

CHAPTER 5

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

THE END OF LYNCHING IN MARION COUNTY, FLORIDA



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

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

Marion County, Florida

Marion County lies in the center of the state of Florida; its county seat is Ocala. The county was established in 1844, before Florida became a state. In the 1850s, Marion County was settled by South Carolinian's who established plantation slavery in the area. In the postwar period, the county remained rural, with the exception of Ocala, and agriculture, including citrus, was the predominant means of livelihood. Marion County was the site of several phosphate mines, especially in the area of Dunellon in the southern part of the county.³

Marion County's history contains a number of racially motivated incidents typical of those that occurred in Florida and other southern states in the late nineteenth and early twentieth century. In 1860, Lewis, Israel, and Allen were lynched in Marion County for killing their master, after being informally tried by a group of twelve citizens.⁴ Near the end of the Civil War, several black Union soldiers in Marion County were burned to death for supposedly trying to recruit other blacks into the Union army. A Radical black leader in the area was shot and killed by a white Conservative during Reconstruction, and in the late 1860s there was a period of more than a year when no criminal cases were tried in the county because local judges and lawyers refused to hold court before integrated juries.⁵ The Ku Klux

Klan was active in Marion County, and in one case lynched the suspected murderers of a white man, hanging the skeleton of one of their victims from a tree near Ocala.⁶ When black laborers were employed at a lumber camp in Marion County in the late nineteenth century, white workers attacked their sleeping quarters, wounded several men with gunshot, and chased them all away.⁷

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

Lynchings and Executions in Marion County

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

[Link Table 8](#)

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

[Link Table 9](#)

White supremacy was deeply established in Marion County. In 1924, the *Ocala Banner* gave front-page space to an announcement that the Ku Klux Klan would be organizing a chapter in Marion County. Interested parties were instructed to send their name, church and lodge affiliations, and their place of birth, "only 100 per cent Americans wanted." The initiation fee was ten dollars and robes cost another five dollars.¹⁴ The tradition of lynching was also deeply rooted in the county. The author of a memoir of the community of Citra recalled the route taken by the local school bus in the 1920s: "it went

through Cabbage Hammock, by Mr. Wartman's fence, and then by 'The Hanging Tree,' where it was not unusual to see pieces of frayed rope swaying from a stout limb, in the early morning light."¹⁵ Lynching seems to have had broad support among whites in Marion County.

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

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

Marion County, like the rest of Florida, was indeed trying to attract business and residents. In the 1920s, the local chamber of commerce produced several handsome illustrated booklets, each of about fifty pages, extolling Marion County as a place to live and do business. According to these promotional materials, Marion County was the next thing to paradise. The 1927 booklet described the county's enchanting landscapes, magnificent trees, excellent roads, wonderful business and agricultural opportunities, and healthy climate of "almost constant cooling breezes," which purportedly kept the summer heat from being excessive. The booklet described Ocala as "permeated with a genuine spirit of progress ... a wholesome, thoroughly American town."¹⁹ Writers for the Work Projects Administration agreed, noting in 1939 that Ocala had "the vigorous bustle of a modern northern city."²⁰

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

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

The Transitional Cases

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

John Graham, Executed 1931

On March 2, 1931, a fourteen-year-old white girl was raped near the Cummer Lumber Company in a small town not far from Ocala. The assailant slashed the girl's throat apparently in an attempt to kill her. The girl managed to make her way home and informed her mother, who called the sheriff and reported the crime. Dr. R.D. Ferguson examined and treated the victim in her home and confirmed that she had been raped. The local newspaper later reported Dr. Ferguson's conclusion "that the black fiend accomplished his purpose toward the fair and innocent white child."²⁶ Sheriff S.C.M. Thomas and his deputies arrived at the victim's house and obtained details of the assailant's dress and appearance. An employee of the Cummer Lumber Company who was present recognized the description as fitting John Graham, a twenty-nine-year-old black man who worked for the company. This man said that he had seen Graham in the area soon after the reported time of the crime.²⁷

Sheriff Thomas with deputies and bloodhounds, went to Graham's home, broke the door down, and arrested him. Graham was taken to the victim's home, where she positively identified him as her attacker. A small group of angry white men and boys had gathered at the victim's home. One officer threatened them with his rifle, while the sheriff and several deputies took Graham to a car "and drove off immediately, scarcely three minutes before three carloads more of white men drove up and stopped at the house"²⁸ Sheriff Thomas personally took Graham to another county, by a circuitous route on back roads, driving some 265 miles before leaving him in an undisclosed jail. Groups of white men with guns had gathered along the highway, hoping to intercept the sheriff's car. Rumor held that Sheriff Thomas had been seen going toward Ocala, and the mob went to the police headquarters, courthouse, and jail and remained for some hours. Ocala officers refused to reveal where Graham had been taken.²⁹ The headline for the *Ocala Evening Star*, March 25, 1931, read, "SHERIFF SAVES LIFE OF NEGRO AFTER ASSAULT: BLACK FIEND WHO ATTACKED SCHOOL GIRL IS SPIRITED AWAY." Graham had first been taken to Jacksonville, but the "authorities there, fearing an attempt to take the prisoner from the Duval county jail, requested his removal. Sheriff Thomas thereupon took the negro to Orlando. An attempt was made by members of a mob of Marion county men to take the girl's attacker from the Orlando jail and the sheriff of Orange county asked permission to remove the negro to Tampa."³⁰

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

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

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

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

A: Yes sir; I remember it.

Q: Where were you?

A: That day?

Q: On that day – yes.

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

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

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

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

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

Q: Was it in the afternoon or the forenoon?

A: It was afternoon.

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

A: I come in a car.

Q: Who brought you here in a car?

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

Q: Drive alone?

A: Sir?

Q: Did you drive the car yourself?

A: No sir.

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

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

Q: In the forenoon?

A: Yes sir.

Q: Come straight to Ocala'?

A: Yes sir.

Q: How long did you stay in Ocala?

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

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

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

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

A: That is about all I know.³⁶

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

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

A mob had gathered outside the courthouse and it appeared that Graham might yet be lynched. Sheriff Thomas and a dozen officers managed to remove the defendant from the courthouse, while the judge retained all spectators in court for fifteen to twenty minutes. The sheriff drove Graham to the state prison at Raiford.³⁹ J. S. Blich, superintendent of the prison, received Graham and immediately wrote to Gov. Doyle E. Carlton asking authorization to keep him in the prison, rather than in the county jail, where condemned prisoners were customarily housed. Blich noted that "the feeling was so high [in Ocala] and Sheriff Thomas saw a mob gathering up, so he slipped him out through the back and brought him here." Superintendent Blich also wrote a letter marked "Personal" to Nathan Mayo, the state official in charge of prisons, regarding "the negro that Sheriff Thomas run in here yesterday afternoon late." Blich expressed the hope that "the Governor will issue the death warrant as quickly as possible and let us make an example out of this man." Pressure for Graham's death came also from the state attorney who had prosecuted the case. A. P. Buie sent a telegram to Governor Carlton, saying, "Please act promptly allowing officials of Marion County to keep their word to community."⁴⁰

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

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

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

Lee Jacobs, Executed 1932

Less than four months after John Graham was executed, another white woman reported having been raped by a black man in Marion County. On the morning of October 8, 1931, a "pretty 19-year-old northern hitchhiker" reported that she had been assaulted.⁴⁴ She was found lying face down by a highway near Ocala and was taken to Chief E. G. Grimes of the Williston police force. She told Grimes that she had been walking along the highway when she became aware that a man was following her. She reported that the man had overtaken her and raped her in the nearby woods. Chief Grimes took the victim back toward the scene of the alleged crime. On the way, they passed the houses of several black families and noticed a man sitting on the porch of one of the houses. The victim identified him as her attacker.⁴⁵

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

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

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

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

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

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

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

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

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

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

Sheriff Thomas also wrote to the governor, complaining:

I had to take steps in saving this negro from mob violence and was assisted by some of the most influencial [sic] men of the County they believing that this negro would receive the same quick action as the one prior for the same offense and I am afraid that if the same crime should occur again it would be hard to prevent drastic measures from the

hands of a mob as the people are resentful and donot [sic] fail to express themselves feeling that the negro should have been electrocuted before now and of course they are blaming me for the delay in carrying out the sentence of the Court.⁶¹

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

The delay in issuing a warrant angered a number of whites in the area.

The Grand Jury of Marion County, meeting for the spring term of 1932, made the following presentment: "It has been brought to our attention that there is evidence of unrest and discontent among the citizens of Marion County, with reference to the disposition of the case of one Lee Jacobs.... We respectfully request his Excellency, Governor Doyle E. Carlton, to dispose of this case with as usual expediency as is consistent." Fifty-eight citizens of Marion and neighboring Levy County signed a petition to the governor, which set out very plainly why they desired the execution:

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

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

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

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

I am asking you for mercy: Please spare my life, to your Honor; the Crime that I am charged with, I am not guilty. The Judge pronounced Death sentence upon me, but I am Innocent of the Crime. I have never been in before. My records is clear from Ocala in Marion County where I was born. I am married and my wife is in bad health. She has no one to help her but me her husband. I have never gave the officials of Marion County any Trouble before nor any where else in The World, To your Excellency & Greatness, I am begging you to allow me another chance for my life. I am a poor boy, I have no one to help me, but my wife and she is a poor girl, and she haven't got anything. I am a member of New Hope Baptist Church. I was converted in 1924. I am a Christian, speaking to you in Earnestness & sincerity I am a Motherless child. All my friends have forsaken me. Excusing Jesus & you Governor; I am begging you for I know you has all Power in your hands; Please give me mercy and sympathy: I believe you will) If I go down I will go down a innocent Man. please and to your Honor feel my sympathy. Now I will close which will be Respectfully Yours, From Lee Jacobs.⁶⁷

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

Will James, Convicted 1932

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

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

Will James's trial was held November 2, 1932. He was represented by a young lawyer, James Smith Jr., who had never before tried a case.⁷⁵ The elderly victim, whose eyesight was poor, testified repeatedly that she could not positively identify James but that he bore a resemblance to her attacker. The white cap, said to be worn by the attacker and found at James's residence, was too small for him and was never established as belonging to him. James's tennis shoes were not matched with footprints found at the scene of the crime. James offered alibi witnesses who stated that he was elsewhere when the assault took place.⁷⁶ Although the evidence was weak, the jury returned within fifteen minutes with a verdict of guilty and no recommendation of mercy. When asked if he had anything to say before pronouncement of sentence, James said, "I am not guilty, Judge, and I ask for mercy." He was immediately sentenced to death in the electric chair by Judge W. S. Bullock. Sheriff S.C.M. Thomas and deputies in three cars took James directly to the state prison.⁷⁷ James was in a cell on death row

some eight hours after his trial began.

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

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

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

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

The Transition from Lynching to Execution in Marion County

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

The eagerness of white officials and community leaders to prevent lynchings was commendable; still, it is doubtful that they were motivated by great concern for the legal rights of blacks. Lynchings had become embarrassing as local officials attempted to promote the tourism and development potential of Marion County. Even defense lawyers did not necessarily reject the doctrines of white supremacy. Fuller Warren, who generously devoted time and effort to preventing Will James's execution, became governor of Florida in 1949. During his campaign he swore in an affidavit that "no

Negroes will be admitted to White schools and colleges" if he were elected.⁸⁶ Warren presided over the execution of seventeen men, eleven of them black, while in office. Warren once promised to expedite the execution of Walter Irvin, a black man condemned upon extremely dubious evidence of the rape of a white woman.⁸⁷

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

There is very little evidence as to how the defendants in these cases viewed their situations. They may have perceived themselves as individual victim of capricious white actions, or they may have understood their misfortunes as a part of the general oppression of blacks. Existing documents give almost no clue to John Graham's personality or thoughts. Lee Jacobs's letter requesting clemency indicates an intelligent author but is not the sort of document that can reveal much about its writer's real thoughts. Will James's moods and conversation were reported by the *Jacksonville Journal*, but in racist terms: "Boss", he said looking worship-fully at his benefactors, "I never had no trouble with white folks before in my life. God knows I didn't commit that crime." The *Journal* reported that before James attempted suicide, he left two notes. One was to the superintendent of the prison, and the other was "to the negro race."⁸⁸ It would be most interesting to know what James wrote "to the negro race," but the letter was not found with any of the records of the case.

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

Link Notes