Howard punish his son for giving a letter to Cynthia Goff. The boy had committed a serious transgression and the men wanted to insure that his father properly punished him. They admitted that they assisted Mr. Howard by binding Willie James' hands and legs to prevent him from running while his father punished him. Then, according to the men, as Mr. Howard prepared to discipline his son, Willie James became hysterical. Not wanting to be humiliated, he declared that he would rather die than to be beaten by his father or the white men. Willie James began moving away from the four of them and edged closer to the edge of the river. The men claimed that Willie James then jumped into the Suwannee River, on his own volition, despite their valiant attempts to prevent his fall. James Howard, they claimed, "stood by and viewed the son without attempting to prevent this happening." Willie James Howard, they claimed, had committed suicide. Sheriff Henry reported the incident to Acting State Attorney David Lanier at about 8:00 p.m. that same evening.<sup>22</sup>

James Howard, however, told a different story about the event of his son's death when questioned by State Attorney David Lanier in Orlando on February 6<sup>th</sup>. On the morning in question, the elder Howard had gone to work to assist his employer, Mr. Howell, with inventory. Later that morning, Phil Goff arrived at the lumber yard and told Howell he need Howard to come with

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<sup>22</sup> David Lanier to Governor Spessard Holland, "Report of the Death of Willie James Howard," 7 February 1944, *NAACP Papers*.

him on "business." As Howard approached Goff's car, he saw his son sitting in the backseat. He also saw Mack McCullers sitting next to him. Then he saw the gun in McCullers' hand.<sup>23</sup>

After Howard was in the car, the party drove down the Suwannee Springs road. Goff then turned the car onto a red clay road that led through the woods towards the Suwannee River. During the trip, James Howard attempted to speak to his son, but Goff told him to shut up. Once they reached the river, Goff parked the car. Then, Goff and McCullers retrieved a length of rope from the trunk and tied Willie James' hands and feet. Afterward, Goff told James Howard to guide his son to a spot just a few feet from the embankment. Acting as jury and judge, Phil Goff asked Willie James, who was crying, if he understood the penalty of his crime. "Yes, sir," he answered, weeping. Goff then asked James Howard if he had anything to say to his son. Powerless to intervene in his son's fate, James Howard offered his son some words of comfort in what he now knew were his son's last moments of life: "Willie, I cannot do anything for you now. I'm glad I have belonged to the Church and prayed for you." Willie James' final request of his father was that he take his wallet, which Howard did.<sup>24</sup>

Ready to carry out his form of justice, Goff gave Willie James a choice in how he would die: "You can either jump into

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<sup>23</sup> Statement by Phillip Goff, S.B. McCullers, Reginald Scott to Sheriff Tom Henry, Live Oak, Florida, 2 January 1944, *NAACP Papers*; David Lanier to Governor Spessard Holland, "Report on Death of Willie James Howard, Live Oak, Florida, January 2, 1944," *NAACP Papers*.

<sup>24</sup> Statement given by James Howard to Orange County official, 19 March 1944, *NAACP Papers*; Statement given by James Howard to Harry T. Moore, 19 March 1944, DOJ Classified Subject Files.

the river, or take what is in this gun." Willie James chose the former, backing off the edge of the bank and falling into the water below. Howard stood by and watched, helpless to intervene.<sup>25</sup>

In the car, the men threatened Howard with the gun. They warned that if he contradicted their version of events, he would receive the same treatment Willie James had "with pleasure." After returning to town, the men took James Howard back to work. He met his wife and took her home and then returned to work. When he arrived, Chief of Police Hunter and Wylie Byrd, a former police officer with a sinister reputation when it came to dealing with blacks, met him.<sup>26</sup> They asked him to go with them to the courthouse. There Sheriff Tom Henry and Phil Goff joined them. Goff was present when the three white men made their statement before Sheriff Henry. They compelled him to sign the affidavit, agreeing to their version of the events. There was little else he could do; he had just watched them murder his son and, if he did not cooperate, it was likely that James Howard would lose his life as well.<sup>27</sup>

Later that same night, the sheriff came to the Howard home and asked James Howard to accompany him again. This time, Sheriff Henry took him to the courthouse. Goff and H. H. Hair, Jr., the tax collector for Suwannee County, were there when they

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<sup>25</sup> Ibid.

<sup>26</sup> According to oral history, while an officer, Wylie Byrd had shot and killed a black man on the streets of Live Oak in February of 1941. No prosecution was ever made into the case. The wife of the victim confirmed this; she was left with two young children to raise on her own. Philmore, interview.

<sup>27</sup> Statement given by James Howard to Harry T. Moore, 19 March 1944, DOJ Classified Subject Files.

arrived. They had prepared a document, stating that Howard did not want an inquest into his son's death. They read it aloud to him, but the presence of Phil Goff filled Howard with fear. He signed that document, just as he had the false statement, out of fear and intimidation. Later, after moving to Orange County, Florida, out of the reach of the whites in Live Oak, Howard recanted the statement when contacted by David Lanier.<sup>28</sup>

After news of the lynching reached town, Ansel Brown, the local African American undertaker, went to the river to retrieve Willie James' body. He then returned to town, quickly embalmed the body himself, in preparation for a speedy funeral. That Monday, the day after the murder, the students from Douglass School were released from class in order to go and view the body of their classmate as it lay in state before it was buried.<sup>29</sup> Many members of the black community were upset about the secretive nature with which the preparation for burial took place. It would only seem right to make all details of the death publicly known in hopes of encouraging an investigation. However, Brown never openly discussed the condition of Willie James' body. One source, Brown's former apprentice, stated that Brown later told him that Willie James had been castrated and his body beaten and mutilated. The haste of the funeral and burial, as well as the secrecy and fear surrounding the death of Willie James Howard seem to suggest an attempt to obscure the truth.<sup>30</sup>

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<sup>28</sup> Ibid.

<sup>29</sup> DePass, interview; Linton, interview; Philmore, interview.

<sup>30</sup> Elbert C. Robinson to Walter White, 4 January 1944, *NAACP Papers*; Harry T. Moore to Attorney General of the United States,

## Aftermath

In the wake of Willie James Howard's murder, blacks reacted with the usual response of shock and silence, characteristic of a people held captive by racist institutions that provided no hope for justice for blacks. The community, white and black, rushed to put the incident behind them. The black community quickly funeralized and interred young Howard. His parents, James and Lula, hastily sold their home and property and moved away a few days after they buried their son. Conversely, the process of justice started slowly and quickly lost momentum. There would be no arrests in the death of Willie James Howard. The only attempt to seek justice would come from outside of the county, led mainly by the NAACP, at both the state and national levels. Their efforts, however, would not be enough to bring the murderers of Willie James Howard to justice.<sup>31</sup>

Gradually, however, news of the lynching began to creep out of the county. Written communication was risky because one of the alleged murderers, Phil Goff, ran the post office. In addition, many of the city's elected officials, the sheriff, the tax collector, and the chief of police, had been involved in the cover-up of the murder. As a result, the record reflects no direct communication from blacks in Live Oak requesting an investigation, either to authorities at the state or federal level, or to the NAACP. There were others, however, who did write to the NAACP to make them aware of the situation once they learned of it. One of the first letters that Walter White and

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16 September 1945, *NAACP Papers*; Subject #3, interview by author, Live Oak, Florida, 27 December 1995; DePass, interview.

<sup>31</sup> Records indicate that the Howards sold their property to local midwife Charolette Veasy on January 5, 1944. Deed Records, Suwannee County Courthouse, Live Oak, Florida.



the NAACP received was from Elbert C. Robinson, an African American attorney in Washington, DC. He had spent the Christmas holidays in Florida and had heard of Willie James Howard's murder. In his correspondence to the NAACP, he spoke of the fear on the part of blacks in Live Oak: "It appears that the conditions here are so tense, and the colored people (high and low) are so frightened [sic] that they are afraid to have their names identified with cases of this type... The hush, hush, fear and secrecy surrounding this whole miserable thing is beyond comprehension and description."<sup>32</sup> Robinson's letter confirmed a sad reality: blacks in Suwannee County needed outside assistance to attain any justice in this situation.

Another concerned man, Robert Jackson, wrote to Walter White on January 7, 1944, but listed no return address. Other letters reached the national office of the NAACP in the following weeks, one from A. L. King of St. Augustine and another from Edward Davis. Davis was the president of the Marion County branch of the NAACP and in his letter conveyed the contents of a note he received from an anonymous minister from Live Oak. The secrecy surrounding the transmission of the letter was a testament to the fear that blacks in Live Oak felt. "The colored citizens are much disturbed," the letter read, "but are afraid." Edward R. Dudley, Assistant Special Counsel for the National NAACP office, responded to both letters, warning of the difficulty presented by lynching cases in the South, due to the reluctance of local law enforcement to investigate. Instead, Dudley felt that the best course of action would be to

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<sup>32</sup> Elbert C. Robinson, Washington, DC, to Walter White, NAACP, 4 January 1944, *NAACP Papers*.

write to the governor of Florida, Spessard Holland, as well as the state attorney general, requesting that they take action.<sup>33</sup>

Thurgood Marshall, special counsel for the NAACP who later became the first African American to serve on the U. S. Supreme Court, contacted Governor Spessard Holland, requesting an investigation into the matter. The governor consented and assured Marshall that proper protection would be provided for James Howard, the victim's father, when he came to testify. However, he did issue a warning to Marshall not to expect too much. "I am sure you realize the particular difficulties involved where there will be testimony of three white men and probably the girl against the testimony of one negro man."<sup>34</sup> Governor Holland in turn requested that acting State Attorney David Lanier hold a grand jury hearing investigating the death of Willie James Howard. After receiving word from the governor's office, Lanier issued a subpoena for James Howard to appear at the Suwannee County Courthouse on May 8, 1944.<sup>35</sup> James Howard was the only witness scheduled to appear in the matter. He had been escorted from Orlando to Live Oak under the care of State Attorney David Lanier in order to testify.

In addition to writing Governor Holland, Thurgood Marshall also wrote to Florida's best-known senator, Claude Pepper.

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<sup>33</sup> Robert Jackson, to Walter White, NAACP, New York City, New York, 7 January 1944, Edward Davis, Ocala, Florida, to Roy Wilkins, NAACP, 23 January 1944, Edward Dudley, NAACP, to Edward Davis, 28 January 1944, Milton Konvitz, NAACP, to A. L. King, 14 February 1944, *NAACP Papers*.

<sup>34</sup> Governor Spessard Holland to Thurgood Marshall, 14 February 1944, *NAACP Papers*.

<sup>35</sup> David Lanier, Acting State Attorney, to the Circuit Court, Third Judicial Circuit of Florida, Suwannee County, 4 May 1944, *NAACP Papers*.

Consistent with the African American war mantra of Double "V"—winning victories for democracy at home and abroad—strategy, Marshall sought to draw parallels between injustice and brutality in Europe and in the U.S. Black leaders during this time hoped to use the government's own rhetoric to force the issue of equal rights on the domestic front. Marshall's letter connected the brutality of whites who committed lynchings with the atrocities committed against American soldiers by the Axis powers. "Yesterday," Marshall opened, "the War Department released stories of Japanese torture and inhumane treatment of American boys in prison camps after the fall of Corregidor. At the same time, numerous letters reached our office concerning a vicious crime committed in Live Oaks [sic], Florida." Marshall continued warning Senator Pepper of the dangers such reports presented to the war effort, by blemishing America's credibility: "This is the type of material that radio Tokio is constantly on the alert for and will use effectively in attempting to offset our very legitimate protest in respect to the handling of American citizens who unfortunately are prisoners of war."<sup>36</sup>

Senator Pepper was no easy audience; he had participated in a filibuster against anti-lynching legislation just a few years earlier in 1937. His reply a few weeks later showed that the senator had not softened his position. In a terse response, Pepper stated "I have heard nothing of the report of the lynching of a fourteen-year-old-boy in Florida and know nothing

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<sup>36</sup> Thurgood Marshall, Special Counsel, NAACP Legal Defense and Education Fund, to Senator Claude Pepper, 28 January 1944, *NAACP Papers*.

of the facts in the case. Consequently, I am unprepared to make any statement concerning it."<sup>37</sup>

In the relative safety of their new home, James and Lula Howard, along with local NAACP leaders, attempted to increase public awareness about the murder of their son. After moving to Orlando, Rev. R. H. Johnson, vice-president of the Orange County branch of the NAACP, befriended them. The couple spoke before the statewide NAACP Board of Directors at their Orlando meeting on March 12, 1944. There they retold the story of their son's writing to a white girl, the kidnapping, and the murder. By that time, Harry T. Moore, president of the Florida State Conference of the NAACP had begun to use his eloquent pen to press for justice in the Howard murder. Moore wrote to Roy Wilkins at the National NAACP office in New York to bring him up to date on the situation. This case was special to Moore, who was a native of Suwannee County, having grown up in Houston, a small province just outside of Live Oak. Moore had also grown up with Lula, the victim's mother. As a native of the area, Moore was familiar with the local power structure and, more importantly, the activities of the Ku Klux Klan. "The Ku Klux Klan has been active around [Suwannee County] during recent years," Moore wrote to Wilkins. "Negroes have suffered much brutality at the hands of white people [and] are so cowered that there is never any talk of voting or exercising any of the fundamental rights of citizenship by Negroes." Moore urged Wilkins and the national office to intercede in the Howard case

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<sup>37</sup> Senator Claude Pepper to Milton Konvitz, 16 February 1944, *NAACP Papers*. It is interesting to note that even though Marshall had written to Pepper, Pepper responded to Milton Konvitz, who served under Marshall as Assistant Special Counsel for the NAACP Legal Defense and Education Fund.

and help the family seek justice. Based on prior experience with Governor Holland, Moore expressed doubt that the state government would take positive action in the situation. Cellos Harrison was lynched the previous summer in 1943 and, despite pleas from the state NAACP, the governor's office had not responded to them. Moore maintained that if anything were to come of the Howard case, they needed to seek assistance from a higher level.<sup>38</sup>

When the grand jury met on May 8, 1944, it was scheduled to hear a manslaughter case. According to the case roster, James Howard was listed as a witness and the State of Florida listed as plaintiffs; there were no defendants named in the case. As the court proceeded, it appeared that the Howard case was not going to be called. Apparently, court officials did not intend to call the case. Over the course of the afternoon, the bailiff had been calling witnesses before the grand jury and had managed to call all of the witnesses except James Howard. In light of the oversight, Mr. Howard presented the bailiff with his subpoena to testify. The bailiff then gave the document to Sheriff Tom Henry. Henry asked Howard where he had received the document. He replied that the sheriff of Orange County had delivered it to him. Sheriff Henry approached State Attorney Lanier and asked him if he had any knowledge of the case, to which he replied that he had. This seemed to catch Henry off guard. According to James Howard, who described him as visibly upset, saying that Henry "looked surprised and started pacing up and down the floor from the back door to the front door and then

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<sup>38</sup> Harry T. Moore, Florida State Conference of the NAACP, to Roy Wilkins, president, NAACP, 25 March 1944, *NAACP Papers*.

to his office." He came back to Mr. Howard, asking him to stay around and that he would call him soon.<sup>39</sup>

Eventually, James Howard was called to testify. He told the jury the circumstances surrounding his son's death. The only questions the jury asked Howard were his son's age at the time of his death and if Willie James had passed the note to Cynthia himself. After hearing from him, the jury dismissed Howard and did not call anyone else to testify even though his wife, Lula, and his employer and his wife, Mr. and Mrs. R. L. Howell, had come in order to give statements. In his closing argument, State Attorney David Lanier encouraged the jury to return a true bill against Goff, McCullers, and Scott, stating to the jury that if anything, the three were guilty of murder. As Governor Holland predicted, no indictment was returned against the three white men.<sup>40</sup>

After the grand jury met and failed to indict anyone for the murder of Willie James Howard, Moore continued to ask for advice and intervention from the NAACP's national office. As Governor Holland previously warned, Moore was not surprised by the verdict. He was however disturbed at the reaction of Sheriff Henry to Howard's presence in court that day. Henry's visible frustration and hesitance to allow Howard to testify indicated something more than surprise to Moore. "We are forced to wonder," he wrote to Marshall, "if the sheriff himself is not

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<sup>39</sup> James Howard, "Statement of Mr. and Mrs. James Howard of Incidents Attendant to Grand Jury Hearing, May 8, 1944 at Live Oak, Florida," *NAACP Papers*.

<sup>40</sup> David Lanier, Madison, Florida to Governor Spessard Holland, Tallahassee, Florida, 9 May 1944, *NAACP Papers*; Harry T. Moore to Thurgood Marshall, TLS, 30 June 1944, *NAACP Papers*.

involved in this crime. It is very probable that he at least has tried to help cover up the facts in this case."<sup>41</sup>

Marshall did what he could to spark the interest of the federal government in investigating the Howard murder by writing the Department of Justice. Tom Clark, Assistant Attorney General for the Department of Justice, wrote to Marshall a few weeks later after receiving a letter for him. He informed Marshall that the Civil Rights Section of the Justice Department had already begun a preliminary investigation into the matter. To help with the investigation, Clark requested from Marshall contact information for James Howard so that the Federal Bureau of Investigations could interview him.<sup>42</sup> Moore replied to Clark's request, sending him the Howards' new address, along with contact information for Mr. T. R. Reid and Rev. Johnson, who could assist the effort. In his correspondence, Moore expressed his gratitude to Clark that the federal government had taken an interest in the case.<sup>43</sup>

Moore's gratitude, however, may have been premature. After the passage of a year, neither the Attorney General nor any other representative from the Department of Justice had contacted the NAACP about the case. In September 1945, Moore wrote to the Attorney General seeking information about the status of the investigation. The tone of the letter shows

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<sup>41</sup> Harry T. Moore, President, Florida State Conference of the NAACP, to Thurgood Marshall, Special Counsel, NAACP Legal Defense and Education Fund, 30 June 1944, *NAACP Papers*.

<sup>42</sup> Tom C. Clark, Assistant Attorney General, Department of Justice, to Thurgood Marshall, NAACP Legal Defense and Education Funds, 11 July 1944, *NAACP Papers*.

<sup>43</sup> Harry T. Moore, Mims, Florida, to the U. S. Attorney General, Washington, DC, 26 July 1944, *NAACP Papers*.

Moore's frustration at the lack of action. Without federal intervention, all hope for justice in the murder of Willie James Howard was dead. Since local whites controlled the avenues to justice, African Americans lived without the security of equal protection or due process. Because of these circumstances, Moore grimly surmised in the correspondence, "the life of a Negro in Suwannee County is a very cheap article."<sup>44</sup>

Moore was barely able to hide his disenchantment with the situation. He, more than anyone else, was keenly aware of the inability of the state of Florida to protect the lives of its black citizens. Federal intervention seemed to be the only solution. "We need positive action by the Federal authorities," he reminded the Attorney General, "to curb such horrible crimes against Negroes in Suwannee County, and *in other counties of that section in Florida.*"<sup>45</sup> During the past four years, north Florida had been a hotbed of lynching activity in the state. Before the murder of Willie James Howard in January of 1944, there was the lynching of A. C. Williams in Gadsden County in May of 1941, followed by Cellos Harrison in Jackson County in June 1943. The year 1945 continued to prove Moore's point. A few weeks after Moore wrote to the Department of Justice to inquire about the status of the investigation into the Howard murder, Sam McFadden, another African American male in Suwannee County, was forced by a local constable to jump to his death in the Suwannee River. The next month, on October 16, 1945, an African American sharecropper in neighboring Madison County was kidnapped from the county jail and lynched. In the cruelest of

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<sup>44</sup> Harry T. Moore to the U. S. Attorney General, 16 September 1945. *NAACP Papers*.

<sup>45</sup> *Ibid.*; emphasis added.



ironies, Moore himself was a victim of vigilante violence; his home was bombed on December 25, 1951 in Mims resulting in his death and the death of his wife, Harriett.<sup>46</sup>

## **Reaction**

By the time of Moore's last letter to the Department of Justice in 1945, it was apparent that justice would not be rendered in the murder of Willie James Howard. The local, state and federal powers proved unwilling or unable to prosecute the guilty parties. Blacks had sadly become accustomed to this reality. Political and social realities effectively restricted their ability to protect themselves or seek protection from the law. Willie James Howard was another victim of the long-sanctioned custom of extra-legal violence. In the absence of legal remedies, the Howard family and Live Oak's African American community had to regroup and move on.

The reaction of the black residents of Live Oak to the lynching of Willie James Howard was typical of what was found in most Southern towns where lynchings had occurred. They were angry but fear suppressed their rage, and a general feeling of helplessness was in the air.<sup>47</sup> According to one resident, blacks "had to pretend that it didn't bother them. . . but it really tore us up. . . .[I]t was just terrible and we had to, we had to keep it under breath and talk to each other, how terrible it was and how we hated [it] but wasn't nothing that could be done,

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<sup>46</sup> Ben Green, *Before His Time: The Untold Story of Harry T. Moore, America's First Civil Rights Martyr* (New York: The Free Press, 1999), 1-15.

<sup>47</sup> Edward D. Davis, Ocala, Florida, to Roy Wilkins, New York, New York, 23 January 1944, *NAACP Papers*; McGovern, 11.

that they could do, 'cause the law here was for the white man."<sup>48</sup> Another resident recalled that "[i]t wasn't nothing at that time for them to go get two or three of 'em and go to a house and get 'em out right in front of you and take 'em on out there and give 'em a good beating or killing and throw them in the river."<sup>49</sup> Despite their fears, blacks in Suwannee County mustered the courage to organize a local chapter of the NAACP in the aftermath of the Howard lynching.<sup>50</sup>

The Ku Klux Klan was active and highly visible in Suwannee County during the mid-1940s. Members occasionally paraded through the town. Growing up in the 1940s, Dorothy Depass recalled being warned of the Klan's presence in town: "When we were younger, I remember us coming to town on Saturdays. . . . They would say 'Oh, ya'll better get out of town 'cause the Klu Klux coming.'"<sup>51</sup> The local newspaper, the *Suwannee Democrat*, printed a resolution from the Suwannee Klan No. 114, Knights of the Ku Klux Klan, adopted on January 6, 1944, just a few days after Howard's murder. The declaration paid tribute to one of their recently deceased members, W. J. Warner, for his "noble and Klanlike life."<sup>52</sup> For the Klan to publish the names of their members implies a degree of community support, at least enough not to risk social ostracism that may have accompanied public knowledge of such an affiliation. If such toleration and

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<sup>48</sup> Philmore, interview.

<sup>49</sup> Hall, interview.

<sup>50</sup> Harry T. Moore to Thurgood Marshall, 30 June 1944, *NAACP Papers*.

<sup>51</sup> DePass, interview.

<sup>52</sup> *Suwannee Democrat*, 4 February 1944.

support of the KKK existed, it translated into a broader acceptance of their mission and message, which posed a real threat to black ambition in Suwannee County.

Despite the unwillingness of the grand jury to look into the matter, some very serious problems with credibility surround the interpretation of the events of January 2<sup>nd</sup> as recounted by A. P. Goff, Reginald Scott, and Mack McCullers. In the statement these men gave to Sheriff Henry, they argued that Willie James Howard jumped into the Suwannee River of his own free will because he did not want his father to punish him. During a period in American history when death was an acceptable punishment for a black male accused of the slightest offense against a white woman or girl, it is almost impossible to believe that Willie James, upon realizing the gravity of his transgression, would have been unwilling to accept a whipping from his father for his misdeed. It seems unlikely that Willie James would have voluntarily jumped into a river and ended his life in order to avoid chastisement by his own father.

What makes their story even more improbable is the location chosen to carry out the disciplinary session. Of the several wooden and secluded areas surrounding the already rural Live Oak, why did Goff, Scott and McCullers feel the need to designate the banks of the Suwannee River to merely have the older Howard 'whip' his son? With the feeling that they were justified in their actions, the party could just as easily have carried out their wishes at the lumber company when they had both the younger and older Howards together. These points make it difficult to support the statements of Goff, Scott, and McCullers, while making James Howard's version of the events more credible.

Just as there are varying accounts of what happened with Willie James at the Suwannee River, there are different interpretations of what set this sequence of events in motion. Central to the controversy is the content of the original, handwritten letter that Willie James Howard wrote to Cynthia. The actual content of the letter is questionable. The transcribed copies of the infamous letter that were included with the police report and forwarded to Governor Holland were typewritten. The handwritten original letter is not available for comparison. The parents' statements confirm that the letter or note was the cause of the conflict. However, interviews conducted with members of the Live Oak community offer a different story. When asked, several residents who remember the incident claim that the words Willie James had written to Cynthia were not his own but the words of a song. Supposedly, Cynthia overheard Willie James singing the song and asked him to write the lyrics to the song for her. One interview subject claimed the song was "If This Ain't Love, It Will Have to Do Until Then." They claim that the note Willie James gave to Cynthia contained the words to a love song.<sup>53</sup> One of his classmates recalled: "First they say it was a note, next thing I read, they say it was a song he wrote and gave it to her."<sup>54</sup> These two interpretations are notably incongruous.

This difference in remembrance is significant. In the second version of events, Willie James Howard is the innocent. He is not guilty of a racial transgression. Saying that Howard gave Goff the lyrics of a love song instead of a love letter

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<sup>53</sup> Subject #2, interview with author, 25 December 1995; Philmore, interview.

<sup>54</sup> Linton interview; Hall, interview.

brought Willie James safely back across the color line. He is thereby less responsible for foolishly penning his feeling for his white coworker. He becomes, in effect, more blameless, while his murderers become more reprehensible for murdering a young boy for what seemed to be such an innocent act or, at most, a trivial violation.

Compared to other lynchings that occurred in the 1940s, Willie James Howard's murder barely generated any publicity. There was no report of his death in the local newspaper, the *Suwannee Democrat*. During the same week there were, however, reports on the deaths of two white Suwannee County residents published in the *Florida Times Union*.<sup>55</sup> This omission, and others like it, reinforced the idea that the lives of blacks were not important. Whites controlled most media outlets and were in a position to control both the content and tenor of the information the public received, thereby manipulating both the validity and visibility of people and events. Outside of the local newspapers, evidence of one news article on the Howard murder remains in the news clipping files of Tuskegee Institute. Dated January 22, 1944, the report claimed that a seventeen-year-old black male had been arrested and released as a part of the plot to murder him. Although the article does not name Howard specifically, it verified that the victim was killed on January 2, 1944, and that he had been accused of writing a love note to a white girl.<sup>56</sup>

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<sup>55</sup> "Auto Injury is Fatal to Live Oak Citizen," *Florida Times Union*, 5 January 1944; Associated Press, "Youth Loses Life in Truck Accident," *Florida Times Union*, 7 January 1944.

<sup>56</sup> Tuskegee Institute News Clipping Files, Lynching Files, Tuskegee University, Tuskegee, Alabama, Microfilm, n.d.

As mentioned before, some made efforts to make the Howard murder public, but the notices would not come from local residents. The messages sent to the National Association for the Advancement of Colored People asking for assistance came from outside of Suwannee County. A great deterrent from writing to the organization was the fact that one of the lynching participants, Phil Goff, a high profile citizen, supervised the post office. Anyone attempting to call outside attention to what had happen would surely have been placing themselves at great risk.

For the whites involved in this incident, their lives continued as usual. The society page of the local newspaper, the *Suwannee Democrat*, noted that Mack McCullers and Sheriff Henry went out of town on business within the week of Howard's murder.<sup>57</sup> Later that same month, Sheriff Henry began his reelection campaign. He argued that he had "in all my dealing with different classes of people, tried to be fair to them all, trying to serve the people with one thought at all time—to do unto them as I would have them do unto me."<sup>58</sup> Life went on as usual for the Goff family, as well. The family had a picnic to celebrate the 13<sup>th</sup> birthday of Phil Goff, Jr., in June 1944. Later in September, Cynthia was elected junior class treasurer at Suwannee County High School.<sup>59</sup>

The lives of blacks involved in this incident were forever disrupted. Two days after their son was killed, James and Lula Howard sold their home and moved to Orlando, more than likely out of fear for their own safety. The tragedy of Willie James'

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<sup>57</sup> *Suwannee Democrat*, 14 January 1944.

<sup>58</sup> *Ibid.*, 28 January 1944.

<sup>59</sup> *Ibid.*, 9 June 1944; 15 September 1944.

murder haunted them for years. While visiting Daytona Beach several years after Willie James' death, Dorothy DePass, a native of Suwannee County, encountered Lula Howard. During the course of their conversation, Mrs. Howard became hysterical and began to cry, lamenting "they killed my child in Live Oak."<sup>60</sup> Willie James was the Howards' only child.

The lynching of a colored boy in North Florida was not as newsworthy when compared to the exciting news from the battlefields of World War II. National attention focused on the atrocities overseas, so much that it was easy to disregard the second-class and differential treatment that African Americans were faced with on a daily basis. The name of Willie James Howard would bring none of the sensations that would have made his murder worthy of national headlines. The accounts of the circumstances of his death came down to the word of three white men against that of a black man, which, in the 1940s, was not a dispute at all. There was no smoke from burning flesh or smoldering ashes. There was no indicting evidence or overwhelming public outcry. On the contrary, there was a conspiracy among the whites who controlled the mechanisms of justice in Suwannee County to suppress an investigation. Willie James was simply a boy who drowned in the depths of the Suwannee River while a powerless father, three hate-driven men, and the oaks stood quietly by. In the end, the surface of the Live Oak community remained as placid and unchanged as the river that carried Willie James Howard to his death, while the anger, fear and sadness of the black community, deep and cold, flowed beneath.

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<sup>60</sup> Subject #2, interview with author, 7 March 1999.

## CHAPTER FIVE

"JUDGE WHAT WE SAY OVER THERE BY WHAT WE DO OVER HERE":  
PEDAGOGY, THE PRESS, AND THE LYNCHING OF JESSE JAMES PAYNE, 1945

On January 2, 1945, Millard F. Caldwell was sworn in as the governor of Florida. He could not have imagined then that the death of a black sharecropper in Madison County would follow him from the first to his last year in the governorship.

The death of Jesse James Payne on October 11, 1945, resulted from an argument he had with his landlord. Payne was kidnapped, hunted, shot, and accused of attempting to rape a five-year-old girl. His only crime may have been attempting to stand up for himself at a time when that could cost a black man his life. The truth was never known because Payne was taken from jail and killed before he was brought to trial.

Even after death, however, Payne would not simply disappear. As reports of his death spread around the state and nation, the calls for justice became increasingly difficult to ignore. People from across the nation demanded action from state and federal officials. When investigations proved fruitless, the demands for action turned to sharp criticism, directed mainly at Millard Caldwell. The tenor of that criticism gave birth to a libel suit that lasted for three years. Caldwell was a man of traditional values caught off guard by a normally complacent white public that had begun to question the way its black citizens were treated. In the end,



Caldwell was victorious but it came at a high price for him and the reputation of the state of Florida.

## **Background**

Madison County was established in December 26, 1827, and later, in 1838, Madison, the county seat, was founded, both named in honor of the country's fourth president, James Madison. As true of other areas in north central Florida, white migrants from Georgia and South Carolina and their slaves settled Madison County. By the mid-19<sup>th</sup> century, Madison was one of the most populated counties in Florida, with a population of 2,688 slaves and 2,802 whites in 1850. The labor of these slaves fueled the local economy, primarily with the cultivation of sea island cotton and sugar cane.<sup>1</sup>

By the 1860s, the economic, political and social tensions in the country escalated to an armed struggle. Eventually, the Civil War came to Florida. While no major battles were fought in Madison County, troops from the area fought against the United States Army at both the Battles of Olustee and Natural Bridge. While Confederate forces won these battles, ultimate victory belonged to the Union. The end of the war and the defeat of the Confederacy brought about drastic social change. After emancipation, former slaves exercised their freedom by establishing schools and participating in local politics, activities which local whites found objectionable and actively resisted. Whites in Ellaville, a small township in the eastern

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<sup>1</sup> Madison County also encompasses the towns of Ellaville and Greenville. Rivers, 18-19; Kevin M. McCarthy, *The Hippocrene U.S.A. Guide to Black Florida* (New York: Hippocrene Books, 1995), 165-166.

part of the county, did what they could to undermine the attempts of blacks to establish a school there.<sup>2</sup>

Despite the opposition, blacks experienced a good deal of success in politics. During the Reconstruction era, blacks in Madison County were elected to nine positions, with five black men serving on the county commission and nine as justices of the peace between 1867 and 1879. Seven black men served as councilmen in Madison during the same period. Local blacks also sent representatives to the Florida House of Representatives and Senate.<sup>3</sup> This success, however, did not come without a price. Racial violence was an unfortunate reality of the post-bellum political struggle. In 1871, the sheriff of Madison County stated that of thirty-seven unsolved murders for the year, thirty-three of the victims were black.<sup>4</sup> Incidents like these eventually eroded the gains blacks made after the war and democratic victories in state and local government after 1876 began the process of returning political control to southern whites.

Through much of the late 19<sup>th</sup> and early 20<sup>th</sup> century, blacks comprised a significant portion of Madison County's population. In 1885, blacks in Madison County outnumbered whites, 8,432 to 6,073. By 1940, whites outnumbered blacks only slightly, 8,460 to 7,730.<sup>5</sup> Regardless of race, the majority of people in Madison

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<sup>2</sup> Richardson, 49-50.

<sup>3</sup> These men were: Edward I. Alexander, Sr. (House, 1877, 1879, 1885); Oliver J. Coleman (House, 1871-1872, 1875; Senate, 1874); David Montgomery (House, 1873-1875; Senate, Sergeant-at-Arms, 1871); and Alfred Brown Osgood (House, 1868-1874, 1879, 1883, 1885; Senate, 1875, 1877). Brown, *Florida's Black Public Officials*, 169-170.

<sup>4</sup> Ibid., 120.

<sup>5</sup> "Florida Census Statistics"; *Statistical Abstract*.

County derived their livelihood from the red clay beneath them. Many were able to capitalize on the plentiful yellow pine that grew in the area. The trees could be cut for wood or tapped for turpentine. George Franklin Drew, a lumber magnate and future governor, made his home and a small fortune in Madison County. In 1865, he built the largest sawmill in the state in the town of Ellaville, located on the western bank of the Suwannee River.<sup>6</sup>

As in the days before the war, Madison County's economy thrived on the production of cotton and the black labor that made it possible. The majority of blacks, however, worked as paid laborers, both on and off the farm. As the devastation of the boll weevil reached Florida in the late 1910s, local farmers began to diversify their crops in attempts to fortify the faltering economy. As the cotton economy faded, Madison County farmers also turned to tobacco. The first crops of shade tobacco were harvested in 1907, and subsequently the Florida Sumatra Leaf Tobacco Company established its presence in the area. Others followed in their stead; the Friedman-Goldberg Leaf Tobacco Company came to Madison in 1920, and shortly thereafter, the Tampa Star Cigar Company established a cigar factory.<sup>7</sup>

As in other areas of the South, segregation defined nearly every arena of black life in Madison County. Not only did it relegate them to low-paying, menial jobs, but it also determined the location of their homes, the quality of their schools and even when they had to go home. Some residents remember that a

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<sup>6</sup> Notably, after being elected governor in 1876, Drew established the state's convict leasing system, leasing prisoners to work on farm and in turpentine camps around the state. Elizabeth H. Sims, *A History of Madison County* (Madison: Madison County Historical Society, 1986), 85-89.

<sup>7</sup> Ibid., 160-163.

bell rang downtown each evening, notifying blacks that it was time for them to return to their neighborhoods.<sup>8</sup> But in those communities they called home, blacks created havens of security and self-affirmation. Some of the earliest institutions in the black community were churches. Damascus Baptist Church, one of the county's oldest black churches, was founded shortly after the Civil War, as was the New Zion Baptist Church in Greenville.<sup>9</sup>

Despite their progress, blacks in Madison County were vulnerable to the white power structure and routinely deprived of protection under the law and their right to due process. In addition to the threat of vigilante violence, law enforcement officers and the judicial system worked against black residents; without the power to vote, they could do little to change the situation. One resident recalled that her father, a sharecropper, spent six months in jail for simply disagreeing with the landowner.<sup>10</sup> In all, there were some fifteen lynchings in Madison County between 1894 and 1936. All of the victims were black men.<sup>11</sup>

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<sup>8</sup> Ellen Pride and Lucille Bradley, Madison, Florida, interview with author, 11 April 2004.

<sup>9</sup> Sims, 112-115.

<sup>10</sup> Marie Bell Alexander, Madison, Florida, interview with by author, 15 December 2003.

<sup>11</sup> On January 9, 1894, Samuel Smith, was lynched after being accused of murder. The following year on May 19, 1895, three black men, Samuel Echols, Simeon Crowley and John Brooks, were accused of rape before they were killed near Ellaville. The following year witnessed three lynchings: Harry Wilson and a man named Murray were killed together on May 11, 1896, for unknown offenses, and on July 6 Jacob Williams was killed for the alleged rape of a white woman. In 1899, Charles Martin, and three other black men were killed. On January 7, 1901 whites killed James Denson and his stepson after they were accused of murder. Two years later, Washington Jarvis was killed for the same reason. An unknown black man was lynched after being

## Murder

Jesse James Payne was of average height. He was distinguished by his jet-black skin, which earned him the unflattering nicknames of "Smut" and "King Kong." Before settling down and farming in Greenville, he traveled the eastern seaboard following work. Payne lived in Ft. Lauderdale for one year, and then moved on to Belle Glade, where he worked as an agricultural laborer. Afterward, he traveled out of the state to Richmond, Virginia, and on to Cambridge, Maryland, where he worked for the Phillips Canning Company. In late 1943, he returned to Virginia, this time settling briefly in Norfolk. During his many migrations, Payne had several brushes with the law. While in South Florida, he was charged with possession of a firearm and served time in a county work camp.<sup>12</sup>

Once in Greenville, Payne's life took on some of the characteristics of normalcy. He took a wife, Lillie Mae, who gave birth to their child in the spring of 1945. To support his

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accused of rape in 1906. Then, in February of 1908, murder suspect Charles Pitman was also lynched. Another black man, Theodore "Buckie" Young, met his death on September 11, 1936. After being accused of attacking a white woman, Young was taken from his home by a mob of whites and shot to death in his own yard. The mob kept his body for two days after they killed him. NAACP, *Thirty Years of Lynching*, 53-56; Howard, "Vigilante Justice," 229-231.

<sup>12</sup> Statement of Jesse James Payne, by O. O. Edwards, Assistant Attorney General for the State of Florida, 13 July 1945, Florida State Prison, Governor Millard Caldwell Administrative Collection, Series 576, Box 48, Florida State Archives, Tallahassee, Florida (hereafter referred to as the Caldwell Collection). Hereafter referred to as Payne's Statement; Jack E. Davis, "'Whitewash' in Florida: The Lynching of Jesse James Payne and its Aftermath," *Florida Historical Quarterly* 68, n. 3 (1990), 227-298.

family, Payne worked on the farm of Willard Hambrey. From there, in December 1944, he began working with D. L. Goodman, a white farmer, as a sharecropper. As was custom, Payne cultivated a total of twenty-seven acres of Goodman's land, growing tobacco, cotton, peanuts, watermelons, corn and okra, the proceeds of which he split with Goodman, minus any expenses.<sup>13</sup> As a part of the deal, Goodman provided a home on the property in which Payne, his wife and child, his mother, Lucy Ann, his sister, Lucy Mae Anderson and her husband, lived. To help him maintain his large crop, Payne hired Dallas Grant, John Carlen, and Lonnie Livingston to work along side him.

The summer of 1945, like so many before it in Madison County, marked the beginning of the tobacco-harvesting season. Payne and his partners had the arduous task of "cropping" the leaves, hanging them in the barns, and using fire to cure them in preparation for sale. The process was time-consuming and labor intensive, but the rewards of the crop could not be reaped soon enough for Payne. This summer in particular, he was experiencing the hardships of the sharecropping cycle: living on credit until the bounty and profit of the crop could be cashed in. But this June his family's needs were acute. With a wife, new baby and mother at home, he was responsible for feeding and clothing them. He had extended his account with the local merchant with whom he normally did business. In addition, Payne needed cash to pay the hands he had hired to help bring in the crop.<sup>14</sup>

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<sup>13</sup> Affidavit sworn to by Lillie Mae Payne (wife), Lucy Ann Payne (mother), and Lucy Mae Anderson (sister), Sanford, Seminole County, Florida, October 29, 1945, Caldwell Collection (hereafter referred to as Family Affidavit), Caldwell Collection.

<sup>14</sup> Ibid.; Payne's Statement.

The combination of these harsh realities led Payne to approach Goodman for an advance on his share of the crop on June 23. An unsympathetic Goodman refused and an argument ensued between the two men. Frustrated, Payne threatened to sell his crop to the government and warned that he might tell government officials that Goodman had not only over-planted his tobacco allotment, but had also planted a crop for Sheriff Lonnie T. Davis, Goodman's brother-in-law. The conversation, while heated, did not come to blows. This confrontation, however, marked the beginning of the tragic events to come.<sup>15</sup>

In the coming week, the showdown between Goodman and Payne seemed to have blown over. Breaking from a hard week at work, on Sunday, July 1, Payne and his family visited Lonnie and Josephine Livingston on the farm of Arch Goodman, D. L.'s father. While at the Livingston residence, D. L. Goodman and his two sons, Robert and David, came seeking Payne. They demanded that Payne come with them. When the group protested, Goodman pulled a gun on Payne and forced him to the car. Once inside the car, the four men sped away.<sup>16</sup>

Apparently, Goodman had not taken kindly to being threatened by his black tenant the week before. Even more troubling than the threat was the race of the person who made it. A black man had challenged the authority of a white man who employed him. Jesse James Payne had forgotten his place and, therefore, needed to be taught a lesson. After driving Payne to a secluded area in the wooden swamps, Goodman forced him out of the car and onto his knees. "I am going to teach you how to put

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<sup>15</sup> Florida's allotment system paid farmers the difference between their total acreage and the number of acres they planted. Davis, 278; Family Affidavit; Payne's Statement.

<sup>16</sup> Family Affidavit; Payne's Statement.

the government on my land," Goodman told Payne. Just then, Payne heard a loud snap. He spun around and saw a surprised Goodman, inspecting his misfired gun. Instinctively, Payne took the opportunity to run for his life and fled into the swamp.<sup>17</sup>

When Payne managed to elude his captors, whites began to threaten his family members with beatings and attempted to intimidate them to reveal information about Payne's whereabouts. After Payne had been kidnapped, Lucy and Lillie spotted a mob of whites on their five miles walk home to Greenville. Wisely, they took precautions to avoid the group, but this was only a forecast of the encounters they would have with whites determined to find and punish Jesse Payne. The day following Payne's abduction from the Livingston home, Sheriff Davis forced Lucy Payne to ride along as he searched for her son. He drove to the home of John Perry, a relative of the Paynes, in Monticello. Once there, Sheriff Davis demanded to know if Perry had seen Payne. Perry said that he had not. After concluding his search, Sheriff Davis took Lucy Payne back home and gave her strict instructions to contact him if Jesse returned home.<sup>18</sup>

His family and friends continued to be targets of violence. The next day Sheriff Davis prevented Lucy, Lillie Mae, and the baby from boarding the bus from Madison to Monticello at 2:00 p.m. Two hours later, he returned and allowed them to board the bus with assurances that they were only going to neighboring Monticello to visit relatives. In Monticello, however, the women learned that they were not the only members of the family being harassed by law enforcement. The police had arrested two of Payne's relatives, Susie and Johnnie Perry, and jailed them.

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<sup>17</sup> Family affidavit.

<sup>18</sup> Ibid.



During the process, one of the men hit Susie Perry in the arm and seriously injured her. Johnnie Perry was later released on \$1,000 bond.<sup>19</sup>

By then, word of the conflict between Goodman and Payne had spread through the white community. Men gathered at a local watering hole, Shorty Jones's bar, to learn more about the incident. Before long, a posse of some fifty white men, many of them armed, and their hound dogs met at Shorty's. Goodman, as the ringleader, focused the frenzy of the group. No matter who caught him, Goodman proclaimed, Jesse James Payne would never go to trial. As the group began to discuss murdering Payne, a few of the men declined to participate. All the while, Sheriff Davis sat and listened.<sup>20</sup>

While the mob plotted to find him, Payne emerged from his hideout in the swamp. Shortly after sunset on July 3, Payne arrived at the home of his cousin John Perry in Monticello. Scared, hungry, and dressed in rags, Payne begged Perry for money, food, and a change of clothes. Perry let him know that Sheriff Davis had already been there looking for him. Eager to send Payne on his way, Perry gave him money. When Payne repeated his request for food, Perry told him that he did not have time. Payne left but on his way out, desperate for nourishment, he burst a watermelon in the far end of the field and ate from it.<sup>21</sup>

The watermelon proved to be one of Payne's last meals as a free man. On the afternoon of Independence Day, Payne encountered the posse that had been pursuing him. They spotted

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<sup>19</sup> Ibid.

<sup>20</sup> W. H. Gasque to Governor Caldwell, "Confidential Report," 7 November 1945, Caldwell Collection.

<sup>21</sup> Payne's statement.

him first and ordered him to stop. In the distance ahead of him, Payne saw a group of men working on the state road. Remembering Goodman's prior attempt to take his life, Payne ran towards the workmen, hoping they would protect him from his pursuers. As he began to run, the sound of gunfire cracked the air. Payne fell to the ground, shot in the arm and shoulder. The mob had their man.<sup>22</sup>

After his violent capture, the officers who were with the posse took Payne into their custody and transported him to the Jefferson County jail in Monticello. A crowd of about fifty men, presumably the same group that had pursued Payne, surrounded the jail. It was evident that the event flared the passions of the community placing Payne's life in danger. Then Simeon "Simmie" Moore, a patrolman with the Florida Highway Patrol received orders from his superiors to transport Payne to the Florida State Prison at Raiford for his protection. As Moore left the jail with Payne, some members of the crowd outside asked where he was taking Payne. He assured them that he was only taking him to the doctor to have his gunshot wounds treated. They would be back, he told them. Moore's deception was strategic; if they knew Payne would be beyond their grasp, they might have attempted to take him from Moore's custody.<sup>23</sup>

Within days after Payne's capture and removal from Madison County, new developments stirred local opinion against him even more. Although the entire situation, the kidnapping, the attempted murder, the posse chase and shooting, was the result of a conflict between Goodman and Payne, new allegations surfaced after Payne's capture. D. L. Goodman now alleged

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<sup>22</sup> Ibid.

<sup>23</sup> Davis, 282.

TABLE 3: Chronology of the Events Surrounding the Lynching of Jesse James Payne		
Date	Time	Event
June 23 1945		Confrontation between D. L. Goodman and Jesse James Payne over wages
Sunday, July 1, 1945	Between 5:00 p.m. and 6:30 p.m.	Payne is confronted by D. L. Leroy Goodman at his father's farm. Payne is kidnapped at gunpoint. Eventually makes his escape.
Monday, July 2, 1945		Sheriff Lonnie Davis forces Payne's mother, Lucy, Jesse to accompany him in his search for her son
Tuesday, July 3, 1945	After sundown	Arrived at the home of John Perry; received \$11 and clothes
Wednesday, July 4, 1945		After a two weeks search, Payne arrested near Monticello, Florida. Shot during pursuit. Take to the Florida State Prison at Raiford.
July 12, 1945		Arrest warrant issued for Payne
Tuesday, October 9, 1945		Payne held in the Madison jail
		Payne pleads not guilty to charge "assault with intent to commit rape and lascivious conduct with a child below the age of fourteen."
October 10, 1945	6:30 p.m.	Patrolman - conducts the final inspection of the jail
October 11, 1945	Approximately 2:00 a.m.	Payne kidnapped from the jail during the early hours of the morning and shot to death
		Coroner's Inquest holds that Payne "came to his death in Madison County, Florida, by being shot with a shot gun at the hands of unknown person or persons."
October 23, 1945		Florida Attorney General J. Tom Watson issues his report recommending that Sheriff Davis be temporarily suspended
October 31, 1945		Special Grand Jury is unable to identify killers and decided that Sheriff Davis is not negligent in the performance of his duties.

that Payne attempted to rape his five-year-old daughter, Lavone. To make matters worse, he claimed that Payne had infected her with a venereal disease. That was why, Goodman stated, he had attempted to kill Payne, and why he needed to be brought to justice. In reality, Goodman more than likely had an ulterior motive; he knew that this type of accusation against a black man would surely generate the community support needed to substantiate Payne's murder.<sup>24</sup>

After Goodman accused Payne of attempted rape, the local court system took action. On July 12, a little more than a week after he had been captured, based on the sworn testimony of J. B. Davis, uncle of the alleged victim, Judge J. R. Kelley issued a warrant for Payne's arrest for the attempted rape of a minor under the age of ten. O. O. Edwards, Assistant Attorney General for the State of Florida, traveled to Raiford to take a statement from Payne. Edwards began the session by informing Payne of his rights, although he failed to mention that Payne had a right to an attorney. During the questioning, Edwards asked Payne about his relationship with Lavone Goodman. He denied knowledge of any crime committed against the girl. When asked about his contact with her, he recalled that the child played around the barns where he worked. She liked to climb the fences, push her baby stroller, and sometimes played with his guitar. He noted that her mother always kept a close eye on the child and that they had never been alone. While Edwards' primary interest in Payne was as a criminal suspect, Payne made him aware of the crimes committed against him. He informed Edwards of Goodman's actions, the argument between them, the kidnapping, and Goodman's attempt to kill him. Despite his

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<sup>24</sup> *Florida Times-Union*, 5 July 1945; *Daily Democrat*, 5 July 1945; *Richmond Times-Dispatch*, 13 October 1945.

accusations, Edwards did nothing to hold Goodman accountable for his actions.<sup>25</sup>

After his statement was taken, Payne remained undisturbed at the Raiford prison for three months recuperating from his wounds and awaiting his day in court. On October 9, Deputy Sheriff Alexander Wade of Madison County traveled to Raiford to retrieve Payne and return him to Madison to face the grand jury. Still worried about more attempts on Payne's life, Wade later admitted that he traveled a roundabout route in case he had been followed. The next day in court, Payne pled not guilty to the charges against him, but the grand jury indicted him nonetheless. They set his trial date for October 16. While it was still early in the case, there were indicators that the trial would be a legal lynching, in which the primary objective of the jury was to convict. In the glaring violation of due process, J. B. Davis, the uncle of the alleged victim and Payne's accuser, sat on the grand jury that brought the charges.<sup>26</sup>

After the arraignment, instead of returning Payne to Raiford for safekeeping, Sheriff Davis held him in the Madison jail. This proved to be a fatal mistake. On the evening of October 10, Deputy Wade made the last inspection of the jail at about 6:30 p.m., at which time he turned the inside lights off and the outside lights on before he left for the night. It was

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<sup>25</sup> "State of Florida v. Jesse James Payne," *Millard F. Caldwell v. Crowell-Collier Publishing Company* (1946), T-152, boxes 43-44, National Archives and Records Administration, East Point, Georgia (hereafter cited as Caldwell Civil Case File); Payne's Statement.

<sup>26</sup> J. Tom Watson, Attorney General for the State of Florida, to Governor Millard Caldwell, 23 October 1945, Caldwell Collection.

general practice to leave the jailhouse unguarded. Because Sheriff Davis' home was attached to the jailhouse it was assumed that his presence would deter any attempts to break into the facility or escape from it. From the outside, the jail seemed nearly impenetrable. A high spiked metal fence with a locked gate surrounded the perimeter of the jail, which itself was built of brick and cement. Within the jail, two locked metal doors secured the entrance to the cells, to which only the sheriff held the keys. The cellblock, with separate cells for black and white prisoners, usually remained unlocked.<sup>27</sup>

In the jail that night, the inmates talked amongst themselves until about 10:00 p.m. Sometime that night or early the next morning, prisoners in the white cellblock awoke to muffled sounds coming from the other side of the jail where the black prisoners were held. In the darkness, they were unable to see anything; after the noise stopped, they went back to sleep. When they awoke again later that morning, they discovered that Payne was gone.<sup>28</sup> At about the same time seven miles out of town, a truck driver spotted the bullet-ridden body of Jesse James Payne on the side of the road.<sup>29</sup>

### **Aftermath**

The residents of Madison County awoke to startling news the next morning. Just as astonishing as the murder, however, was the operation of the killers. Payne's murderers had acted with

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<sup>27</sup> Ibid.

<sup>28</sup> FBI Investigative Report, conducted by Agent James B. Hafley, 18 October 1945, DOJ Classified Subject Files, Record Group 60, National Archives and Records Administration II, College Park, Maryland (hereafter cited as FBI Investigation).

<sup>29</sup> Ibid.

complete secrecy. They had entered the jail and kidnapped a prisoner without waking the other prisoners or the sheriff who slept next door. There were no easy answers for how this was accomplished, but the authorities were obligated to investigate.

After the discovery of Payne's body, the authorities were notified and a coroner's jury was called to investigate the kidnapping and murder. The members viewed his body that morning and met again two days later on October 13. With no clues indicating the culprits of the crime, they determined that Payne met his death "at the hands of unknown person or persons."<sup>30</sup> While the citizens of Madison County were satisfied that justice had been served, the public reaction to the verdict indicated that many were unwilling to accept what they viewed as a "whitewash" of the situation.

As a result of the grand jury's decision, appeals for investigation poured into Governor Caldwell's office from around the country. The reaction of the Florida press reflected an increasing impatience with such horrendous crimes. The day after Payne's murder, the *Jacksonville Journal* ran an editorial entitled "Judge Lynch Again," claiming "that sinister figure whom conscientious Southerners are striving to banish from their realm stalked though the little Florida town of Madison on Wednesday night." They accused Payne's murderers of having "no concern for the South's reputation as a haven of law and order. Their acts are an injury to all their fellow citizens, as well as an outright crime in themselves."<sup>31</sup> The *Miami Herald* struck a similar note, calling Payne's lynching a disgrace to the state of Florida. Further, they placed the onus on Governor Caldwell

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<sup>30</sup> "Verdict of Coroner's Jury," Caldwell Civil Case File.

<sup>31</sup> *Jacksonville Journal*, 12 October 1945.

to investigate the crime and prosecute those responsible. "Governor Caldwell," they claimed, "owes it to this nation, to this state, to the honor of the White people of Florida to bring the lynchers to justice. . . . [N]othing should deter him from pursuing a complete and exhaustive search to assure final vindication of the law and its enforcement."<sup>32</sup>

Other state newspapers lent their voices to the chorus of criticism that arose after the lynching. Nearly all condemned the actions of the mob in strong language. The *Lakeland Ledger* expressed concern over the perception that "law and order" had failed in Florida, and frowned on the lawlessness demonstrated by the incident. They claimed:

No person who commits such a crime should go unpunished, but before the penalty is meted out the evidence should be heard by a jury in a duly established court of law, and if the prisoner is found guilty, the penalty should be inflicted by the state, not by a mob. In this American democracy there is a legal provision that every individual shall be presumed innocent until proved guilty in a court of law. A group of angry men on a mission of murder cannot calmly weigh evidence. They are not even seeking evidence. They are seeking vengeance.<sup>33</sup>

The *St. Petersburg Independent* also expressed its opposition to mob violence. "The mob doesn't think at all and thus denies the human intelligence which alone differentiates man from the dumb beasts of the field," they argued. "That is why thoughtful lawyers have always classified the mob as the

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<sup>32</sup> Miami *Herald*, 14 October 1945.

<sup>33</sup> *Lakeland Ledger*, 14 October 1945.



deadliest enemy of society-or government by law rather than by the caprice of arbitrary men."<sup>34</sup>

As news of the incident spread, Florida's public officials were concerned with the increasing public scrutiny and began to offer Caldwell advice on dealing with the situation. W. T. Davis, a Florida senator, voiced support for the efficiency of local government. He sent a telegram to Caldwell in late October to discourage him from calling for the special grand jury to investigate the incident and to voice support of Sheriff Davis. "[The] [g]rand jury is made up of as good and honorable men as can be found in the county," he told Caldwell. "I believe that the sheriff is being done a gross injustice."<sup>35</sup>

Hatton W. Sumners, chair of the judiciary committee for the U. S. House of Representatives, also wrote to Governor Caldwell. Sumners served as chairman of the House Judiciary Committee and, as such, was on the front lines of the southern battle against the passage of anti-lynching legislation. He was concerned that this incident and others like it would be used to support the drive for the passage of such legislation. Sumners made Caldwell aware that the defense against a federal anti-lynching law was predicated on the South's ability to protect and deal fairly with its black citizens. "It is this sort of thing," he told Caldwell, "which makes it so difficult for those of us who have the responsibility of trying to protect the South against those who are actuated by sectional prejudice as well as by those who feel no respect for the sovereignty of the states in

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<sup>34</sup> St. Petersburg *Independent*, 15 October 1945.

<sup>35</sup> In light of his defense of Sheriff Davis, Senator Davis assured the governor that he was no relation to him. W. T. Davis, U. S. Senator, to Governor Caldwell, 24 October 1945, Caldwell Collection, Box 48.

our scheme of government." Sumners concluded his letter with a call for positive action on Caldwell's part. He warned him that the incident was "not a mere question of this man who was killed, or the sheriff, but it is a question as to whether or not the southern states will demonstrate a capacity to handle their problems of this sort without federal interference."<sup>36</sup>

Edward Davis, president of the Marion County NAACP, was suspicious as to why whites were unwilling to grant Payne a fair trial. Further, he warned the governor of the damage this incident would have on race relations in the state. "We as Negroes feel that this is, to say the least, a VERY STRANGE WELCOME to the hundreds of thousands of Negro soldiers returning to this country after giving their best to help save our country and make the world safe for Freedom, Democracy, and Justice."<sup>37</sup> As with other instances of lynching during the decade, Harry T. Moore, president of the Florida State Conference of the NAACP, also expressed his concern over Payne's murder to Governor Caldwell. "This is the third time within the space of twenty-seven months that Florida's record has been marred by the brutal lynching of its helpless Negro citizens," Moore informed Caldwell. Furthermore, he continued, "the lynching of Payne again reveals that type of carelessness that seems to be so prevalent among our local officers when the lives of Negro

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<sup>36</sup> Hatton W. Sumners, U. S. Representative, to Governor Caldwell, 17 October 1945, Caldwell Collection.

<sup>37</sup> Edward D. Davis, president, Marion County Branch NAACP, Ocala, Florida, to Governor Caldwell, 14 October 1945, Caldwell Collection.

prisoners are at stake." Both Davis and Moore encouraged Caldwell to take a firm stand on the matter.<sup>38</sup>

In addition to encouraging investigation, Moore also advocated on behalf of Payne's relatives, who, fearing for their own safety, had moved to Sanford, just outside of Orlando. Moore recorded the statements of Payne's wife, mother, and sister, about Payne's kidnapping by Goodman, as well as the nature of the conflict between the two men. The women told of the abuse they and their family members experienced before leaving Madison County. Moore forwarded their affidavits to Governor Caldwell in hope that he would intervene. He instead encouraged the Payne family to return to Madison County and present their information before the grand jury investigating the murder. Moore, however, warned Governor Caldwell that his request might expose the family to danger, making them potential targets of violence. "[Y]ou will note that some of Payne's relatives were threatened and handled roughly by local officers and members of the mob when this trouble started last July," he reminded Caldwell. "Those of us who have never been in the hands of such a mob cannot fully appreciate what an experience it is."<sup>39</sup>

After news broke that the coroner's jury was unable to determine who was responsible for Payne's death, the media focused its attention on Sheriff Davis and his negligence in protecting his prisoner and criticized his failures in strong language. Surely the nature of the crime should have heightened

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<sup>38</sup> Harry T. Moore, president, Florida Conference of the NAACP, to Governor Caldwell, 17 October 1945, Caldwell Collection.

<sup>39</sup> *Ibid.*; Governor Caldwell to Moore, 22 October 1945, Moore to Governor Caldwell, 31 October 1945, DOJ Classified Subject Files.

the sheriff's vigilance. The *Tampa Morning Tribune* spoke frankly on the matter: "When, especially in that section of the state, a Negro is charged with attacking a white woman or girl, there is always danger of a lynching. Sheriff Davis knew this full well [and] should be immediately suspended by the Governor for obvious negligence and failure to do his official duty."<sup>40</sup> Sheriff Davis's public pronouncements did not help his public image. At the inquest a tearful Davis acknowledged that the incident had "put me on the spot," but he denied claims that he was responsible or had cooperated with the murderers. "[I]f I had wanted to kill him," Davis continued in his defense, "I could have shot him in jail. I wouldn't have had to engineer a deal like this."<sup>41</sup> This statement did little to inspire confidence in his commitment to law and order.

Problems with Sheriff Davis' administration of the law had been brought to the attention of Governor Caldwell just a few months before Payne's murder. A Madison County resident wrote to the governor complaining that Sheriff Davis allowed gambling to go on unchecked in the area. Governor Caldwell wrote to Sheriff Davis asking him to reply to the allegations. The state beverage department also expressed its frustration in working with Sheriff Davis in its attempts prosecute bootleggers. Additionally, just a few weeks after Payne's abduction and murder, the director of the state beverage department complained that Sheriff Davis's actions were severely hindering their prosecutions in Madison County.<sup>42</sup>

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<sup>40</sup> *Tampa Morning Tribune*, 14 October 1945.

<sup>41</sup> *Richmond Times-Dispatch*, 13 October 1945; *Atlanta Daily World*, 13 October 1945.

<sup>42</sup> R. E. Sweets, Madison County, to Governor Caldwell, n.d., Sheriff Davis to Governor Caldwell, 26 June 1945, John

While many of the state's major newspapers expressed the view that Sheriff Davis bore the most blame for the lynching, they increasingly criticized Governor Caldwell for his reluctance to suspend the sheriff for his failure to protect his prisoner. Someone needed to be held accountable. They placed the responsibility at Caldwell's doorstep; it was up to him to send the message that neither professional negligence on the part of law enforcement nor mob violence would be tolerated. Only such action, they argued, could restore Florida's damaged reputation. Governor Caldwell should "demonstrate his devotion to the concept of government by law by immediately suspending and publicly reprimanding Sheriff Davis for gross negligence of duty," one paper proclaimed. Another news vehicle, the *New York Daily Worker*, the mouthpiece of the Communist Party of America, spoke plainly in its assessment. "It is frequently asserted that the difference between Hitler's wholesale lynchings in Europe and such fascist manifestations as that at Madison is that Hitler's crimes were engineered and sanctioned by the state. [W]e know of no way whereby a state may disassociate itself from such fascist acts except by condemning them openly and seeking out the guilty," they claimed. "Florida has done neither."<sup>43</sup>

Taking office less than a year early, Caldwell seemed more annoyed than concerned by the Payne lynching. A transplant from Tennessee, Caldwell first began his political career in his new

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Wigginton, Executive Secretary, Office of the Governor, to Sheriff Lonnie T. Davis, 28 June 1945, Sheriff Davis to John Wigginton, 30 June 1945, Governor Caldwell to Sheriff Lonnie Davis, 10 July 1945, James Vocelle, Director, Beverage Department, State of Florida, to Ed Straughn, Office of the Governor, 26 October 1945, Caldwell Collection.

<sup>43</sup> *New York Daily Worker*, 18 October 1945.

home of Santa Rosa County, Florida, serving as city attorney, and later being elected to the state House of Representative and U.S. Congress. When he became governor in 1945, Caldwell planned to focus his administrative energies on promoting the state of Florida as an attractive place to live and work in post-war America. Lynching, however, did not fit into the image of Florida as an American paradise. In dealing with the Payne murder, Caldwell seemingly failed to see the urgency of the situation. The *Orlando Reporter-Star* quoted him as stating that Payne's lynching was "just one of those things." Despite his attempts to downplay the incident, the extensive press coverage and protest letters were impossible to ignore. In an effort to address the criticism and satisfy the calls for justice, Governor Caldwell requested that Florida Attorney General J. Tom Watson go to Madison and investigate the circumstances surrounding the kidnapping and murder.<sup>44</sup>

Watson traveled to Madison on October 9. Once there he talked with Sheriff Davis to learn more about the incident. His focus was ascertaining how the kidnappers obtained Payne from the jail. After inspecting the jail with the sheriff, Watson found no evidence that the kidnappers broke into the jail. "On the contrary," he continued, "the evidence all pointed to the fact that he had been removed by the use of keys used to unlock a gate to the jail yard and to unlock two doors to the jail...one outer and one inside."<sup>45</sup> Based on the information he gathered, Watson recommended the temporary suspension of Sheriff Davis. He also reported to the governor problems with the grand jury.

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<sup>44</sup> Revels in Greenberg, 145; *Orlando Reporter-Star*, 15 October 1945.

<sup>45</sup> J. Tom Watson, Attorney General, State of Florida, to Governor Caldwell, 23 October 1945, Caldwell Collection.

The same jury that had been called up for that term of court was the same jury conducting the investigation. That meant that the same group of people that indicted Payne were to investigate the circumstances of his death. Even worse, Sheriff Davis was responsible for investigating a crime in which he may have been involved.<sup>46</sup>

Following Watson's recommendation, Caldwell called Judge R. H. Rowe of Madison County and requested a new grand jury to investigate Sheriff Davis for negligence and to attempt to locate Payne's murderers. Meeting again on October 27, the specially impaneled grand jury concluded their proceedings. They found that Sheriff Davis was not negligent in executing his duties as sheriff and claimed that they were unable to identify Payne's murderer. Further, the jury requested that Governor Caldwell "be extended the thanks of this Body for his splendid cooperation in assisting the Grand Jury in its efforts."<sup>47</sup>

## **Reaction**

The verdict confirmed what many people across the state and nation already believed: that Payne's murderers would not be brought to justice. Criticism of Governor Caldwell and Sheriff Davis reverberated through the press. One paper characterized the situation as a "whitewash." "The Grand Jury had handed the whitewash brush to Governor Caldwell," they posited, sarcastically. "Will he too use it?"<sup>48</sup> Disturbed by the lack of action on the part of local officials, the International Labor

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<sup>46</sup> Ibid.

<sup>47</sup> "Verdict of the Grand Jury," Circuit Court, Third Judicial Circuit of Florida, Madison County, 27 October 1945, Caldwell Civil Case Files, Box 44.

<sup>48</sup> *Tampa Morning Tribune*, 2 November 1945.

Defense and the Southern Negro Youth Congress joined together to offer a reward of \$1,000 for any information leading to the arrest, prosecution and conviction of anyone involved in the Payne lynching.<sup>49</sup>

In time, Caldwell's administration began to crack under the pressure to seek justice in the Payne affair. Apparently displeased with the course of events in Madison, Attorney General J. Tom Watson wrote to the governor about his concerns. A few weeks after he submitted his report to the governor, it became clear that Caldwell was not following his recommendations. Watson complained to Caldwell about not being kept abreast of the Governor's plan in handling the case. The developing rift between Caldwell and Watson eventually made its way into the paper, and fueled the impression that the governor was not doing everything in his power to correct the situation.<sup>50</sup>

Caldwell also requested that William "Buddy" Gasque work among the people of the community in an attempt to gather information. Gasque had worked in the capacity of special investigator for four governors. In a report dated November 7, Gasque reported his findings to Caldwell. Based on his interactions with the residents, Gasque found that "95% of the people were glad the lynching took place." Despite the seemingly overwhelming support for Payne's execution, Gasque did happen upon one cooperative witness. N. T. Langston, a local

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<sup>49</sup> New York *Daily Worker*, 2 November 1945.

<sup>50</sup> "I do not know, of course, what evidence was given before the grand jury and I do not know what witnesses they summoned before them, and, of course, I have no knowledge of how far they went in their investigations in this case because I had no information of and concerning the time when they were going to be convened and charged with entering upon their investigatory duties." J. Tom Watson to Governor Caldwell, 1 November 1945, Caldwell Collection; Jacksonville *Journal*, 3 November 1945.



farmer, told Gasque what he knew about the incident. He had been present at Shorty Jones' Bar on July 4 when Goodman was organizing other whites to go out and search for Payne. Langston planned to participate until the conversation turned to killing Payne. While he declined to participate, Langston told Gasque that Sheriff Davis had witnessed the entire discussion. Both Gasque and Langston testified before the special grand jury, but the jury was unswayed.<sup>51</sup>

While revealing little new information, Gasque's investigation did not reflect well on Sheriff Davis. When inquiring about the security of the jail, Gasque discovered that Sheriff Davis kept the keys to the jail either in a box on the floorboards of his unlocked car or on a nail in his kitchen, a fact that was common knowledge in the area. Later, when confronted by Gasque about his presence at Shorty Jones' bar while the posse was meeting, Sheriff Davis would neither confirm or deny the accusation. In concluding his report, Gasque advised the governor that while he generally believed Sheriff Davis to be "ignorant," he was not convinced that his negligence was malicious. Even if he was involved, Gasque continued, "no Grand Jury you might be able to get would indict or make any presentments."<sup>52</sup>

After two separate investigations and two grand juries hearings, there was no evidence to connect any individual with the death of Jessie James Payne. Attempting to address criticism and defend his actions, or lack thereof, Governor Caldwell issued a statement to the press on November 8, 1945. In it, he attempted to balance his reluctance to interfere with local

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<sup>51</sup> W. H. Gasque, Special Investigator, to Governor Caldwell, 7 November 1945, Caldwell Collection.

<sup>52</sup> Ibid.

affairs while salvaging his own reputation and that of the states. The result was an uninspiring display of finger pointing and name-calling. He characterized Payne's death as a "disgraceful occurrence," but placed the blame mainly on the people of Madison County. He blamed them for the failure of the justice system in Madison County, which resulted in bringing national scrutiny to the state. He argued "a system can be no greater than is the desire for efficiency on the part of the citizenship." He also explained his decision not to remove Sheriff Davis from office. "Although Sheriff Davis has in this case proven his unfitness for the office," Caldwell continued, "he was, nevertheless, the choice of the people of Madison County. Stupidity and ineptitude are not sufficient grounds for the removal of an elected official by the Governor." Governor Caldwell blamed Sheriff Davis for the "stupid inefficiency" which resulted with Payne's death and warned other law enforcement officers, that "in cases of this kind, I expect the highest degree of care to be exercised."<sup>53</sup>

Predictably, the press did not suffer Caldwell's renouncements well. They argued that what the governor characterized as carelessness reflected "upon Florida's good name [just as if] the sheriff had been guilty of active participation."<sup>54</sup> Others claimed his pronouncements left "a hollow feeling." Since no one was punished for Payne's murder, "[h]ow much effect will the governor's warning have for the future?", another paper asked. If Sheriff Davis's actions were not enough to warrant removal from office, "to what extent can official stupidity, ineptitude and fatal neglect of duty go

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<sup>53</sup> "News Release - November 8, 1945," Caldwell Civil Case File.

<sup>54</sup> *Lakeland Ledger*, 9 November 1945.

before the official involved becomes unworthy of holding office?"<sup>55</sup>

There were some people, however, who felt that Governor Caldwell was unfairly singling out Sheriff Davis and voiced their support for him. "I think no one should complain at what happened to the Nigger," wrote Vernon L. Tyson of Miami. "I think the people of Madison County are to be congratulated for seeing Justice carried out and for saving the state and county the expense of a trial." A telegram sent from "Voter" in Greenville and dated one day after Caldwell's criticism of Sheriff Davis was meant to send a clear message to Caldwell. "We were ignorant in voting last election," it read "but not on the sheriff's office." Others accused Caldwell of being unduly sympathetic to blacks. One anonymous writer thought that Caldwell was "just twice as stupid as Sheriff Davis." "I can't help but think you are just a 'Negro lover.'" Another letter writer claimed Caldwell and Attorney Watson "must be Negro lovers" and accused them of "prying" into local affairs.<sup>56</sup>

Interest in the Payne murder spread beyond the state of Florida. Turner L. Smith, head of the Civil Rights division of the Department of Justice (DOJ) under the newly appointed Attorney General Tom Clark, took a very proactive stance on the issue.<sup>57</sup> On October 15, 1945, after learning of the incident, he

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<sup>55</sup> Jacksonville *Journal*, 9 November 1945; Tampa *Morning Tribune*, 19 November 1945.

<sup>56</sup> Unsigned Telegram to Governor Caldwell, 9 November 1945, Bill Bell (?), Mayo, Florida, to Governor Caldwell, 18 October 1945, unsigned letter to Governor Caldwell, 14 November 1945, Caldwell Collection.

<sup>57</sup> Former colleague H. Graham Morison recalled Smith's concern for civil rights violation. "Turner Smith and his staff agreed that when they had a complaint made to the Attorney General of when they read newspaper accounts of violations of

wrote to the Assistant Attorney General for the Criminal Division Theron Lamar Caudle and J. Edgar Hoover, the Director of the Federal Bureau of Investigations (FBI), to request an "immediate investigation" into the circumstances surrounding Payne's death. From initial reports, Smith suspected that there was a "possible violation of Section 52, Title 18, United States Code." The law held officers responsible if they used the "color of law" -their influence because of their official responsibilities-to deprive a citizen of their civil rights, in this case, the right to due process. The U. S. Supreme Court had recently handed down a decision in the *Screws v. United States* case confirming the conviction of a Georgia sheriff, Claude Screws, who had brutally beaten to death a black man he had arrested. The case set a precedent of the prosecution of law officers who were involved in violating the civil rights of blacks.<sup>58</sup>

Per Smith's request, the Miami office of the FBI dispatched Agent James B. Hafley to Madison to investigate the situation. Most of the information included in his report came from news reports and a conversation with John Wigginton, executive secretary for Governor Caldwell. The lack of physical evidence

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all types of civil rights, timely beginning action should be taken after obtaining full information. Is such a violation was serious enough, he would...ask the aid of the nearest U. S. Attorney in calling those who had been alleged to have violated the civil rights of Negro citizens." H. Graham Morison, interviewed by Jerry N. Hess, 8 August 1972, Truman Presidential Museum and Library, <http://www.trumanlibrary.org>.

<sup>58</sup> Turner L. Smith, Civil Rights Division, Department of Justice, to Theron L. Caudle, Assistant Attorney General, Criminal Division, 15 October 1945, J. Edgar Hoover to Theron L. Caudle, 16 October 1945, 25 October 1945, DOJ Classified Subject Files; Julius Cohen, "The Screws Case: Federal Protection of Negro Rights," *Columbia Law Review* 46 (January 1946), 94-106.

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**INTERNATIONAL LABOR DEFENSE**

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ROBERT W. DUNN . . . . . *Treasurer*  
DOROTHY LANGSTON . . . . . *Field Secretary*  
MILTON BECKER . . . . . *Director, G.I. Rights Bureau*  
112 East 19th Street      New York 3, New York

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**REPORT ON THE CASE OF  
L. C. AKINS, OF DALLAS, TEXAS**

L. C. Akins, Negro worker of Dallas, Texas, was sentenced to die in the electric chair on October 6, 1945. He had been convicted of murder because after a white policeman had shot him without provocation, Akins tussled, turned the gun on his assailant, killing him. The United States Supreme Court had turned down Akins' appeal. In mid-september, the International Labor Defense, supporting the local efforts of the Dallas Branch of the National Association for the Advancement of Colored People, launched a national campaign in defense of Akins.

Akins' sentence was commuted to life imprisonment.

In a letter dated October 20, Governor Coke Stevenson himself told the reason. "The number intervening on behalf of L. C. Akins totals more than 15,000," he wrote in a letter on that day. "The great majority of these are from out of the State."

There is no reason why Akins should serve a life sentence. Neither you nor the ILD can accept that verdict for an innocent man. Now that Akins' life has been saved, plans are being developed for a nation-wide campaign which will set him wholly free.

**STOP**

**LYNCHINGS AND  
LYNCH-MURDER**

**THE DEPARTMENT OF JUSTICE  
HAS A DUTY TO PROSECUTE  
IN THE THREE CASES DESCRIBED  
IN THIS LEAFLET.**



***YOU Have a Duty Too***

**FIGURE 4a - International Labor Defense Anti-Lynching Flyer.** The ILD was instrumental in raising public awareness of miscarriages of justice against blacks in the 1930s and 1940s. This circular detailed the circumstances surrounding the deaths of Jesse James Payne, Moses Greene, and Sam McFadden, and urged Americans to write to the Attorney General to force an investigation. Interestingly enough, two of the three instances occurred in north Florida, within thirty miles and a few days of each other. Source: U.S. Department of Justice Classified Subject Files.

and the refusal of local citizens to assist the investigation rendered Agent Hafley's attempts futile. With the news that a Madison County grand jury had failed to indict anyone for the crime, the Department of Justice interest dwindled. Without proof that Sheriff Davis had somehow aided or abetted the situation, the DOJ had no grounds for prosecution. As a result, Turner Smith closed the file on the case.<sup>59</sup>

<sup>59</sup> FBI Investigation, 18 October 1945; Turner L. Smith to File, 16 November 1945, DOJ Classified Subject Files.

## THE UNITED STATES GOVERNMENT CAN STOP THIS!

On October 11, Jesse James Payne, a Negro lad, was taken out of the jail at Madison, Florida, and lynched. The jail had been left unguarded over night. *The Sheriff had the only key to the jail.* He admitted it was constantly in his possession. He said he did not know about the lynching until next morning. *Whoever took Payne out used a key.* The circumstances were so shocking even State's Attorney General J. Tom Watson urged suspension of the Sheriff pending clearing up of the case.

Two Madison County Grand Juries have refused to act on the case. Governor Millard F. Caldwell has refused even to suspend the Sheriff.

War Veteran Moses Greene, a Negro, was wantonly murdered by two deputy sheriffs on his farm near Ellenton, S. C., on September 9. The two left the scene without any explanation to Greene's widow or to another eyewitness, for their action. It is clear, however, that they expected—and received from the state—immunity from punishment because they were deputies, and their victim was a Negro.

In this case there was not even an investigation, an inquest or any other formal action taken by state or county authorities. Police told an undertaker to go out and pick up the body of a man they had killed, and bury it.

War Veteran Sam McFadden, a Negro, was lynched by three men, one a local police chief, on October 21, in Suwanee County, Florida. No direct motive for this lynching is known, but County Judge Rowe told a Grand Jury composed of 18 landowners and businessmen, in presenting the case: "Generally, we find when some major crime is committed, that selfish property interests are involved." An investigator for the Governor of the state presented a clear case against three men to the Grand Jury.

On November 13, the Grand Jury refused to return any indictment for this murder.

Under a recent ruling of the United States Supreme Court (*Screws v. U. S.*, 65 Sup. Ct. 1031) the Department of Justice is bound to take action leading to prosecution in these three cases. The lynchers are guilty under the Federal Law. In the past the Department has weaseled out of such prosecutions on the excuse it lacked jurisdiction. That excuse can no longer be made. The lynch-murderers can be prosecuted under the Federal Civil Rights Law, imprisoned for from one to ten years, fined from \$1,000 to \$5,000.

Florida and South Carolina have refused to act.

## YOU CAN MAKE THE DEPARTMENT OF JUSTICE ACT!

*Immediately, thousands of communications from organizations, individuals, must pour in on*

**ATTORNEY GENERAL TOM CLARK**  
Department of Justice  
Washington, D. C.

Demanding that his Department act NOW to stop these lynchings and lynch murders, the number of which grows daily, by full prosecution and punishment under Federal Law of all those responsible for the lynch-deaths of Jesse James Payne in Madison, Fla., of Sam McFadden in Suwanee County, Fla., and of Moses Greene at Ellenton, S. C.

**MAKE THE POWER OF THE PEOPLE FELT IN WASHINGTON—FOR JUSTICE**

Published by INTERNATIONAL LABOR DEFENSE, 112 East 19th Street, New York 3, N. Y.

FIGURE 4b - International Labor Defense Anti-Lynching Flyer (back)

Despite their inability to move forward on legal grounds, the American public flooded the Department of Justice with letters demanding concrete action. While many individuals were personally moved to action, many of the letters came mainly as the result of the efforts of the Southern Negro Youth Congress, based in Birmingham, Alabama, and the International Labor Defense (ILD), under the leadership of Vito Marcantonio.

Leaders of both organizations wrote to Tom Clark and encouraged others to do the same. Because of their connection to the labor unions, the ILD created the greatest [uproar] over the matter. The organization published and circulated a leaflet outlining the circumstances of the deaths of not only Payne, but

also Moses Greene in South Carolina, and Sam McFadden in Suwannee County, Florida, and encouraged people to write to the U.S. attorney and demand action. The pamphlet highlighted the fact that both Greene and McFadden were veterans, a fact that was sure to rile the consciousness of many Americans. Many of them did just that. Several labor organization sent resolutions, representing the voices of more than 360,000 individuals, condemning both the murder and lack of prosecution in Madison, Florida.<sup>60</sup>

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<sup>60</sup> Frank Baril, Chairman, Executive Board Local 21, International Fur and Leather Workers, to Tom Clark, 26 November 1945, Robbie Mae Riddick, President, Braddie Walker, Secretary; Rev. L. V. Freeman, Treasurer; Bea McCrea, Business Agent, Food, Tobacco, Agricultural and Allied Workers Union of America, Suffolk, Virginia, to Tom Clark, 27 November 1945, Thomas J. Fitzpatrick, President, United Electrical, Radio and Machine Workers of America, District Council Number 6, Pittsburgh, Pennsylvania, to Tom Clark, 28 November 1945, Negro Retail Beer Dealers and Merchants of Texas, Sid Hilliard, Chairman, to Tom Clark, 5 December 1945, Walter H. Woods, President, Local 137, United Federal Workers of America, Brooklyn, New York, to Tom Clark, 5 December 1945, Harry Bridges, President, International Longshoremen's and Warehousemen's Union, San Francisco, California, to Tom Clark, 12 December 1945, Irving Risking, President, United Office and Professional Workers of America, Local 26, Detroit, Michigan, 20 December 1945, Paul Schnur, Secretary-Treasurer, San Francisco CIO Council, to Tom Clark, 20 December 1945, Louis E. Burham, Organizational Secretary, Southern Negro Youth Congress, Birmingham, Alabama, to Tom Clark, 29 December 1945, William B. Stevenson, President, United Electrical, Radio, and Machine Workers of America, Local Union 1412, Oakland, California, to Tom Clark, 8 January 1946, Mel J. Heinritz, Secretary-Treasurer, Wisconsin State Industrial Union Council, Milwaukee, Wisconsin, to Tom Clark, 10 January 1946, Janet Beyman, Secretary, Local 475, Amalgamated Machine, Instrument, and Metal Workers Association, Brooklyn, New York, to Tom Clark, 17 January 1946, John C. Hunt, Food, Tobacco, Agricultural and Allied Workers Union of America, Amalgamated Local, No. 26, Suffolk, Virginia, to Tom Clark, 27 February 1946, Wendell B. Phillips, Jr., Veteran, Regional Director, Pacific-Northwest Region, Food, Tobacco, Agricultural and Allied Workers Union of America, to Tom Clark, 28 February 1946, all

The murder of Jesse James Payne and the controversy surrounding it had taken on a life of its own. Despite his best efforts, Governor Caldwell seemed unable to put Payne's murder behind him. The next round in the debate over the incident would come, innocently enough, from a research project. In mid-December, R. B. Eleazer of Tennessee wrote to Caldwell requesting clarification on the statement he had given the previous month. He wanted to include a statement from the governor in a report he was in the process of completing for *Encyclopedia Britannica's* 1945 yearbook entry on lynching.<sup>61</sup> Governor Caldwell wrote back to Eleazer three days after Christmas. In the letter, he included the text of his November 8 statement. Beyond that, he went on to explain to Eleazer that he took issue with clarifying the incident as a lynching, explaining that, "[w]hether or not the killing of Jesse James Payne was a lynching must depend upon one's definition of that term. My personal opinion is that the crime did not come within any recognized definition of lynching." In the next part of his statement, he borrowed from the decade's old excuse for lynching violence: the chivalric protection of the white female. Caldwell explained to Eleazer matter-of-factly,

The ordeal of bringing a young and innocent victim of rape into open court and subjecting her to detailed cross-examination by defense counsel could easily be as great an injury as the original crime. This fact probably accounts for a number of killings or lynchings which might otherwise be avoided. Society has not found a solution to this problem.

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found within the DOJ Classified Subject Files. These represent a sampling of the letters on file.

<sup>61</sup> R. B. Eleazer, General Board of Education of the Methodist Church, Nashville, Tennessee, to Governor Caldwell, 20 December 1945, Caldwell Collection.



In closing, Caldwell reiterated his belief that the people of Madison County were accountable for handling the situation.

My comment on the case in which you are interested is in line with my policy of holding the citizens of a county responsible for the officials they elect to office. It is my intention to awaken a sense of civic responsibility in our citizens. To that end, I have refused to do their work for them on the theory that when they have found that they must act or take the consequences they will act. Paternalism softens and deadens civic responsibility and it is my intention to stimulate the people to action and make democracy work.<sup>62</sup>

Governor Caldwell continued with this line of defense into the new year. In January, he denied the Tuskegee report that listed Payne's death as the only lynching recorded that year. The press was baffled by Caldwell's actions. In an editorial entitled "Pedagogue Caldwell," the *St. Petersburg Independent* taunted the governor's conceptual acrobatics, pointing out that he "evidently dislikes having his official conduct questioned and is willing to indulge in far-fetched verbal gymnastics as a means of rationalizing his position." Others warned that his words could be misconstrued as support for lynching.<sup>63</sup>

These warnings proved prophetic. On January 7, *Time* Magazine published an article entitled "Two Governors." In the piece, the editors compared Governor Caldwell's handling of the Payne murder with the actions of Governor Gregg Cherry of North Carolina. Cherry had recently stayed the execution of a black man accused of rape, instead commuting his sentence to life in

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<sup>62</sup> Governor Caldwell to R. B. Eleazer, 28 December 1945, Caldwell Civil Case Files.

<sup>63</sup> *St. Petersburg Independent*, 2 January 1946.

prison. *Time* was impressed not simply because of the action taken by Governor Cherry, but also because of the reasons behind it. He argued that it was hypocritical to deal so heavily-handedly with people whose criminal behavior was a result of the deprived living conditions and inferior education available to blacks in that state. *Time* then juxtaposed Cherry's benevolence with Caldwell's attitude toward the Payne murder. The magazine characterized Caldwell as condoning the lynching, using the statement that Caldwell himself issued to Eleazer and, subsequently, the press.<sup>64</sup>

Caldwell protested *Time's* characterizations of his words. He immediately contacted with the magazine's editors and demanded an apology. The editors reconsidered their position in the January 7 piece, and determined that it was indeed unfair to Caldwell. *Time* issued an apology and retraction in its February 4 edition. In commenting on Caldwell's debacle, the *Jacksonville Journal* agreed that *Time* had misinterpreted Caldwell's statement but urged the governor to better explain himself to prevent future mishaps.<sup>65</sup>

But Caldwell refused to acknowledge his misstep. Instead, he began to publicly attack the press. On February 12, while speaking at the Governor's Day luncheon in Tampa, Caldwell criticized the press, specifically *Time* Magazine, for intentionally misrepresenting his words. He also took issue with papers within the state for maligning the state's reputation.<sup>66</sup>

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<sup>64</sup> "Two Governors," *Time* Magazine, 7 January 1946.

<sup>65</sup> *Jacksonville Journal*, 4 January 1946.

<sup>66</sup> *Ibid.*, 13 February 1946.

His speech only encouraged the wrath of the state's larger newspapers, and they responded with predictable ire. They accused the governor of "quibbling" and splitting hairs, pointing out that Caldwell had created his own problems with his failure to act and his own words. "Despite the governor's quibble as to whether the Madison killing was perpetrated by one person or a dozen," noted the *Jacksonville Journal*, "with or without 'noise and confusion,' the nation's verdict is going to be that it was a lynching, and it would be much better to face up to it on that level. And what difference does it really make? A man was snatched out of jail and killed without legal process."<sup>67</sup>

The *St. Petersburg Independent*, responded to the governor's accusations with acidic derision:

The *Independent*, along with other sane newspapers in the state, has not seen eye to eye with Governor Caldwell. This has hurt his feeling rather badly. In fact, he has used the occasion of the annual Governor's day luncheon at Tampa to take a swipe at the newspapers in the Tampa bay area for publishing such facts. He said that this nullifies the money being spent by the state on advertising... The job of any newspaper is to print all the news that is newsworthy. We are sorry if this pains the govenor[sic]; but we have not the slightest intention of failing in our public duty. Furthermore we shall continue to differ with his policies if and when our considered judgement [sic] leads us to the conclusion that he might be mistaken. And whenever we feel that his policies deserve praise, we shall gladly grant him an accolade of three full paragraphs.<sup>68</sup>

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<sup>67</sup> Ibid.

<sup>68</sup> *St. Petersburg Independent*, 14 February 1946.

With the problems surrounding his public image compounding, Caldwell and his staff developed an offensive strategy to fight the attacks on his administration and his personal character. Caldwell first wrote to the Tuskegee Department of Records and Research, requesting their criteria for listing a murder as a lynching. Jessie Guzman, then the acting director of the division, responded to the governor, and outlined the criteria agreed upon in 1940 by all agencies that tracked the incidents: "1. There must be a dead body. / 2. Which met death illegally. / 3. At the hands of a group. / 4. Acting under pretext of service to justice, race, or tradition." Then, based on the criteria they outlined, the governor and his staff set out to contest Tuskegee Institute's characterization of the Payne murder as a lynching.<sup>69</sup> John Kilgore, who coordinated the move, explained the approach to Caldwell, asserting, "I am looking at this, not as a letter, but as a clynching [sic] argument for newspaper release. Liberals like St. Pete Times, etc., worship [Jessie Daniels Ames] and the [Association of Southern Women for the Prevention of Lynching] is certainly an outstanding white authority. Putting a complete argument in this letter makes it an offensive against Tuskegee. . . not a defense inside State."<sup>70</sup>

Writing again to Tuskegee in March, Governor Caldwell spelled out his objection to Tuskegee's listing of Payne's death as a lynching. First, Caldwell insisted that there was no evidence that Payne met his death "at the hands of a group." That fact alone, he argued, should have excluded Payne's name

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<sup>69</sup> Governor Caldwell to Department of Records and Research, Tuskegee Institute, 14 February 1946, Jessie P. Guzman to Governor Caldwell, 19 February 1946, Caldwell Collection.

<sup>70</sup> Memorandum, "In re: Last draft Tuskegee letter," n.d., Caldwell Collection.

from the lynching roll. According to Caldwell, the issue of motive was also important. All definitions he had encountered characterized lynching as a form of punishment. In the Madison incident, he argued Payne's killer or killers "acted with revenge as a motive and from personal interest, by reason of blood or family relationship or friendship with the victim and not under a pretext of service to society or racial group."<sup>71</sup>

While Caldwell was debating semantics with Tuskegee and attempting to recover from the blow dealt by *Time*, another national magazine was preparing to issue a similar assessment of the Cherry/Caldwell comparison. On February 13, *Collier's Magazine's* forward edition was distributed to the nation's newspapers. In it was an article entitled "Two Governors on Race Problems." The article sounded a note nearly identical to the *Time* article, if not with a sharper edge. "Caldwell," the article claimed, "expresses the old, narrow view which has been about as harmful to Southern white people as to Southern Negroes. We can only congratulate North Carolina on its governor, and hope that Florida may have similar gubernatorial good luck before long."<sup>72</sup>

Incensed, Governor Caldwell immediately contacted William L. Chenery, publisher of *Collier's Magazine*. Were they not aware, he inquired, that *Time* had printed a similar statement only to retract it? The editor told the governor that he would look into the matter but there was nothing he could do. Nearly three million copies of the magazine were printed, shipped, and on February 23, would be released to the public.<sup>73</sup>

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<sup>71</sup> Governor Caldwell to Jessie P. Guzman, Tuskegee Institute, 6 March 1946, Caldwell Collection.

<sup>72</sup> *Collier's Magazine*, 24 February 1946.

<sup>73</sup> Trial Transcript, Caldwell Civil Case Files, 4-6.

After the magazine was released with the article, Caldwell's patience expired. He informed *Collier's* that he intended to sue the magazine for libel. Caldwell sought \$500,000 in damages, which he proclaimed to the press he would turn over to Florida Agricultural and Mechanical College for Negroes in Tallahassee.<sup>74</sup>

The trial began in February 1947 in the court of Dozier Devane in Tallahassee. John T. Wigginton, Julius F. Parker, and Leo L. Foster represented Governor Caldwell. Chester H. Ferguson, Pat Whitaker, and J. Lewis Hall represented Crowell-Colliers Publishing Company. Initially, lawyers for the defense argued that the trial should be moved because of the undue influence that Governor Caldwell, in his role as the head of the state, exercised over people and politics in the Tallahassee area. The judge denied the defense's request for a change of venue; instead, he simply asked that state employees recuse themselves from jury duty.<sup>75</sup>

During the trial, Caldwell's attorneys worked to cast him as a victim. Key to Governor Caldwell's case was proving how his reputation had been damaged by the *Collier's* article. During his testimony, when asked how the editorial affected his job duties, Caldwell cited difficulty with negotiating regional educational matters, specifically when it came to dealing with his black constituency. During negotiations, Caldwell stated that "I felt on the part of the Negroes of this state they felt I was not dealing fairly with them, not in good faith attempting to approach the subject of education." Additionally, Caldwell

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<sup>74</sup> *Daily Democrat*, 28 February 1946.

<sup>75</sup> *Daily Democrat*, 22 April 1947, 14 October 1947, 16 December 1947; Trial Transcript, Caldwell Civil Case File, 86.

claimed that he experienced greater difficulty in dealing with the legislature over the past year.<sup>76</sup>

The defense, on the other hand, focused on Caldwell's handling of Jesse James Payne's murder. On the witness stand, Caldwell continued to deny the incident was a lynching.<sup>77</sup> The lawyers for the defense then asked Caldwell why he did not suspend Sheriff Davis. Caldwell argued that removing the sheriff would have had no long-term impact. "In the first place," he stated, "[the] suspension would not have been confirmed by the Senate and the sheriff would have become a martyr in the eyes of some people." "In the next place," he continued, "[Davis] would have been vindicated by re-election at the next election."<sup>78</sup> Caldwell's statements were revealing because they showed that he seemed more concerned with the political outcome of the Payne investigation than the immediate goal of justice and legal due process.

Despite Caldwell's concern about his reputation, he and his attorneys knew that there were other underlying issues involved in the case. In the end, Caldwell's attorneys based their appeal on age-old sectional mistrust and southern disdain for northern interference in local affairs. John Wigginton argued

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<sup>76</sup> As chairman of the Regional Council for Education for the Southern Governors' Conference, Caldwell was charged with implementing a program "to provide for all their citizens, through cooperative effort, sound, comprehensive, and high-quality educational opportunities." In reality, its purpose was to ease pressure for integrating all-white state colleges by working together with other southern states to provide adequate but separate facilities for blacks. *The Administration of Millard F. Caldwell as Governor of Florida, 1945-1949*, (n.p., n.d.), 27; Trial Transcript, Caldwell Civil Case File, 206.

<sup>77</sup> Trial Transcript, Caldwell Civil Case File, 199-200.

<sup>78</sup> Ibid., 184.

just that in his closing statement. "Are you going to let people sitting up at 250 Park Avenue in New York tell us down here the kind of man we ought to have to run our state?" he asked the jury. He then singled out *Collier's* editor Henry LaCossit: "I believe, from talking to [LaCossit] that he has the idea that we live half like savages, with at least one-third of our people, the colored people, constantly in fear and trembling, which all of us, including you men, know is not true."<sup>79</sup>

In his closing argument, Pat Whitaker attempted to counter Wigginton by sounding a patriotic note. He argued the first amendment rights to freedom of speech, and press. He encouraged the jury to avoid making a judgment based on passion or personal feeling. Further, he tried to portray Governor Caldwell as thin-skinned. "[W]hen a man assumes public office," Whitaker argued, "he takes on the burden, the responsibility of taking criticism, have the public disagree with him."<sup>80</sup>

On March 10, 1947, after closing arguments, the jury retired to deliberate. Three hours later, they returned with a verdict which awarded Governor Caldwell \$237,500, reportedly the most ever granted in a libel suit in the U.S.<sup>81</sup> Writers for the *Tampa Tribune* called the award excessive and disputed the claim that Caldwell's reputation had been damaged. Instead they argued the reverse: "[He] enjoys today much higher esteem, confidence and respect from the people of Florida than he did in the early days of his administration."<sup>82</sup>

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<sup>79</sup> Ibid., 370, 409.

<sup>80</sup> Ibid., 383.

<sup>81</sup> Ibid., 444; Davis, 296.

<sup>82</sup> *Tampa Morning Tribune*, 12 March 1948.





**FIGURE 5 - Cartoon, "Right forever on the scaffold, Wrong forever on the throne."** This crude cartoon reflects one segment of the public opinion against Governor Caldwell for his failure to seek justice in the Payne lynching. Cartoons like this, Caldwell argued, reflected the damage done to his reputation by the *Collier's* magazine editorial. Source: Caldwell Civil Case File.

Vindication by the jury did not mean that blacks in Florida were willing to forget the governor's unwillingness or inability to punish those responsible for Payne's death. Nor did the promise of money for FAMC ease the pain of living without the full protection of the law. Harry T. Moore told Caldwell shortly after the verdict,

We wish to make it clear that we shall not consider this as a gift to the Negroes of Florida. If Florida A. & M. College is not getting sufficient financial support to make it measure up to the standards maintained at the University of Florida at Gainesville and Florida State University at Tallahassee, it is the fault of our State Government, and not the responsibility of Florida Negro citizens. . . . [S]uch

a gift will not soothe the wounded feeling of Florida Negro citizens.

Furthermore, Moore suggested that the money would be better put to use in support of the Payne family, his wife, young daughter, and mother.<sup>83</sup>

The decision did not mark the end of the battle, as *Collier's* immediately filed an appeal and was granted a retrial on the grounds that Judge Dozier DeVane should have cautioned the jury to disregard Attorney Wigginton's appeal to sectional loyalties. The new trial was held in Gainesville on June 27, 1949. The jury reached the same conclusion, but lowered the amount of the damages to \$100,000. Shortly thereafter, attorneys for both sides came up with a compromise. LaCossit had already announced that he planned to take the case as far as he could, given his belief in the First Amendment. Caldwell, on the other hand, had nothing to gain from a protracted legal struggle. His personal financial gain had not been an object of the case, and it is doubtful that he and his attorneys were interested in seeking a larger judgment to enrich FAMC. Aside from that, Caldwell had proven his point. He was victorious over the Yankee slanderers of his good name and the reputation of his state. The parties reached a settlement for \$25,000 and lawyer's fees and court costs.<sup>84</sup> Nearly four years after the lynching of Jesse James Payne, the dust finally settled, and Caldwell celebrated a hollow victory.

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<sup>83</sup> Harry T. Moore to Governor Caldwell, 15 March 1948, William H. Gray, Jr. Papers, Southeastern Regional Black Archives, Florida A & M University, Tallahassee, Florida.

<sup>84</sup> "Satisfaction of Judgment," Caldwell Civil Case File.



**FIGURE 6 - Political Cartoon, "Still at it."** Cartoons like these drew attention to the lawlessness that continued to plague the South, and particularly Florida, during the 1940s. This cartoon was submitted by lawyers for Governor Millard Caldwell in his libel suit against *Collier's Magazine* in the aftermath of the lynching of Jesse James Payne. Source: Caldwell Civil Case File.

While Caldwell did his best to evade responsibility, Payne's death is a dramatic illustration of the failure of law enforcement and governance in Florida. In the end, Caldwell seemed more concerned with the classification of a death than the death itself, or the people who caused it. For those reasons, he spent more time defending the public perception of his administration and the reputation of the state of Florida than he did investigating Payne's murder.

Despite his unwillingness to act, there was sufficient evidence that Sheriff Davis and his deputies knew that Payne's life was in danger. Sheriff Davis was never made to answer

whether or not he was present while the posse was organizing with the intention of killing Payne. Other officers were aware of the threat and took appropriate precautions: Patrolman Moore outwitted the mob that waited on Payne outside the Monticello jail and Deputy Wade took precautions when transporting Payne between Madison and Raiford. All were aware that Payne had been shot when he was being captured, and he later told authorities of D. L. Goodman's attempt to kill him. Above all else, the nature of the crime Payne was eventually accused of, the attempted rape of a five-year-old white girl, was sure to inspire vengeance.

To his credit, Caldwell made some effort to solve the crime. His request for a second special grand jury charged with determining if Sheriff Davis' negligence was certainly a bold step in the right direction. That was, however, as far as he was willing to go. His actions were in line with the steps taken by the previous governor, Spessard Holland, when acts of lawlessness occurred during his tenure. Caldwell's problem was mainly a shift in public opinion. The prism of World War II changed and possibly heightened appreciation of democracy. People were no longer satisfied with the semblance of justice, inconclusive investigations that held no one accountable. The reaction to Payne's lynching indicated that an increasing number of white Americans were unwilling to look the other way while citizens, black or white, were denied due process and the full protection of the law. More important, they were concerned with the way it made their country look. Caldwell's failure to take decisive action showed his divided loyalties between southern tradition and progress, a challenge many other southern politicians would face in the post-war world.

## CHAPTER SIX

### CONCLUSION

Examined individually, the lynchings of A. C. Williams, Cellos Harrison, Willie James Howard, and Jesse James Payne represent tragic incidents of extra-legal murder. Examined together, they indicate that while much was changing in Florida during the era of World War II, many people were interested in maintaining the social boundaries that characterized race relations for much of the 20<sup>th</sup> century. These four black males were killed in a period of four and a half years, an average of one lynching every eleven months for four years within a 200-mile radius in north central Florida. Each death in its own way was a flashpoint on the landscape of race relations in Florida and the nation. Such instances forced Americans to make a choice about the kind of nation they wanted to be.

The lynchings of Williams, Harrison, Howard, and Payne denote a trend in extralegal violence during the mid-twentieth century. W. Fitzhugh Brundage, in examining lynching in Georgia and Virginia, noted various characteristics of mob size and behavior. He identified four classification of lynchers: (1) mobs numbering between several dozen and several thousand people, (2) large semi-legal posses, (3) gangs acting in defiance of the government or for retribution, and (4) small groups of terrorists.<sup>1</sup> Notably, the lynchings examined in this

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<sup>1</sup> Brundage, 17-48.

study belong to the latter group. In most instances, the lynchers operated with a high level of secrecy. They came in the middle of the night, as opposed to the daytime, in order to maintain the element of surprise. Williams' and Harrison's kidnappers reportedly used masks to hide their identity. In such small communities, it is difficult to believe that witnesses were unable to identify the voices or any other distinguishing features of the perpetrators. Nevertheless, their behavior indicated that they were concerned with being identified.

These lynchings also illustrate the lasting power of the "black male-white female" sexual taboos. The death of young Willie James Howard was tragic because of his age, but also because of the relative harmlessness in the act of giving a girl a card or note. In both the Williams and Payne incidents, it is probable that the accusation of rape was added as an accelerant to fuel the fire of racial hatred. As their accusers knew, such a charge was the equivalent of signing an extra-legal death warrant. With the exception of the Harrison lynching, these instances involve claims that black men had attempted to rape, or simply offended, as in the Howard incident, white women.

Another factor that contributed to the death of these lynching victims was inadequate protection by law enforcement. Three victims, Williams, Harrison and Payne, were kidnapped from jail. With tragic consistency, Sheriffs Luten, Gause, and Davis failed to take extra precautions to protect their prisoners. In all three instances, there were sufficient reasons to suspect a lynching attempt. This is especially true of Williams and Payne, who were accused of the attempted rape of young white girls. While there is no evidence to prove that the sheriffs were intentionally negligent or working in collusion with the

lynchers, it is hard to believe these coincidences were uncoordinated.

This reality speaks to one of the most significant features of racial violence in the mid-20<sup>th</sup> century: the role of law enforcement in providing or denying equal protection to blacks. During this period, law enforcement officers, whether sheriffs, deputies, policemen or constables, were beholden to their white constituents more than to the letter of the law. As individuals, they decided what laws to enforce and when to enforce them. Because of these conflicts, southern law enforcement officers existed in a type of legal paradox, floating between the strict guidelines of federal and state laws and the local pressures of social codes and mores. Sheriffs in small communities were usually very much in tune with their constituents. Many were home-grown "good ol' boys," sharing a common background with the people who elected them.<sup>2</sup> Because of this, sheriffs were expected "to uphold the will of the superior race." As one anthropological study of southern culture noted,

[t]he ability to subordinate Negroes is for some positions a prime requisite, and such a reputation a political asset. [Maintaining] the caste system intact, 'keeping the niggers in their place,' is extremely important to the whites and is part of the informal obligation which the official assumes. The caste element is particularly important in the case of law-enforcement officers such as the sheriff and chief of police.<sup>3</sup>

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<sup>2</sup> Scott H. Decker, "An Issue in Social Control: The Case of Putnam County Sheriff's Department" (M.A. thesis, Florida State University, 1974), 53.

<sup>3</sup> Davis, et al., *Deep South*, 489.

It would be unfair to assume that all law enforcement officials in the South were racist or acted to insure white supremacy. Nevertheless, the majority of the law enforcement officers were the sons of the South, and as such were products of their environment. During this period, white racism was the norm, and many sheriffs in rural counties held racist attitudes that affected their judgment and how they enforced the law. Sheriffs did not investigate adequately, if at all, acts of violence perpetrated against African Americans. At other times, sheriffs failed to protect blacks in their custody and, in the worst instances, were directly involved in extralegal violence or murder. Most important, through their inactivity, sheriffs encouraged future violent attacks against blacks by sending a message that black lives were not valued. In some situations, sheriffs benefited by remaining inactive during racial crises. Decisions made in the event of a community crisis could have serious repercussions at the next election. Communities demonstrated their approval or disapproval of the sheriff with their votes.<sup>4</sup>

If Jim Crow was the law, there had to be someone to execute it. Southern law officers, as an essential function in their roles as administrators of the public will, enforced segregation laws. Consequently, sheriffs, deputies, and constables constituted the front line in the battle to maintain white supremacy. In addition to their obligation to serve and protect, the public entrusted these men to uphold the mores and social standards of their communities, as the "executors of public will."<sup>5</sup> This responsibility would become more difficult

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<sup>4</sup> Belknap, 8, 24; V. O. Key, *Southern Politics: In State and Nation* (New York: Alfred A. Knopf, 1949), 88.

<sup>5</sup> Myrdal, 537, 538; Decker, 27.



in the post-war period when the nation's reputation began to supersede the need for federal non-intervention.

The federal government also knew that interfering with Southern affairs would incite accusations of infringement of states' rights and trigger memories of the Civil War and Reconstruction. As one historian observed, "the most sacred and jealously guarded right of the Southern states is undoubtedly the right to lynch Negroes; consequently, any Federal law seeking to limit this right will be promptly construed to be an infringement upon the sovereignty of states."<sup>6</sup>

State and federal law agencies were hesitant to intercede in instances of racial injustice. Generally they chose to leave investigations up to local law enforcement. In the case of civil unrest, the governor had the power to send in the National Guard, but only after the local sheriff requested assistance. However, they were "usually reluctant about calling for aid of this kind, and they often refused to believe that the danger is acute until some overt act occurs."<sup>7</sup>

On the state level, the responses to lynching had come a long way since the days of Sidney J. Catts. In 1919, Catts responded to the NAACP's protests against lynchings in the state tersely, instead encouraging them to "get your race to stop this kind of wanton and disgraceful ravishing of the white people of the south, or the governors of the south will not be able to keep the mobs down."<sup>8</sup>

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<sup>6</sup> Oliver C. Cox, *Race Relations: Elements and Social Dynamics* (Detroit: Wayne State University Press, 1976), 579.

<sup>7</sup> Charles S. Mangum, Jr., *The Legal Status of the Negro* (Chapel Hill: The University of North Carolina Press, 1940), 305.

<sup>8</sup> *Key West Citizen*, 16 April 1919, in Green, *Before His Time*, 23.

The two governors in office between 1941 and 1945, Spessard Holland and Millard Caldwell, both reacted with deliberate hesitation. Instead of calling for immediate action, each waited for the local law enforcement and court system to deal with problems in their communities. If they failed to bring the lynchers to justice, they sent investigators to search independently for evidence. After receiving inconclusive reports, each made public statements that were the equivalent of wringing one's hands and shrugging one's shoulders at the same time. While they had the power to remove sheriffs from their positions if they believed them negligent, neither Holland nor Caldwell used that power. Their lack of action is indicative of their desire not to involve themselves in 'local affairs,' leaving the whites in a community to decide what course of action, if any, should be taken. Too much interference might subject them to political backlash.

Change during this period was not limited to blacks in north Florida. Spessard Holland, during his term as governor between 1941 and 1945, was in office during the Williams, Harrison, and Howard lynchings. While he did little to curtail lynching sentiment or hold law enforcement responsible for their inability to protect the prisoners in their care in these early instances, Governor Holland would prove that he had learned from those examples.

The occasion arose in July 1944. Three young black men, Fred Lane, age nineteen, James Davis, age sixteen, and James Williams, age twenty-six, were arrested and charged with kidnapping, raping, and shooting a twenty-year-old white wife of an army sergeant just outside of Quincy on July 30, 1944. According to reports, the woman had experienced car trouble while traveling from her job at the State Mental Hospital in Chattahoochee to Quincy for a hair appointment. While awaiting

assistance, Lane, Davis, and Williams supposedly came upon her, forced her into their car and drove to a secluded location. Once there, they raped her, shot her twice in the head, and left her to die, covering her under a thin layer of leaves and twigs.<sup>9</sup>

After their arrest, the three accused were held in Tallahassee until their trial was scheduled to begin. On the morning the trial was to take place, state patrolmen encountered a roadblock on their way to Quincy. There was a mob of armed white men waiting for them along the road. In subsequent reports, the intent of the mob was disputed. Some say that the group was composed of businessmen who desired to avert a lynching. Others described the mob as armed, hostile, and seeking to kidnap the three men. Nevertheless, the activities of some whites in Quincy confirmed that danger was indeed brewing. Armed whites were reported selling pictures of the three men on the street, while others warned blacks to close their businesses, go home, and stay there for the night.<sup>10</sup>

Eager to prevent another outbreak of violence on his watch, Governor Holland reacted with unusual zeal to insure that the Quincy Three were protected from mob violence. After the incident, he called out five hundred National Guardsmen to protect the three men while they were transferred from the Florida State Prison at Raiford to Gainesville for trial. Holland appeared on the steps of the Tallahassee jail with Major Albert Blanding, head of the state defense council, General Vivien Collins, state adjutant general, and J. J. Gilliam, director of the state public safety department, and explained

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<sup>9</sup> *Chicago Tribune*, 25 August 1944.

<sup>10</sup> *Baltimore Afro-American*, 2 September 1944.

that his action came from the belief that the men could not be tried in Quincy without bloodshed.<sup>11</sup>

What took place instead looked more like a legalized lynching. Lane, Davis, and Williams pled guilty in court on Gainesville on August 31, 1944. After hearing the evidence, the jury returned in less than eighty minutes with a verdict. They found all three guilty, and the judge sentenced them to be electrocuted. When their convictions and sentences were announced outside the courthouse, the news was met with applause and cheers. Their motion for a new trial was denied. The men desired to appeal the decision, claiming that they had been beaten into confessing to the crime. Lane, Davis, and Williams were able to find a lawyer to take their case, but he resigned before beginning his work. He received word that members of the Ku Klux Klan were rallying in communities throughout the state, threatening bodily harm to anyone responsible for a successful appeal for the Quincy Three. Governor Caldwell refused to stay their executions until they could secure representation. As a result, the three men were electrocuted on October 9, 1944, just three months after they were arrested.<sup>12</sup> Surely Holland must have felt a sense of satisfaction that Lane, Davis, and Williams had not been punished outside of the law at the hands of a mob; their trial and execution, however, were hardly an example of due process in full operation. The fact remained that in the minds of those whites involved, the three had to die; the question was who was authorized to kill them.

In contrast to Holland, Caldwell was less successful in confronting the challenges of lynching. In dealing with the

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<sup>11</sup> Ibid.

<sup>12</sup> New York *Daily Worker*, 10 October 1944.

Payne lynching, Caldwell failed to take action when it was necessary, justified, and within the scope of his responsibility. Moreover, his decision to deny that Payne's murder was a lynching proved damaging. There had been a shift in public mood during the war and Caldwell failed to gauge this change. Unbeknownst to him, Caldwell was witnessing the beginning of a slow social revolution that would transform the nation as he knew it over the next twenty years.

After 1945, Florida continued to struggle to provide equal protection to its black citizens. This conflict between social code and the law was brought to life in Gadsden County in 1946. A white girl in the county received a letter allegedly signed by Leroy Bradwell, an African American veteran who had recently returned home. Within hours of this discovery, Sheriff Otha Edwards and Deputy E. Maples of Gadsden County began looking for Bradwell. They found him at his home and, without arresting him, the sheriff requested that Bradwell come with him. The sheriff and his deputy, however, were the last people to see Bradwell alive, although no body was ever found. Later, the two claimed that they had let Bradwell out of the car at the state line. Despite accusations of foul play, no charges were ever brought against them.<sup>13</sup>

What is enigmatic about this incident is that there was no formal breach of the law, yet the sheriff sought to remove Leroy Bradwell from Gadsden County for his own "safety." However, the passing of a note from a black man to a white woman was definitely a social taboo and Bradwell had clearly broken this code. More importantly, Sheriff Edwards, through his

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<sup>13</sup>Affidavit by Regina Hadley, 7 January 1946, Caldwell Collection, Series 576, Box 43.



**FIGURE 7 - Governor Spessard Holland and Governor-elect Millard Caldwell.** The transference of responsibilities between Governor Spessard Holland and governor-elect Millard Caldwell on January 2, 1945, included responding to lynching that occurred within the state of Florida. While Holland managed to appease calls for justice by calling for investigations into such incidents, Caldwell's handling, or mishandling, of the 1945 lynching of Jesse James Payne would catapult him into the national spotlight. Courtesy of the Florida State Archives Photographic Collection.

actions, effectively stated that he was either unwilling or unable to protect Bradwell in the event of a crisis. Subsequent handwriting tests conducted by the Federal Bureau of Investigations concluded the note was not written by Bradwell.<sup>14</sup>

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<sup>14</sup> It was later determined that the note was written by another black man by the name of Parker. Parker was dating Bradwell's ex-girlfriend and apparently was attempting to remove him as a potential threat to his relationship. Orion C. Parker, Jr., Tallahassee, Florida, to Governor Millard Caldwell, 21 January 1947, Caldwell Collection.

The next major incident of racial violence and murder in Florida occurred in 1949. In Groveland, on July 16, 1949, Norma Lee Padgett, a white woman, claimed she was kidnapped and raped by four black men. She later identified Sammy Shepard, Walter Irvin, Ernest Thomas, and sixteen-year-old Charlie Greenlee as her attackers. As news of the incident spread in the community, a white mob stormed the black section of Groveland in retaliation, shooting and burning homes. Before he could be arrested, Ernest Thomas fled the area, only to be shot by a posse in Madison County. The remaining three young men, dubbed the "Groveland Boys," were indicted of the crime and awaited trial.<sup>15</sup>

The NAACP came to aid of the Groveland Boys, urging investigation and providing lawyers. Despite their efforts, the three were found guilty, and the oldest two, Irvin and Shepard were sentenced to die in the electric chair. Lawyers appealed the decision, claiming that the Groveland Boys were forced into confessing to the crime after being severely beaten while in police custody. While the Florida Supreme Court denied the appeal, the U. S. Supreme Court overturned the decision in April 1951, citing the lack of blacks in the jury pool and the inflammatory atmosphere in the community created by the press.<sup>16</sup>

The victory would be only temporary, as they were scheduled for retrial in November. On November 6, 1951, Willis McCall, sheriff of Lake County, transported Irvin and Shepard from the Florida State Prison at Raiford to Groveland to await trial. Along the way, McCall claimed he stopped twice to allow Shepard

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<sup>15</sup> Green, 134-146; Steven Lawson, David Colburn, and Darryl Paulson, "Groveland: Florida's Little Scottsboro," *Florida Historical Quarterly* 65 (July 1986): 1-26.

<sup>16</sup> Ibid., 98-110.

to relieve himself. On the second stop, the two prisoners attempted to overpower him. He had no choice but to shoot them both. Unfortunately for Sheriff McCall, Walter Irvine survived the attack and told another version of events. He told reporters that McCall had stopped the car, presumably to check the tires. After he exited the car, he pulled both Shepard and Irvin from the car and shot them. While pretending to be dead, Irvin heard McCall on the radio calling for help.<sup>17</sup>

As Holland and Caldwell before him, Fuller Warren found it difficult to confront the challenge of racial violence during his reign as governor of Florida. He was called to task in the press for not doing more to bring about justice in the Groveland case. The criticism was so severe that Warren received a delegation of black leaders to discuss the issue. It was the first time since Reconstruction that such a meeting had taken place.<sup>18</sup>

The American people had been changed by the war. Perhaps Americans could see themselves more clearly through the lens of Hitlerism. In light of the recent conflict, many Americans developed a greater appreciation for the benefits of democracy. With the advent of the Cold War and the battle for democracy in the world, America's hyperbole about democracy seemed like false advertising when it came to the treatment of Americans of African descent. Communists made good use of instances of lynching and racial violence, highlighting such incidents in their publications. In the quest for world power, credibility

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<sup>17</sup> See 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).

<sup>18</sup> Ibid.



was every thing. "At a time when the United States hoped to reshape the postwar world in its own image, the international attention given to racial segregation was troublesome and embarrassing," explains Mary Dudziak in her examination of post-war race relations. "The focus of American foreign policy was to promote democracy and to 'contain' communism, but the international focus on U.S. racial problems meant that the image of American democracy was tarnished."<sup>19</sup> In an effort to convince the world, some Americans began to confront themselves and their apparent hypocrisy. As a result, when it came to lynching, people around the country, and to a lesser degree in the South, became less satisfied with the semblance of justice, and inconclusive investigations that held no one accountable.

A majority of voices in the press, the federal government, and individuals condemned the murders and subsequent failure to bring the parties to justice demonstrate a clear and definite change of public opinion on lynching. The letters sent to the Department of Justice to protest the lynching of Jesse James Payne encapsulated Americans' new sensitivity to racial injustice. Writing in December of 1945, David Brown of Swarthmore, Pennsylvania, declared "[a]s a citizen and as a voter I am much concerned with the apparent break-down of democratic processes here at home at the precise moment in history we fight world-wide wars to save freedom on the earth."<sup>20</sup> Shamas O'Sheel of New York City believed blacks deserved equal

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<sup>19</sup> Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000), 12.

<sup>20</sup> David Brown, Swarthmore, Pennsylvania, to Attorney General Tom Clark, 7 December 1945, DOJ Classified Subject Files.



**FIGURE 8 - Cartoon, "Hitler is Here."** The image of a black man dying on the blade of "Southern Fascism," depicts a tragic reality faced by black Americans during the era of World War II. Printed shortly after the June 1943 lynching of Cellos Harrison in Marianna, Florida, this cartoon shows that parallels were being drawn between Hitler's atrocities and the violence committed by whites against blacks in America. It represents the goals of the "Double V" campaign waged by blacks during World War II, and their desire to win democracy and equal protection under the law at home while fighting for democracy abroad. Source: *Baltimore Afro-American*, 10 July 1943.

treatment under the law because of their contribution to the struggles, and also because of the risk of damage to the nation's reputation. He argued:

The American people gave blood and treasure in the prosecution of the Second World War because they believed it to be a war to prevent the triumph of repulsive claims of racial superiority, and to extend

the bounds of human freedom. Millions of Negro Americans fought and served nobly and bravely during the war. The logic of history, the logic of our national evolution as well as the logic of the Negro's destiny, call for reward of these services by further and very substantial extension to our Negro citizens of those rights, those assurances against discrimination, those securities, which theoretically have been theirs for 80 years. It is a realization of this which causes viciously reactionary elements in our population deliberately to increase outrages against Negro citizens at this time. If they are allowed to go unpunished, serious dangers lie directly ahead for our country.<sup>21</sup>

William B. Stevenson struck a similar note when he wrote to Clark:

Our memories cannot be so short that we have already forgotten that we have just fought and won a costly, bloody war to prevent the world from being dominated by the bestial, inhumane rule represented by Fascism. In the name of those millions of Americans, of all racial and national backgrounds, who suffered the cruelties and pains of war, who risked and lost limb and life, who worked in all fields to contribute toward winning the war; in their name we ask that you, as Attorney General, use your power to see that the Department of Justice act NOW, under the Federal Civil Rights Law, to punish those responsible for the specific crimes named above, as well as to prevent similar occurrences in the future. LET US NOT FAIL TO MAINTAIN AT HOME IN PEACE-TIME THOSE PRINCIPLES OF HUMAN DECENCY FOR WHICH WE FOUGHT A WAR ABROAD.<sup>22</sup>

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<sup>21</sup> Shamas O'Sheel, New York City, New York, to Attorney General Tom Clark, 12 December 1945, DOJ Classified Subject Files.

<sup>22</sup> William B. Stevenson, President, United Electrical, Radio, and Machine Workers of America, Local Union 1412, Oakland, California, to Tom Clark, 8 January 1946, DOJ Classified Subject Files.

Some of the most moving calls for action came from veterans of the war, many of whom had served with black troops during the conflict. One such veteran was John Gilman. He informed Clark,

the same crimes that Hitler. . . and all the other Nazi criminals have enacted are now going on right before your eyes. . . . I have just returned from a foreign war. I fought consistently for 270 days on the front line...[t]here were millions of other G.I.'s, colored and white, Jewish and Italian, Polish and Russian, and every other nationality who did the same. For what? To come back to an America that lynches people? To come back to an America that has race hatred and civil strife?. . . I am the holder of the Silver Star, awaiting award of the Distinguished Service Cross and the Bronze Star. These medals won't mean a thing to me or this nation if these acts go on without punishment being meted to the men responsible.<sup>23</sup>

During the course of the 1940s, the federal government became increasingly responsive to calls for justice in instances of racial violence. During his first two administrations, Franklin Roosevelt had been reluctant to support anti-lynching legislation despite the urging of the NAACP and others. But as the violence continued into the war years, Roosevelt became more sensitive to the dilemma. From his lips, he had promised the nation a world in which people could enjoy the "Four Freedoms": freedom of speech and expression, freedom of religion, freedom of want, and freedom from fear. Despite Roosevelt's optimism, continued lynching meant that a significant segment of the nation's population could not claim the latter. Frank Coleman, special assistant to the Attorney General, recognized the quandary facing the President and the nation. "Stories of

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<sup>23</sup> John Gilman, to Attorney General Tom Clark, 26 October 1945, DOJ Classified Subject Files. Emphasis in the original.

lynching and police brutality against individuals of racial and religious minorities in the United States," he warned, were "welcome ammunition to the Axis enemies in their campaign to discredit the self appointed champions of the 'Four Freedoms.'" <sup>24</sup>

However, the shocking lynching of Cleo Wright in Sikeston, Missouri, in January 1942, provoked Roosevelt to take action. After assaulting a white woman and stabbing a police officer, Wright, shot eight times, was taken to a Sikeston jail. A few hours later that Sunday afternoon, a mob kidnapped Wright from the jail, beat him, and dragged him behind a car through the street, followed by a crowd of more than 300 people. The mob then doused Wright with gasoline and set him on fire. After a grand jury failed to indict the perpetrators of Wright's lynching, a horrific public spectacle, President Roosevelt was forced to respond. He ordered the Department of Justice, with the cooperation of the Federal Bureau of Investigations, to investigate every reported instance of lynching and prosecute when possible. <sup>25</sup>

Roosevelt's mandate represented a new departure in the federal government's handling of such cases. As a result of their newly found investigative fervor, the FBI and the Department of Justice, convicted the murderers of Howard Wash in October 1942, who was lynched in Laurel, Mississippi. This victory represented the first federal indictment for lynching in forty years. <sup>26</sup>

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<sup>24</sup> Frank Coleman, "Freedom from Fear on the Home Front," *Iowa Law Review* 29 (March 1944): 415-429.

<sup>25</sup> See Dominic J. Capeci, *The Lynching of Cleo Wright* (Lexington, Kentucky: The University Press of Kentucky, 1998); Coleman, 425-426.

<sup>26</sup> Coleman, 427.

Other legal victories were on the horizon. On April 10, 1943, a federal grand jury in Macon, Georgia, indicted Robert Screws, sheriff of Baker County, Georgia, and two other law officers for violating the civil rights of Robert Hall using the guise of their government position, sentencing each to three years imprisonment and a \$1,000 fine. The officers had beaten Hall to death on January 23, 1943, and left him to die on the floor of a jail cell. Screws' lawyers appealed the decision to the Supreme Court, which ordered a new trial. However, at the second trial, the jury failed to convict Screws. While ultimately unsuccessful, the decision represented a major victory in the way of curbing the murder of blacks.<sup>27</sup>

While Robert Screws escaped justice, his case would set a precedent that became the basis of the conviction of another officer of the law, this time in Florida. In September 1945, Tom Crews, constable for Suwannee County, took Sam McFadden, a black army veteran, into his custody. In retaliation for what he viewed as disrespect, Crews whipped McFadden and then forced him to jump at gunpoint in to the Suwannee River where he drowned. While a local jury failed to indict Crews, a federal investigation did find evidence that Crews had violated McFadden's civil rights under Section 52 of the United States Code, just as in the Screws case.<sup>28</sup> The Federal appeals court

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<sup>27</sup> Julius Cohen, "The Screws Case: Federal Protection of Negro Rights," *Columbia Law Review* 46 (January 1946): 94-106; Robert K. Carr, *Federal Protection of Civil Rights: Quest for a Sword* (Ithaca, New York: Cornell University Press, 1947), 107-114.

<sup>28</sup> "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects...any inhabitant of any State...to the deprivation of any rights, privileges or immunities secured or protected by the constitution and laws of the United States...shall be fined not more than \$10,000, or imprisonment of not more than one year or both." 18 U.S.C. §§ 52, 88 (1940).

of the fifth district upheld the verdict. Despite the legal precedent, the sentence, one year in prison and a \$1,000 fine, was appallingly insufficient punishment for the horrific loss of a man's life.<sup>29</sup>

There was some hope born out of the tragedy of the 1940s in Florida. That decade witnessed the ascent of a man who became the leading voice for black civil rights in the state of Florida. A native of Suwannee County, Florida, Harry T. Moore had begun his protest efforts with the Florida State Teachers Association. Founded in 1937, this organization led the legal battle for the equalization of pay for black and white teachers in the state. Next, after all-white democratic primaries were declared unconstitutional in the *Smith v. Allwright* decision in 1944, Moore organized the Progressive Voters League. Hoping to lay claim to the opportunity for the franchise, Moore led the PVL in a massive voter registration campaign throughout the state. His goal was to leverage the power of the black voting bloc to pressure public officials to be more responsive to their black constituents. He was an unrelenting voice of racial advancement in the state. Moore wrote to political candidates and asked them to make plain their stance on civil rights issues, including anti-lynching legislation. Their collective voices could not be ignored. In the 1946 Democratic primary the PVL was responsible for the participation of some 30,000 blacks. By the 1950 gubernatorial election, thirty-one percent of all eligible black voters in the state, over 116,000, cast their vote for governor. Because of his remarkable work as an

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<sup>29</sup> Carr, 174.

organizer, Moore became the executive secretary, and eventually president, of the Florida Conference of the NAACP.<sup>30</sup>

Throughout the 1940s, Moore tirelessly advocated the arrest and prosecution of those who were responsible for lynching in the state. In language that was at the same time eloquent, damning, and demanding, Moore wrote to governors, as well as the Department of Justice, and other Florida representatives, pressing for positive action. In addition, after Howard and Payne were lynched, Moore worked with their survivors, taking affidavits from them and forwarding them to investigators. Moore's penchant for writing caustic protest letters caused Caldwell to inquire as to the source of his continuing irritation.<sup>31</sup>

The frequency of lynching in Florida in the early 1940s caused many blacks to reevaluate their position in society. The four communities that were touched by lynching were all a part of the rural north Florida where, while slavery was over, plantation-like relations remained. In these agricultural areas, Blacks were accustomed to working without questioning the sway that whites held over their lives. But there was an increase in militancy among blacks after World War II. More than one million blacks served their country in that conflict; after their sacrifices, they returned to the U.S. determined to stake their claim to citizenship. This new attitude translated

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<sup>30</sup> See Caroline Emmons Poore, "Striking the First Blow: Harry T. Moore and the Fight for Black Equality in Florida," (Thesis, Florida State University, 1992); Green, *Before His Time*.

<sup>31</sup> "What about Harry T. Moore of Mims, Florida, who is the head of the Association for the Advancement of Colored People. He is a Negro, is he not? Give me the dope on him." Ed Straughn to C. Sweet Smith, March 26, 1946, Caldwell Papers.



to the feeling that they would not accept being discriminated against or pushed around by the white power structure.

The viciousness and senselessness of these lynchings likely encouraged blacks in those communities to come together to advocate for and protect themselves. The growth of NAACP chapters in north Florida is evidence that blacks were beginning to stand up for themselves. In the communities examined in this study, chapters of the NAACP were chartered within a few years. Blacks in Suwannee County established a chapter in 1944, the same year Willie James Howard was killed. In 1946, three years after the lynching of Cellos Harrison, blacks in Jackson County founded a chapter. Blacks in Madison County formed their organization in 1947, two years after the Payne murder.<sup>32</sup>

In the end, the American people had to adjust to a new moral standard, brought about by the atrocities committed by fascists and Nazis in Europe. If Americans were sent overseas to fight fascism in Europe, what was the government doing to fight the oppression of a segment of its own population? If Hitler's ideas of white supremacy were wrong, was not racism in America wrong? During the era of World War II, federal officials were forced, both by diplomatic realities as well as an increasingly militant and politicized black population, to take steps to end the extra-legal murder of America's black citizen and preserving the nation's reputation. With the intensifying belief that racial discrimination was wrong, the United States demonstrated a new willingness to act on that feeling.

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<sup>32</sup> Caroline S. Emmons, "Flame of Resistance: The NAACP in Florida, 1910-1960" (Ph. D dissertation, Florida State University, 1998), 242-243.

## EPILOGUE

The lynchings of A. C. Williams, Cellos Harrison, Willie James Howard, and Jesse James Payne, as with most lynchings, were more than mere murders or isolated deaths. Aside from the victims, members of the deceased's family and community suffered as well. While one individual experienced the ultimate consequence of death, the survivors, both members of the family and the black community, lived with the ever-present threat of white violence that lynching represented. Not only did they lose loved ones, but these individuals also had no recourse in the way of either emotional or legal satisfaction. Moreover, because of the nature of segregated society, blacks could place little faith in police protection or the judicial system. As the decades passed, for many blacks who experienced lynchings, the memories of these incidents remained shrouded in silence and secrecy, as painful memories and powerful myths.

One consistent factor in the aftermath of all the lynchings examined in this study was the displacement of the remaining family members. The families of the lynching victims were compelled by a number of different circumstances to abandon their homes and flee their communities. Most left for fear they would be killed, since the family members would be the ones most interested in seeking justice for the murder of their loved ones. In the case of Lillie and Lucy Payne, the mother and wife of Jesse Payne, these women and others in their family had been beaten and held against their will by law enforcement officers

before Payne's lynching. The two eventually left Madison for Sanford. In Live Oak, the Howards sold their home and fled to Orlando within a matter of days after their son was killed, amid threats that if they sought justice, they would be killed as well. For reasons unknown, Bessie Harrison, the wife of Cellos Harrison, actually left for New York after her husband was rearrested in May 1943, a few weeks before he was killed. Soon thereafter, Harrison's mother left Jackson County for the North also. Hattie Williams fled north to Illinois, where her sister lived, with her two youngest children, leaving behind her husband and another son. Because of A. C. Williams' lynching, this family was forever shattered, as they never reunited as a family.<sup>1</sup>

The black survivors of lynchings, even after moving away from the scene of the murders, experienced economic and emotional repercussions. Some families experienced economic loss, as did the relatives of Jesse James Payne, who left twenty-seven acres of agricultural products unharvested in their exodus. The Payne family members also told authorities that their former landlord, D. L. Goodman, withheld from them a government check which had arrived in the mail. Aside from financial hardship, the emotional scars inflicted after this type of loss remained with family members for years after the lynchings. The stress and alienation of being uprooted from one's home community and moving to another, the anger that naturally stems from knowledge of such an injustice, along with the grief of losing a loved one under such brutal circumstances,

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<sup>1</sup> Wilson, interview; FBI Investigation, 11 April 1944, DOJ Files.

haunted these families as they abandoned their homes. Distance and time, however, did little to erase the pain.<sup>2</sup>

Several black residents of these communities testified about the inability to speak openly, whether to inquire about, much less protest, lynchings. There was a real fear that if one talked too freely, they might become the next target of violence. During the course of researching these lynchings, more than a half-century after they had taken place, some interview subjects reacted with suspicion, hostility, or fear when asked about instances of racial violence in their communities. Cellos Harrison's widow, Bessie Harrison, when contacted by phone, flatly refused to talk about her husband's murder. Lula Howard, the mother of Willie James Howard, has also remained adamant about not speaking of her son's death. Even for those relatives who do remember, the horrific memories and anger, even today, are disabling to them. A close relative of Willie Howard broke several scheduled interviews because she did not care to relive such painful memories.

The experience of Ann Flipper, the younger sister of A. C. Williams, testifies to the trauma families lived with after the lynching of a relative. Only nine year of age at the time of this devastating event, Flipper's entire world changed when she was separated from her home, her father, and her brothers. She remembered the trip to Illinois, recalling how at one stop she attempted to run away and return to her father. Frank Williams, A. C. Williams' father, later traveled to East St. Louis with his other children, but he decided to return to his native Quincy.<sup>3</sup>

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<sup>2</sup> Family Affidavit.

<sup>3</sup> Flipper, interview.

Hattie Williams and her youngest children made a new life for themselves in East St. Louis. But, the nightmare of her brother's lynching never faded. In speaking of her emotional journey, Ms. Flipper recalled,

It was hard. For one reason, Florida was our home. To pack up and leave our friends and...we all was born there...when I was growing up I really had a lot of hatred in my heart towards the white[s]. I really did. And as I grew and got older, I realized that all of them [were] not the same. These people that I know now didn't do that. I had to, I had a lot of hatred in my heart. And now I don't but it took years for me to get over that. Now I find myself, sometimes as I talk about it, I find myself crying because of the way that they did my brother.<sup>4</sup>

Flipper's statement is representative of the resentment and anguish experienced by members of the family and community, which lasted years beyond the lynchings themselves.

Other researchers have noted the effect of lynching on the historical landscape of a community. In writing on his experiences researching in Lauren County, South Carolina, Bruce Baker made several significant discoveries about the power and purpose of community memory in the aftermath of lynching violence. He discovered that, for members of the black community, remembering was a part of extracting justice from unjust situation. Retelling the stories of past injustices gave them the power of accusation, which, while a poor substitute for legal prosecution of the perpetrators of such crimes, allowed blacks to claim moral superiority. Baker found that while stories of lynching tended to become less accurate over time, the primary focus was on the content, message, and moral value of these episodes. This importance, in the absence of legal

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<sup>4</sup> Ibid.

remedy, was to serve as warnings for younger generations of blacks about the dangers present in the racism and discrimination that permeated American society. Thus, tragic memories became a method of socializing black children, especially black males.<sup>5</sup>

Additionally, oral history conducted for this study of lynching in Florida between 1941 and 1945 appears to confirm that lynching created a long-lasting climate of fear in black communities. As Baker posited, the recollections of many individuals who lived through lynching episodes collected in this study reveal an inclination to 'stack' memories, a process in which the details of separate lynchings are merged into a singular account, which is valued more for the accuracy of lessons or warnings contained in the recounting rather than that actual exactness of the memory itself. This proved to be especially true in communities that had experienced multiple lynchings within a generation. Before A. C. Williams' lynching in 1941, another black man, Will "Bull" Larkins had been lynched in 1929 in Quincy. When asked about the Williams lynching, some subjects said that his body had been dragged around the courthouse square. This detail, however, was only true of the Larkins' lynching. In Marianna, although Cellos Harrison had been killed more recently, the details of Claude Neal's lynching in 1934 were more prominent in many people's memories. At least

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<sup>5</sup> Memories of lynching, he found, were "attached primarily to the families of the victims, lynching victims are more likely to be remembered as part of a genealogical landscape, memories of lynching have a socializing function, and memories of lynching act a covert evidence in private discourse of wrongs that cannot be corrected in public discourse." Bruce E. Baker, "Under the Rope: Lynching and Memory in Laurens County, South Carolina," in *Where These Memories Grow: History, Memory, and Southern Identity*, ed. W. Fitzhugh Brundage (Chapel Hill: The University of North Carolina Press, 2000), 334.

one subject, when asked about the Harrison murder, retold a story of a white man showing off Harrison's amputated toe in a store in downtown Marianna. This description, however, corresponded with accounts of activities after Neal's lynching. Further, official reports on the condition of Harrison's body stated that his body had not been mutilated. In both Quincy and Marianna, the prior lynchings were more dramatic and made deeper, more lasting impressions on the community's memory. The bodies of both Larkins and Neal had been placed on display for the public to see. In each instance, the recollections of people who lived through these dreadful events were merged by the remembrance of emotions, fear of racial violence and anger about racial injustice.

Control of memory also had redemptive properties. In interviewing numerous subjects, it appears that in their remembrances and retellings, members of the black community could, when necessary, craft the details surrounding a lynching to cast the situation in a different, more favorable light. This may have been the case in the Howard lynching. As noted previously, the recorded history, told primarily from the white point of view, differs greatly with the recollections of Live Oak's black community. On the one hand, Howard was accused of breaking a social taboo by making romantic advances towards a white girl. On the other hand, Howard was the unwitting victim of a misinterpreted gesture, the innocent words of a love song written down by request. In some ways, the origin of the divergence is less important than the result. In the eyes of the black community, Willie James Howard remains the innocent victim, not the transgressor or potential sexual aggressor, as the cultural stereotypes about black males portray.

By the end of the 20<sup>th</sup> century, while lynchings had become more representative of times past than the present, the

recounting of lynching stories have become less frequent and seem to have faded, in all but the rarest cases, from community discussion and folklore. As legal segregation and inequality have faded, warnings about the dangers of interracial interaction have become unnecessary. Yet, while submerged, memories of lynching and racial injustice continue to haunt the collective consciousness of black communities throughout the South; with the right set of circumstances, these ghosts reemerge. As discussed in the introduction, the case of Ray Golden's contested death illustrates that the burden of memory; in this case, the memories of the horrors of lynching still fuel an inherit distrust of the American legal and judicial system on the part of many blacks. Understanding the root of these attitudes and beliefs is the first step in the attempt to destroy the barriers of resentment that continue to divide communities nationwide along racial lines. In order to do this, more attention to the long-term psychological and social effects of lynching, racial violence, and unequal protection under the law in the United States is necessary.