

THE WORLD OF BROADUS MILLER: HOMICIDE, LYNCHING, AND OUTLAWRY IN
EARLY TWENTIETH-CENTURY NORTH AND SOUTH CAROLINA

by

KEVIN WAYNE YOUNG

(Under the Direction of John C. Inscoe)

ABSTRACT

In the summer of 1927, an African American named Broadus Miller was accused of killing a fifteen-year-old white millworker in Morganton, North Carolina. Following a manhunt lasting nearly two weeks, Miller was killed and his body then publicly displayed on the Morganton courthouse lawn. This dissertation uses Broadus Miller's personal history as a narrative thread to examine the world within which he lived and died. Miller's story exemplifies much larger patterns and provides a unique lens on race relations and criminal justice in early twentieth-century North and South Carolina. In Miller's native South Carolina, white supremacy was maintained through lynching, but violence permeated all forms of human interaction and most homicides featured same-race perpetrators and victims. In the early 1920s, Miller spent three years in the South Carolina state penitentiary after killing an African American woman. The court process in his case illustrates the role of race within the South Carolina legal and judicial systems, while examining conditions in the penitentiary during his incarceration demonstrates that rather than serving any rehabilitative function, the penitentiary was a highly lucrative enterprise designed to benefit penal officials. Following Miller's release from prison, he embarked upon the same journey as thousands of other black South Carolinians in the early

1920s, when the boll weevil ravaged the state's cotton fields and precipitated a mass out-migration of farm laborers. Like Miller, many of these migrants moved to North Carolina, where they faced a hostile and unwelcoming environment in which the Ku Klux Klan and other nativist groups flourished. By the 1920s white supremacist violence in North Carolina was largely masked by formal law. A unique feature of North Carolina law was the state's outlawry statute, which was used against Broadus Miller and which gave private citizens the legal authority to kill him. The statute's origins and application cast a stark light on the nature of state-sanctioned violence. The killing of Miller and exhibition of his dead body took place on the borderline between lynching and state-sanctioned execution—and showed how indefinite that borderline was.

INDEX WORDS: Homicide, Lynching, Outlawry, Racism, South Carolina, North Carolina, Asheville, Morganton, Greenwood County, Ku Klux Klan, Boll weevil, Julian Shakespeare Carr, Chain gang, Penitentiary, Junior Order United American Mechanics, Samuel McDowell Tate, Beatrice Cobb, Henry Berry Lowry

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KEVIN WAYNE YOUNG

B.A., St. John's College, 1992

M.A., Appalachian State University, 2007

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KEVIN WAYNE YOUNG

Major Professor:	John C. Inscoe
Committee:	E.M. Beck
	Kathleen Clark
	James C. Cobb

Electronic Version Approved:

Suzanne Barbour
Dean of the Graduate School
The University of Georgia
May 2016

DEDICATION

To the memory of my father and mother,

Wayne Young (1934-2012)

and

Helen Dellinger Young (1933-1997)

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This dissertation could not have been written without the unwavering support of my advisor John Inscoe. His generosity and kindness are legendary, and I am grateful to have him as a mentor and friend. I thank the members of my dissertation committee at the University of Georgia. Knowing that my work had to pass muster under James Cobb's keen gaze was a strong incentive to put forth my best effort. I was delighted that noted lynching scholar E.M. Beck agreed to be on my committee, and he was very generous in sharing research material with me. Having Kathleen Clark on my committee made me much more aware of how remarkable Morganton *News-Herald* editor Beatrice Cobb's role was within in the male-dominated world of early twentieth-century journalism and politics.

My interest in the Broadus Miller case was sparked in the spring of 2006, when I took a cultural studies course taught by Edwin Arnold, who later oversaw my master's thesis on the case. Sandra Ballard served on the committee for the master's thesis, and since that time she has been a constant source of much-needed encouragement and support. I first learned of Broadus Miller from reading Bruce Baker's essay "North Carolina Lynching Ballads," and he kindly provided me copies of his notes on the case. Bruce Stewart generously shared research material on the North Carolina Klan, and some of my research on the Broadus Miller case appeared in a book that he edited, *Blood in the Hills: A History of Violence in Appalachia* (Lexington, KY: University of Kentucky Press, 2012). I have benefitted from conversations or correspondence with numerous other individuals, including Karl Campbell, Claudia Gould, Tom Rusher, and

Orville Vernon Burton. A valued friend and former colleague, Jonathan Bradshaw, read and provided feedback for early drafts of my writing on the case.

In the summer of 2007, Sandra Coffey of the Collettsville Historical Society interviewed several elderly residents of Caldwell County, North Carolina, preserving the last surviving memories of the large manhunt that had taken place in the county eighty years earlier. She then transcribed these interviews and sent me copies of the transcripts. Within weeks of conducting the interviews, she was diagnosed with cancer. Her enthusiasm for the project matched my own, and I regret that I never had the chance to thank her personally. In July 2014, George Rush—former mayor of Ware Shoals—gave me a guided tour of the region around Shoals Junction, which proved essential in reconstructing the history of Broadus Miller’s boyhood home. Mr. Rush arranged interviews with a number of local residents, including present-day members of Dunn Creek Baptist Church. I thank Mr. Rush for his kind hospitality, which was one of the highlights of my dissertation research.

I owe a special thanks to librarians Gail Benfield and Dottie Ervin of the North Carolina Room in the Burke County Public Library. I am indebted to Commodore Burleson’s children—Margaret Burleson Crumley, Charles Burleson, and Pat Burleson Howell—who were all very generous with their time, their memories, and their openness about their father. I thank Gladys Kincaid’s younger brother and sister, Cecil Kincaid and Elizabeth Kincaid Conley, for speaking with me about a painful episode in their family’s history. Jeannie Logan arranged and facilitated interviews with a number of Morganton residents. Marjorie Fleming was ten years old in 1927; eighty years later, she still vividly remembered the events of that summer, and speaking with her made an indelible impression on me. I thank Carl Evans and Willette Chambers for sharing their memories with me. Ronald Huffman kindly provided me with copies of the photographs that

were taken on the Morganton courthouse square; Mr. Huffman disapproved of the treatment of Miller's body, but recognized the historical significance of the photographs. Other Burke County residents—including Bobbie Wakefield, Terry Helton, Charles Tate, Jr., and Charles Graham—also provided valuable information, as did members of the Burke County Historical Society. Lifelong Ashford resident Buford Franklin grew up only a few hundred yards from the scene of Broadus Miller's death. He had a keen memory and was very insightful, and I am glad that I had the opportunity to speak with him before he passed. Ethel Philyaw Crump shared her memories of the 1927 manhunt with me, and Clyde Dula's daughter Brenda Gail Pitts provided me with information about her father.

During my research, I have been greatly assisted by numerous librarians and courthouse clerks. In South Carolina, I was helped by the staff of the following institutions: Greenwood County Public Library; Ware Shoals Public Library; South Carolina Room of the Anderson County Public Library; Anderson County Clerk of Court; Greenwood County Clerk of Court; the Thomas Cooper and South Caroliniana libraries at the University of South Carolina; South Carolina State Archives. In Georgia, the staff of the University of Georgia Libraries, including the Richard B. Russell Library for Political Research and Studies, were of great help. In North Carolina, the staff of the following institutions facilitated my research: D.H. Ramsey Library at the University of North Carolina Asheville; Old Buncombe County Genealogical Society; Buncombe County Register of Deeds; North Carolina Collection at Asheville's Pack Memorial Library; Iredell County Public Library; Wilson Library at the University of North Carolina, especially the North Carolina Collection and the Southern Historical Collection; Rubenstein Rare Book & Manuscript Library at Duke University; North Carolina State Archives; Z. Smith Reynolds Library at Wake Forest University; Charlotte Public Library; Yancey County Public

Library; Belk Library at Appalachian State University, especially the W.L. Eury Appalachian Collection; Burke County Historical Society; Burke County Clerk of Court.

I have presented on topics relating to the Broadus Miller case at conferences of the Appalachian Studies Association and the Society of Appalachian Historians, and have benefitted from conversations with several conference participants, including Tom Lee, David Whisnant, Anne Woodford, and Darin Waters. Portions of my research were funded by the Graduate School of the University of Georgia, and my fellow graduate student Andrew Fialka volunteered his time and skill to create a much-needed map.

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INTRODUCTION

“If there were any plan in the universe at all, if there were any pattern in a human life, surely it could be discovered mysteriously latent in those lives so suddenly cut off.”

*- Thornton Wilder, The Bridge of San Luis Rey,
Pulitzer Prize-winning novel of 1927.¹*

In the summer of 1927, an itinerant African American laborer named Broadus Miller was accused of killing a fifteen-year-old white millworker in Morganton, North Carolina. Using a provision of North Carolina state law, local officials proclaimed Miller an outlaw, wanted dead or alive. For nearly two weeks, hundreds of armed men hunted him in the mountain woods of western North Carolina. After he was shot and killed, his killers brought his body back to Morganton, where it was publicly displayed on the Burke County courthouse lawn on a Sunday afternoon, attracting thousands of spectators. The following day, the Fourth of July, he was buried in an anonymous grave in Statesville while the city hosted the annual rally of the North Carolina Ku Klux Klan.

In this dissertation, I use Broadus Miller’s life and death as an underlying narrative thread to examine a number of interrelated topics in race relations and criminal justice during the early twentieth century. The recorded history of Miller’s life prior to 1927 is sparse and fragmentary. To use a problematic term to describe an accused killer, Miller was a “snow angel”—his existence largely invisible except for the surrounding social and cultural context. An exemplary model for this dissertation is historian Robert Harms’s work *The Diligent*, which focuses on a single voyage of a French slave ship as a means of examining the transatlantic slave trade. As

¹ Thornton Wilder, *The Bridge of San Luis Rey* (New York: Albert & Charles Boni, 1927), 7.

Harms states in the introduction to his book, he “seeks to reconstruct the voyage of the *Diligent* in a way that reveals the various ‘worlds’ through which it passed and the various local interests that conditioned its impact and outcome.” I have a similar goal for my dissertation, aiming to use Miller’s life journey as a means of exploring the various worlds through which he passed.²

The dissertation opens with a brief prologue describing the killing of millworker Gladys Kincaid and the frenzied reaction of Morganton residents to her death. The prologue is intended to spark the reader’s interest in learning more about the accused killer’s background; it therefore consists of a straightforward narrative description and eschews analysis. The subsequent work is divided into two parts. The first four chapters focus on Broadus Miller’s native South Carolina, while the second four chapters deal with North Carolina. A primary theme in this dissertation is that the events of 1927 were largely shaped and determined by Miller’s background, with the roots of what happened in Morganton stretching back to turn-of-the century South Carolina.

In Chapter One, I provide a broad overview of Broadus Miller’s native Greenwood County during the early twentieth century. Miller grew up an orphan, living in the tenant farming family of his uncle and aunt. Census listings, church records, and a one-sentence item in a newspaper column provide fragmentary glimpses of his family and the white landowners for whom they labored. The particular details of his childhood are largely unknowable, and much of the chapter is devoted to describing the world in which he lived. As historian George Brown Tindall noted, the fear of white supremacist violence was “the basic context” within which black South Carolinians lived during the late nineteenth century. After the bloody 1890s, the threat of

² Robert Harms, *The Diligent: A Voyage through the Worlds of the Slave Trade* (New York: Basic Books, 2002), p. xx.

such violence always loomed in the background, but was usually veiled by a mask of formal law.³

In the early twentieth century, African Americans had little reason to see the state-sanctioned legal and judicial systems of South Carolina as anything but a sham, designed to maintain white supremacy, with formal law merely a façade concealing brute force. Violence was pervasive in Greenwood and adjacent counties. From 1915—the year the county began issuing death certificates—through 1920, thirty-two homicides were recorded in Greenwood. What emerges from researching these killings is a stark portrait of a disturbingly high intraracial homicide rate among African Americans—a topic that has been virtually ignored in the secondary literature. In the early twentieth century, the average black South Carolinian was far more likely to be killed by a fellow African American than by a mob of whites.

As W.E.B. Du Bois warned at the beginning of the twentieth century, the long-term effects on a child growing up in a region of endemic violence could be devastating. Conditions within early twentieth-century upstate South Carolina perpetuated a violent cycle that would spin far into the future. In 2008, journalist Fox Butterfield published *All God's Children*, which chronicles the century-long history of one African American family from Edgefield County who moved to New York. As far as I know, Butterfield's work is unique in tracing multigenerational violence that has roots in upstate South Carolina and then continues for decades after a family moves northward. But though his work may be unique, I believe the story Butterfield tells exemplifies a much larger pattern. Among the African American families departing Greenwood County in the early twentieth century were the grandparents of acclaimed writer John Edgar

³ George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia, SC: U of South Carolina Press, 2003), 258-259.

Wideman, who has eloquently described the ways in which his own family has been affected by the seemingly inexplicable acts of violence committed by both his brother and his son.⁴

In Chapter Two, I focus on a particular form of homicidal violence—lynching. According to records compiled by the NAACP, six known lynchings occurred within a twenty-mile radius of Miller’s home during his childhood. I examine each of these killings in detail. Lynching apologists frequently argued it served as a deterrent, and one of the implicit arguments in this chapter is that such a rationalization rings entirely hollow. As the example of Broadus Miller suggests, instead of deterring future behavior, lynching propagated a culture of violence. From examining these particular six lynchings, a number of underlying patterns emerge. The same few individuals often stepped up to the forefront of any mob. An extended white family in Honea Path was primarily responsible for two of the six killings, while a single Abbeville family played a leading role in two of the other lynching deaths. In three of the six cases, the victim had been accused of assaulting a white woman; in these three cases, the lynching was openly approved or tacitly condoned by a general consensus among all sectors of the white population. In the other three cases, however, the killings were profoundly divisive within the local white community, fracturing white residents along class lines.⁵

Three of these six lynchings have been described in a number of secondary works, most recently by Stephen A. West and by Terence Finnegan. In his exemplary book *From Yeoman to*

⁴ W.E.B. Du Bois, *The Souls of Black Folk* (Chicago: A.C. McClurg & Co., 1903), 179; Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence* (New York: Vintage Books, 2008); John Edgar Wideman, *Brothers and Keepers* (New York: Henry Holt, 1984); John Edgar Wideman, “Father Stories,” *New Yorker*, August 1, 1994, 36-41.

⁵ Apparently the phenomenon of the same few individuals playing a leading role in any lynch mob was not unique to upstate South Carolina. In a 1921 letter describing a recent lynching in Athens, Georgia, sociologist James L. Sibley wrote, “The affair was engineered by a small party of ‘professionals’ I am told, who have had part in several similar affairs in adjoining counties.” James L. Sibley to E.C. Branson, February 25, 1921, E.C. Branson Personal Papers, Folder 189, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill.

Redneck in the South Carolina Upcountry, West examines a fourth lynching, one that took place in 1905 only five miles from Miller's home. Of the two remaining lynchings, one of them— dating from 1904—garnered comparative little press coverage, but though the 1919 death of Mark Smith was covered by the press, it has not been described in any of the secondary literature. Smith was killed in an exceptionally cold-blooded and methodical manner, and the circumstances of his death warrant greater scholarly attention. Yet as Michael Ayers Trotti argued in a 2013 article in the *Journal of American History*, racially motivated murders that would never be categorized as “lynchings” often had just as much or even more of an effect on local black communities. In addition to the six lynchings, I also examine the death of Reverend James Walker, an African American minister who in 1920 was killed by a white millworker in Ware Shoals. The killing of Reverend Walker has never been mentioned in any secondary work, but it starkly illustrates the point made by Trotti.⁶

Both Stephen West and Terence Finnegan suggest that in the case of South Carolina, the state's willingness to assume the role of executioner helped reduce the number of lynchings. My research supports this view. In 1909, South Carolina legislators made attempted rape a capital crime; the charge of attempted rape would be used to punish other offenses as well. When white residents of upstate South Carolina believed the state would lethally punish an accused African American, then they were at least occasionally willing to defer punishment to the state-sanctioned judicial system. In one 1921 case that I chronicle, an African American shot and killed a white cotton planter who threatened him with peonage; a posse captured the man, then

⁶ Stephen A. West, *From Yeoman to Redneck in the South Carolina Upcountry, 1850-1915* (Charlottesville: University of Virginia Press, 2008); Terence Finnegan, *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881-1940* (Charlottesville: University of Virginia Press, 2013); Michael Ayers Trotti, “What Counts: Trends in Racial Violence in the Postbellum South.” *Journal of American History* 100.2 (September 2013): 375-400. Finnegan's work is groundbreaking and contains a wealth of valuable material, but it is marred by a wretchedly inadequate index that omits many names discussed within the text.

telephoned the planter's family to ask whether they wanted him lynched. The family decided to turn him over to the courts and he was executed less than two months later. Dichotomizing lynching and state-sanctioned execution can obscure as much as it reveals.

Chapter Three focuses on the only event in Broadus Miller's life prior to 1927 that left much trace in recorded history. In 1921, the seventeen-year-old Miller moved to the town of Anderson. A few weeks after arriving in Anderson, he was arrested and charged with killing an African American woman—an event ominously foreshadowing what would happen in Morganton six years later. After the presiding judge in his case noted there were doubts about Miller's sanity, a professional psychiatrist examined him and concluded he was “not normal mentally.” His subsequent murder trial ended with a deadlocked jury, followed by a plea-bargained manslaughter conviction and a three-year sentence to the state penitentiary. In Chapter Three, I describe the murder and subsequent trial, then analyze the judicial system that produced the resulting sentence. A number of factors influenced the judicial outcome of this case. In an example of what scholar John Dollard later termed a “feudal protectoral relationship,” three white witnesses—landlords for Miller's family—testified as character witnesses on his behalf.⁷

When I began researching this chapter, I assumed Miller's three-year sentence exemplified the judicial system's lackadaisical response to intraracial homicide among African Americans, but after examining dozens of homicide cases in early twentieth-century upstate South Carolina, it became clear that judicial punishment for same-race killings among whites and blacks changed over time. At the beginning of the twentieth century, South Carolina punished intraracial homicide among African Americans more harshly than same-race killings among whites, in large part because the state's response to intraracial homicide among whites was

⁷ John Dollard, *Caste and Class in a Southern Town*, 2nd ed. (New York: Harper, 1949), 282-283.

exceedingly desultory. As I discuss in the chapter, in the decade following the state's adoption of the electric chair in 1912, punishment for same-race killings among whites and blacks became roughly equitable. Because the long-term trend was toward less severe punishment for African Americans who killed black victims and more severe punishment for intraracial homicide among whites, disproportionately lenient sentencing for black-on-black homicide would develop over time; it is ahistorical to ascribe it to an earlier era.

I would be extremely wary of using the findings in this chapter to make any broad generalization about judicial punishment for intraracial homicide in the South as a whole. South Carolina may well be unique; the only way of determining its typicality would be to examine in detail the punishment for intraracial homicides in other southern states. While researching the South Carolina judicial system's response to intraracial homicides, I discovered a particularly intriguing phenomenon. Following the 1909 change in state law that made attempted rape a capital crime, African American men were legally put to death after being convicted of the attempted rape of white women; after the state adopted the electric chair in 1912, death sentences for African Americans convicted of intraracial homicide plummeted. These two trends went hand-in-hand, resulting in an overall execution rate of African Americans that did not significantly change, but the crimes for which the men were condemned became almost exclusively offenses against white victims.

Chapter Four examines conditions within the South Carolina state penitentiary during the time Broadus Miller was incarcerated, then looks at the situation Miller confronted upon his release from prison. I believe the time Miller spent in the penitentiary is central to his story. When researching conditions in the penitentiary, I relied heavily on a particular primary source document. In 1923, a South Carolina legislative committee held investigative hearings on the

state penitentiary and took testimony from various witnesses. Only one copy of the transcribed testimony exists, and it is located in the South Caroliniana Library at the University of South Carolina. This transcript of witness testimony offers a fascinating and revealing glimpse at the penitentiary during the early 1920s, which proved indispensable in reconstructing the world in which Broadus Miller was confined. I was not surprised to find that the penitentiary was a brutally harsh environment, but the all-pervasive and systemic extent of this brutality was greater than I expected. South Carolina officials used the penal system as a money-making venture, earning potentially greater profits than had previously been gained through convict lease.⁸

As the second half of the chapter describes, upon his release from prison, Miller no longer had a home to which he could return, for during his incarceration, his relatives had left South Carolina and moved to Asheville. As for tens of thousands of other black South Carolinians in the early 1920s, the immediate precipitating cause of their departure was the devastation wrought by the boll weevil. In later years, popular myth would greatly exaggerate the role of the boll weevil in the overall out-migration of African Americans from the South. Yet as historian Robert Higgs has shown, Georgia and South Carolina in the early 1920s uniquely fit the model of heavy infestation, dramatically lowered cotton yields, and subsequent large-scale out-migration that has been misleadingly portrayed as typical of the South as a whole. In 2009, economic historians Fabian Lange, Alan L. Olmstead, and Paul W. Rhode demonstrated that

⁸ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary: Transcript of Testimony Taken by Witnesses at the Investigation before the Above Committee* (Columbia, SC: Gonzales and Bryan, 1923), available at the South Caroliniana Library, University of South Carolina, Columbia, SC. Albert D. Oliphant's groundbreaking 1916 study of the South Carolina penal system remains incisive and thought-provoking, but the secondary literature contains only brief allusions to penitentiary conditions during the 1920s. One secondary work, however, deserves special mention. In 2009, authors Michael Trinkley and Debi Hacker published *The Penitentiary Cemetery*, a survey of the prison graveyard that was the final resting place of many anonymous convicts. In spite of the book's reductionist title, it contains blueprints and photographs of the penitentiary in the early twentieth century that are enormously helpful in reconstructing that world. Albert D. Oliphant, *The Evolution of the Penal System of South Carolina from 1866 to 1916* (Columbia, SC: The State Co., 1916); Michael Trinkley and Debi Hacker, *The Penitentiary Cemetery, Columbia, South Carolina* (Columbia, SC: Chicora Foundation, 2009).

although the overall economic effect of the weevil in the South was limited, its impact on specific locales was catastrophic. But though the boll weevil was the immediate cause of out-migration from upstate South Carolina, it accelerated a much longer process. The transition from an agricultural to an industrial economy had a profound effect on the region's demography. Barred from working in the textile mills, African Americans in the early twentieth century were effectively squeezed out of upstate South Carolina and forced to find work elsewhere.⁹

With one brief exception, Part Two of the dissertation is set in North Carolina, which during the 1920s had the fewest recorded lynchings of any southern state. In the opening pages of Chapter Five, I examine the background of the state's effort to suppress lynching, describing how and why the officials most responsible for quelling mob violence in the early twentieth century were the same men who had led the white supremacist movement of the late 1890s. By the 1920s, North Carolina had attained a "higher stage" of white supremacy, one in which brute force was largely masked by law. The state's suppression of lynching coincided with the resurgence of the newly-reborn Ku Klux Klan. Historian Nancy MacLean has convincingly described the "reactionary populism" motivating many rank-and-file Klansmen. But as first-hand observer W.J. Cash noted, the Klan's leadership "came from the upper orders," and "the people who held it together and coordinated and directed it, were very near to being coextensive with the established leadership of the South." My synopsis of the North Carolina Klan focuses on two individuals—industrialist Julian Carr and Superior Court Judge Henry A. Grady. Julian Carr's affiliation with the 1920s' Klan has been ignored in all the secondary literature; with one writer even suggesting that Carr was "troubled" by the Klan's rebirth. A distant cousin of late

⁹ Robert Higgs, "The Boll Weevil, the Cotton Economy, and Black Migration 1910-1930," *Agricultural History* 50.2 (April 1976), 335-350; Fabian Lange, Alan L. Olmstead, and Paul W. Rhode, "The Impact of the Boll Weevil, 1892-1932," *Journal of Economic History* 69.3 (September 2009), 687.

nineteenth-century New South spokesman Henry W. Grady, Judge Henry A. Grady headed the North Carolina Klan from 1922 to 1927. Individuals such as Julian Carr and Judge Grady believed the Klan bolstered the rule of law within a white supremacist state.¹⁰

After giving the contextual background of North Carolina's effort to suppress illicit white supremacist violence, Chapter Five examines the reactionary backlash against the hundreds of black South Carolinians moving to Asheville during the early 1920s. A series of rape allegations roiled the city in the fall of 1925, and the response to these allegations highlights both the extent of the animosity faced by black newcomers to North Carolina and the determination of state officials to preserve the authority of the state-sanctioned judicial system. In the concluding pages of the chapter, the ragged contours of Broadus Miller's life are not congruent with the dissertation's schematic two-part division between North and South Carolina, for at some point in the mid-1920s Miller temporarily left Asheville and returned to his native Greenwood County, where he spent most of 1926 confined on a county chain gang following a larceny conviction. As in the penitentiary, conditions on the chain gang were brutal, and implicit within my description of these conditions is the argument that such brutality only exacerbated the violent behavioral tendencies of the imprisoned men after their eventual release.

¹⁰ Nancy MacLean, *Behind the Mask of Chivalry: The Making of the Second Ku Klux Klan*. (New York: Oxford University Press, 1994), xiii; W.J. Cash, *The Mind of the South* (New York: Vintage Books, 1941), 344; Mena Webb, *Julie Carr: General Without an Army* (Chapel Hill: University of North Carolina Press, 1987), 252-254. In using the phrase "a 'higher stage' of white supremacy," I am consciously evoking the title of John W. Cell's *The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South* (New York: Oxford University Press, 1982). However, I am using the phrase in a more expansive fashion than Cell. In the secondary literature, Henry A. Grady has sometimes been confused with Henry W. Grady; see, e.g., Nancy MacLean, *Behind the Mask of Chivalry*, 133. The scope of this dissertation prohibits examining what I believe is one of the most salient features of the 1920s' Klan: its similarity to the fascist movements in Europe during the same time period. Both MacLean (pp. 179-182) and Cash (p. 344) draw attention to this similarity, as do a number of other historians. See, e.g., Robert Moats Miller, "The Ku Klux Klan," in *Change and Continuity in Twentieth-Century America: The 1920's*, edited by John Braeman, et al (Columbus, OH: Ohio State University Press, 1968), 216, 239; Rory McVeigh, *The Rise of the Ku Klux Klan: Right Wing Movements and National Politics* (Minneapolis: University of Minnesota Press, 2009), 62.

Chapter Six focuses on Morganton, where Miller arrived to work as a construction laborer in the spring of 1927. The opening section of the chapter looks back at the late nineteenth century to show how his journey followed a path that had been laid decades before his birth. I then examine the contextual background of Morganton in the 1920s, when some local white residents formed a National Guard company while others joined the Klan; in their own separate ways, both groups worked to enforce state law. Some may argue that any comparison of National Guardsmen to Klansmen exaggerates their similarity. Yet in the 1920s, an African American was as likely to be enlisted into the North Carolina National Guard as he was to be welcomed into the Klan, and as I note in the previous chapter, North Carolina Klansmen sometimes offered their services to help protect accused African Americans from potential lynch mobs and ensure these accused individuals were tried and punished by the state.¹¹

An underlying theme in Chapter Six is that Morganton residents drew a sharp distinction between individuals who had an accepted place within the town and those who would always be “outsiders.” This nativism manifested itself in different forms, including the activities of the Junior Order United American Mechanics, a white Protestant nativist group that was immensely popular in early twentieth-century North Carolina but has scarcely been mentioned in the subsequent secondary literature. A central figure in the chapter is the town’s leading spokesperson, Morganton *News-Herald* editor Beatrice Cobb, who consistently distinguished native black residents from other African Americans. In the spring of 1925, an itinerant black laborer from Georgia was accused of raping a white girl in Morganton. The case shares many similarities with what occurred two years later with Broadus Miller. In her role as editor,

¹¹ In Morganton and the rest of Burke County, the primary target of 1920s’ Klansmen seems to have been bootleggers; nationwide, the Klan’s fight against illicit alcohol has been well-documented by historians, beginning with Charles C. Alexander, *The Ku Klux Klan in the Southwest* (Lexington: University of Kentucky Press, 1965).

Beatrice Cobb provided feudal protection to local African Americans—while penning racially inflammatory editorials demonizing the black outsider accused of assaulting a white woman. As would happen in the Miller case, a staged performance by Klansmen on horseback helped celebrate the fate of the accused black man.

In the concluding pages of Chapter Six, I describe the limited economic opportunities of Morganton's local black residents and then examine the life of Gladys Kincaid, the fifteen-year-old millworker whose violent death led to the manhunt for Miller. In 2007, I spoke with Kincaid's younger brother and sister, both of whom still resided in Morganton, and these conversations made me keenly aware the killing of their sister caused indescribable pain, leaving a legacy of grief that lingered for decades to come. Judging from the available evidence, and taking into consideration the previous homicide in Anderson, it seems Broadus Miller did indeed kill Kincaid, and no attempt to understand and explain Miller's behavior can minimize the pain his actions caused. Yet certain underlying similarities between Miller and Kincaid are striking: the children of landless tenant farmers whose fathers had died, they had been displaced from their childhood homes and arrived in Morganton to work as manual laborers for the town's economic elite. I believe these similarities between the victim and her accused killer make their fatal encounter all the more tragic.¹²

Chapter Seven focuses on North Carolina's outlawry statute, enacted in 1866, which provided Miller's pursuers the legal authority to kill him. The topic of outlawry in North Carolina has received scant attention in the secondary literature, none of which mentions one of the most noteworthy aspects of the outlawry statute—namely, its origins in the state's previous law against fugitive slaves. In their 1995 work *Slavery in North Carolina, 1748-1775*, historians

¹² Elizabeth Kincaid Conley, telephone interview with author, June 28, 2007; Cecil Kincaid, telephone interview with author, June 28, 2007.

Marvin L. Michael Kay and Lorin Lee Cary included a well-researched and insightful five-page overview of the outlawing of fugitive slaves in colonial North Carolina. In the decades following the American Revolution, the state's outlawry provision against fugitive slaves would be vociferously denounced by abolitionists such as Harriet Beecher Stowe, but it has been largely ignored in the secondary literature. In 2015, in an endnote to her book *Border Law*, historian Deborah A. Rosen noted the outlawry proclamations appearing in the North Carolina press during the 1820s. Brief as it was, Rosen's mention of the topic was itself noteworthy, for some scholars had denied such outlawries even occurred. In his 1996 work *Southern Slavery and the Law*, scholar Thomas D. Morris asserted that North Carolina's use of outlawry proclamations against fugitive slaves "was confined to the colonial world."¹³

After examining the outlawry statute's origins, I describe at some length the best-known case of outlawry in North Carolina: the so-called "Lowry Gang" of Reconstruction-era Robeson County. I originally intended to mention the case only in passing, but as I read the rather extensive secondary literature on the Lowries, I realized that all of it erroneously describes the process by which they were outlawed. The outlawing of the "Lowry Gang" has been universally—and wrongly—described as a legal action taken by the North Carolina governor. The more I researched the case, it seemed to exemplify one of the underlying themes in this dissertation. The proponents of white supremacy used brute force to succeed politically, and their ideology was then assimilated and ingrained into the state's legal and judicial systems; these

¹³ Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill: University of North Carolina Press, 1995), 61-66; Harriet Beecher Stowe, *A Key to Uncle Tom's Cabin* (Boston: John P. Jewett, 1853), 85; William Ingersoll Bowditch, *Slavery and the Constitution* (Boston: Robert F. Wallcut, 1849), 104-105; Deborah A. Rosen, *Border Law: The First Seminole War and American Nationhood* (Cambridge, MA: Harvard University Press, 2015), 177; Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 287. One of the few secondary works on North Carolina outlawry is Bobby G. Deaver, "Outlawry: Another 'Gothic Column' in North Carolina," *North Carolina Law Review* 41 (1963), 634-647, which is a useful source of information on the early history of outlawry in English common law. As Deaver notes, "The last judgment of outlawry rendered by a court in England was in 1855." (p. 640).

judicial and legal systems subsequently served as a robe and mask, hiding brute force behind a majestic veil of formal law. The killing of the Lowries is a prime example of what nineteenth-century philosopher Max Stirner observed: “The State calls its own violence law, but that of the individual crime.”¹⁴

The second half of Chapter Seven traces the use of the outlawry statute from the end of Reconstruction to the 1920s and identifies underlying patterns in its application. When I began researching the topic, I thought I would find several cases in which the statute served as legal window dressing, resulting in the killing of outlawed African Americans while allowing North Carolina to maintain its reputation as a state in which the rule of law had supplanted illicit mobs. However, in the four decades prior to 1927, I was able to identify only two instances in which an outlawed black man was killed by his pursuers: a rather notorious 1906 case in Asheville, and a Pitt County case that occurred a decade later. In both of these cases, the fugitives clearly committed the homicides for which they were outlawed, and in both cases the outlawed men were armed. The outlawry statute authorized lethal force against a fleeing fugitive even if he was unarmed, but these two cases set an informal precedent; as a journalist noted in 1927, the desire of state officials to preserve North Carolina’s “record of fair play for accused men” would make Broadus Miller’s alleged possession of a gun an important issue in how his death was perceived. In both the Asheville and Pitt County cases, after the outlawed fugitive was killed, his dead body

¹⁴ The secondary literature on the Lowries that I have consulted includes the following: William McKee Evans, *To Die Game: The Story of the Lowry Band, Indian Guerrillas of Reconstruction* (Syracuse, NY: Syracuse University Press, 1995); Adolph L. Dial and David K. Eliades, *The Only Land I Know: A History of the Lumbee Indians* (Syracuse, NY: Syracuse University Press, 1996); Karen I. Blu, *The Lumbee Problem: The Making of an American Indian People* (New York: Cambridge University Press, 1980); Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010); Gerald M. Sider, *Living Indian Histories: Lumbee and Tuscarora People in North Carolina* (Chapel Hill: University of North Carolina Press, 2003); Anna Bailey, “How Scuffletown Became Indian Country: Political Change and Transformation in Indian Identity in Robeson County, North Carolina, 1865-1956” (Ph.D. dissertation, University of Washington, 2008). For the quotation from Max Stirner, see George Seldes, ed., *The Great Thoughts* (New York: Ballantine Books, 1985), 401.

was taken back to town and publicly displayed—echoing what had occurred with the Lowries and foreshadowing what would happen with Miller. As the epigraph to this chapter makes clear, the practice of transporting a dead outlaw’s body to a county seat had a long history stretching back over several centuries.¹⁵

Chapter Eight describes the manhunt for Miller, his death at the hands of one of his pursuers, the public exhibition of his dead body on the Morganton courthouse lawn, and the following day’s celebration by Klansmen. In the concluding section of the chapter, I compare Miller’s death with two other cases that occurred shortly thereafter, highlighting the difficulty in formulating a precise and universally valid definition of “lynching.” When outlawing Miller, Burke County officials scrupulously followed the provisions set forth by state law. The subsequent killing of the outlaw was thus legally authorized by the state, but the public display of his dead body became a celebration of white supremacy and a reminder to African Americans of their designated place. Yet if the posthumous public display of a corpse is considered a *sine qua non* of “lynching,” then numerous killings that have been classified as “lynchings” have been wrongly categorized. Was Emmet Till “lynched” before his mother courageously decided to display his body and let the world see what had been done to her son? The question of what constitutes a “lynching” can lead to fruitful discussion; it can also be a distraction, a squabble over semantics that prioritizes artificially constructed categories over the phenomena being described.¹⁶

¹⁵ “What Is the Truth?” *Charlotte Observer*, July 20, 1927.

¹⁶ The manhunt for Broadus Miller was the focus of an article that I published in 2012. Kevin W. Young, “The Largest Manhunt in Western North Carolina’s History’: The Story of Broadus Miller,” in *Blood In the Hills: A History of Violence in Appalachia*, edited by Bruce E. Stewart (Lexington: University of Kentucky Press, 2012), 340-379.

Since the killing of Broadus Miller was sanctioned by the state, I was curious how Miller's background compared with that of the other men who had been legally executed in North Carolina during the same time period. In the concluding pages of Chapter Eight, I examine the backgrounds of the men executed from 1924, when Miller first arrived in the state, to the summer of 1927, when he was outlawed and killed. From researching death certificates and census records, I discovered that most of these condemned prisoners came from a background remarkably similar to Miller. The vast majority—eighteen of the twenty men—were African American, which can come as no surprise to anyone familiar with the long history of racial disparity in capital punishment within the United States. Other demographic aspects of the condemned men were more revelatory. The majority of African Americans whom the state executed in the mid-1920s had recently arrived in North Carolina from Georgia and South Carolina—the two states in which the boll weevil had catastrophically uprooted and displaced tens of thousands of tenant farmers and farmhands.

The dissertation concludes with a brief epilogue describing the aftermath of the events of 1927. A fundamental question facing every historian is the present-day relevance of examining the past, and in the epilogue I touch upon two issues of contemporary concern. Some scholars have recently cited North Carolina's outlawry statute as a legal precedent for the targeted killing of suspected terrorists, but even a cursory examination of the statute's application during the twentieth century highlights the danger of legally authorizing the killing of untried suspects. In 1921, after a court-ordered psychiatric evaluation of Broadus Miller concluded he was "not normal mentally," he was confined for three years in the state penitentiary and then released. Nearly a century later, in 2014, a South Carolina judge denounced the conditions in which the state confines mentally ill prisoners, warning of the potentially devastating consequences of

imprisoning such individuals in horrific conditions and then releasing them, untreated and unrehabilitated, back into the general population. If those who forget the past are condemned to repeat it, are those who remember the past condemned to watch it be repeated?¹⁷

I do not necessarily like some of the conclusions I have come to while researching this dissertation. Legal and judicial authority requires coercive and punitive power, an iron fist forged in heated passion and then cooled into a deliberate and seemingly impersonal form. The poet John Milton famously aspired to “justify the ways of God to men.” My goals are more modest. I do not aim to justify the ways of either God or Broadus Miller. I identify some underlying themes and discernable patterns, but an element of blind chance seems to lurk within the world. To understand everything would make a person all-forgiving, a French stylist once claimed. We have little reason to hope or fear achieving complete understanding and total forgiveness.¹⁸

¹⁷ Jane Y. Chong, “Targeting the Twenty-First Century Outlaw,” *Yale Law Journal*, 122.3 (December 2012), 750; Andrew Cohen, “When Good People Do Nothing: The Appalling Story of South Carolina’s Prisons,” *The Atlantic*, January 10, 2014; Andrew Cohen, “South Carolina Is Still Defending Its Neglectful Prisons,” *The Atlantic*, January 23, 2014; T.R., P.R., K.W., et al. v. South Carolina Department of Corrections, et al. Court of Common Pleas, Fifth Judicial District, C/A No: 2005-CP-40-2925, available online at <http://www.mentalhealth4inmates.org> (accessed February 2, 2014).

¹⁸ John Milton, *Paradise Lost* (New York: W.W. Norton, 2005), 4, line 26. The French stylist was Madame de Staël (1766-1817), but some commentators have argued that the paraphrased quotation has been wrongly attributed to her. George Seldes, ed., *The Great Thoughts*, 396.

PROLOGUE

A MURDER IN MORGANTON

“[T]he only story that you're going to be able to interest every human being in is a good murder story.... It's the only thing that's absolutely real in the world. Something that makes you reckless enough not to care a tinker's dam for your own life or another's—that's something to think about, isn't it?”

*- Frances Noyes Hart, The Bellamy Trial
A best-selling 1927 novel.¹*

The town of Morganton lies at the western edge of the North Carolina Piedmont, in the foothills of the Appalachians. The town dates to the 1780s, when officials searched for a suitable site to establish a county seat for newly-formed Burke County. They decided upon a stretch of high ground several hundred yards from the Catawba River and erected a log-cabin courthouse. In the 1830s, the primitive wooden cabin was replaced by a majestic new building, two stories high and made of stone. During the antebellum era, the North Carolina Supreme Court held annual summer sessions at the Morganton courthouse, which allowed the justices a respite from Raleigh and its sweltering summer heat. With close political ties to the state capital but sitting in the shadow of the mountains, Morganton became a figurative as well as literal middle ground, at the outer edge of established legal and judicial systems, but only a short journey from the rough justice of the mountainous frontier.²

¹ Frances Noyes Hart, *The Bellamy Trial* (New York: Doubleday, 1927), 4.

² Edward W. Phifer, Jr., *Burke: The History of a North Carolina County* (Morganton, NC: Burke County Historical Society, 1977), 266, 294; David Leroy Corbitt, *The Formation of the North Carolina Counties, 1663–1943* (Raleigh: State Department of Archives and History, 1950), 42-48; North Carolina Bar Association, *Centennial Celebration of the Supreme Court of North Carolina, 1819-1919* (Raleigh: Mitchell Publishing Company, 1919), 64.

In the early twentieth century, as furniture factories and textile mills sprang up throughout the western Piedmont, Morganton developed into a thriving town with the courthouse at its center. On East Union Street, about a block and a half from the courthouse, was Garrou Knitting Mill. In the late spring of 1927 a fifteen-year-old girl named Gladys Kincaid began working in the knitting mill. Kincaid lived with her widowed mother and several siblings on a farm in the wide flat bottomland along the Catawba River, about a mile and a half from the mill. Their nearest neighbors lived a few hundred yards away, where Bouchelle Street began and led straight up a gently sloping hill into the middle of town. At the lower end of the street lived a handful of white families, including the Foxes and Whisenants, while further up the hill and stretching into the town center Bouchelle was an African American neighborhood, a residential street lined by scattered one- and two-story houses. In one of these houses lived Will and Annie Berry. Will Berry worked as a delivery driver for a furniture factory, while his wife taught school, and the couple supplemented their income by renting out rooms in their home to itinerant laborers.³

On Tuesday, June 21, 1927, Gladys Kincaid's shift at Garrou Knitting Mill ended at 5:30 p.m. The sky was dark and overcast as she left the mill and began her long walk down Bouchelle Street toward home. As she neared the end of the street, she briefly stopped to speak with Ida Whisenant, who was outside in her yard with her young children. The two of them discussed going to a show one evening the following week, when the American Legion would be hosting a musical comedy called "Cupid-Up-To-Date" at the local high school. Kincaid

³ Ibid; 1920 and 1930 census, Burke County, NC, Morganton township; "Regarding Will Berry," Morganton, NC *News-Herald*, July 14, 1927; Bruce Edward Baker, "Lynching Ballads in North Carolina," (MA thesis, University of North Carolina at Chapel Hill, 1995), 45. Baker describes the Bouchelle area as "the black neighborhood of Morganton"; however, the definite article can be misleading, for the town had a number of other black neighborhoods as well. In newspaper accounts, the surname Whisenant is sometimes given as "Whisnant" or "Whisenhunt."

mentioned she was hungry after her long day in the mill and Whisenant invited her to stay for supper. “No, I must go on home,” the girl replied. “I am very tired.” More work awaited her, for her family expected her to have food prepared when they came in from laboring in the fields. Saying goodbye to Whisenant, the young millworker resumed her journey home.⁴

Around seven o’clock Kincaid’s mother finished working outdoors and returned to the house to discover that her daughter had not arrived, so the entire family began looking for her. Gladys’s twenty-two-year-old brother Harvey went to the home of John Fox and enlisted the help of Fox’s son Virgil. As Harvey Kincaid and Virgil Fox searched for the missing girl, they “heard a groan and discovered her body in a clump of bushes a few yards off the road, evidently carried up the embankment and pitched there.” She was unconscious and bleeding profusely. Her skull behind her right ear had been “crushed like an egg shell” by one or more blows from a blunt instrument, and according to some accounts, her “clothes were torn to shreds.” An iron pipe, stained with blood, lay near her body. The young men flagged down a passing car and Kincaid was rushed to Morganton’s Grace Hospital. She never regained consciousness, and later that night, around 3:30 a.m., she died.⁵

Gladys Kincaid had been fatally attacked about five hundred yards beyond the Whisenants’ house and almost in sight of her own home. In a nearby field stood several large haystacks, leading to speculation that her assailant may have hidden behind one of them and

⁴ “Negro Attacks White Girl,” *Morganton News-Herald*, June 23, 1927; Henry D. Holsclaw and Harry Lee Pennell, “The Murder of Gladys Kincaid” (Lenoir, N.C.; privately published, 1927); Harry L. Griffin, “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23, 1927; “Cupid-Up-To-Date Will Be Presented Tuesday,” *Morganton News-Herald*, June 23, 1927; “Morganton Negro Attacked Girl in Sight of Three Homes,” *Winston-Salem Journal*, June 28, 1927; A.L. Stockton, “Citizens Continue Hunt for Negro Who Killed Little Morganton Girl,” *Greensboro Daily News*, June 24, 1927; Cecil Kincaid, interviewed in “*Let the Dead Speak.*”

⁵ “Negro Attacks White Girl,” *Morganton News-Herald*, June 23, 1927; “Suspected Slayer of Girl, 15, Caught,” *Asheville Times*, June 22, 1927; Johnston Avery, “Extensive Search is Being Made for Morganton Slayer,” *Hickory Daily Record*, June 22, 1927; Gladys Kincaid death certificate, July 2, 1927, Burke County, Morganton, #136. The description of Kincaid’s clothing is given by the *Hickory Daily* and the *Asheville Times*, but the *Morganton News-Herald* says nothing about the girl’s clothing being torn.

ambushed the girl. Burke County Sheriff Julius “Jules” Hallyburton quickly arrived on the scene to head the investigation, and when law officers spoke with Ida Whisenant, she told them she had seen a black man in a yellow raincoat walking along the street around the time of her conversation with Kincaid. He had been carrying an iron pipe in his hand. Police soon identified him as an itinerant construction worker who boarded in Will Berry’s house. The man’s name was Broadus Miller.⁶

The lodgers in Berry’s house were typically single men, but Miller had arrived in Morganton a few weeks earlier accompanied by his wife. On that fateful Tuesday afternoon, after finishing work at a construction site around 4:30 p.m., he returned to his lodgings and ate supper around five o’clock. After the meal he talked with a couple of coworkers who came to visit him; he then left the house and walked off down the street. When police arrived at Berry’s home, Miller was nowhere to be found, but a few articles of clothing had been taken from his room. His wife said she had not seen him since supper, but that he may have returned to the house and then left without her knowledge. When police searched the house, they found Miller’s yellow raincoat hidden behind a door. The bottom of the raincoat was covered with fresh bloodstains.⁷

⁶ Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; “Morganton Negro Attacked Girl in Sight of Three Homes,” *Winston-Salem Journal*, June 28, 1927; A.L. Stockton, “Citizens Continue Hunt for Negro Who Killed Little Morganton Girl,” *Greensboro Daily News*, June 24, 1927; “Negro Attacks White Girl,” *Morganton News-Herald*, June 23, 1927; “Suspected Slayer of Girl, 15, Caught,” *Asheville Times*, June 22, 1927; “Hallyburton Rites to Be Held on Tuesday,” *Morganton News Herald*, October 13, 1969. “Sheriff Michaux Has Resigned His Office,” *Morganton News-Herald*, April 8, 1926; “Morganton Boys Are at Spruce Pine,” *Morganton News-Herald*, October 4, 1923; Cecil Kincaid, interviewed in *Let the Dead Speak*. Press accounts gave slightly different versions of Whisenant’s statement. According to the *News-Herald*, Whisenant “had seen a negro man pass just ahead of the girl—about 5 minutes, she says—and had remarked to her son on the iron bar he carried, saying that ‘he surely intended to keep the mad dogs off.’” The *Raleigh News and Observer* reported that the black man “passed while she and the girl were talking and . . . he lifted his hat. She recalls that he bore in his hand a section of iron pipe.” In the account given in the *Asheville Times*, the man was walking “[s]everal hundred yards behind” Kincaid.

⁷ “Officials Doubt Negro Taken in Chatham County is Broadus Miller, Wanted Outlaw,” *Winston-Salem Journal*, July 1, 1927; Harry L. Griffin, “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23, 1927; “Morganton Negro Attacked Girl in Sight of Three Homes,” *Winston-Salem Journal*, June 28, 1927;

That evening mobs of enraged white men gathered on the streets of Morganton and fanned out to search for Broadus Miller. By telephone and telegraph, news of the events in the town was broadcast throughout North Carolina, prompting journalists from across the state to rush to the scene. In the words of one reporter, “There has never been in the memory of Burke’s oldest inhabitants excitement as that which is going on now.” A correspondent for the *Raleigh News and Observer* arrived to find the town’s residents in a frenzy:

Two thousand men went wild. Armed with every sort of weapon from ancient squirrel rifles to the latest automatic, they beat about the streets here, pried the alleys, backyards and every conceivable hiding place, and then lay a dragnet far out into the hills. A rain around 10 o’clock offered no check. All night the hunt was on in determined fashion. One citizen of Valdese who refused to stop his car at the command to halt had a bullet fired through his automobile top. Every available man, every available firearm was in service.

All freight trains passing through Morganton and the nearby town of Hickory were stopped and searched, while rumored sightings of the suspect sent men speeding to locations in the nearby countryside. The sixty men of the local National Guard company had been conducting their weekly drill that Tuesday evening. One of the guardsmen was Corporal Willie Kincaid, Gladys’ older brother. Acting on their own initiative, Kincaid and the other guardsmen began searching for his sister’s accused killer. By midnight, several hundred residents of Catawba and Caldwell counties had arrived and joined the manhunt, while the Caldwell County sheriff deployed a hastily assembled posse along the Burke County border. A Morganton resident later marveled “that many an innocent person” was not shot, for “about everyone who could carry a gun was out searching.”⁸

“Young Woman is Dead Following Brutal Attack,” Danville, *Virginia Bee*, June 22, 1927; Gladys Kincaid death certificate, July 2, 1927, Burke County, Morganton, file #136.

⁸ Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23,

In the hours following the discovery of Kincaid's body, every young black man in Morganton ran the risk of being mistaken for her accused killer. Initial accounts emphasized he had worn a raincoat, and on the southern end of town, a black man in a raincoat was walking home from his job at Burke Tannery when a mob seized him. They were preparing to lynch him from a railroad bridge when one of his white coworkers happened to arrive on the scene. Insisting the man had been at work all day and could not be the killer, he eventually persuaded them to release their intended victim. The anger of the town's white residents was indiscriminately directed at all blacks. Police arrested and jailed Will Berry and Broadus Miller's wife, both as material witnesses and for their own protection. The African American families living on Bouchelle Street stayed up throughout the night, armed with knives and makeshift weapons, anxiously looking out their windows as carloads of white men drove by yelling racial epithets. Some residents took up position on their roofs with shotguns, ready to defend their homes against the potential onslaught of a mob.⁹

Early on Wednesday morning a policeman found a pair of trousers and a work shirt in the woods where the Catawba and Johns Rivers converged, apparently discarded by Broadus Miller when he changed clothes following the previous night's downpour. An intensive search along the river banks proved futile. Throughout the morning "the roving, restless bands who scoured the town and country" gradually returned to the courthouse square. After the previous night's uproar, Morganton was eerily silent. Most business in the town had come to a standstill, with employers giving their workers time off to join the manhunt. Groups of men clustered together on the

1927; "Negro Attacks White Girl," *Morganton News-Herald*, June 23, 1927. "Soldiers Hunt for Negro," *Raleigh Times*, June 23, 1927; "\$500 Reward for Capture of Young Girl's Assailant," *Gastonia Daily Gazette*, June 22, 1927. "Suspected Slayer of Girl, 15, Caught," *Asheville Times*, June 22, 1927; J. Alex Mull, *Tales of Old Burke* (Morganton: News Herald Press, 1975), 94.

⁹ Marjorie Fleming, personal interview with author, June 26, 2007; Terry Helton, telephone interview with author, May 1, 2007; Carl Evans, telephone interview with author, July 3, 2007; Frank Smethurst, "Determined Search."

courthouse lawn and surrounding streets, taciturn and grim, exhausted from the sleepless night and awaiting any news that Broadus Miller had been sighted. Around 10:30 a.m. word was received that Miller had allegedly been seen near Lake James, about eighteen miles west of Morganton. The news electrified the crowd:

The scattered groups instantly became hundreds dashing madly across the streets and into automobiles. . . . There appeared to be no speed limits, no thoughts for safety of men or machines. The first rush for position having been settled on the score of survival of the fittest machine and the fastest driver, the long line of automobiles stretched out over the hills A few cars dropped out of the way; the occupants were picked up by others.

A reporter overheard one man begging for a ride. "Here, let me go," the man pleaded. "I got a hell of a good gun."¹⁰

By noon, an estimated 2,500 people had swarmed to the scene of the alleged sighting, a wooded area between the communities of Nebo and Bridgewater. "Backwoodsmen from the hills, armed with squirrel rifles and shotguns," searched the woods alongside mill hands and factory workers. "Bewhiskered farmers with long nosed pistols sticking from their pockets strolled along the highway as solemn as so many judges," one journalist noted. "Every now and then a false alarm would come from one section of the wood and in a minute a crushing mob was there." Police officers who were present told reporters they "could not control the crowd if the negro was captured," and the Associated Press reported that the "roads from Bridgewater to Nebo are choked with automobiles carrying men and even some women to the scene." The potential lynching proved a boon for local merchants. In Bridgewater, "cold drinks were sold out in the three main stores by noon," and all the "filling stations and country merchants from Bridgewater to Nebo did a land office business." But the alleged sighting turned out to be only a

¹⁰ Harry L. Griffin, "Hundreds Join Grim Hunt for Assailant of Girl in Burke," *Charlotte Observer*, June 23, 1927; Frank Smethurst, "Determined Search for Negro Slayer of Young Morganton Girl Futile," *Raleigh News and Observer*, June 23, 1927; Bruce Edward Baker, "Lynching Ballads in North Carolina," 46; "Negro Attacks White Girl," *Morganton News-Herald*, June 23, 1927; Mae Fleming Wellman, interviewed in "*Let the Dead Speak*."

rumor, and after hours of futile searching, the large mob slowly dispersed, many of them heading back to Morganton to resume their vigil on the courthouse square.¹¹

In the coming days the search for Gladys Kincaid's accused killer would expand into the largest manhunt in the history of western North Carolina, involving several thousand men and covering several counties. Yet Broadus Miller proved an elusive figure. An itinerant laborer from obscure origins, he had arrived in Morganton around the same time Kincaid began working in the knitting mill. A couple of press reports mentioned Miller was a native of South Carolina, but they did so only when speculating on which direction he might flee. Journalists considered the accused black man's background and past history utterly irrelevant. He had apparently killed a young white woman, and nothing he had previously done could add or detract from the infamy of such a deed. Newspapers across North Carolina reported on the ongoing manhunt, but only the *Winston-Salem Journal* noted that the Burke County sheriff had learned something about the accused killer's past. Sheriff Hallyburton had spoken with officials in Broadus Miller's native state, who corroborated what one of Miller's acquaintances had told him: The man wanted in connection with Gladys Kincaid's death "had once killed a woman in South Carolina."¹²

¹¹ Johnston Avery, "Extensive Search is Being Made for Morganton Slayer," *Hickory Daily Record*, June 22, 1927; "New Chief of Police," *Morganton News-Herald*, 19 May 1927; "Lynching in Prospect in Burke," *Statesville Landmark*, June 23, 1927; "\$500 Reward for Capture of Young Girl's Assailant," *Gastonia Daily Gazette*, June 22, 1927; "Young Woman is Dead Following Brutal Attack," *Danville, VA Bee*, June 22, 1927; "Peace Comes After Wild Day at Bridgewater," *Hickory Daily Record*, June 23, 1927.

¹² *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 312; "Morganton Negro May Be in This County," *Shelby, NC Cleveland Star*, June 24, 1927; L.J. Hampton, "Manhunt Goes on in Burke," *Winston-Salem Journal*, June 25, 1927; "Broadus Miller Still at Large," *Greenwood, SC Index-Journal*, June 25, 1927. For the broad coverage of the case, see, e.g., "2,000 Armed Men Search for Negro," *Atlanta Constitution*, June 23, 1927; "Mob of 2,000 Seeks Girl's Negro Slayer," *Washington Post*, 22 June 1927; "Negro Sought in Carolina," *Biloxi, MS Daily Herald*, June 22, 1927 (afternoon edition); "2500 Armed Men on Man Hunt Today in N.C. for Negro," *Thomasville (GA) Times-Enterprise*, June 22, 1927 (afternoon edition).

PART ONE: SOUTH CAROLINA

“...every human being is the product of the endless heredity back of him and the infinite environment around him. He is made as he is and he is the sport of all that goes before him and is applied to him, and under the same stress and storm, you would act one way and I act another.”

- Clarence Darrow, *State of Illinois v. Leopold & Loeb*, August 22, 1924¹

¹ Arthur Weinberg, ed., *Attorney for the Damned: Clarence Darrow in the Courtroom* (Chicago: University of Chicago Press, 2012), 56.

CHAPTER 1

GREENWOOD BOYHOOD

“What in the name of reason does this nation expect of a people, poorly trained and hard pressed in severe economic competition, without political rights, and with ludicrously inadequate common-school facilities? What can it expect but crime and listlessness, offset here and there by the dogged struggles of the fortunate and more determined who are themselves buoyed by the hope that in due time the country will come to its senses?”

- W.E.B. Du Bois, *The Souls of Black Folk*¹

At the western edge of upstate South Carolina, along the Savannah River that forms the state’s border with Georgia, are Abbeville and Edgefield counties. For most of the nineteenth century the two counties adjoined one another and covered a vast swath of territory, stretching from the Savannah eastward to the Saluda. In the 1890s the large size of the counties became a cause for complaint. Landowners on the eastern periphery were far from the county seats and received little funding for roads and bridges, so they petitioned for the creation of a new county with the town of Greenwood at its center. “Greenwood has railroads radiating in six directions,” noted the petitioners, who argued the town’s position as a railway hub made it ideally suited to be a county seat. In 1897 state legislators granted the request and carved Greenwood County from Abbeville and Edgefield. The new county had a population of nearly thirty thousand people, two-thirds of whom were former slaves and their descendants.²

¹ W.E.B. Du Bois, *The Souls of Black Folk* (Chicago: A.C. McClurg & Co., 1903), 181.

² “Reasons for the Organization of the Proposed New Greenwood County,” c. 1897, Proclamations, Politics, and Commerce: Broadides from the Colonial Era to the Present, South Caroliniana Library, Digital Collections, available online at <http://library.sc.edu/digital/index.php> (accessed February 2, 2014); Ann Herd Bowen, *Greenwood County: A History* (Greenwood, S.C.: The Museum, 1992). 1900 census, Greenwood County, SC. The county’s population in 1900 was 28,343, of whom 18,906 were black. For the region’s early Euro-American and African

Two years before Greenwood County's creation, a new South Carolina constitution had been adopted, effectively disfranchising most African Americans by means of a poll tax and property and literacy requirements. During the November 1898 election, the new constitution was baptized in blood, with the rural community of Phoenix in southern Greenwood County the epicenter of electoral violence. A clash at the polls in Phoenix sparked a four-day reign of terror in which armed mobs rode through the southern half of the county and killed at least eight African Americans. "The negroes have had a severe lesson and a forcible turn from a fancied road to power," rejoiced the *Greenwood Index*. In an editorial entitled "No Negro Domination," the newspaper set forth the ideology sanctioning such violence:

It is a basic principle in our unwritten law that the white man must rule.... Everything that pertains to citizenship, to property and the pursuit of happiness must conform to this law.... It is a painful fact, however, that in order to enforce this law, harsh measures are sometimes necessary, but whether the measures are right or wrong, the higher law which brings about these measures is always right.... No, our civilization won't allow us to entertain any thought of the negro taking a part in a white man's realm and any steps from him in this direction will result to the detriment of those who aid him and to his own destruction. It is better for the negro to keep out of politics.

The events of 1898 would loom large in the collective memory of Greenwood County's black residents for decades to come. Underneath a veil of ostensibly color-blind constitutional measures, white South Carolinians had disfranchised and disempowered African Americans by brute force. Two weeks after the November election, Atlanta editorialist Wallace Putnam Reed reflected upon what had happened. "[I]t is nonsense to indulge in any gush about the New South," Reed concluded. "That masked figure may be very conspicuous at banquets and

American history, see Orville Vernon Burton, *In My Father's House Are Many Mansions: Family & Community in Edgefield, South Carolina* (Chapel Hill: University of North Carolina Press, 1985), 14-19. For the importance of residing close to a county seat, see Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (New York: Oxford University Press, 1983), 97.

reunions, but the Old South is behind the mask, ready at a moment's notice to strike a blow with the iron hand, which is as heavy as of yore, despite its velvet glove.”³

At the northern end of Greenwood County was a large rural township known as Walnut Grove. The main railway line north from the town of Greenwood ran through the middle of the township, and in the late nineteenth century a small depot was built for local residents. Located fifteen miles from the county seat and just below the Abbeville County border, the depot became a focal point for the rural community, a place where people came to receive freight shipments or ride the train to town. In 1906 workers laid five miles of track from the depot eastward to the newly established mill town of Ware Shoals on the Saluda River, connecting the mill with the main railway lines. The depot at Shoals Junction, as it came to be known, quickly turned into a busy transit point. A general store and post office were established, and by the 1910s, trains ran from Shoals Junction to Ware Shoals some two dozen times a day. The Southern Railway and Piedmont & Northern made Shoals Junction a regularly scheduled stop on their routes in and out of Greenwood, meaning that the station master no longer had to flag down passing trains. All passengers on these trains would travel on racially segregated coaches, as had been mandated by South Carolina law in 1898.⁴

³ George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia, SC: University of South Carolina, 2003), 88-89, 256- 259; 1860 census (slave schedule), Abbeville County, SC; R. R. Tolbert, “The Election Tragedy at Phoenix,” *New York Independent*, November 24, 1898; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, (Columbia, SC: University of South Carolina Press, 1973), 36-42; Terence Finnegan, *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881-1940* (Charlottesville: University of Virginia Press, 2013), 96-99; James A. Hoyt, *The Phoenix Riot* (Greenwood, SC: Index Journal, 1938); Benjamin Mays, *Born to Rebel: An Autobiography* (Athens, GA: University of Georgia Press, 2003), 1; Tom Henderson Wells, “The Phoenix Election Riot,” *Phylon* 31. 1 (1970), 58-69; Bruce Lee Kleinshmidt, “The Phoenix Riot,” *The Furman Review* 5 (Spring 1974), 27-31; Daniel Levinson Wilk, “The Phoenix Riot and the Memories of Greenwood County,” *Southern Cultures* 8.4 (Winter 2002), 29-55; Margaret Watson, *Greenwood County Sketches*, 119-122; Ann Herd Bowen, *Greenwood County*, 317-321; “No Negro Domination,” “Virtuous Public Sentiment,” A Candid View,” “The Closing Chapters,” *Greenwood Index*, November 17, 1898; Wallace Putnam Reed, “The Old South on Deck,” *New York Independent*, November 24, 1898.

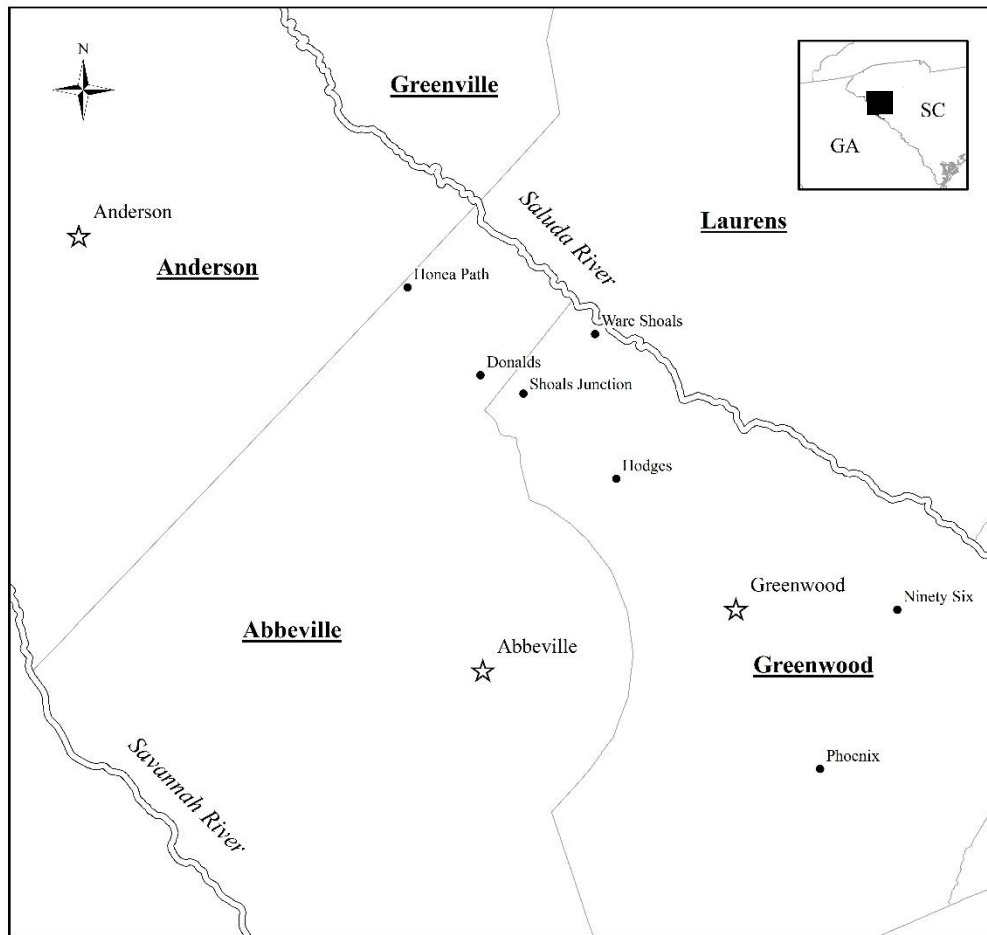
⁴ F.R. Lesh, et al, *Soil Survey of Greenwood County, South Carolina* (Washington, D.C.: United States Department of Agriculture, 1929), 1-2; Ann Herd Bowen, *Greenwood County*, 165; James H. Wade, Jr., *Greenwood County and Its Railroads, 1852-1993* (Greenwood, SC: The Museum, 1993), 16, 118-121, 133; *Forty-Third Annual Report of*

At the beginning of the twentieth century, a black tenant farmer named Tom Walker lived in the countryside east of Shoals Junction, between the depot and Ware Shoals. In his late twenties, widowed and with a small son, Walker had resided in the area his entire life. Around 1908 the young widower remarried. His new wife, Alpha Williams, was some ten years younger than her husband. Like him, she had been previously married and had a son of her own. In addition to these two sons, the newly married couple took four other children into their home—a girl and three boys, apparently orphans, who had the surname Miller and were listed on census records as Tom Walker’s niece and nephews. The youngest had been born the same year as the Walkers’ marriage; the eldest, ten years earlier. There is no record of what happened to the Millers’ parents or how the children came to live with the Walkers, but the circumstances were undoubtedly traumatic. Decades later, an elderly black woman in neighboring Abbeville County reminisced about adopting the orphaned nephew and niece of her tenant-farming husband. “Children ain’t had no mother,” the woman recalled. “And they was in need. I had to make clothes for ‘em.” One of the children taken in by Tom and Alpha Walker, a boy born about 1904, was Broadus Miller.⁵

the Railroad Commission of South Carolina: 1921 (Columbia, SC: Gonzales and Bryan, 1922), 152; “Store at Shoals Junction Is Robbed,” *Greenwood, SC Daily Journal*, January 28, 1915; Walter B. Edgar, *South Carolina: A History* (Columbia, SC: University of South Carolina Press, 1998), 448.

⁵ 1880 census, Abbeville County, SC, Long Cane township, enumeration district #17, dwelling #128; 1900 census, Greenwood County, SC, Walnut Grove township, enumeration district #71, dwelling #177; 1910 census, Greenwood County, SC, Walnut Grove township, district #98, dwelling #79; 1920 census, Greenwood County, SC, Walnut Grove township, enumeration district #91, dwelling #121; Alpha Walker’s death certificate, Buncombe County, NC, March 16, 1948, #196; John Howard Robinson death certificate, Buncombe County, NC, February 8, 1991, v. 5A, #5193; “Broadus Miller Still at Large,” *Greenwood, SC Index-Journal*, June 25, 1927; Sharyn Kane and Richard Keeton, *In Those Days: African-American Life Near the Savannah River* (Atlanta: National Park Service, 1994), 23-25. Alpha Williams Walker was the daughter of Ed Williams; in 1903, an Ed Williams—perhaps her father—was convicted of assault and battery by a Greenwood County court. *Report of the Attorney General to the General Assembly of South Carolina for the Fiscal Year 1903* (Columbia, SC: The State Company, 1904), 1154. Among other local African Americans with the surname “Walker” was Abbeville County resident Harriett Walker—the grandmother of writer Ralph Ellison. Lawrence Jackson, *Ralph Ellison: Emergence of Genius* (Athens, GA: University of Georgia Press, 2007), 3. South Carolina did not begin keeping vital records until 1915, and there are no death certificates for the Millers’ parents. On his 1924 marriage certificate, Broadus Miller would list his parents as Robert and Alice Miller, both deceased.

Shoals Junction, South Carolina and Surrounding Region, Circa 1910



• Villages

☆ County Seats

==== Rivers

□ **Counties**

0 2 4 8 12 16 Miles

Map by Andrew Fialka

Figure 1. Shoals Junction, South Carolina and Surrounding Region.

The Walkers lived in the eastern part of Walnut Grove township, in a census district bounded by Turkey Creek to the east and Long Cane Creek to the west. Between these two streams lay some two dozen square miles of rolling fields and scattered farms. In 1910 the district's 133 households were home to 735 people, nearly 60 percent of whom were African American. Most of these families, black and white, had lived in upstate South Carolina for several generations, and only a single district resident—a middle-aged white farmer born in North Carolina—was not a native of the state. But long-established regional roots did not translate to land ownership. Only one-quarter of the district's families owned land. The majority—including the Walkers and nearly 90 percent of the district's other black families—either rented or sharecropped the farms on which they lived.⁶

Nominally free laborers, farm tenants were contractually bound to their employers, usually by oral agreements that would be remembered, interpreted, and enforced as the landlord wished. In 1897, the South Carolina legislature enacted an agricultural labor law making sharecroppers and wage-laborers subject to imprisonment if they did not fulfill verbal or written contracts with an employer. Under the law's provisions, if a landlord furnished cotton seed and fertilizer in the spring, then the sharecropper had to work on the farm until the crop was fully harvested in the fall; if the sharecropper attempted to break the contract, he would be sent to the chain gang. In 1907 a federal court found the law unconstitutional, ruling it “created a system of peonage or involuntary servitude,” but for years afterwards farm owners and local officials

⁶ 1910 census, Greenwood County, SC, Walnut Grove township, district #98. The 1910 census of the Walkers' district lists a population of 304 white, 416 black, and 15 “mulatto.” 27 of the 55 white households were tenants, but 69 of the 78 black and “mulatto” households. Of the nine African American families that did not rent or sharecrop, only four of them owned their farms outright; the rest were mortgaged.

frequently ignored the court decision, continuing to enforce the invalidated law and keeping black laborers in virtual slavery.⁷

As tenant farmers, Tom and Alpha Walker left little trace in any written records. Every ten years a census taker noted their presence in Walnut Grove township, but whatever tenancy agreements they made were private contracts, either unrecorded or long since vanished. From year to year, tenants sometimes moved from one local farm to another, asserting a limited freedom to change their circumstances. But wherever they might go in Greenwood County, a black tenant family would have found similar living conditions. The typical tenant home was a simple cabin with rough plank walls and a corrugated tin roof, sitting on blocks about a foot or two off the ground. Window openings had hinged clapboard shutters but no panes of glass. By putting up an interior plank wall, a family might divide the inside of the cabin into two or more rooms. House furnishings were minimal—perhaps a table and a few wooden chairs, a bed for the husband and wife and one or two beds to be shared by all the children in the home. In the center of many tenant cabins stood a fireplace with a stone chimney, used for both cooking and heating, for though the temperature hovered near 100 degrees in August, on winter nights it sometimes dropped below freezing. House fires were common in the cold winter months, with young children especially vulnerable to dying in such blazes. Without indoor plumbing, buckets of water were hauled from a spring or nearby creek. The slow grind of abject poverty and unsanitary living conditions fostered disease. Pellagra and dysentery were widespread, and infants occasionally died of malnutrition.⁸

⁷ Benjamin E. Mays, *Born to Rebel*, 6-7, 9; W. J. Megginson, *African American Life in South Carolina's Upper Piedmont, 1780-1900* (Columbia: University of South Carolina Press, 2006), 504 n.14; "Farm Labor Law Unconstitutional," Raleigh, NC *Progressive Farmer*, June 6, 1907; Robert Gildersleeve Paterson, *Wage-Payment Legislation in the United States* (Washington: Government Printing Office, 1917), 125-126; "Shooting Near Greenwood," Newberry, SC *Herald and News*, April 3, 1908.

⁸ Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986), 81-123; George Brown Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge:

Like Broadus Miller, the prominent civil rights activist Benjamin Mays grew up in Greenwood County, the son of tenant farmers. Born in 1894—about ten years before Miller—Mays would eventually overcome his origins through determination, good fortune, and a lifetime of dogged struggle, becoming president of Morehouse College and a mentor to Martin Luther King, Jr. When looking back on his childhood, Mays emphasized the role strong family ties had played in his personal development. In the early twentieth century, most African Americans in the county came from a family background similar to Mays. In 1910, of the seventy-eight black households in the Walkers' district, only five of them were home to children who had neither a father nor mother. In each of these cases, the children were raised by grandparents or uncles and aunts. Yet even among these five households, the Walkers' home was unique. In addition to Tom Walker's son by his first wife, Alpha Walker's son to whom she had given birth as a teenager, and the four Miller children, a few years after the Walkers' marriage another child joined the household—an illegitimate daughter whom Tom Walker had fathered by another woman. The Walkers would thus raise a total of seven children, the sons and daughters of at least three different fathers and four different mothers. No other household in the district had such a tangled web of family ties.⁹

Louisiana State University Press, 1967), 125; State Historic Preservation Office, South Carolina Department of Archives & History, *African American Historic Places in South Carolina* (June 2009), 36, available online at <http://shpo.sc.gov/pubs/Documents/aframerhisplinsc.pdf> (accessed January 15, 2014); Sharyn Kane and Richard Keeton, *In Those Days*, 18, 23; “Past Monthly Weather Data for Greenwood, SC, 1900-2012,” National Weather Service, available online at <http://weather-warehouse.com> (accessed January 22, 2014); “A Sad Accident in Greenwood,” Pickens, SC *Keowee Courier*, January 2, 1918; Edward H. Beardsley, *A History of Neglect: Health Care for Blacks and Mill Workers in the Twentieth-Century South* (Knoxville, TN: University of Tennessee Press, 1987), 11-41. Since Greenwood County only began recording death certificates in 1915, the precise extent of pellagra, dysentery, and malnutrition in the county prior to 1915 is impossible to determine. However, the first few years for which death certificates were recorded show several dozen deaths attributed to these causes.

⁹ Benjamin E. Mays, *Born to Rebel*, 20-21, 32-33; 1910 census, Greenwood County, SC, Walnut Grove township, district #98; Sharyn Kane and Richard Keeton, *In Those Days*, 22-25. For further information on Mays, see Randal Maurice Jelks, *Benjamin Elijah Mays: Schoolmaster of the Movement* (Chapel Hill: University of North Carolina Press, 2012). 1910 census, Greenwood County, SC, Walnut Grove township, district #98, dwelling #79; 1920 census, Greenwood County, SC, Walnut Grove township, enumeration district #91, dwelling #121; 1930 census, Buncombe County, NC, Asheville township, enumeration district #11-1, #134 Beaumont Street; 1940 census,

About two miles east of the Shoals Junction depot, along the dirt road leading to Ware Shoals, lived a prominent white landowner named W.E. Algary. The site of his home was known as Algary and it served as the headquarters for the local school district. In the countryside around Algary resided a handful of extended white families of landowning cotton farmers who frequently intermarried and had close kinship ties with each other. Two of these families were the Rasors and the Agnews. They had settled in the area during the late eighteenth century, and by 1850, several members of the two families had become wealthy slaveholders. The planter James Agnew owned twenty-eight slaves, while his neighbor Ezekiel Rasor held forty men, women, and children in bondage. Over half a century later, the grandchildren of these two men would be the labor lords of Tom and Alpha Walker. The Walkers seem to have periodically moved between various farms owned by the Rasors and Agnews. The 1910 census listed them next to the home of landowner William E. Agnew, who was probably their landlord. A few years later, they were tenants on the farm of Agnew's brother-in-law, Harrison Latimer "Lat" Rasor, while the 1920 census would show them living near an elderly widowed farm owner, Orlena Agnew, who was a cousin of both "Lat" Rasor and William Agnew—and whose son would marry "Lat" Rasor's daughter.¹⁰

Buncombe County, NC, Asheville township, ward #1, block # 128, #134 Beaumont Street; "Howard Robinson" (obituary), Greenwood SC *Index-Journal*, February 11, 1991; Hester Lee Walker's death certificate, March 9, 1984, Buncombe County, NC, v. 9, #9010.

¹⁰ *Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1904* (Columbia, SC: The State Company, 1904), 509; Margaret Watson, *Greenwood County Sketches: Old Roads and Early Families* (Greenwood, SC: Attic Press, 1970), 130, 355, 357; Rasor Family Papers, South Caroliniana Library, University of South Carolina, Columbia, SC; 1860 census (slave schedule), Abbeville County, SC; 1880 census, Abbeville County, SC, Cokesbury township, dwelling #441; "Algary News," Greenwood, SC *Index-Journal*, March 21, 1919; "H. L. Rasor Dies at His Home," Greenwood, SC *Index-Journal*, March 22, 1940; "Clarence Agnew, Shoals Junction Resident, Dies," Greenwood, SC *Index-Journal*, April 21, 1951; "Tribute Paid W. E. Algary," Greenwood, SC *Index-Journal*, June 25, 1941. Algary also served as the polling place for the local community, but in 1912 the polls were relocated to Shoals Junction. "Executive Committee Matters," Greenwood, SC *Evening Index*, May 9, 1912.

For several generations, the Rasors and Agnews had been members of Turkey Creek Baptist Church. Following emancipation, Ezekiel Rasor had donated a small tract of land on Dunn Creek, a little over a mile from the Turkey Creek church, for the newly freed people to establish a church of their own. Originally a crude brush arbor, built of tree limbs and scraps of wood, and later replaced by a more permanent wooden structure, Dunn Creek Baptist Church would become a center for the local black community, a place to congregate for both spiritual and secular affairs. Though black tenant farmers owned no land and had no legal claim to a permanent home, and though they might drift from tenancy on one local farm to another, the church provided a place they could call their own, a common ground that belonged to them and to which they belonged. In 1901, Reverend James Selden Maddox became the pastor of Dunn Creek, a position he would hold for nearly four decades. The middle-aged Maddox was the son of a local white plantation owner and a black female slave. His father had recognized him as a son and deeded him several hundred acres of farmland, making him one of the region's largest African American landowners. Among Maddox's congregation at Dunn Creek was the family of Tom Walker, who served as a deacon in the church.¹¹

Throughout Greenwood County, including Walnut Grove township, the agricultural economy revolved around cotton. It had been the region's most important crop during the antebellum era, but local residents had also cultivated grain and raised livestock. In the decades following the Civil War, however, farm owners increasingly focused on growing the white-

¹¹ "A Day of Remembrance in Ware Shoals," *Greenwood SC Index-Journal*, August 9, 2004; "History of the Dunn Creek Baptist Church," photocopy in possession of the author; Lois E. Myers and Rebecca Sharpless, "'Of the Least and the Most': The African American Rural Church," in R. Douglass Hurt, ed., *African American Life in the Rural South, 1900-1950* (Columbia, MO: University of Missouri Press, 2003), 61; I. A. Newby, *Black Carolinians*, 146-153; "Howard Robinson" (obituary), *Greenwood SC Index-Journal*, February 11, 1991; A. B. Caldwell, ed., *History of the American Negro: South Carolina Edition* (Atlanta: A. B. Caldwell, 1919), 24-26. Caldwell erroneously gives the Reverend Maddox's middle name as "Samuel." Local white residents (and mapmakers) know the church and the stream from which it takes its name as "Dunn's Creek," while the black churchgoers themselves call it "Dunn Creek."

fibered cash crop. By the early twentieth century, the county's cotton fields covered over 70,000 acres—more than half of the available farmland—and annually produced over 30,000 bales. As a local agent for the U.S. Department of Agriculture noted, cotton was grown “almost to the exclusion of other crops.” Rural merchants often made raising cotton a condition for extending



Figure 2. Reverend James Selden Maddox (1857-1944).
Pastor of Dunn Creek Baptist Church.

Photograph from A.B. Caldwell, ed., *History of the American Negro: South Carolina Edition* (Atlanta: A. B. Caldwell, 1919).

credit, but in many cases farmers themselves chose to concentrate on the potentially lucrative cash crop. When reminiscing about his childhood, Benjamin Mays recalled that his family and their neighbors never produced enough food to last the entire year, and he found this lack of

agricultural self-sufficiency puzzling. “The curse was cotton,” Mays concluded. “It was difficult to make farmers see that more corn, grain, hogs, and cows meant less cash but more profit in the end. Cotton sold instantly, and that was *cash* money.”¹²

Cotton agriculture was labor-intensive, and from late winter through the following fall, tenant farmers such as the Walkers spent much of the year at work in the fields. In March they began preparing the ground, beating down the remnants of the previous year’s plants and gathering and burning the stalks. They then tilled and harrowed and spread barnyard manure over the freshly upturned dirt. After plowing up long rows of elevated ridges, or beds, about four feet apart, they cut a shallow furrow down the middle of each bed and sprinkled fertilizer along the furrows. In early April the farmers planted the cotton seed, either by hand or with a mule-drawn mechanical planter. Within a few days the plants began sprouting, shooting forth in thick bunches and obstructing each other’s growth. Throughout the month of May farmhands with hoes chopped the cotton, cutting away some four young stalks for each one left standing, and in the following weeks they regularly hoed the grass and weeds from around the plants. Work in the fields came to a sudden halt in early July, for the cotton would be left untended—or “laid by”—until the ground hardened and dried out so the plants could come to fruition. About six weeks later, when the swollen bolls began bursting open, the cotton was ready to be picked.¹³

Throughout the early twentieth century, cotton was still picked by hand, the same as under slavery. As soon as the morning dew evaporated, field hands began moving down the

¹² F.R. Lesh, et al, *Soil Survey of Greenwood County, South Carolina*, 5; Lacy K. Ford, Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988), 58-92; C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 181; Roger Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (New York: Cambridge University Press, 1977), 151-168; Benjamin Mays, *Born to Rebel*, 6.

¹³ C.P. Brooks, *Cotton: Its Uses, Varieties, Fibre Structure, Cultivation, and Preparation for the Market and as an Article of Commerce* (New York: Spon & Chamberlain, 1898), 130-160. The description of cotton cultivation as given applies to upstate South Carolina; in other regions—such as Virginia or the Mississippi Delta—growing conditions slightly varied.

rows, picking the cotton and placing it in a cloth sack, then emptying the sack into a basket or large bag after finishing each row. At sundown the basket or bag would be weighed; an experienced and physically fit worker could pick over four hundred pounds a day. Decades later, an elderly man reminisced about the long hot days in the cotton fields. “It’s an art, really, picking cotton,” he recalled. “You only pick it when the boll opens up completely, and then your hands will fit right on the five locks of cotton. But there are burrs that stick out at the end, and your hand’s likely to be as bloody as if you’ve been fighting a pit bull by the end of the day.”¹⁴

As a child, Broadus Miller undoubtedly did various farm chores, but he was not yet consigned to full-time labor in the fields. In 1910, when he was six years old, a census taker noted that he had attended school during the year. The South Carolina constitution mandated separate schools for white and black students, and the school Miller attended was a one-room building within a mile or two of his home, where a young black woman in her early twenties taught a few dozen children of various ages. Throughout South Carolina, local communities funded and operated their own schools. Greenwood County had a total of forty-eight separate school districts. The chairman of the Algary district was Harrison “Lat” Rasor, one of the landowners on whose farm Miller’s family would live. Rasor oversaw four primary schools, two for white pupils and two for blacks, each of them taught by a single female teacher. These four schools operated on an annual budget of around \$460. Some of the money came from a poll tax and a tax on dog ownership, but around 80 percent came from local property taxes. The vast majority of this money came from white landowning taxpayers, and the distribution of school funding was overwhelmingly weighted in their favor. In 1911, the two white schools served a total enrollment of 62 pupils; the two black schools, 117. A white teacher received an annual

¹⁴ C. P. Brooks, *Cotton*, 130-160; Benjamin E. Mays, *Born to Rebel*, 26; Charlie Louvin and Benjamin Whitmer, *Satan Is Real: The Ballad of the Louvin Brothers* (New York: HarperCollins, 2012), 45-46.

salary of \$167.70; a black teacher, \$60. The property value of the white schools was \$450; the black schools, \$100. In most Greenwood County school districts, the disparity in funding was even worse. On average, the county's schools spent \$11.23 annually on each white pupil, but only \$1.22 for each black child.¹⁵

Statistics alone cannot convey the stark difference in quality between the racially segregated facilities. In 1911, state superintendent of education J.E. Swearingen surveyed African American schools throughout South Carolina. "The negro schoolhouses are miserable beyond all description," Swearingen reported. "They are usually without comfort, equipment, proper lighting, or sanitation." For a few months each year, black children were "crowded into these miserable structures" to learn from teachers who usually had little experience and no formal training. Yet in spite of these wretched conditions, most African American parents were determined for their children to receive an education. On average, 74 percent of the black pupils in the Algary district attended school, compared with a 60 percent attendance rate for whites. Noting a much higher county-wide enrollment rate among school-age blacks than among whites, the head of Greenwood County's schools lamented that "white people do not take the same interest in the education of their children."¹⁶

¹⁵ 1910 census, Greenwood County, SC, Walnut Grove township, district #98, dwelling #79; W. D. Mayfield, *The School Law of South Carolina* (Columbia, SC: Bryan Printing Company, 1896), 5; *Forty-Third Annual Report of the State Superintendent of Education of the State of South Carolina: 1911* (Columbia, SC: Gonzales and Bryan, 1912), 392-405; 1910 census, Greenwood County, SC, Walnut Grove township, enumeration district #98, Bramlett Road, dwelling #8; Janet G. Hudson, *Entangled by White Supremacy: Reform in World War I-era South Carolina* (Lexington: University Press of Kentucky, 2009), 223-241. Greenwood County had three times more school districts than census townships. Though Miller lived in the census township of Walnut Grove, the township encompassed several school districts; Miller did not live in the school district designated as "Walnut Grove," but in the Algary district. There were two black schoolteachers in this district: twenty-three-year-old Eula Wash (1910 census, Greenwood County, SC, Walnut Grove township, enumeration district #98, dwelling #118), and twenty-one-year-old Beula Starks (dwelling #63). In 1916, the district's two white schools consolidated into a single facility. "Three More Schools Consolidate in County," *Greenwood (SC) Daily Journal*, February 22, 1916.

¹⁶ *Ibid.*, 115, 398; *Forty-First Annual Report of the State Superintendent of Education of the State of South Carolina: 1909* (Columbia, SC: Gonzales and Bryan, 1910), 57. ; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, 88-91; W. J. Megginson, *African American Life in South Carolina's Upper Piedmont*, 305-306.

Highly critical of the schools provided for African Americans, the state superintendent of education wanted South Carolina's black population to receive a good education—in agricultural skills that would benefit the ruling white elite. “The negro is now, and will be for years to come, the tenant farmer of South Carolina,” argued Swearingen. “His welfare and the prosperity of the white race depend largely upon his efficiency as a farmer.” For the education secretary, “a better existence” for African Americans was synonymous with “a more constant labor supply” for white landowners. Such sentiments represented a comparatively enlightened progressivism. Many South Carolina political leaders opposed funding any education for African Americans. As Ben Tillman noted, a literacy test was one of the means by which blacks were disfranchised, and education could undermine the effectiveness of such a test in preventing African Americans from voting. In the 1890s, as governor, Tillman had led the campaign to disfranchise black South Carolinians; upon becoming a U.S. senator, he would call for repealing the Fifteenth Amendment so disfranchisement could be based explicitly upon race. Until the amendment was repealed, he argued, there should be no attempt to uplift the black population through education. Tillman's one-time protégé Coleman Blease would declare that public funding for African American schools was a waste of taxpayers' money. “When a good cotton hand gets a smattering of education, he has got to be a preacher with a long-tailed coat and a beaver hat, or a doctor or something, and he won't work,” asserted Blease.¹⁷

¹⁷ *Forty-Third Annual Report of the State Superintendent of Education*, 116; “Replies to Taft,” *Manning (SC) Times*, January 27, 1909; John James Holm, *Holm's Race Assimilation: Or, The Fading Leopard's Spots* (Atlanta: J. L. Nichols, 1910), 121; Francis Butler Simkins, *Pitchfork Ben Tillman: South Carolinian* (Columbia, SC: University of South Carolina Press, 2002), 402-403; Stephen Kantrowitz, *Ben Tillman & the Reconstruction of White Supremacy* (Chapel Hill: University of North Carolina Press, 2000), 219; Stephen A. West, *From Yeoman to Redneck in the South Carolina Upcountry, 1850-1915* (Charlottesville: University of Virginia Press, 2008), 180; *Report of State Officers, Board and Committees to the General Assembly of South Carolina for the Fiscal Year 1910* (Columbia, SC: Gonzales and Bryan, 1910), 126; Bryant Simon, *A Fabric of Defeat: The Politics of South Carolina Millhands, 1910-1948* (Chapel Hill: University of North Carolina Press, 1998), 31; I. A. Newby, *Black Carolinians*, 83-85; “Educated People Won't Work, Says Cole Blease,” *Morganton, NC News-Herald*, July 1, 1926.

By the time he entered his teen years, Broadus Miller's smattering of formal education ended and he became a full-time farmhand. The 1920 census listed the sixteen-year-old Miller as a wage-earning farm laborer, but he probably toiled primarily at home as an unpaid worker on the Walkers' tenant farm, and then, whenever the workload slackened, hired himself out as a day laborer. A hired hand typically earned thirty-five to fifty cents a day for chopping or hoeing cotton. But from late August to October, with a limited window of time for harvesting the crop and farm owners eager to get their cotton to market, the demand for workers dramatically increased. Since pickers usually received around forty or fifty cents per hundred pounds, they could potentially earn up to a couple of dollars a day, so many cooks and other domestic servants—both men and women—would temporarily leave their regular employers for a few weeks in order to pick cotton.¹⁸

At best, toiling in the cotton fields allowed families such as the Walkers to survive from one year to the next. Under ideal conditions, a typical two-mule farm of forty acres could produce sixteen bales of cotton, each weighing around five hundred pounds. If a family sharecropped the farm, with the landlord furnishing the mules and farming equipment, then theoretically the crop would be equitably divided and the tenants keep eight bales, but sharecroppers were often cheated of their fair share by unscrupulous landlords. A tenant family's profits could be significantly higher if they owned their own mules and could rent instead of sharecrop. In upstate South Carolina, renters typically paid one bale of cotton annually for every ten acres of land, though some landlords calculated rent according to "the age and earning capacity" of a tenant family's children and increased the rent as the children grew older. If a

¹⁸ C. P. Brooks, *Cotton*, 28-30, 160-166; Benjamin E. Mays, *Born to Rebel*, 3, 6, 8; George Brown Tindall, *The Emergence of the New South, 1913-1945*, 430; Jack Temple Kirby, *Rural Worlds Lost: The American South, 1920-1960* (Baton Rouge: Louisiana State University Press, 1987), 68.

family renting a forty-acre farm paid their landlord four bales, they could sell the remaining twelve bales for around five to seven hundred dollars, depending on the price of cotton. After they repaid a local merchant for any supplies taken on credit—a bill that was often falsified and padded—then whatever money remained would have to tide the family over to the next spring and the planting of a new year’s crop.¹⁹

The financial condition of tenants was always precarious, and any sudden calamity could spell disaster. With a hailstorm or a flood, a drought or a pestilence, a family’s entire yearly income might suddenly vanish. On the first day of spring in 1919, when reporting the news from Algary, a newspaper correspondent briefly noted that “Tom Walker, a colored man, living on Mr. H. L. Razor’s place, lost a good mule last week.” A single line in a gossip column, but the consequences of the loss for Broadus Miller’s family can only be imagined. Mules were prized work animals, more expensive than horses. Three years earlier, the South Carolina State Agricultural Society had estimated the average value of a mule at \$150, approximately one-quarter of the gross annual income of a tenant family renting a farm. But in order to rent instead of sharecrop, a family had to own a mule. In 1919, the same year as Tom Walker’s misfortune, a creditor seized the mule of an Abbeville County tenant family. The family had struggled to claw their way up from sharecropping to renting; the loss of their mule reduced them to sharecropping once again.²⁰

¹⁹ Benjamin E. Mays, *Born to Rebel*, 5; Sharyn Kane and Richard Keeton, *In Those Days*, 23-25; C. P. Brooks, *Cotton*, 258;. See also North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 92, which provides the case history of an African American man who grew up on a tenant farm in upstate South Carolina.

²⁰ “Algary News,” Greenwood, SC *Index-Journal*, March 21, 1919; George B. Ellenberg, *Mule South to Tractor South: Mules, Machines, and the Transformation of the Cotton South* (Tuscaloosa, AL: University of Alabama Press, 2007), 63; State Agricultural and Mechanical Society of South Carolina, *History of the State Agricultural Society of South Carolina from 1869 to 1916* (Columbia, SC: R. L. Bryan, 1916), 127, 129; Sharyn Kane and Richard Keeton, *In Those Days*, 25.

Though the annual cycles of cotton agriculture seemed to remain the same from one year to the next, in the early twentieth century the region around Shoals Junction was rapidly changing. By 1912, six textile mills had opened in Greenwood County, including the one at Ware Shoals, about three miles from Miller's home. The millworkers who toiled in wage-labor subservience could at least take comfort in having jobs inaccessible to African Americans. In 1915, the South Carolina legislature decreed that all textile mill operations be racially segregated, and though blacks would be hired for menial tasks such as sorting raw cotton or loading trucks, white workers would operate the mill machinery. Hand-in-hand with the mills came railway expansion and local shortlines that integrated even the smallest towns into the regional rail network. Yet there were already signs hinting at the railroads' eventual obsolescence. In 1916, a new highway was completed between Shoals Junction and Ware Shoals, with a celebratory procession of automobiles marking its opening. The following year, in a sign of both the massive growth of the automotive industry and the increasing regulatory power of the state, South Carolina lawmakers would mandate annual state registration of automobiles.²¹

With the technological transformations of the early twentieth century came new mediums of communication and entertainment, and among the motion pictures of the era, one film enjoyed unrivalled popularity—*Birth of a Nation*, D.W. Griffith's hagiographic portrait of the Reconstruction-era Ku Klux Klan. The film's celebration of white supremacy and scurrilous

²¹ David L. Carlton, *Mill and Town in South Carolina, 1880-1920* (Baton Rouge: Louisiana State University Press, 1982), 8-11, 29-31, 50-51, 114-115; South Carolina State Department of Agriculture, Commerce and Immigration, *Handbook of South Carolina: Resources, Institutions and Industries of the State, Second Edition* (Columbia, SC: The State Company, 1908), 566; James H. Wade, Jr., *Greenwood County and Its Railroads, 1852-1993* (Greenwood, SC: The Museum, 1993), 25; Katherine Cann and George Rush, III, History of Ware Shoals: Presentation at the Fifth Annual SC Humanities Festival, Lander University, Greenwood, SC, September 11-13, 1997; George B. Tindall, *The Emergence of the New South, 1913-1945*, 21; C. Vann Woodward, *The Strange Career of Jim Crow*, 3rd revised edition (New York: Oxford University Press, 1974), 98; Walter B. Edgar, *South Carolina*, 448; "Fugitive over Two Years, at Last Arrested," *Greenwood (SC) Daily Journal*, January 26, 1916; Sharyn Kane and Richard Keeton, *In Those Days*, 49; "Ware Shoals," *Greenwood (SC) Evening Index*, May 4, 1916; James J. Flink, *America Adopts the Automobile, 1895-1910* (Cambridge, MA: MIT Press, 1970), 167.

portrait of African Americans found a receptive audience in upstate South Carolina. In October 1915, Spartanburg hosted the film's premiere in the state. The following February, when *Birth of a Nation* played in Greenville, advertisements for it appeared in the Greenwood County newspaper. "Special railroad arrangements have been made for the convenience of out-of-town people and station agents can be consulted for particulars," the advertisements noted. In January 1917, the town of Greenwood hosted a theatrical run of *Birth of a Nation*, and throughout the following decade the film would periodically return to theaters and school auditoriums throughout the county.²²

While white supremacist ideology continued to preach an old familiar message, the material world was in great flux. Churches such as Dunn Creek helped African Americans maintain a sense of continuity and community, with the rhythms of church life following the same well-worn grooves as cotton agriculture. Sunday provided a day of rest from hard labor. When the cotton was laid by during July and early August, revivals and camp meetings lasted for several days or even weeks and attracted hundreds of people. In winter, after the cotton harvest, church associations held week-long meetings. But though the cycles of cotton farming influenced the church calendar, the activities of African American churches could force white residents to alter their own schedules. In December 1915, Abbeville hosted the annual state conference of the Negro Methodist Church, and the local newspaper noted that Abbeville's white residents would have to adjust their plans accordingly. "Most of the cooks of the town have

²² Melvyn Stokes, *D.W. Griffith's the Birth of a Nation: A History of "The Most Controversial Motion Picture of All Time"* (New York: Oxford University Press, 2007), 118-128; Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2009), 147-178; Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 140-179; John Hammond Moore, "South Carolina's Reaction to the Photoplay, *The Birth of a Nation*," *Proceedings of the South Carolina Historical Association* 33 (1963), 30-40; "Birth of a Nation: Big Attraction in Greenville for Three Days Beginning Monday Night," *Greenwood (SC) Daily Journal*, February 11, 1916; Greenwood, SC *Evening Index*, January 4, 1917; Pickens, SC *Keowee Courier*, April 30, 1919; "Birth of a Nation to be Shown in Ninety Six," Greenwood, SC *Index-Journal*, June 14, 1925.

given notice that they want a holiday ... for a week and light housekeeping and short meals are going to be the style around town,” the paper reported.²³

African American churches hosted a wide variety of community gatherings, and they would be the scene of conflict as well as communion. As Benjamin Mays later recalled, “Fighting and heavy drinking on church property were common practices in many churches.” When rural black residents of a community came together after laboring through the week on isolated farms, then any long-standing grievances or simmering disagreements could come to a head, often with fatal consequences. The white press took delight in reporting the deadly sins of black churchgoers. In 1904, a brawl at a church social in southern Greenwood left one man dead and others injured. “All of the negroes seemed to have been drinking and rows and fusses were very common around this particular church,” a journalist noted. At a church supper in 1910, one African American shot and killed another in retaliation for an earlier assault, and in April 1918 an argument at another church in the county culminated in one man drawing a pistol and killing the other. In the spring of 1920, a church in neighboring McCormick County was the scene of a fatal shootout between two black men. According to a press account, “The two negroes had not been on good terms for some time, and when they met at the church decided to settle once and for all time, while services were being held in the building.” After a deadly gunfight erupted at a 1916 church picnic in Edgefield County, the *Edgefield Advertiser* offered an acerbic appraisal of what had occurred: “Saturday afternoon about five miles north of Edgefield the negroes of the

²³ Lois E. Myers and Rebecca Sharpless, “‘Of the Least and the Most’: The African American Rural Church,” 70; Sharyn Kane and Richard Keeton, *In Those Days*, 65; “A Warning to Housekeepers,” *Abbeville (SC) Press and Banner*, November 17, 1915.

community held a Sunday school picnic. It appears however that the Ruler of the Lower Regions directed the affairs of the occasion.”²⁴

In addition to church-sponsored events, African Americans in rural South Carolina held social gatherings known as “hot suppers.” Beginning in October, as work in the cotton fields came to a close and farm families had a bit of spending money from selling their crop, and continuing through the winter, these suppers enjoyed enormous popularity. They took place inside a tenant farmer’s house or outside in a yard or clearing. The African American organizers of such events sometimes used them as a way to make money, either by charging admission or by having food and drink for sale. The meal was usually a fish fry, a roasted beef, or a large tub of stew or hash, with cakes and pies for dessert. For some men, such social gatherings served as an opportunity to play cards and shoot craps, but the primary entertainment at a hot supper was music, usually provided by a fiddle player accompanied by someone on banjo or guitar. Dancing lasted late into the night and occasionally into the following morning. Men would sometimes pay women a small amount of money to be their partners for a dance, or would treat a dance partner to one of the desserts offered for sale. The dances sometimes included a “cake walk,” which had its origins in antebellum slavery and had been subsequently adapted by minstrel shows. The cake walk would be denounced by many African American critics, but prominent writer and social activist James Weldon Johnson saw the dance as a highly original form of art. “There are a great many colored people who are ashamed of the cake-walk, but I think they ought to be proud of it,” Johnson declared in 1912.²⁵

²⁴ Benjamin Mays, *Born to Rebel*, 14; “A Hanging Postponed,” Orangeburg, SC *Times and Democrat*, July 31, 1908; “Two Hangings in South Carolina,” Pickens, SC *Sentinel-Journal*, October 22, 1908; “Killed at Hot Supper,” Bamberg (SC) *Herald*, October 6, 1910; “Quarrel Results in Death of Negro,” Greenwood (SC) *Evening Index*, April 29, 1918; “Negro Killing Sunday,” Abbeville (SC) *Press and Banner*, March 29, 1920; “Two Negroes Dead, Three in Jail,” Edgefield (SC) *Advertiser*, September 13, 1916.

²⁵ Sharyn Kane and Richard Keeton, *In Those Days*, 65-69; Fox Butterfield, *All God's Children: The Bosket Family and the American Tradition of Violence* (New York: Vintage Books, 2008), 62-63; Lynn Abbott and Doug Seroff,

Throughout the early twentieth century, the South Carolina press regularly reported news of shootings, stabbings, and razor-slashings at hot suppers. The extensive coverage of such violence was undoubtedly motivated in part by suspicion and fear of black social gatherings, and nonviolent hot suppers did not warrant press attention. Nevertheless, the violence was real and frequently fatal. In 1901, in order to curtail “the troubles that grow out of negro entertainments,” a state legislator from Abbeville introduced a bill that would have required anyone planning a hot supper to obtain a license from the local clerk of court. Later that year, after a man was shot and killed at a hot supper in Greenwood County, the local newspaper declared that hot suppers and cake walks were “fatal entertainments among the colored people.” On a Sunday night in October 1911, a large crowd attended a hot supper in the community of Donalds, about three miles from Broadus Miller’s home. “Grub and fighting fluid were in abundance,” a journalist reported. As the whiskey flowed and passions rose, one man ended up cutting another’s throat and nearly killing him. In 1914, the Greenwood County sheriff lobbied state lawmakers to pass “a bill prohibiting the hot supper and kindred frolics.” His efforts were unsuccessful, but that spring, after yet another fatal shooting at a supper, the *Greenwood Journal* editorialized in favor of banning them. “[W]e think it right to prohibit anything that is inimical to life, and that is likely to cause murder and bloodshed. In this class is to be found the negro hot supper,” the paper argued. “It seems to be the place for drinking, carousing, and slashing with razors, and brandishing shooting irons in general.”²⁶

Out of Sight: The Rise of African American Popular Music, 1889-1895 (University Press of Mississippi, 2002), 205-210; James Weldon Johnson, *The Autobiography of an Ex-Colored Man* (Boston: Sherman, French & Company, 1912), 84. The term “hot supper” was also used for fundraising dinners held by some churches and civic organizations; see, e.g., W. J. Megginson, *African American Life in South Carolina’s Upper Piedmont*, 306. However, such officially-sponsored events were not as “hot” as the term implied.

²⁶ “Ninety Six News,” *Greenwood (SC) Daily Journal*, July 8, 1897; “Hot Suppers,” *Greenwood (SC) Daily Journal*, February 6, 1901; “Killed at New Market,” *Greenwood (SC) Daily Journal* October 2, 1901; “The News of Troy,” *Greenwood (SC) Daily Journal*, October 5, 1910; “The Hot Supper Season,” *Greenwood (SC) Daily Journal*, October 2, 1911; “Negro Hot Suppers,” *Greenwood (SC) Daily Journal*, April 16, 1914.

Most contemporary observers cited the combination of alcohol and firearms as the primary reason for pervasive violence in upstate South Carolina. At first through local referendums, and after 1916 by state-wide prohibition, Greenwood was officially a dry county, but merchants did a brisk business selling patent medicines and extracts, while bootleggers known as “blind tigers” plied their trade throughout the region, distilling the liquor themselves or importing it from thriving bootlegging centers such as Augusta, Georgia. In May 1913, the *Greenwood Index* noted that sixty gallons of whiskey had been seized in the previous week-and-a-half and the county jail was full of blind tigers. Moreover, all South Carolina residents could legally order alcohol from out of state and have it shipped to their home county. In 1915, state lawmakers limited such orders to one gallon a month per person; two years later, the limit would be reduced to a quart. The chronically thirsty found their way around the restrictions by placing orders in other people’s names, and shipments of booze regularly poured into railroad depots such as Shoals Junction. “Anybody who has seen the great crowds, especially negro women, around the express offices must know that the gallon-a-month law serves no good end,” a local judge complained.²⁷

²⁷ “The County Campaign,” *Greenwood (SC) Index*, August 23, 1900; “Dispensary Conditions in the State Reviewed,” *Greenwood (SC) Journal*, August 2, 1905; Frederick M. Heath and Harriett H. Kinard, “Prohibition in South Carolina, 1880-1940: An Overview,” *Proceedings of the South Carolina Historical Association* (1980), 118-132; “Now Let Laurens Wheel into Line,” *Laurens (SC) Advertiser*, January 3, 1906; Niels Christensen, Jr., “The State Dispensaries of South Carolina,” *Annals of the American Academy of Political and Social Science* Vol. 32 (Nov. 1908), 76; “S.C. Liquor Laws Stand as Are,” *Greenwood (SC) Evening Index*, October 18, 1916; “Liquor Too High, Drinks Extracts,” *Greenwood, SC Index-Journal*, November 22, 1920; ; “Greenwood Negro Killed,” *Pickens, SC Keowee Courier*, April 15, 1903; “George Lark Gets Life Term for Murder,” *Greenwood, SC Daily Journal*, October 31, 1914; “Amos Gets in Bad,” *Greenwood (SC) Evening Index*, June 12, 1913; “Officers Got Their Quarry at the Quarry,” *Greenwood (SC) Daily Journal*, December 30, 1914; “County Jail about Full of Wouldbes and Hasbeens,” *Greenwood (SC) Evening Index*, May 1, 1913; “‘Gallon a Month’ Bill Will Soon Be a Law,” *Greenwood (SC) Daily Journal*, February 23, 1915; “Gallon-a-Month Law Now Enforced in this County,” *Greenwood (SC) Daily Journal*, March 13, 1915; “Liquor Measures Not Conflicting,” *Sumter, SC Watchman and Southron*, March 14, 1917; James H. Wade, Jr., *Greenwood County and its Railroads*, 218; *Reports and Resolutions of South Carolina to the General Assembly, Regular Session Commencing January 11, 1916: Volume 4* (Columbia, SC: Gonzales and Bryan, 1916), 438-446, 462; “Judge Johnson in Favor of Prohibition,” *Edgefield (SC) Advertiser*, January 24, 1917.

One of the main arguments for prohibiting alcohol was its role in fueling gun violence. Many rural families owned shotguns, but most drunken killers wielded pistols. “The pistol toting habit goes most generally with that of drinking and the two make a deadly combination,” a journalist noted. “Put a flask of whiskey and a pistol in a man’s pocket and he is ready for ugly work.” In 1901, Representative Robert Cooper—a future governor of South Carolina—introduced a bill in the state legislature that would prohibit the manufacture, sale, or carrying of “any pistol less than twenty inches long and three pounds in weight.” In the words of one of the bill’s sponsors, “A pistol is a disgraceful thing, and no man ought to be allowed to carry one whether concealed or not.” The South Carolina legislature approved the ban on pistols and it became state law the following year, with violations punishable by up to a \$100 fine and thirty days in jail. Yet even more than the attempt to prohibit alcohol, the legal prohibition on “pistol toting” would be widely flouted and seldom enforced. In 1905, a Greenwood editor deplored “the evil and pernicious habit of pistol carrying” that prevailed throughout the county. Three years later, a local grand jury concurred. “We believe the cowardly and unlawful practice of carrying concealed weapons is too common, even prevalent, pistol toting particularly,” the jury reported. “In this twentieth century it is a shame and a disgrace for men to act as barbarians.”²⁸

During the same time period that the South Carolina legislature banned pistols, lawmakers in other southern states passed similar measures. In 1901, the Florida legislature prohibited the possession of pistols. But as a Florida Supreme Court justice explained years later,

²⁸ “Pistol Toting,” *Greenwood (SC) Daily Journal*, June 12, 1907; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina Passed at the Regular Session of 1902* (Columbia, SC: The State, 1902), 1093; Andrew J. Bethea, *Code of Laws of South Carolina, 1912: Volume II* (Charlottesville, VA: Michie Company, 1912), 263; “Big Day’s Work in Senate,” Columbia, SC *The State*, reprinted in *Newberry (SC) Herald and News*, February 15, 1901; “Here Is the Law,” *Laurens (SC) Advertiser*, August 13, 1902; “Pistol Toting,” *Greenwood (SC) Daily Journal*, February 1, 1905; “Grand Jury Presentment,” *Greenwood (SC) Evening Index*, February 27, 1908. The ban on carrying pistols would remain in effect as part of the South Carolina legal code until at least the 1970s (“Gun Laws Aren’t the Answer,” *Florence (SC) Morning News*, June 16, 1972), but any systemic effort to enforce the law seems to have ended by the middle of the twentieth century.

“The statute was never intended to be applied to the white population and in practice has never been so applied.” Instead, the law had been adopted “for the purpose of disarming the negro laborers.” The reasons for South Carolina’s pistol ban were more complex, with many contemporary observers expressing alarm at the frequency of intraracial homicides among whites. But white South Carolinians also worried about African Americans with guns, and half a century after slavery, rumors of armed insurrection still caused panic. In September 1908, a black minister from Ninety Six—a small community in eastern Greenwood—told the county sheriff that some black residents were stockpiling guns and planning to assassinate prominent local whites. Though the minister’s accusations were widely dismissed as “a scheme hatched up by one negro to get revenge on other negroes,” the sheriff arrested and briefly jailed a dozen alleged ringleaders of the plot. A few years later, an Edgefield editorialist called upon authorities to suppress crime within the black community, arguing it would make African Americans feel more secure—and they would therefore “have practically no cause for arming themselves.”²⁹

Considering their long experience of white supremacist violence, many black South Carolinians felt good cause to go armed. The year before lawmakers banned pistols, a judge in Columbia had delivered a long sermon from the bench, decrying a society in which “the deplorable custom of carrying pistols” was so widespread “that our State may be regarded an armed camp in times of peace.” South Carolina was indeed an armed camp, but the peace was tenuous and uneasy. In the aftermath of African American disfranchisement and the bloodshed of the 1890s, there would be a tense truce in South Carolina race relations, with the boundaries

²⁹ Robert J. Cottrol and Raymond T. Diamond, “The Second Amendment: Toward an Afro-Americanist Reconsideration,” *Georgetown Law Journal* 80 (1991), 355; Stephen A. West, *From Yeoman to Redneck*, 152-157; “Conspiracy Is the Charge,” *Greenwood (SC) Daily Journal*, September 16, 1908; “Rest of Them Out Now,” *Greenwood (SC) Evening Index*, October 1, 1908; “12 Negroes Held for Conspiracy,” “Negro Conspiracy a Fake?” Newberry, *SC Herald and News*, September 18, 1908; “Guilty Go Unpunished,” *Edgefield (SC) Advertiser*, September 13, 1916.

drawn by Jim Crow an armistice line, its contested contours running through the middle ground between full equality and complete subjugation. African Americans had been pushed into a separate and unequal place, but they were still armed, and they would vigorously stand their ground at the boundaries of that place, protecting their homes and defending themselves when attacked. In 1910, in the first legal case ever taken on by the newly formed NAACP, the organization's attorneys represented Pink Franklin, a black tenant farmer from Orangeburg County. Three years earlier, Franklin had broken his work contract with a white landowner. Seeking to enforce South Carolina's unconstitutional labor contract law, police officers invaded Franklin's home in the middle of the night attempting to arrest him. He shot and killed one of the men, leading to a murder conviction and death sentence. The NAACP could not get Franklin's conviction overturned, but they succeeded in securing a commutation of his sentence and he would eventually be paroled.³⁰

In the early twentieth century, most young men in Greenwood County—both white and black—routinely carried pistols, either in their pockets or in holsters beneath their shirts. Years later, Benjamin Mays recalled that black men in the county took their pistols with them wherever they went. If the legal prohibition of pistols had any effect, then perhaps it led the weapons to be less openly displayed, but the same legislative session that produced the pistol ban also passed a law prohibiting concealed weapons of any sort, including knives, metal knuckles, and razors. However, any ban on concealed weapons was largely unenforceable—as long as the weapons remained truly concealed, then how could possession of them be prosecuted? A 1907 editorial in the *Greenwood Journal* concluded that “young negroes as a rule carry concealed weapons.” A

³⁰ “Sermon from the Bench,” Columbia, SC *The State*, reprinted in *Anderson (SC) Intelligencer*, April 11, 1900; “Will Be Hung,” Orangeburg, SC *Times and Democrat*, March 20, 1908; W. Lewis Burke, “Pink Franklin v. South Carolina: The NAACP's First Case,” *American Journal of Legal History* 54.3 (July 2014), 265-302.

dozen years later, the mayor of Abbeville would complain that “a great many negroes carried concealed weapons.” In the wake of the bloody 1890s, South Carolinians lived in an armed stand-off, and if law enforcement officials made little effort to disarm African Americans who stayed within the boundaries of their designated place and carried their weapons discretely, then it was in large part because they feared upsetting the uneasy truce and provoking armed resistance.³¹

At the beginning of 1916, state-wide prohibition of alcohol went into effect across South Carolina; the following year, the effort to suppress bootlegging and pistol-toting received a major boost with American entry in the World War, which led to increased domestic police surveillance and greater state control of the civilian population. In February 1918, the South Carolina legislature established a rural police force for Greenwood County and assigned one of the officers to the northern end of the county, including Shoals Junction. In addition to patrolling railroad depots and other public gathering places, the officers were ordered to make the rounds of rural households and “use every means to prevent” a long litany of unwanted behaviors, including “drunkenness, obscene or profane language, boisterous conduct or the discharging of firearms on the public highway or at a public place or gathering, [and] carrying weapons contrary to law.”³²

Over 20,000 black South Carolinians served in uniform during the World War, with several thousand deployed to Europe. In the war’s aftermath, as African American soldiers who had fought to make the world safe for democracy returned home to a state governed by white

³¹ Benjamin Mays, *Born to Rebel*, 12-13; Andrew J. Bethea, *Code of Laws of South Carolina, 1912: Volume II*, 263; “Pistol Toting,” *Greenwood (SC) Daily Journal*, June 12, 1907; “Causes of Crime Discussed Here,” *Abbeville (SC) Press and Banner*, August 12, 1919.

³² Frederick M. Heath and Harriett H. Kinard, “Prohibition in South Carolina, 1880-1940: An Overview,” *Proceedings of the South Carolina Historical Association* (1980), 118-132; “Fined for Carrying Pistol,” *Greenwood, SC Index-Journal*, November 22, 1920; *Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Passed at the Regular Session of 1918* (Columbia, SC: R. L. Bryan, 1917-1918), 743.

supremacist ideology, South Carolina officials asserted these men were a dangerous menace. In July 1919, Governor Robert Cooper—who two decades earlier had authored the pistol-toting ban—organized a state conference of law enforcement officers. One of the primary items on the agenda was the question of how to deal with “the negro soldier who has come back from France with altered views as to social equality.” Conference attendee Cannon Blease—sheriff of Newberry County and half-brother of Coleman Blease—described a recent murder in his home county, allegedly committed by a “negro recently mustered out of the service.” It was, declared Sheriff Blease, “the first killing of a white man in Newberry by a negro” in over seven years. But in spite of the alarmist warnings of increased black militancy, most observers identified all-too-familiar causes for violent criminality in South Carolina. One month after Governor Cooper’s conference, the Abbeville County solicitor convened a meeting of local officials to discuss crime prevention. “I believe that blind-tiger liquor and pistol toting are the chief causes of crime not only in Abbeville county, but in every county in the State,” the solicitor declared. “Crime is more noticeable among the negroes because we have more negroes, but in the last analysis the white people are to blame because they are the ones who form public sentiment.”³³

Throughout the early twentieth century, South Carolina’s political leaders set quite an example for the state’s population. On the Fourth of July in 1918, two Democratic candidates for governor came to Greenwood and held a campaign debate at the county fairgrounds. On a podium in front of 3,000 spectators, John Duncan and former U.S. senator John McLaurin exchanged heated words that degenerated into a brawl, leaving both men battered and bruised.

³³ I. A. Newby, *Black Carolinians*, 185-190; Walter B. Edgar, *South Carolina*, 480-481; Chad L. Williams, *Torchbearers of Democracy: African American Soldiers in the World War I Era* (Chapel Hill: University of North Carolina Press, 2010), 226; “Negro Desperado Captured Friday,” *Abbeville (SC) Press and Banner*, April 26, 1920; “Law Enforcement Conference Held,” *Edgefield (SC) Advertiser*, July 23, 1919; “Causes of Crime Discussed Here,” *Abbeville (SC) Press and Banner*, August 12, 1919.

But such scuffles between politicians were little more than a morbidly entertaining sideshow for the state's virtually all-white electorate. A more insidious violence permeated the state's entire legal system. When black South Carolinians looked at the world in which they lived, they saw a state conferring legal recognition and protection to the wealth that had been accumulated over centuries by enslaving and exploiting their labor. They saw an all-white police force and judiciary enforcing a constitution and legal code specifically designed to guarantee the supremacy of the white minority. And they saw their own tenuous place within that world, defended by barely concealed weapons. How could they not conclude that the legal system merely maintained and preserved existing relations of power, and that beneath the mask of written law, brute force was the ultimate arbiter?³⁴

In 1914, as part of the growing regulatory power of the state, South Carolina mandated that counties begin keeping vital statistics and issuing death certificates. From 1915 through 1920, thirty-two homicides would be recorded in Greenwood County. In nearly all of these cases, whites and blacks died as they had lived, in segregated realms, killed by same-race perpetrators. Seven of the thirty-two homicide victims were white, all seven of them killed by other whites with guns. In October 1916—in an incident the local press described as “the greatest tragedy in Greenwood County’s history”—a drunk chain gang guard drew a pistol and killed the supervisor of the county work farm and the supervisor’s father-in-law, seriously wounded the captain of the guards, and then turned the gun on himself. In at least two other cases, white men were shot and killed in drunken quarrels. Though alcohol played a prominent role in most homicides among whites, notions of patriarchal supremacy and family honor also proved deadly.

³⁴ “Fight at Greenwood,” Pickens, SC *Keowee Courier*, July 10, 1918. Sixteen years before the brawl at the fairgrounds, then-Senator McLaurin had engaged in a fistfight with fellow South Carolina senator Ben Tillman on the U.S. Senate floor, for which both men were censured. Anne M. Butler and Wendy Wolff, *United States Senate Election, Expulsion, and Censure Cases, 1793-1990* (Washington DC: Government Printing Office, 1995), 269-271.

In the summer of 1917, a young millworker killed his seventeen-year-old wife and gravely wounded her mother “because his wife had left him to visit her parents after he had told her she should not do so.” In December 1920, after a magistrate in Ware Shoals learned his daughter was pregnant, he confronted the girl’s lover at the local post office and at gunpoint demanded that he marry her. When the man refused, the magistrate shot him in the head. A coroner’s jury quickly convened and ruled the killing a justifiable homicide.³⁵

In the six years from 1915 through 1920, twenty-five African Americans—sixteen men and nine women—were shot, stabbed, or bludgeoned to death in Greenwood County. Three of the victims were killed by white assailants. One night in May 1915, two unknown white men broke into the home of an “inoffensive and well-behaved” elderly black man in the town of Greenwood. They shot him multiple times, then slit his throat and left him to bleed to death. In June 1919, in a case that a coroner’s jury would rule a justifiable homicide, an African American died in a shootout at a brickyard a few miles east of Ninety Six. The white man who fired the fatal shot would face no charges, but an African American would be prosecuted for providing a pistol to the man who was killed. The following year, a white millworker shot and killed an African American minister in Ware Shoals; the millworker would be convicted of manslaughter and sentenced to the state penitentiary.³⁶

³⁵Alice Eichholz, ed., *Red Book: American State, County, and Town Sources* (Provo, UT: Ancestry, 2004), 594; Greenwood County, SC death certificates, 1915-1920, Ancestry.com *South Carolina, Death Records, 1821-1960* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc., 2008; “Charlie Luquire Kills 2, Wounds Another and Takes Own Life,” *Greenwood (SC) Daily Journal*, October 9, 1916; “Three Men Killed, Fourth May Succumb,” *Abbeville (SC) Press and Banner*, October 11, 1916; “Three Men Killed, Fourth Is Wounded Saturday Night,” *Greenwood (SC) Index*, October 11, 1916; “Our Shame and Disgrace,” “Dr. Smith Preaches on Saturday’s Tragedy,” *Greenwood (SC) Daily Journal*, October 9, 1916; “Guard Kills 2 and Himself,” *Washington Post*, October 9, 1916; “Verdict of Jury in Trout Killing,” *Greenwood (SC) Evening Index*, August 1, 1918; “Liquor Quarrel Caused Killing,” *Greenwood, SC Index-Journal*, July 13, 1920; “Killed Wife and Wounded Mother-in-Law,” *Pickens, SC Keowee Courier*, August 8, 1917; “Young Man Killed at Ware Shoals,” *Abbeville (SC) Press and Banner*, December 17, 1920; “Held Killing Justifiable,” *Pickens, SC Keowee Courier*, December 22, 1920.

³⁶ Greenwood County, SC death certificates, 1915-1920; “Mysterious Murder in Greenwood,” *Laurens (SC) Advertiser*, May 19, 1915; “Shot and Throat Cut; Innocent Negro Killed,” *Manning (SC) Times*, May 19, 1915; “Charge Ike Jones Gave Garner Pistol,” *Greenwood, SC Index-Journal*, June 17, 1919; “Ike Jones Out on Bail,”

In one of the African American homicide cases the killer was unidentified, but at least twenty-one victims died at the hands of black assailants. The violence affected both men and women, young and old. In June 1919, a teenager in Ninety Six bludgeoned to death an elderly farmer. The following month, an irate husband shot and killed a seventy-year-old wagon driver whom his estranged wife had hired to pack up and move her belongings. Six weeks later, a woman in Ninety Six fought with her sister-in-law and fatally stabbed her with a knife. In the spring of 1920, after a twenty-three-year-old washerwoman was shot and killed in Greenwood, a local official recorded her cause of death as “a scrap between two negro women.” Judicial punishment for such killings sometimes seemed as arbitrary as the crimes themselves. On March 4, 1915, a twenty-year-old farm hand was shot and killed in Hodges, about six miles south of Shoals Junction; a seventeen-year-old boy would be convicted of murdering him and sentenced to the chain gang for life. Just two days later, on March 6, a man cut the throat of a twenty-year-old woman in Ware Shoals; convicted of manslaughter, the killer received a five-year sentence.³⁷

Approximately one-third of the African American homicides were prompted by lovers’ quarrels and marital disputes. The murder weapon in cases of domestic violence was frequently a

Greenwood, SC *Index-Journal*, June 21, 1919. For the 1920 case in which a Ware Shoals millworker killed an African American minister, see the following chapter.

³⁷ Greenwood County, SC death certificates, 1915-1920; *Report of State Officers, Board and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 13, 1920: Volume I* (Columbia, SC: Gonzales and Bryan, 1920), 130; “T. T. Cromer Fined and Sentenced,” *Greenwood, SC Index-Journal*, October 30, 1919; “Killing of Years Ago Is Recalled,” *Greenwood, SC Index-Journal*, November 1, 1925; “Brief City News,” *Greenwood (SC) Index-Journal*, April 18, 1920; “Walter Burns Is Found Guilty of Murder,” *Greenwood (SC) Daily Journal*, July 1, 1915; 1910 census, Abbeville County, SC, Long Cane township, enumeration district #19, dwelling #157; *Annual Report of the Attorney General of South Carolina to the General Assembly for the Fiscal Year 1915* (Columbia, SC: Gonzales and Bryan, 1916), 312-313; “Escaped Murderer Got Lost in Woods and Was Captured,” *Greenwood, SC Index-Journal*, February 3, 1921; “Will Sherard Is Wanted,” *Greenwood (SC) Daily Journal*, March 9, 1915; “Will Sherard in Jail,” *Greenwood (SC) Daily Journal*, March 10, 1915; “Sessions Court Is Now Sitting,” *Greenwood (SC) Index*, October 28, 1915; “Albert Tolbert to Die Friday December 10th,” *Greenwood (SC) Evening Index*, November 4, 1915. Six years after elderly wagon driver Harvey Sibert was killed, a newspaper article would claim that he had died of “fright,” but Sibert’s death certificate clearly states gunshot wounds as the cause of death. From 1915 through 1920, the only Greenwood County homicide case in which the assailant is not identified is the May 8, 1920 death of Lula Humphries, a thirty-seven-year-old black farm worker whose death certificate described her as the gunshot victim of a homicide.

shotgun. In January 1915, a farm laborer named David Jeter took a shotgun and confronted his wife and her alleged lover, George Robinson. "After shooting Robinson, Jeter broke the shot gun over his wife's head, then attempted to reload it and shoot her as she ran away," a journalist reported. Upon surrendering to police, Jeter "expressed only one regret, that he did not kill his wife in addition to killing Robinson." Two months later, following a Saturday evening hot supper in Ninety Six, nineteen-year-old Abram Boyd used a shotgun to kill Mary Williams. "Boyd is said to have grown jealous of the Williams woman while the cake walk was in progress," noted a press account. In January 1917, a tenant farmer shot and gravely wounded his sixteen-year-old wife; the next week, as her condition worsened, he fled the county before he could be charged with murder when she died. Nine months later, an African American in Hodges killed his estranged wife with a shotgun, shooting her at such close range that her clothes caught fire from the muzzle blast. In November 1919, a farmer in Ninety Six learned his wife was with another man. Armed with a shotgun, the betrayed husband stormed into the cabin where the couple were clandestinely meeting. After shooting and killing his wife's lover, he turned the gun on her, but she managed to wrest it from his hands. He then "grabbed an iron poker from the fire place and beat his wife over the head," crushing her skull.³⁸

Gambling on games of chance frequently provoked deadly disputes. The most popular forms of gambling included a card game known as "skin," in which each player drew a single card and placed bets on whose would be the first to be matched as the remaining cards in the deck were turned over one by one. In November 1915, two young men in Hodges quarreled over

³⁸ Greenwood County, SC death certificates, 1915-1920; "Killing Thursday Afternoon," *Greenwood (SC) Evening Index*, January 21, 1915; "Tragedy Follows a Hot Supper and Cake Walk," *Greenwood (SC) Daily Journal*, March 22, 1915; "Claim Woman Was Killed By Husband," *Greenwood (SC) Daily Journal*, January 31, 1917; "Negro Kills Wife," *Abbeville (SC) Press and Banner*, October 12, 1917; "Another Negro Shooting Scrape in County, Assailant Is Caught," *Abbeville (SC) Press and Banner*, July 4, 1919; "Jealousy Causes a Negro Killing," *Greenwood (SC) Index-Journal*, November 30, 1919.

five cents that had been lost in a “skin game” the day before. When one of the men pulled a knife, the other responded by hitting him with a rock and breaking his neck. The following February, a card game in Ninety Six led to the death of farm hand Ernest Teague. According to the *Greenwood Journal*, “several negroes were in Teague's room playing ‘skin,’ a game dear to the heart of the negro gambler.” When Teague won a hand, one of the other players angrily objected and “shot him through the head.” In November 1916, two men—Phillip Aye and Ossie Henderson—had a fatal argument in Ware Shoals. “The negroes were in a gambling game in Briar Hollow, a notorious section of Ware Shoals,” the press reported. “They disputed over a winning and Henderson struck Aye above the ear with [a] piece of steel, three or four inches long, and crushed his skull.” The killer then jumped aboard a railway boxcar and escaped.³⁹

Upstate South Carolina had a long history of an alarmingly high homicide rate. When Greenwood County was formed in 1897, the southern half of the county had been carved out of Edgefield, which had a notorious and well-deserved reputation as antebellum South Carolina’s most murderous county. Yet in comparison with Bloody Edgefield, early twentieth-century black residents of Greenwood lived in a world that was even bloodier. In the two decades immediately preceding the Civil War, Edgefield had an annual rate of 18 homicides per 100,000 inhabitants. From 1915 through 1920, Greenwood County’s black population suffered from an annual rate of over 19 homicides per 100,000 persons. Within upstate South Carolina, Greenwood was by no

³⁹ Greenwood County, SC death certificates, 1915-1920; “Callison Was Scene of Killing on Saturday,” *Greenwood (SC) Daily Journal*, November 20, 1916; “Negro Killed at Hot Supper Frolic,” *Newberry, SC Herald and News*, November 24, 1916; “Oliphant Dead: Man Shot by Ed Gallman Died at Hospital Yesterday,” *Greenwood (SC) Evening Index*, August 17, 1918; “Shot By John Oliphant,” *Greenwood (SC) Daily Journal*, March 1, 1917; Fox Butterfield, *All God's Children*, 62-63; “Palmetto Gleanings,” *Yorkville (SC) Enquirer*, November 12, 1915; “Dispute Over 5cts Causes Negro’s Death,” *Greenwood (SC) Daily Journal*, November 9, 1915; “Negro Charged with Killing Felix Walker About Two Years Ago,” *Greenwood (SC) Daily Journal*, December 11, 1916; “John Nelson Held on a Murder Charge,” *Greenwood (SC) Daily Journal*, February 11, 1916; “City News,” *Greenwood (SC) Daily Journal*, November 14, 1916; “Negro Is Killed With Piece of Steel,” *Greenwood (SC) Daily Journal*, November 13, 1916; “Negro Murderer Escapes,” *Abbeville (SC) Press and Banner*, November 22, 1916;

means exceptional. The homicide rate for African Americans in adjacent counties was as high or even higher. In November 1919, the *Abbeville Press and Banner* reported that a shootout between two African Americans had left one man dead and the other seriously wounded. “This is the first killing that has taken place in Abbeville County since August,” the paper noted. “During the summer there were many negro killings, the average being about two a week.” On the front page of the *Press and Banner*’s very next issue—a news article headlined “Negro Killing,” describing yet another local homicide.⁴⁰

During the early twentieth century, violence was a bloody thread running throughout the cultural and social fabric of upstate South Carolina. Often fueled by liquor and facilitated by firearms, this violence affected all segments of the population, but the region’s black residents suffered disproportionately. In 1903, only a few months before Broadus Miller was born, scholar W.E.B. Du Bois published his groundbreaking work *The Souls of Black Folk*. Surveying the living conditions of African Americans in the South, Du Bois concluded that environmental influences—dire poverty, lack of education, and pervasive violence—played a profoundly detrimental role in shaping children’s future behavior. In communities plagued by violent crime, Du Bois warned, the most intractable problem was “not the punishment of the criminals, but the preventing of the young from being trained to crime.”⁴¹

⁴⁰ Fox Butterfield, *All God's Children*, 8; “One Negro Killed Another Wounded in Shooting Scrape,” *Abbeville (SC) Press and Banner*, November 28, 1919; “Negro Killing,” *Abbeville (SC) Press and Banner*, December 2, 1919. Using the 1920 census figure for Greenwood County’s black residents (21,302 persons), from 1915 through 1920 the annual homicide rate for local African Americans was 19.56 per 100,000.

⁴¹ W.E.B. Du Bois, *The Souls of Black Folk*, 179.

CHAPTER 2

LYNCH LAW AND LAWLESS MURDER

“Judge Dignity on the bench and Judge Lynch on the rum-barrel seem much alike as they rise on the crest of the wave of popular opinion—or popular rage.”

- G. Frank Lydston, The Diseases of Society: The Vice and Crime Problem¹

Broadus Miller grew up in the middle of a pervasively violent region. Most local homicides were unpremeditated, arising from drunken quarrels and domestic disputes between same-race perpetrators and victims. But some killings had a much more deliberate intent. In a region where African Americans comprised a majority of the population, the white minority maintained supremacy by force, and the targeted killing of black men sent a stark message to all African Americans, reminding them of their designated place within the local hierarchy. According to data compiled by the NAACP, in the years following its formation Greenwood County would accumulate more lynching deaths than any other county in South Carolina. The majority of these deaths took place at Phoenix in November 1898, an exceptionally bloody manifestation of the veiled violence underlying legal disfranchisement. In the following years, local whites occasionally killed individual black men who had been accused of committing crimes or behaving in ways that seemed to challenge white supremacy. From Broadus Miller’s birth until the time he left Greenwood County at age seventeen, at least six recorded lynchings took place within a twenty-mile radius of Shoals Junction.²

¹ G. Frank Lydston, *The Diseases of Society: The Vice and Crime Problem* (Philadelphia: J. B. Lippincott, 1908), 113.

² From 1880 to 1947, the South Carolina counties with the greatest number of recorded lynching deaths were Barnwell (16), Aiken (14), and Greenwood (14). However, nine of the Barnwell County lynchings occurred in the 1880s and four of the Aiken County lynchings took place in the early 1890s, prior to the formation of Greenwood

In September 1904—the same year Miller was born—the body of James “Babe” Stuart was discovered near the Saluda River, his hands tied behind his back and a gunshot wound in his chest. Stuart had been serving time on a Laurens County chain gang when a white farmer paid his court fines and then apparently kept him in peonage for two years. One afternoon the farmer left to visit a cotton gin, leaving his two teenage daughters picking cotton alongside Stuart and the other field hands. When the farmer returned, his daughters claimed Stuart had attempted to rape one of them but had been scared off by her sister. That evening several dozen of the farmer’s relatives and neighbors seized and bound the accused field hand; a few of the men then marched him over a river bridge into Greenwood County and executed him with a single shot to the heart. A few days later, an editorial appeared in *The State*, one of South Carolina’s leading newspapers, denouncing white farm owners whose “wives and daughters were made to work side by side with negroes in the fields” and calling upon these farmers to “keep the negro in his place and maintain their own proper position.”³

County. See the appendix of South Carolina lynchings in John Hammond Moore, *Carnival of Blood: Dueling, Lynching, and Murder in South Carolina, 1880-1920* (Columbia, SC: University of South Carolina, 2006), 205-212. The six recorded lynching victims within a twenty-mile radius of Shoals Junction are as follows: James “Babe” Stuart (1904), Allen Pendleton (1905), Bob “Snowball” Davis (1906), Willis Jackson (1911), Anthony Crawford (1916), and Mark Smith (1919). Because of the contours of county boundaries and Shoal Junction’s location at the northern edge of Greenwood County, most of these lynchings occurred within the borders of Abbeville and Anderson counties. For the inherent difficulties in precisely defining the term “lynching,” see Christopher Waldrep, “War of Words: The Controversy over the Definition of Lynching, 1899-1940,” *Journal of Southern History* 66.1 (2000), 75-100; Ashraf H. A. Rushdy, *American Lynching* (New Haven: Yale University Press, 2012), 4-21. Some lynching victims in Greenwood and adjacent counties undoubtedly vanished without a trace in the written record, their deaths unreported by the local press and their names unknown. In the early twentieth century, Benjamin Mays witnessed mobs with bloodhounds pursuing African Americans, and he encountered black men “hiding in the swamps for fear of being caught and lynched”—events that were not covered in the local press. Benjamin Mays, *Born to Rebel: An Autobiography* (Athens, GA: University of Georgia Press, reprint 2003), 1, 17.

³ “Babe Stuart Met His Fate,” *Laurens (SC) Advertiser*, September 28, 1904; “Negro Found Dead with His Hands Tied,” *Sumter, SC Watchman and Southron*, September 28, 1904; “Lynched for Attempted Assault,” *Edgefield (SC) Advertiser*, October 5, 1904; “Among Our Friends,” *Laurens (SC) Advertiser*, October 5, 1904; “The Laurens Crime—The Responsibility,” *Columbia, SC The State*, reprinted in *Greenwood (SC) Journal*, September 28, 1904.

Two years after Stuart was killed, Bob “Snowball” Davis died at the hands of a mob. The son of tenant farmers, Davis was about twenty years old and worked as a manual laborer in a Greenwood brickyard. On the afternoon of August 14, 1906, he attacked a twenty-year-old white woman named Jennie Brooks, whose father owned a large farm and operated a roadside country store a few miles south of Greenwood along the road leading to Phoenix. Brooks’s parents had gone on a day trip, leaving her alone to manage the store. She was at the counter assisting some black customers when Davis entered. According to newspaper accounts, after the customers left, Davis attempted to rape her, and during the ensuing struggle he slashed her on the hands and throat with a meat carving knife. When Davis heard a horse-drawn buggy approaching the store, he fled; soon thereafter he apparently attacked and raped a sixteen-year-old African American girl on a farm two miles away.⁴

Over the next two days, hundreds of armed men scoured the county searching for Davis. The press reported “no earthly power could prevent a lynching,” but Governor Duncan Heyward decided to go to Greenwood and make a personal appeal for the rule of law. By the time the governor arrived, Davis had been captured and taken back to the Brooks family farm, where Jennie Brooks identified him as her assailant. Several hundred people had gathered, including relatives of the black girl whom Davis was accused of raping. Governor Heyward mounted a makeshift platform and addressed the mob. He emphasized that he felt a deep loathing for the accused rapist, whom he described as a “black devil and fiend of hell,” but he wanted the man tried and punished by the state. “Shall the people be allowed to be ruled by their passions and

⁴ 1900 census, Greenwood County, SC, Verdery township, enumeration district #75, dwelling #174; “Fresh Posse Pursues Fiend in Greenwood,” *Newberry, SC Herald and News*, August 17, 1906; “Negro Cut’s Lady’s Throat,” Sumter, *SC Watchman and Southron*, August 22, 1906; “Negro Lynched for Assault,” Pickens, *SC Keowee Courier*, August 22, 1906; Philip Dray, *At the Hand of Persons Unknown: The Lynching of Black America* (New York: Modern Library, 2002), 146; Terence Finnegan, *A Deed So Accursed: Lynching in Mississippi and South Carolina, 1881-1940* (Charlottesville: University of Virginia Press, 2013), 146-149.

prejudices or shall the supremacy and the majesty of the law be upheld?" the governor implored. The mob would not change their minds about killing Davis, but they agreed to modify the manner of execution. Instead of burning him at the stake as they originally planned, they tied him to the trunk of a pine tree, a few feet off the ground, and unleashed a murderous ten-minute volley of gunfire. "The negro's head was literally shot into a pulp," an observer reported. After the gunfire subsided, the "usual ghoulish souvenirs were taken: toes, ears, fingers, etc., were cut off by those who possess this morbid desire to have reminders of lynched persons."⁵

In pleading to the lynch mob to turn over Davis to the state judicial system, Governor Heyward promised that if their prisoner were legally tried and convicted of attempting to rape Jennie Brooks, then he would personally assist in Davis's execution. But as his listeners undoubtedly knew, attempted rape was not a capital crime in South Carolina. Just two years earlier, the maximum legal penalty had been increased from a ten-year prison sentence to thirty years, and Heyward himself had overseen this change. Reflecting on his inability to persuade the mob, the governor would blame the lack of state-sanctioned capital punishment for attempted rape. "One reason why the negro's end was inevitable is because the law does not provide the death penalty for attempts," Heyward told a reporter.⁶

In cases of black men accused of attempting to rape white women, angry mobs wanted blood, not thirty-year prison terms. In October 1908, after an African American named John Irby

⁵ "Fresh Posse Pursues Fiend in Greenwood," Newberry, *SC Herald and News*, August 17, 1906; "Negro Brute Lynched," Sumter, *SC Watchman and Southron*, August 22, 1906; "He Plead in Vain," "The Closing Scene," *Edgefield (SC) Advertiser*, August 22, 1906; "Fiend Lynched," Bennettsville, *SC Marlboro Democrat*, August 24, 1906; Philip Dray, *At the Hand of Persons Unknown*, 146; Terence Finnegan, *A Deed So Accursed, 1881-1940*, 146-149; Stephen A. West, *From Yeoman to Redneck in the South Carolina Upcountry, 1850-1915* (Charlottesville: University of Virginia Press, 2008), 166-167; John Hammond Moore, *Carnival of Blood*, 73-75; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968* (Columbia, SC: University of South Carolina Press, 1973), 64-64.

⁶ Stephen A. West, *From Yeoman to Redneck*, 166-167.

was arrested and charged with the attempted rape of a white woman in Spartanburg County, a mob of around one thousand men waged a pitched battle against the officers guarding him, wounding the Spartanburg county sheriff and a deputy. Rushed to the state penitentiary for his own protection, Irby was brought back to Spartanburg a few weeks later to stand trial. When a crowd of would-be spectators were barred from watching the preliminary judicial proceedings, they angrily protested at “being robbed of their rights by being kept out of the court room.” Shortly before the trial commenced the doors to the courtroom were finally opened. “Hundreds of strong, eager and determined men, pushing with might and main,” rushed into the room, where some of them “were mashed up in the press till they called out for mercy, laughing in frenzied delight.” The mob of spectators watched as Irby was convicted of attempted rape and given the maximum sentence of thirty years in the state penitentiary.⁷

As events in Spartanburg demonstrated, lynch mobs were a dangerous threat to established law and order. Like Governor Heyward, many white South Carolinians argued that state-sanctioned execution for attempted rape would attenuate mobs’ fury, thus helping preserve public order and reduce the number of lynchings. If the state could be counted upon to sentence attempted rapists to death, critics maintained, then the public would feel less passionate about lynching them. “The opinion is quite generally expressed that if attempt to ravish were put upon the same plane as the accomplishment there would be fewer lynchings,” a journalist noted in early 1909. Less than a month later, the South Carolina legislature heeded public opinion and made “assault with intent to ravish” a capital crime. The change in law would not affect all defendants equally. Though attempted rape was now legally punishable by death, if a jury recommended mercy, then a judge had enormous discretion in sentencing, and the convicted

⁷ Stephen A. West, *From Yeoman to Redneck*, 133-136, 167; “Irby’s Sentence Thirty Years,” *Newberry, SC Herald and News*, November 13, 1908.

person might receive as little as a five-year sentence. No white South Carolinian would ever be executed for attempted rape, but from 1909 through 1920, nineteen African American men were legally put to death for this offense—approximately one-quarter of all executions in the state.⁸

In cases involving white women and black men, the question of what constituted attempted rape was highly subjective and contentious, and after 1909, the charge of attempted rape would be used by the state for lethally punishing other offenses as well. Late one evening in February 1912, a twenty-four-year old African American named William Reed broke into the home of a white family in Anderson County, apparently seeking money to finance a bootlegging operation. Stumbling over furniture in the dark, he woke the housewife, who was home alone, and when she screamed he fled. Within a few hours Reed was arrested and jailed, and though he confessed to housebreaking and attempted burglary, he would be charged with attempted rape. The night following his arrest, a mob of some three hundred men gathered outside the Anderson jailhouse, but “because the crowd seemed to lack a leader, the storming of the jail was not made.” When the case came to trial, a renowned Anderson jurist—Judge George E. Prince—presided over the proceedings, and after the jury convicted Reed of attempted rape, Judge Prince

⁸ Stephen A. West, *From Yeoman to Redneck*, 167-168; “Mr. Wharton’s Bill,” *Laurens (SC) Advertiser*, February 3, 1909; “General Assembly,” Sumter, SC *Watchman and Southron*, January 27, 1904; “Acts Ratified,” *Lexington (SC) Dispatch*, March 2, 1904; *Journal of the House of Representatives of the General Assembly of the State of South Carolina, Being the Regular Session, Beginning Tuesday, January 12, 1909* (Columbia, SC: Gonzales and Bryan, 1909), 875; Andrew J. Bethea, *Code of Laws of South Carolina, 1912: Volume II* (Charlottesville, VA: Michie Company, 1912), 258; Daniel Allen Hearn, *Legal Executions in North Carolina and South Carolina: A Comprehensive Registry, 1866-1962* (Jefferson, NC: McFarland, 2015), 160-173. Hearn’s book expands upon the pioneering work of M. Watt Espy, with Hearn documenting thirty-one more legal executions in South Carolina during 1901-1910 than Espy had identified. M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR ed. Compiled by M. Watt Espy and John Ortiz Smykla, University of Alabama. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2004. <http://doi.org/10.3886/ICPSR08451.v4> (accessed December 20, 2014). In his excellent work on upstate South Carolina, Stephen West relies on Espy’s research and thus erroneously states that a total of fourteen African American men were executed for attempted rape from 1910 to 1920. West, *From Yeoman to Redneck*, 169.

sentenced him to death. On August 6, 1912, William Reed became the first person to die in South Carolina's newly adopted electric chair.⁹

Six years later in Greenwood County, a habitual burglar named Aaron Walker was charged with attempted rape. Walker had served time on the county chain gang for burglary, and after his release, he was soon back on the chain gang for committing the same offense once again. Appointed "trustee" and not strictly supervised, he left the chain gang late one evening in September 1918 and broke into a rural home while the family was away. Around midnight the family—a white widow and her two teenage children—returned and Walker hid beneath a bed. After the family retired for the night, with the widow and her fifteen-year-old daughter sharing the bed, Walker crawled out from beneath it, waking its occupants who began screaming in terror. He frantically tried to stop them from screaming, then jumped out an open window and fled. Later that night he burglarized a black household and then returned to the chain gang before morning. Identified as the nighttime intruder, he insisted his sole motive had been robbery, but he would be convicted and sentenced to death for an "attempt to ravish." Though state-sanctioned capital punishment seemed an impersonal process, human hands performed the killings, and when the state executioner fell ill with influenza, Walker's death was postponed. A second attempt to kill the convict ended because of electrical malfunction, leading some to wonder whether the unexpected delays resulted from divine intervention. "The officers at the state prison are not superstitious, but like many others believe that the law may be imposing the death penalty upon an innocent man," the Greenwood *Index-Journal* reported. The imposed

⁹ "Attempted Assault at Dean," *Anderson (SC) Intelligencer*, reprinted in Pickens, SC *Keowee Courier*, March 6, 1912; "Electric Chair for Reed," Pickens, SC *Keowee Courier*, April 3, 1912; "First Electrocution in This State Today," Newberry, SC *Herald and News*, August 6, 1912; "First Electrocution in the Penitentiary," Newberry, SC *Herald and News*, August 9, 1912; "First Victim of Electric Chair," *Abbeville (SC) Press and Banner*, August 14, 1912.

penalty would ultimately be paid, for in March 1919, Aaron Walker took his appointed seat in the electric chair. According to press accounts, he “protested his innocence to the last.”¹⁰

Prior to 1912, legal executions in South Carolina had taken place at a local level, with counties hanging condemned prisoners in jailhouses or jail yards. After the state adopted the electric chair, prisoners sentenced to death were transported to the state penitentiary in Columbia, far removed from the scene of the crimes for which they had been convicted. By making attempted rape a capital crime, South Carolina lawmakers co-opted one of the primary rationalizations offered for lynch mobs; by introducing the electric chair just three years later, lawmakers distanced capital punishment from the local level. The number of lynchings in South Carolina would fluctuate from year to year, but these two changes in how capital punishment was implemented seem to have had a long-term effect: From the beginning of the twentieth century through 1912, there were more lynchings in the state than would occur in all the years that followed.¹¹

In early twentieth-century upstate South Carolina, African Americans inhabited a precarious place, forced to navigate a treacherous terrain between the various segments of the white population, and any misstep could prove fatal. The region’s white residents consisted of

¹⁰ “Attempted Assault or Robbery by Aaron Walker of County Gang,” *Greenwood (SC) Index*, September 18, 1918; “Court Adjourned After Short Session,” *Greenwood (SC) Index*, March 7, 1918; 1920 census, Greenwood County, SC, Kirksey township, enumeration district #84, dwelling #1; “Death Sentence Passed in Court” *Greenwood (SC) Index*, December 18, 1918; *Report of State Officers, Board and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 13, 1920: Volume II* (Columbia, SC: Gonzales and Bryan, 1920), 31; “Aaron Walker Given More Time To Live,” *Greenwood (SC) Index*, February 21, 1919; “Aaron Walker Given Another Reprieve,” *Greenwood, SC Index-Journal*, February 22, 1919; “Greenwood Negro Electrocutted,” *Pickens, SC Keowee Courier*, March 12, 1919.

¹¹ Stuart Banner, *The Death Penalty: An American History* (Cambridge: Harvard University Press, 2002), 155; Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009), 29; From 1901 through 1912, there were 46 recorded lynchings in South Carolina; from 1913 through the last recorded lynching in 1947, South Carolina had a total of 38 lynchings. John Hammond Moore, *Carnival of Blood*, 208-210.

town-based elites, millworkers and other wage laborers, landowning farmers, and tenant farming families. Many of the town elites—businessmen, lawyers, and other urban professionals—employed black domestic servants and manual laborers, and though these elites ascribed to white supremacy, they also feared another type of *bête noire*—the specter of a mob of working-class whites, unruly and ungoverned. For white tenant farmers and wage laborers, any resentment of these town elites could be directed with near impunity at the African Americans whom the elites employed. Kinship ties connected many white tenant families to local landowning farmers, and though some of these farmers provided black tenants with feudal protection, others kept their black farm hands in virtual or actual peonage. Tacitly supported by numerous people, a few extended white families accounted for much of the murderous violence against blacks.¹²

About eight miles north of Shoals Junction was the town of Honea Path. At the turn of the twentieth century, in the countryside around Honea Path lived the Ashley family, a large extended clan of white cotton farmers. The various male relatives in the family numbered dozens of men, and at the head of the family stood Joshua “Citizen Josh” Ashley, the proudly illiterate local representative to the state legislature. A short, stocky man with red hair and moustache, Ashley was frequently belittled by journalists for his homely diction and lack of formal education, but he possessed a keen financial shrewdness that belied any apparent simple-mindedness. He had grown up in modest circumstances, the son of a non-slaveholding farmer, but in the decades following the Civil War he amassed considerable wealth, becoming one of the largest landowners in upstate South Carolina. From his plantation just outside Honea Path he wielded great influence and power. The middle-aged Ashley had entered politics in the turbulent

¹² David L. Carlton, *Mill and Town in South Carolina, 1880-1920* (Baton Rouge: Louisiana State University Press, 1982), especially pp. 129-170; *Fourteenth Census of the United States Taken in the Year 1920: Volume III, Population* (Washington: Government Printing Office, 1922), 923-937; Rebecca Hill, *Men, Mobs, and Law: Anti-Lynching and Labor Defense in U.S. Radical History* (Durham, NC: Duke University Press, 2008), 112-161.

1890s as a protégé of Ben Tillman. Quick-tempered and pugnacious, he never shied away from physically confronting those with whom he disagreed. “Josh Ashley is regarded as a formidable proposition in a fisticuff,” observed a reporter. “He is chiefly feared since when he has a fight on his hands he manifests an alarming tendency to bite.”¹³

Citizen Josh’s proclivity for violence was shared by his numerous kin. In the 1880s and ‘90s, as one journalist later recalled, the Ashley clan “had their own wild way in Honea Path.” Dozens of male family members would come into Honea Path on Saturday afternoons to congregate “along Main Street, heavily armed, and shoot up the town in true Western style.” But the coming of the twentieth century heralded a new era in this Carolina-style Wild West frontier. In 1902, with the establishment of the Chiquola Mills textile factory, Honea Path was transformed into a thriving mill town. More than 400 men and women labored in the mill, while over 1,000 people lived in company-provided housing. Honea Path’s rapid growth stimulated the rise of a well-heeled business and professional class. Josh Ashley and his rural white supporters did nothing to conceal their enormous contempt for these town-based elites. As one press account noted, Ashley “despises the well-dressed man, and a gentleman wearing cuffs and a necktie cannot secure his aid.” This sense of resentment was shared by many mill hands, whose working conditions and meager wages contrasted sharply with those of their employers. White

¹³ “Death of J. W. Ashley Occurred Saturday,” *Abbeville (SC) Press and Banner*, May 3, 1916; “Citizen Joshua Ashley: Anderson’s Famous Legislator and His Political History,” *Laurens (SC) Advertiser*, February 19, 1902; “Josh Ashley, South Carolina,” *Chicago Tribune*, April 10, 1898; 1860 census, Anderson County, SC, Anderson Court House township, 4th Regiment district, dwelling #820; “He Outrivals Ben Tillman,” *Chicago Inter Ocean*, December 31, 1899; Zach McGhee, “Tillman, Smasher of Traditions,” *The World’s Work* 12.5 (September 1906), 8013-8020; Francis Butler Simkins, *The Tillman Movement in South Carolina* (Durham, NC: Duke University Press, 1926), 176; Louis R. Harlan, *Separate and Unequal: Public School Campaigns and Racism in the Southern Seaboard States, 1901-1915* (Chapel Hill: University of North Carolina Press, 2011), 192.

landowning farmers often looked upon the mill laborers with disdain, but over time Citizen Josh would increasingly draw his political support from both mill hands and farmers.¹⁴

In 1905, Ashley's twenty-one-year-old nephew Jim Moore instigated a fatal fight that highlighted the local hierarchies of race and class. In spite of his uncle's political power, Moore's parents were tenant farmers, not landowners, with only their influential kinship ties distinguishing them from other poor rural whites. In the words of one journalist, Moore and his father and several brothers had a reputation as "rowdies, and have been in numerous brawls." On a Sunday in September 1905, as the drunk Moore was driving along the road in a buggy, he scraped wheels with a buggy driven by an African American named Allen Pendleton, who worked as a manual laborer for a white merchant in Honea Path. Later that evening, around seven o'clock, Moore and a companion accosted Pendleton on the road about five miles north of Shoals Junction. Moore seized the reins of Pendleton's buggy and pulled him to the ground, lashed him with a whip, and began beating him with the whip's butt end. In self-defense Pendleton drew a knife and slashed Moore, fatally severing an artery, then climbed back into the buggy and fled. News of the incident quickly spread, and a small mob of about a dozen men—including the dead man's father and brothers—set out in pursuit and caught him on the outskirts of Honea Path.¹⁵

Soon after the mob captured Pendleton, John Marion Ashley arrived on the scene. A cousin of Citizen Josh's, John Marion was a towering, barrel-chested man with a reputation as a violent drunk; once, in an alcohol-fueled brawl, he had allegedly bitten off his own brother's ear.

¹⁴ *America's Textile Reporter: For the Combined Textile Industries* 36.7 (1922), 1122; August Kohn, *The Cotton Mills of South Carolina* (Columbia, SC: South Carolina Department of Agriculture, 1907), 54; "Josh Ashley, South Carolina," *Chicago Tribune*, April 10, 1898; David L. Carlton, *Mill and Town in South Carolina*, 207, 233, 246.

¹⁵ James Moore, 1900 census, Anderson County, SC, Honea Path township, enumeration district #54, dwelling 150; Robert Monroe, 1900 census, Anderson County, SC, Honea Path township, town of Honea Path, enumeration district #55, dwelling #109; "Murder and Lynching in Abbeville County," "Coroner's Inquest," *Abbeville (SC) Press and Banner*, September 20, 1905; Stephen A. West, *From Yeoman to Redneck*, 161.

Ashley immediately stepped to the forefront of the mob and began savagely beating Pendleton with a wooden plank. He and the other men then put Pendleton in a buggy and drove him back to the scene of his fatal encounter with Moore. It was around ten o'clock in the evening and a crowd had gathered, but many of them were reluctant to convene a session of Judge Lynch's court. Eyewitnesses insisted Jim Moore had drunkenly attacked Pendleton without provocation, and several bystanders urged the men to wait and turn over their captive to the sheriff, who had been summoned and was on his way. John Marion Ashley angrily responded that local blacks "were getting damned biggity and some of them would have to be killed." He and a handful of other men dragged their captive into the nearby woods. A coroner's report would give a grisly postmortem of Allen Pendleton's fate—neck broken with a chain tied around it, skull crushed, multiple gunshot wounds in the torso, shotgun blast at close range.¹⁶

The brutal killing served as an act of terror, reminding blacks of how precarious their position was within the local community. Pendleton's killers had left his body by the roadside. His family apparently feared any attempt to recover it would provoke further violence, for a day or two later county officials buried him where he lay, in a hastily dug and shallow grave. Observing the reaction of African Americans in the area, a journalist noted that "the negroes are greatly excited." White elites in Honea Path and other upstate towns were appalled by what had happened. Jim Moore had been widely known as a hot-headed young man with a tendency for violence, while Allen Pendleton had a starkly different reputation. In the words of the *Newberry Herald and News*, Pendleton had been "a very humble negro" who was "inoffensive" and

¹⁶ "Murder and Lynching in Abbeville County," "Coroner's Inquest," *Abbeville (SC) Press and Banner*, September 20, 1905; "Coroner's Inquest," *Abbeville (SC) Press and Banner*, September 27, 1905; "No Conclusion But Foul Murder," "Governor to Mr. Cooper," *Newberry, SC Herald and News*, September 22, 1905; "Mob Murder Again," "Murder and Lynching," *Sumter, SC Watchman and Southron*, September 20, 1905; Stephen A. West, *From Yeoman to Redneck*, 161-163.

“peaceable,” making it “inconceivable that he should have sought a row with white men.” The hapless Pendleton had done nothing to provoke Moore’s wrath and had acted only in self-defense, leading the *Herald and News* to contend his death could not be considered a “lynching.” As implicitly defined by the newspaper, lynching was the extrajudicial execution of an individual who had committed a heinous act—in other words, an individual who “deserved” to die. Based on the particular circumstances of Pendleton’s death, the *Herald and News* argued that “instead of being a lynching it was a foul murder.”¹⁷

Though John Marion Ashley and the other killers were publicly identified by eyewitnesses and had their names printed in newspaper accounts, the coroner’s inquest would conclude that Pendleton died at the hands of “persons unknown.” However, Governor Duncan Heyward notified the state solicitor that “a murder has taken place in Honea Path” and ordered him to investigate. As a result, John Marion and six other men would be indicted on murder charges and released on bail. The press in South Carolina and neighboring states applauded the indictments. “There is no doubt but that there is a growing sentiment against lynching,” a journalist noted. But, he quickly added, this growing sentiment did not yet translate to criminal convictions for lynch mob members. “Mob violence is more generally condemned than ever before,” he explained, “but the trouble is that when a certain community is touched with the affliction, local sentiment and influence are set to work to clear those accused.” The reporter’s words proved prescient. Citizen Josh declared he would shun anyone who cooperated with the prosecution, and the attempt to hold Pendleton’s killers legally accountable dragged on for several months and ultimately ended in an acquittal.¹⁸

¹⁷ “No Conclusion But Foul Murder,” Newberry, *SC Herald and News*, September 22, 1905.

¹⁸ “Governor to Mr. Cooper,” Newberry, *SC Herald and News*, September 22, 1905; “South Carolina’s Shameful Murder,” “Public Sentiment against Lynching Growing More and More Intense,” *Charlotte News*, September 22,

John Marion Ashley would not live long enough to learn of the verdict. Just six months after killing Pendleton, the drunk and belligerent Ashley accosted an African American on the street in Honea Path. The man retreated and summoned the local police chief, who confronted Ashley and ordered him to go home. A heated argument ensued. Both Ashley and the police chief drew pistols, but the lawman was faster on the draw and fatally shot John Marion. True to form, members of the Ashley family quickly gathered into a mob, headed by Citizen Josh himself, and set out to avenge their kinsman. Only the timely arrival of a militia company from Anderson kept the mob from killing the chief of police, who had to be rushed by train to the safety of the Anderson County jail. Surveying the reaction of town elites in Honea Path to John Marion's death, a journalist concluded that "everybody is thankful for the riddance of Ashley."¹⁹

The death of John Marion did not rid the region of the most notoriously violent member of Citizen Josh's extended family. This dubious distinction belonged to John T. McGaha, a nephew of Citizen Josh's who had been adopted by his uncle and raised in Ashley's home. McGaha had been arrested numerous times, bore the scars of multiple bullet wounds, and had been implicated in the deaths of several people, both black and white, but his family's wealth and political influence helped him avoid any judicial punishment. As a local journalist later recalled, "He was feared throughout this whole section and, because of this fear, exercised great power over negroes and a certain class of whites." Once, after a drunken brawl with another white man, McGaha walked a mile to his home to get a shotgun, then returned and gunned the man down. He pled self-defense and was acquitted. A few years later, in the spring of 1908, McGaha shot

1905; "White Bandits Sent to Jail," Pickens, SC *Keowee Courier*, September 27, 1905; "Slayers of Allen Pendleton Get Bail," *Anderson (SC) Intelligencer*, October 4, 1905; Stephen A. West, *From Yeoman to Redneck*, 162.

¹⁹ "Honea Path is Serene after Trying Ordeal," "Honea Path's Vigilantes," *Anderson (SC) Intelligencer*, March 14, 1906; "Ashley's Son Tells of Killing of His Father," "Acquitted of Killing Ashley," *Spartanburg Herald-Journal*, May 15, 1906.

and killed an unarmed African American in cold blood. He fled to Georgia after the shooting, but was arrested and brought back to South Carolina to stand trial. Securing the services of a prominent defense attorney—the brother of a South Carolina Supreme Court justice—McGaha claimed he had meant no harm in firing the gun and the killing had been accidental. Some witnesses changed their testimony, others refused to appear in court, and once again the legal system’s attempt to punish McGaha ended in an acquittal.²⁰

Following the verdict, journalists warned it was only a matter of time before McGaha committed further acts of violence. “It does not require a seer or a prophet to predict that sooner or later John McGaha will kill somebody else, or will force somebody to kill him,” observed the editor of the *Anderson Daily Mail*. Less than a month later, McGaha traveled to Greenville County to seize some African Americans who had previously worked for him. He claimed they had broken their work contract, and he intended to bring them back at gunpoint and force them to continue laboring in his cotton fields. The attempt at armed kidnapping went awry, resulting in a shootout and McGaha’s death. His demise elicited little sympathy from the upstate South Carolina press. “A Bully Killed,” proclaimed a headline in the *Abbeville Press and Banner*. Three African Americans were indicted and put on trial for killing the adopted son of one of South Carolina’s most powerful lawmakers. As one journalist noted, “There is much interest in the case, especially among the negroes.” But given the dead man’s infamous reputation, his influential family ties could not guarantee harsh legal punishment for the black men accused of killing him. Two and a half years after McGaha’s death, following an extended legal process and

²⁰ “McGaha’s Career” (reprinted from *Anderson Mail*), Pickens, SC *Keowee Courier*, September 30, 1908; “McGaha Arrested,” *Abbeville (SC) Press and Banner*, June 10, 1908; “The Granting of Bail,” *Abbeville (SC) Press and Banner*, July 1, 1908.

at least one mistrial, two of the defendants would be acquitted and the third convicted on a lesser charge of manslaughter.²¹

Like his adopted son, Josh Ashley encountered difficulties when impressing African Americans into forced labor, but Ashley's problems were with legal authorities and he was never in mortal danger. In 1909, less than four months after McGaha's death, a federal grand jury indicted Citizen Josh for peonage, charging him with holding "negro farm hands in involuntary servitude on his farm," where they were "guarded day and night with shotguns and rifles." Ashley claimed the laborers were working off their debts, both to him and the deceased McGaha. One of the laborers had ended up on the farm after a judge fined him \$26 for a bootlegging conviction; Ashley had paid the fine—and then held the man in involuntary servitude for four and a half years. Though federal officials made a serious effort to prosecute the case, local juries proved reluctant to convict the influential lawmaker. A first trial ended with the jurors hopelessly deadlocked. The following year, after deliberating for only thirty minutes, a second jury acquitted the powerful labor lord.²²

While town elites deplored the behavior of the Ashley clan and African Americans bore the brunt of this behavior, Citizen Josh remained immensely popular among white farmers and millworkers, who repeatedly reelected him to represent them in the state legislature. The region's

²¹ "Desperado McGaha Killed," "McGaha's Career" (reprinted from *Anderson Mail*), Pickens, SC *Keowee Courier*, September 30, 1908; "McGaha Buried at Night," *Greenwood (SC) Daily Journal*, September 30, 1908; "Death of John McGaha," *Greenwood, SC Evening Index*, October 1, 1908; "A Bully Killed," *Abbeville (SC) Press and Banner*, October 7, 1908; "Three Homicides in Anderson," Sumter, SC *Watchman and Southron*, September 30, 1908; "McGaha Murder," *Spartanburg Herald*, September 12, 1909; "McGaha Murderers Freed," Sumter, SC *Watchman and Southron*, September 22, 1909; "One Negro Found Guilty of Killing M'Gaha," *Spartanburg Herald*, May 5, 1911; *Report of State Officers, Board and Committees to the General Assembly of South Carolina: 1911* (Columbia, SC: Gonzales and Bryan, 1912), 1078.

²² "Josh' Ashley Indicted," Newberry, SC *Herald and News*, January 22, 1909; "Citizen Joshua Ashley," Orangeburg, SC *Times and Democrat*, January 23, 1909; "May Be Hung Jury in Ashley's Case," *Spartanburg Herald*, April 25, 1909; "Citizen Josh' Will Be Tried Tuesday," *Spartanburg Herald*, April 26, 1910; "Begin Arguments in the Ashley Peonage Case," *Spartanburg Herald*, April 28, 1910; "Ashley Acquitted of Peonage Charge by Jury," *Spartanburg Herald*, April 29, 1910.

rural white farmers were Ashley's natural constituency, and early in his political career he had won the support of mill workers by sponsoring legislation limiting the work day in the mills to ten hours. The mill owners had retaliated by charging rent for company housing that they had previously provided for free, leading the workers to conclude that the costs of any government regulation would eventually come out of their own pockets. In the following years, when fighting against child labor legislation and opposing any increase in mill owners' liability for workplace accidents, Ashley had the support of both owners and workers. The millworkers may have had rational reasons for endorsing these positions, but their economic interests were not the same as those of rural farmers. A shared sense of racial solidarity and resentment unified the disparate elements within Citizen Josh's coalition of supporters. Coleman Blease drew from this same well of support to become South Carolina's governor, with Josh Ashley serving as one of the new governor's closest political allies. In September 1911, Governor Blease visited Ashley's plantation and addressed a large reunion of the Ashley clan. "When a negro touches the person of a white woman," the governor declared, "the sooner the negro is swung to a limb of a tree the better." Six weeks later, Citizen Josh would put Blease's words into action.²³

On the morning of October 10, 1911, while herding a cow to pasture about a quarter mile outside Honea Path, an eleven-year-old white girl was apparently assaulted. According to newspaper accounts, a young black man seized her and dragged her into a nearby clump of woods, where he "accomplished his devilish purpose" and then fled. A passerby saw the girl as she came stumbling out of the woods, her clothes disheveled and muddy, and took her back to her home. Within the next hour police apprehended a series of suspects and brought them before

²³ David L. Carlton, *Mill and Town in South Carolina*, 207, 233, 246; Bryant Simon, *A Fabric of Defeat: The Politics of South Carolina Millhands, 1910-1948* (Chapel Hill: University of North Carolina Press, 1998), 11-35; Stephen West, *From Yeoman to Redneck*, 181-182.

her, and she identified one of them as her assailant—a teenager named Willis Jackson, who worked as a delivery boy for a Honea Path meat market. Jackson came from the small community of Donalds, about three miles north of Shoals Junction. Newspaper accounts stated he was seventeen years old; census records suggest he may have been a year or two younger. His mother had given birth to two children when she was young and unwed, then married a farmhand and had six more. Willis Jackson was the third of the eight children, born about a year after his parents' marriage. After his father died when Jackson was still a child, his mother had set up house with her older widowed brother.²⁴

News of the rape accusation quickly spread. Fearing an attempt to seize Jackson, local law enforcement officials rushed him to the jail in Anderson, but word soon came that scores of armed men were on their way from Honea Path. What followed would be, in the words of one newspaper account, “one of the most sensational man chases” in the region’s history. Leading the pursuit was Citizen Josh Ashley, who sat in a large touring car with a Winchester rifle clutched in his hands. The Anderson police hurriedly sent Jackson on to Greenville, where the sheriff declared his jail was insecure and could not withstand attack from a lynch mob. The sheriff loaded Jackson into a car and departed for Spartanburg. About six miles outside Greenville, he ordered the car to stop, disembarked with the prisoner and one deputy, and set off on foot into the nearby woods while the car returned to town. The sheriff later claimed that he had worried about being overtaken on the muddy dirt road by men in more powerful automobiles. But if his intent were to turn Jackson over to the mob from Honea Path, then he could not have arranged it any better, for after interrogating the car’s driver when he arrived back

²⁴ “Negro Rapist Was Lynched After Confessing His Crime,” *Anderson Daily Mail*, Oct. 11, 1911; “100 Years Later, Notorious Honea Path Lynching Remembered,” Anderson, SC *Independent Mail*, October 9, 2011; 1900 census, Abbeville County, SC, Donaldsville township, enumeration district #11, dwelling #410; 1910 census, Abbeville County, SC, Donalds township, enumeration district #14, dwelling #2.

in Greenville, Ashley and some two dozen followers drove to the woods and seized the sheriff's prisoner. According to observers, Willis Jackson was trembling in fear as he got into Citizen Josh's car for what would be his final journey.²⁵

The rape allegation and day-long pursuit had stirred white residents of the upstate into a frenzy, and by the time Jackson's captors made it back to Honea Path late that evening, several thousand people had gathered. They first brought Jackson to the home of the young girl whom he had apparently assaulted. After she again identified him as the culprit, they took him a few hundred yards down the road to the scene of the alleged assault. Members of the mob tied a rope around the boy's foot, tossed it over the top of a nearby telephone pole, and hoisted him up about twenty feet off the ground. As he dangled upside down, crying and pleading for mercy, the mob took aim and let loose with rifles, pistols, and shotguns. "The body hangs tonight covered with blood and shot full of holes," reported the *Greenwood Index*. At sunrise the dead boy still swung from the pole, but during the night trophy hunters and souvenir collectors had cut off his fingers. Throughout the morning spectators came to gaze at the "horribly mutilated body." Among the onlookers were several African Americans. "The negroes have maintained a quiet and awed demeanor," an observer asserted. Other accounts, however, indicate the public exhibition of the bloody dead boy engendered very bitter feelings. "One negro man was dealt with for making an insulting remark to a gentleman looking on the body this morning," a press report airily noted. "The negro was not injured, being subjected merely to a light whipping."²⁶

²⁵ "Negro Rapist Was Lynched After Confessing His Crime," *Anderson Daily Mail*, Oct. 11, 1911; "All Quiet at Honea Path," "Lynched at Honea Path for the Usual Crime," *Newberry, SC Herald and News*, October 13, 1911; "Negro Captured after Mad Chase," *Bamberg (SC) Herald*, October 19, 1911; "Mob Catches and Hangs Negro," *El Paso Herald*, October 11, 1911.

²⁶ Moore, *Carnival of Blood*, 75-76; National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Arno Press, 1969), 18-19; Stephen West, *From Yeoman to Redneck*, 181-182; Stewart E. Tolnay and E.M. Beck, *A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930* (Chicago: University of Illinois Press, 1995), 26-27; "Negro Rapist Was Lynched After Confessing His Crime," *Anderson Daily Mail*, Oct. 11, 1911; "All Quiet at Honea Path," "Lynched at Honea Path for the Usual

By participating in the killing, several thousand people had reinforced their communal solidarity—a solidarity built upon a sense of shared racial identity and white supremacy. “Mob Riddled Coon’s Body,” a headline in the *Bamberg Herald* proclaimed. Governor Blease praised Ashley and the mob for “punishing this nigger brute,” and he announced that if a prosecutor tried to convict anyone for having participated in the lynching, then he would use his power as governor and immediately issue a pardon. Safe from prosecution, and enjoying widespread support for his actions as mob boss, Citizen Josh would propose that the state legislature legalize lynching in cases where “the preponderance of the testimony” indicated a person was guilty of rape or attempted rape. Whereas the killing of Allen Pendleton had prompted editorial outrage, the accusation against Willis Jackson rendered him an anathema. The *Newberry Herald and News* declared that “such human brutes should be dealt with as you would deal with a wild animal or a rattlesnake,” but the newspaper drew the line at the posthumous desecration of the corpse. “We can not understand,” the *Herald and News* confessed, “how any member of the mob should want a toe or a finger of the brute as a reminder of the horrible deed.”²⁷

The lynching of Willis Jackson marked the apogee of Citizen Josh’s political power. When Ashley died in the spring of 1916, among the dignitaries who came to his funeral was the now former governor, Coleman Blease. Later that same year, events in Abbeville revealed how

Crime,” *Newberry, SC Herald and News*, October 13, 1911; “Negro Captured after Mad Chase,” *Bamberg (SC) Herald*, October 19, 1911; “100 Years Later, Notorious Honea Path Lynching Remembered,” Anderson, *SC Independent Mail*, October 9, 2011; “Negro Brute Is Lynched After Long Auto Chase by Determined Citizens,” *Greenwood (SC) Index*, October 12, 1911; “Lynching of Willis Jackson,” *Pickens (SC) Sentinel*, October 19, 1911; “Mob Unknown to Jury,” *Bamberg (SC) Herald*, October 19, 1911; “‘Unknown Parties’ Lynched Jackson,” *Newberry, SC Herald and News*, October 13, 1911.

²⁷ Stewart E. Tolnay and E.M. Beck, *A Festival of Violence*, 26-27; “Mob Riddled Coon’s Body,” *Bamberg (SC) Herald*, October 19, 1911; “A ‘Lynch-Law’ Governor,” *Literary Digest*, November 25, 1911, 964-965; Thomas H. Pope, *The History of Newberry County, South Carolina: Volume Two, 1860-1990* (Columbia, SC: University of South Carolina Press, 1992), 106; Stephen West, *From Yeoman to Redneck*, 181-182; David L. Carlton, *Mill and Town in South Carolina*, 247; “When a human brute....” (untitled editorial), *Newberry, SC Herald and News*, October 13, 1911.

threadbare the arguments for mob rule were. Only a half-hour train ride southwest of Shoals Junction, Abbeville was a scenic historic town of nearly 5,000 residents, with elegant antebellum homes and a large public square at its center. A few miles outside the town lived Anthony Crawford, one of the wealthiest African Americans in upstate South Carolina. He owned over four hundred acres of cotton fields and had a net worth estimated at \$25,000. Many of his sixteen children were also landowning farmers and resided near their father. On a Saturday morning in October 1916, Crawford came into Abbeville to transact business, but after a heated argument with a cottonseed buyer, he was arrested and jailed.²⁸

Released on bail, Crawford emerged from the jailhouse only to be chased down the street by a group of local roughnecks headed by McKinney Cann. In his mid-forties, with a reputation as a “rough chap,” Cann worked as a salesman of horse feed and buggies at a downtown livery stable. He and the other men pursued Crawford into the boiler room of a cotton gin, where Crawford defended himself by hitting Cann in the head with a hammer and knocking him unconscious. The rest of the men quickly overpowered Crawford and began beating him until the Abbeville sheriff arrived and intervened, carrying the seriously injured Crawford back to jail. Later that afternoon McKinney Cann’s brothers were at the forefront of a drunken mob of about two hundred men who stormed the jailhouse and hauled their victim outside. They bashed him with rocks and beat him with wooden boards and then dragged him through the streets to a public fairground, where they hanged his dead body and riddled it with gunfire.²⁹

²⁸ Joshua Ashley death certificate, April 29, 1916, Anderson County, SC, Anderson city, file #29931; “Death of J. W. Ashley Occurred Saturday,” *Abbeville (SC) Press and Banner*, May 3, 1916; “State Fair: Southern Railway,” Newberry, SC *Herald and News*, October 18, 1910; 1910 census, Abbeville County, SC, Abbeville city; Abbeville County Historical Society, *Abbeville County* (Charleston, SC: Arcadia, 2004); Roy Nash, “The Lynching of Anthony Crawford,” *New York Independent*, December 11, 1916.

²⁹ Roy Nash, “The Lynching of Anthony Crawford,” *New York Independent*, December 11, 1916; “Abbeville Has a Quick Lynching,” *Greenwood (SC) Index-Journal* October 26, 1916; Philip Dray, *At the Hand of Persons Unknown*, 226–29; Terence Finnegan, *A Deed So Accursed*, 103–110; Janet G. Hudson, *Entangled by White Supremacy: Reform in World War I-era South Carolina* (Lexington: University Press of Kentucky, 2009), 161–163; John

In the following days, the inflamed anger of Abbeville's mob continued unabated. The threat of violence kept black-owned businesses closed and there was heated talk of driving Crawford's entire family out of the county at gunpoint. On a Saturday evening two weeks after Crawford's murder, police arrested McKinney Cann's brother Will and four other men for "whipping some negroes out near the fair grounds." Released on bail, Will Cann would be arrested again later that same evening, this time for roughing up a black teenager who worked as a delivery boy for the local post office. The prospect of mob rule by a group of working class whites threatened both African Americans and white elites. "If the lives and property of negroes in Abbeville may be taken at the pleasure of a mob," an editorialist warned, "the lives and property of white men who happen not to be in sympathy with the acts of the mob are scarcely in less danger." Newspapers noted that African American labor was essential to cotton agriculture, and if mob violence drove away black field hands and tenant farmers, then Abbeville's white residents might discover they "had lynched their own pocketbooks."³⁰

In response to the threat that mob violence posed to African Americans' lives and white elites' pocketbooks, a group of Abbeville's leading businessmen formed a committee to restore order in the town. The committee included James S. Stark, owner of the downtown livery stable where McKinney Cann worked. In his mid-fifties, Stark was one of Abbeville's most prominent residents, a cotton planter and businessman who dressed in coat and tie and sported a well-groomed goatee. His commercial and agricultural interests had earned him great wealth, and his home—a large Greek Revival mansion on North Main Street—was the most famous house in

Hammond Moore, *Carnival of Blood*, 78–80; Ancestry.com. *U.S., World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005; 1920 census, Abbeville County, SC, Abbeville city, Fourth Ward, enumeration district #6, dwelling #17 (161 North Main St.).

³⁰ "Sons of Man Lynched Asked To Leave Town," *Greenwood (SC) Index-Journal* October 26, 1916; "Five Men Charged with Whipping Negro," *Abbeville (SC) Press and Banner*, November 8, 1916; "Abbeville Man to Be Tried Here?" *Greenwood (SC) Daily Journal*, December 14, 1916; "Abbeville Takes Action," Columbia, SC *The State*, reprinted in *Abbeville (SC) Press and Banner*, November 15, 1916.

town, the place where Jefferson Davis had held one of the last meetings of the Confederate government. In early November, Stark and the rest of the committee organized a public meeting at the county courthouse that was attended by “practically every business man of Abbeville.” At the meeting, the business leaders adopted resolutions deploring the “spirit of lawlessness that seems rife in the county” and demanding that the sheriff and town police “use every effort to enforce the law and to protect the citizens of the town and county regardless of condition or color.” And in a dramatic step that directly contradicted white South Carolinians’ long history of resistance to any outside involvement in local race relations, the business leaders declared that if necessary, they would call upon assistance from the federal government to ensure “that every citizen may enjoy his rights under the constitution.”³¹

In spite of town elites’ efforts to reassure black residents of their continued place within the community, in the coming months several hundred African Americans left the county and headed north, with the murder of Anthony Crawford and the subsequent reign of terror precipitating their departure. Crawford had committed no crime, but instead of providing greater security, his economic success had made him a target for an angry mob. Reflecting on the exodus of African Americans from Abbeville County, the *Charlotte Observer* claimed lynching in upstate South Carolina had previously “never affected the industrious, property-acquiring Negro.” In contrast to earlier lynching victims, Crawford had been “killed not because he was a law-breaker,” but because “he had become a rich Negro and was an enviously prosperous figure in the community.” State prosecutors attempted to pursue a murder case against the Cann

³¹ 1910 census, Abbeville County, SC, Abbeville township, Abbeville city, ward 1, enumeration district #3, dwelling #27; Abbeville County Historical Society, *Abbeville County*, 44-46; “Burt-Stark Mansion,” National Historic Landmark Nomination, USDI/NPS NRHP Registration Form (Rev. 8-86), 1992; “Mass Meeting of Citizens Pledge Support to Officers in Discharge of Their Duties,” *Abbeville (SC) Press and Banner*, November 8, 1916; “Abbeville to Enforce Law,” Sumter, SC, *Watchman and Southron*, November 11, 1916; “South Takes Stand against Mob Rule and Lynching of Negroes,” *Indianapolis Recorder*, December 2, 1916; Philip Dray, *At the Hand of Persons Unknown*, 229.

brothers and the other leaders of the mob that had killed the “rich Negro,” but no one would agree to testify against them and a grand jury refused to issue any indictments.³²

About two years after participating in the murder of Anthony Crawford, McKinney Cann’s brother Lester was appointed deputy sheriff of Abbeville County. In February 1919, Lester Cann led two other white men on a nighttime raid of the home of Mark Smith, a “mulatto” tenant farmer who lived about five miles outside Abbeville. The men claimed to suspect him of bootlegging, but Cann had no warrant and his two companions were undeputized, and when they burst into the home during the night, Smith responded by grabbing a shotgun and exchanging fire with the deputy. Both men were wounded, but Smith escaped and fled by train to Washington, D.C. Two weeks later he was arrested and sent back to South Carolina to face charges of assault and battery. At his trial, Mark Smith argued that any man, white or black, had an inviolable right to use “such force as necessary for the purpose of ejecting” unlawful intruders in his home. An all-white Abbeville jury agreed, acquitting the African American who had shot a white deputy sheriff.³³

James Stark served as the foreman of the jury that acquitted Smith. Town elites such as Stark fully believed in white supremacy, and they did not question the political disfranchisement and institutionalized segregation of African Americans. But many of them also believed in offering paternalistic protection to the resident black population. The 1895 South Carolina

³² Ellen Barry, “Service Atones for Past Racial Strife,” *Los Angeles Times*, July 13, 2005; Peter F. Lau, *Democracy Rising: South Carolina and the Fight for Black Equality Since 1865* (Lexington, KY: University of Kentucky Press, 2006), 15-16; Janet G. Hudson, *Entangled by White Supremacy*, 163-167; Terence Finnegan, *A Deed So Accursed*, 108-109; “The Departed Negroes,” *Charlotte Observer*, June 24, 1917.

³³ “Abbeville Men Under Arrest,” Columbia, *SC State*, reprinted in *The Crisis* 13.3 (January 1917), 147; Philip Dray, *At the Hand of Persons Unknown*, 227; 1910 census, Abbeville County, SC, Cedar Springs township, enumeration district #10, dwelling #36; “Lester Cann Wounded,” *Abbeville (SC) Press and Banner*, February 4, 1919; “News from Mr. Cann,” *Abbeville (SC) Press and Banner*, February 7, 1919; “Held in Washington,” *Sumter, SC Watchman and Southron*, February 19, 1919; “Mark Smith Captured,” “Mr. Cann Out,” *Abbeville (SC) Press and Banner*, February 18, 1919; “Mark Smith in Jail,” *Abbeville (SC) Press and Banner*, February 21, 1919.

constitution had effectively stripped African Americans of the right to vote, but the same constitution also enshrined the sanctity of one's own home as an inviolable right regardless of race. From the perspective of Stark and others like him, if African Americans remained in their designated place, then they had the right to be left in peace, unmolested by unwarranted raids or unprovoked acts of violence. When deliberating Smith's case, Stark and the other jurors undoubtedly took pragmatic considerations into account as well. Unlike the local roughnecks who delighted in racial bullying, these town elites were acutely conscious of the black labor force's vital role within the local economy. In a month's time the annual cycle of cotton agriculture would begin once again. Abbeville County's fields would need to be plowed and sown and the cotton would eventually need to be picked, and if African Americans had no guarantee of security within their designated place and began leaving in large numbers, then who would do the labor?³⁴

Though Mark Smith was a tenant farmer, he was relatively prosperous and owned an automobile. In the weeks following his acquittal, local white men tried to hire him and his car for trips into the countryside, but wary of their intentions, Smith always refused. On Saturday, June 7, 1919, he drove into Abbeville with his mother, his young son, and two other passengers. They spent the day in town and around nine o'clock that evening started back home. About three miles outside town, a car with four or five white men overtook them, so Smith pulled his automobile

³⁴ "Criminal Court Now in Session," *Abbeville (SC) Press and Banner*, February 25, 1919; "Court News," *Abbeville (SC) Press and Banner*, February 28, 1919; *Reports and Resolutions of South Carolina to the General Assembly, Regular Session Commencing January 11, 1916: Volume 4* (Columbia, SC: Gonzales and Bryan, 1916), 439. In 1926, when examining a similar instance of the invasion of an African American home by overzealous white officers, the South Carolina Supreme Court would affirm the right of black homeowners to defend themselves: "The defendants had a right to use so much force as was necessary in keeping the officers from entering the house, or in expelling them from it and protecting themselves in their home, until the authority of the officers was made known." Quoted in Elizabeth Robeson, "An 'Ominous Defiance': The Lowman Lynchings of 1926," in Winfred B. Moore, Jr., and Orville Vernon Burton, eds., *Toward the Meeting of the Waters: Currents in the Civil Rights Movement of South Carolina during the Twentieth Century* (Columbia, SC: University of South Carolina Press, 2008), 78.

over to the side of the road to let them pass. The other car stopped beside him and two men jumped out with pistols drawn and opened fire. Smith attempted to get out and run into an adjacent field. As his mother and other passengers watched in horror, his assailants followed him, firing until he fell, then standing over him and shooting him several more times. The men carried his body back to the road, where they laid him down for a moment to confirm he was dead, then loaded him in their car and drove away. Four days later, fishermen discovered a black man's corpse on the bank of the Savannah River. After they reported their discovery, but before law enforcement officials arrived on the scene, the body was dragged ashore and butchered in an attempt to render it unidentifiable. However, the badly mutilated remains included a hand with a distinctive scar—the gunshot wound Mark Smith had suffered in his recent shootout with Deputy Sheriff Cann.³⁵

During the two decades prior to the cold-blooded assassination of Smith, lynchings in upstate South Carolina had typically been committed by enraged mobs, not by a carload of four or five individuals, only two of whom had been gunmen. Whereas lynch mobs made a point of publicly displaying their victims' dead bodies, Smith's killers had whisked his body away and disposed of it in the river. Most importantly, the killing completely inverted the way in which many white South Carolinians rationalized the relationship of lynching and state-sanctioned law. A lynch mob was impetuous and impatient, while the court acted deliberately and served as a final arbiter, and if an accused person survived the threat of lynching and was acquitted—"acquitted by a jury of white men," the newspapers emphasized—then the case was considered

³⁵ 1910 census, Abbeville County, SC, Abbeville township, Abbeville city, enumeration district #3, dwelling #27; Mark Smith death certificate, June 7, 1919, Abbeville County, SC, file #10891; "Mark Smith Foully Murdered Near This City Saturday Night," *Abbeville (SC) Press and Banner*, June 10, 1919; "Body of Negro Found in Savannah River," *Abbeville (SC) Press and Banner*, June 13, 1919; "Body of Smith Been Identified," *Abbeville (SC) Press and Banner*, June 17, 1919.

closed. “This killing seems to have been a murderous assault on the courts,” declared an editorial in *The State*. In the editorialist’s words, “the important fact” was “not that the negro was killed, but that the killing was repudiation of the white government.” The *Abbeville Press and Banner* denounced the murder as “an insult to the citizens of Abbeville County, a blow at our laws, an affront to the jury that freed Smith, [and] a blot upon civilization.”³⁶

But if newspaper editors and other town-based elites reacted with outrage to the murder, most local white residents seemed indifferent. “There have been no arrests and nobody seems to be very greatly concerned about it,” concluded a visiting reporter. Smith’s mother and the other eyewitnesses stated they had not recognized his attackers, and though law enforcement officials questioned and briefly jailed a young white tenant farmer, no one would ever be charged in connection with the killing. Perhaps the lack of success in solving the case was only to be expected: Deputy Sheriff Lester Cann helped lead the investigation. Though the death of Mark Smith differed in several ways from previous lynchings, in one respect it followed a very familiar pattern. Three months after he was killed, a coroner’s jury delivered its final verdict, concluding he had met his death “at the hands of unknown parties.”³⁷

Whereas “unknown parties” killed Mark Smith, there was never any doubt who murdered Reverend James H. Walker, a minister and educator in the mill town of Ware Shoals. Though he shared the same surname as Broadus Miller’s uncle and aunt, who lived on a tenant farm about three miles west of Ware Shoals, Reverend Walker was apparently unrelated to them. Born in

³⁶ “Mark Smith Foully Murdered Near This City Saturday Night,” *Abbeville (SC) Press and Banner*, June 10, 1919; “Capital News and Gossip,” *Newberry Herald and News*, June 17, 1919; “Abandoning State Rights,” *Columbia, SC The State*, reprinted in *Abbeville (SC) Press and Banner*, June 10, 1919; “Will Lynchers Save Themselves?” *The State*, reprinted in *Abbeville (SC) Press and Banner*, June 13, 1919; “A Brutal Murder,” *Abbeville (SC) Press and Banner*, June 10, 1919.

³⁷ “What Others Think,” *Abbeville (SC) Press and Banner*, June 13, 1919; “No New Developments in Case of Negro Smith Murdered Near Here,” *Abbeville (SC) Press and Banner*, June 20, 1919; “Verdict Rendered in Mark Smith Case,” *Abbeville (SC) Press and Banner*, September 12, 1919; 1920 census, Abbeville County, SC, Abbeville township, Abbeville city (part 2), ward 1, enumeration district 3, Ralph Davenport.

1868, he had grown up in Laurens County, the eldest child of tenant farmers. Like Benjamin Mays, the young Walker saw education as a way out of the cotton fields, and he continued attending school long after most African Americans his age were full-time field hands. He enrolled in Benedict Institute, an academy in Columbia established by a Baptist mission society to provide “education to the colored people.” There he met and married a fellow student named Emma Mouldin. For several years they lived in her hometown of Greenville, where Reverend Walker pastored a congregation. In 1917, the Walkers moved to Ware Shoals to take charge of a school for African American children in Briar Hollow, the mill town’s black neighborhood. The minister served as the school’s principal, his wife as the teacher.³⁸

On the afternoon of June 21, 1920—exactly seven years before the murder of a young millworker in Morganton—Reverend Walker went into the company store in Ware Shoals to buy groceries. Inside the store were a few white mill hands, including forty-year-old Pope McCarty. McCarty apparently became enraged at the very sight of the African American minister and educator. A white store clerk would later testify that as he waited on Reverend Walker, McCarty walked up and, without provocation or warning, snarled that Walker “looked like a damned lawyer” and slapped him in the face. The blow stunned Walker and sent his glasses flying to the floor. He hurriedly picked them up and fled out of the store, closely pursued by McCarty, who

³⁸1870 census, Laurens P.O. 636 [?], Laurens County, SC, dwelling #284; 1880 census, Sullivan township, Laurens County, SC, enumeration district #105, dwelling #202; 1880 census, McBee Avenue, Greenville city, Greenville County, SC, enumeration district #80, dwelling #86; 1900 census, Greenville city and township, Greenville County, SC, enumeration district #34, dwelling #123; 1920 census, Ware Shoals, Walnut Grove township, Greenwood County, SC, enumeration district #90, Briar [?] Hollow 315, dwelling #275; James H. Walker’s death certificate, June 21, 1920, Ware Shoals, Walnut Grove township, Greenwood County, SC, file #11615; 1920 census, Ware Shoals, Walnut Grove township, Greenwood County, SC, enumeration district #90, Briar [?] Hollow 315, dwelling #275; A. B. Caldwell, ed., *History of the American Negro: South Carolina Edition*, 26; Nancy C. Curtis, *Black Heritage Sites: An African American Odyssey and Finder’s Guide* (Chicago: American Library Association, 1996), 199; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968*, 112-114; Marianna White Davis, *The Enduring Dream: History of Benedict College, 1870- 1995* (Columbia SC: Benedict College, 1995), 285; *From Hill to Dale to Hollow: Ware Shoals, South Carolina* (Ware Shoals, SC: R. L. Bryan, 1983), 38.

had pulled out a concealed pistol and had it in hand. Rushing into the mill's office seeking protection, Walker jumped over a railing and attempted to take shelter beneath a desk. The pistol-wielding mill hand entered and leaned over the railing with his gun, firing three times and killing the most prominent African American in Ware Shoals.³⁹



Figure 3. Reverend James Walker.

The minister (back row, on right) and his wife, Emma Mouldin Walker (back row, on left), with the students of the Briar Hollow school in Ware Shoals, South Carolina. 1919.

Photograph in *From Hill to Dale to Hollow: Ware Shoals, South Carolina* (Ware Shoals, SC: R. L. Bryan, 1983).

³⁹ "Plead Temporary Insanity in Case of Pope McCarty," *Greenwood, SC Index-Journal*, June 29, 1921; James H. Walker's death certificate, June 21, 1920, Ware Shoals, Walnut Grove township, Greenwood County, SC, file #11615. The fatal attack on Reverend Walker is reminiscent of historian Edward Ayers's observation about the late nineteenth-century South: "Accounts of the violence directed at blacks often spoke of well-dressed clergymen and well-dressed women as the objects of white anger." Edward L. Ayers, *The Promise of the New South* (New York: Oxford University Press, 1992), 139.

The next day's Greenwood *Index-Journal* ran a brief article, headlined "Negro Is Killed at Ware Shoals," which presented McCarty's version of the incident. The mill hand claimed Walker had "stepped on his foot," leading to a scuffle that culminated in the shooting. This falsehood would be reprinted in newspapers throughout the country. The African American press found the story credible, for it seemed to exemplify white southerners' disproportionate response to any minor misstep by a black man. "Pope McCarty, white, shot and killed James H. Walker, colored, because the Negro stepped on his foot," read a short news item in *The Crisis*, the monthly magazine of the NAACP. Yet according to the white store clerk, Walker had done nothing to provoke the murderous assault. One week after the killing, the *Index-Journal* mentioned in passing that prosecutors would "make an effort to bring up the case of Pope McCarty." But the judicial process moved extraordinarily slowly, suggesting considerable local resistance to punishing the white mill worker. While most criminal court cases in upstate South Carolina commenced within days or weeks of the alleged offense, Pope McCarty would not go on trial until June 1921—one year after Reverend Walker's death.⁴⁰

Press accounts portrayed McCarty as the quintessential mill hand, ill-bred and poorly educated. "McCarty is a small, sharp featured man, hardly weighing over a hundred pounds," a journalist reported. "He appears almost emaciated, with deep sunk, close set, shifty eyes, mouth somewhat shrunken by loss of teeth and a slightly receding chin." Around the turn of the century he had married a woman some fifteen years his senior; both he and his wife began working in the Ware Shoals mill soon after it opened. Census records reveal a couple who drifted from one rented lodging to another, from boardinghouse to mill village cabin, and who moved so

⁴⁰ "Negro Is Killed at Ware Shoals," Greenwood, SC *Index-Journal*, June 22, 1920; "White Man Kills Negro Minister," *Pittsburg Press*, June 23, 1920; "Crime," *The Crisis* 20.5 (September 1920), 242; "General Sessions Court Convenes," Greenwood, SC *Index-Journal*, June 30, 1920; "Pope McCarty Gets Sentence of 7 Years," Greenwood *Index-Journal*, June 30, 1921.

frequently that the 1910 census had actually listed them twice, recording them in one spot and then another. At trial, McCarty claimed Reverend Walker had first stepped on his foot and had then donned brass knuckles and punched him in the belly. The millworker's brother and another mill hand had been present in the store during the confrontation; both men testified under oath in support of his implausible tale. Under cross-examination, McCarty lost his temper and refused to answer any questions. "I don't know nothing," he snapped repeatedly. "I tell you I don't remember nothin'." After his disastrous attempt to testify concluded, defense attorneys hurriedly entered a plea of temporary insanity. The all-white jury deliberated for nearly three hours and convicted the millworker of manslaughter; the judge then sentenced him to seven years in the state penitentiary.⁴¹

One week after the trial of Pope McCarty, a labor dispute in Greenwood County would lead to the deaths of two people, highlighting the racial hierarchy and illustrating the transition from lynch law to the law of the state. A young African American farmhand named Pink Griffin worked for Dr. Lawton Lipscomb, a prominent white cotton planter from the town of Ninety Six. On July 5, 1921, the doctor accosted Griffin and accused him of mistreating a mule, which led to an angry quarrel. The farmhand declared he was quitting and Lipscomb threatened to have him arrested for breaking his employment contract if he did not get back to work. Griffin then drew a pistol and killed his erstwhile labor lord. Fleeing the scene, he was captured a couple of hours

⁴¹ "Plead Temporary Insanity in Case of Pope McCarty," Greenwood, SC *Index-Journal*, June 29, 1921; "Pope McCarty Gets Sentence of 7 Years," Greenwood, SC *Index-Journal*, June 30, 1921; 1910 census, Anderson County, South Carolina, Williamston township, Pelzer town, enumeration district #71, square #21, dwelling #150, and Goodrich street #7, dwelling #180; 1920 census, Anderson County, South Carolina, Williamston township, enumeration district #63, dwelling #466; Ancestry.com. *U.S., World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005. South Carolina Attorney General's Office, *Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1921* (Columbia, SC: Gonzales and Bryan, 1922), 165. Pope McCarty's death certificate, November 2, 1922, SC State Penitentiary, Columbia, Richland County, SC, file #17839. The year after McCarty's conviction for manslaughter, he would contract pneumonia and die in the state penitentiary.

later by a small posse, who telephoned Lipscomb's family "to ask what they wanted done with the negro." After consulting with the doctor's brother, the family decided the courts could be trusted to impose the ultimate penalty in a case that was clearly a capital crime, so they told the posse to turn Griffin over to the local sheriff. The decision by Dr. Lipscomb's family was applauded by the Greenwood *Index-Journal*. "Justice will be carried out through the machinery of the courts, and [the] county will be spared the stigma of a lynching," the newspaper proclaimed with relief. "Justice, expedited as quickly as possible, is one of the means of preventing lynchings, and a speedy trial will act as a deterrent to mob law in the future."⁴²

Pink Griffin was taken to the state penitentiary and returned to Greenwood in the middle of August to stand trial. The proceeding attracted a mob of some 2,000 people, the largest courthouse crowd in the county's history. The courtroom was packed to standing-room-only capacity, with its open windows filled with spectators. "A seething mass of humanity shoved and pushed for standing room in the sweltering heat of the court room," noted a local reporter. Tried, convicted, and sentenced to death in little more than an hour, Griffin was taken back to the penitentiary and executed on September 2, 1921—less than two months after the fatal quarrel with his white employer.⁴³

⁴² "Dr. Lipscomb Is Killed By Negro Hand," Greenwood, SC *Index-Journal*, July 5, 1921; "Dr. Lipscomb's Slayer Carried to Greenville, Then to Penitentiary," Greenwood, SC *Index-Journal*, July 6, 1921; "Victory for Law and Order," Greenwood, SC *Index-Journal*, July 6, 1921.

⁴³ "July 9, 1921," Columbia, SC *The Southern Indicator*, July 9, 1921; "Dr. Lipscomb's Slayer Carried to Greenville, Then to Penitentiary," Greenwood, SC *Index-Journal*, July 6, 1921; "Special Term to Try Negro Talked," *Spartanburg (SC) Herald*, July 13, 1921; "To Try Pink Griffin for Life Tomorrow," Greenwood, SC *Index-Journal*, Aug. 14, 1921; "Pink Griffin Sentenced To Die in Electric Chair Sept. 2nd," Greenwood, SC *Index-Journal*, August 15, 1921; "Thousands at Trial," *Miami News*, August 15, 1921; "Pink Griffin Goes to Chair," *Laurens (SC) Advertiser*, August 17, 1921; "Brief City News," Greenwood, SC *Index-Journal*, September 6, 1921.

James “Babe” Stuart, Bob “Snowball” Davis, Allen Pendleton, Willis Jackson, Anthony Crawford, and Mark Smith were all killed within a twenty-mile radius of Shoals Junction. According to the NAACP and other commentators, all six of these men were lynching victims. However, “lynching” was a broad, elastic term that covered various types of killings. Davis and Jackson had been accused of assaulting white women. Their killers followed the ritualized procedure of Judge Lynch’s court—first bringing the captured suspect to his apparent victim for her to identify, then taking him to the scene of the alleged assault, where they tied him to a tree or pole and killed him in a volley of gunfire. A mob numbering in the hundreds lynched Bob Davis; an even larger mob killed Willis Jackson. Accusations of rape or attempted rape of white women united the diverse segments of the white population. Town elites and millworkers, farm owners and tenants—people from all levels of white society either openly approved or tacitly condoned lynching in such cases.⁴⁴

When attempting to justify lynching, its apologists invariably pointed to cases of black men accused of assaulting white women, but neither in South Carolina nor in the South as a whole were the majority of lynchings motivated by such accusations. Allen Pendleton had defended himself against an unprovoked attack. Anthony Crawford was guilty of nothing more than being a proud and economically prosperous African American. Mark Smith had defended his home against unwarranted intruders and had been acquitted by an all-white jury. The mobs that killed Pendleton and Crawford had mimicked aspects of Judge Lynch’s court, but instead of ritualized vengeance, the killings had been drunken orgies of savagery, the victims beaten with boards and planks and then shot. Instead of adhering to traditional lynching rituals, Mark Smith’s assassins had overtaken his car on the road and opened fire, a method of murder that would be

⁴⁴ “Fresh Posse Pursues Fiend in Greenwood,” *Newberry, SC Herald and News*, August 17, 1906.

used against civil rights workers decades later. Most importantly, none of these three killings were condoned by a wide consensus within the white community. Instead of uniting whites from across the socioeconomic spectrum, the murders of Pendleton, Crawford, and Smith had been profoundly divisive, sharply fracturing the white population along class lines.⁴⁵

But if these six recorded lynchings differed in important respects, all of them shared a fundamental theme: Whether chained to a tree or roped to a pole, shot while attempting to run or beaten to death while standing his ground, a black man was murdered by a group of whites. In the twentieth century, no whites were lynched in upstate South Carolina; lynching was reserved exclusively for black offenders. Nor were any local black men lynched for assaulting black victims. Bob “Snowball” Davis had allegedly raped a young black woman, but it was his attempted assault of a white woman that fueled the manhunt and subsequent lynching, and though African Americans were present when he died, their participation amounted to a token presence. In August 1906, just two days after the mob killed “Snowball” Davis—an act local officials declared they were powerless to prevent—an African American was arrested in Greenwood County for allegedly attempting to rape a young black girl. Several dozen African Americans congregated in front of the jailhouse and demanded their right to lynch him, but white deputies protected the man and rushed him to jail in another county.⁴⁶

⁴⁵ John Hammond Moore, *Carnival of Blood*, 205-210; Stewart E. Tolnay and E.M. Beck, *A Festival of Violence*, 92. In some respects, the way in which Mark Smith was killed foreshadowed murders that occurred during the Civil Rights Movement of the 1960s, when individuals such as Viola Liuzzo, Lemuel Penn, and Michael Schwerner, Andrew Goodman, and James Chaney would be shot and killed after they were overtaken on the road by a carload of white men.

⁴⁶ John Hammond Moore, *Carnival of Blood*, 205-210; Stewart E. Tolnay and E.M. Beck, *A Festival of Violence*, 95-97; Philip Dray, *At the Hand of Persons Unknown*, 146; “Negroes Try to Lynch a Negro,” *Bamberg (SC) Herald*, August 23, 1906 In 1893, thirteen years before the lynching of Bob Davis, Davis’s older brother Jake had been lynched for allegedly raping “a respectable white woman”; the press reported Jake Davis had committed the same crime once before, but his earlier victim had been “disreputable” so he had not been punished. “Riddled with Bullets,” *Newberry (SC) Herald and News*, August 23, 1893. In their analysis of same-race lynchings, Tolnay and Beck lump together black lynch mobs that killed black victims and supposedly “integrated” mobs that lynched blacks. However, as the examples of Bob and Jake Davis suggest, the dynamics within these two separate types of mobs were often quite different. When a supposedly “integrated” mob killed a black man accused of offenses

Understandably and for good reason, African Americans welcomed the transition from lynching to the state-sanctioned judicial process. *The Southern Indicator*—based in Columbia and one of South Carolina’s leading black newspapers—would praise the decision of Dr. Lipscomb’s family to hand over Pink Griffin to the courts, declaring that “the Lipscomb family represent the aristocratic element in South Carolina [and] cannot afford to descend to the low level of savages.” Yet the quick trial and execution of Griffin had been scarcely more judicious than a lynching. In 1920, after two “prominent white girls” in Abbeville accused two young white men of rape, the men were taken to the state penitentiary for their own protection. The foreman of the grand jury that indicted the men urged a change of venue, declaring “it would not be safe to bring them back to Abbeville.” Nevertheless, in a hastily arranged special term of court held just two weeks after his arrest, one of the accused rapists was tried and convicted in a local courtroom before a standing-room-only crowd of spectators. The following year, the South Carolina Supreme Court overturned the man’s conviction and delivered a blistering condemnation of the trial, describing it as “a miserable compromise with lynch law, enabling the law to bargain with the mob to stay its hand, and allow the Court, under the forms of law, to accomplish what is equally reprehensible, a judicial lynching.” Less than two weeks after the Supreme Court issued its ruling, Pink Griffin went on trial in Greenwood, apparently without any legal objection.⁴⁷

against both races, then whites often coordinated and led the mob’s actions, with black participation mere tokenism. Contemporary newspaper accounts emphasized the black participation in order to portray these lynchings as acts of popular justice condoned by the general consensus of an entire community, both black and white.

⁴⁷ “July 9, 1921,” Columbia, SC *The Southern Indicator*, July 9, 1921; “Two Brothers Arrested in Honea Path Charged with Criminal Assault,” “Confessions and Hearsay,” *Abbeville (SC) Press and Banner*, March 17, 1920; “Two Gossett Boys Make Confession of Attack,” Greenwood, SC *Index-Journal*, March 17, 1920; “Gossetts Will Be Tried First Week in April,” Greenwood, SC *Index-Journal*, March 18, 1920; “To Try Gossetts at Special Term,” *Laurens (SC) Advertiser*, March 24, 1920; “Will Argue Change of Venue 3 P.M.,” Greenwood, SC *Index-Journal*, April 6, 1920; *Reports of Cases Heard and Determined by the Supreme Court of South Carolina, Volume 117* (Columbia, SC: R. L. Bryan Company, 1922) 89.

In campaigning against lynching, its opponents presented a simplistic and misleading dichotomy: On the one hand, Judge Lynch—the rule of a mob, frenzied and bloodthirsty, imbued with racial prejudice and determined to kill black men; on the other hand, in Governor Heyward’s words, “the supremacy and the majesty of the law,” deliberative and objective. This idealized portrait of the law masked its all-too-human origins. As South Carolina lawmakers had demonstrated in 1909, when they followed public opinion and made attempted rape a capital crime, the legal system was a cultural and social construct, with the passions and prejudices of the people sublimated into it. In cases such as that of Pink Griffin, state officials could celebrate an averted lynching—and then turn around and execute the black man whom the mob had wanted to kill. According to a perhaps apocryphal story, an eighteenth-century political commentator used the analogy of tea cup and saucer to illustrate the roles of a bicameral legislature’s two branches. The liquid in the tea cup came “directly from the people, who may be in a state of great excitement”; the saucer held “the scalding liquid till its heat has subsided enough to make it safe to drink.” Tea cup and saucer—Judge Lynch and Judge Law. The contents of the tea cup were scalding hot, while the saucer of legal process kept the mob’s heated desire for vengeance contained until it had subsided enough for the body politic to drink safely. But for the individual at the center of the process, though the temperature of the liquid may have cooled, its lethality remained unchanged.⁴⁸

If the origins of law reflected the passions of the people, then its implementation was even more subjective. In every legal trial, the all-white jury pool included the same local residents who would have been part of any lynch mob, and in capital cases, the defendant was nearly always a black man. Judge Lynch was a racially discriminating executioner, but so was

⁴⁸ “He Plead in Vain,” “The Closing Scene,” *Edgefield (SC) Advertiser*, August 22, 1906; John J. Dinan, *The American State Constitutional Tradition* (Lawrence, KS: University Press of Kansas, 2006), 141.

the state-sanctioned judicial system of South Carolina. In 1912, William Reed had been convicted of attempted rape and became the first person to die in South Carolina's electric chair. In 1921, Pink Griffin was put to death. During that ten-year period from 1912 through 1921, South Carolina electrocuted fifty-five men, 95% of whom—all but three white men convicted of murder—were black. Five of the executed black men had been found guilty of raping white women, while another fourteen had been convicted of attempted rape. In the entire history of the United States, there are no known cases of a white man ever being legally executed for raping a black woman, much less for attempting to do so.⁴⁹

There can be little doubt that if accused rapist Willis Jackson had gone to trial, the state would have assumed the mob's role as executioner. But even when black men committed no crime, and even when they did nothing that could be construed as an "attempt to ravish," the state-sanctioned judicial process could still be lethal. The year before the mob killed Anthony Crawford, the state of South Carolina legally executed five African Americans in a single day. Among them were the brothers Meeks and Thomas Griffin, landowning cotton farmers from Chester County. Based solely upon the coerced and implausible testimony of a single individual, the Griffins and two other black men were convicted of murdering an elderly white farmer. In September 1915, following an extended legal process and multiple appeals, the four men—

⁴⁹ Timothy V. Kaufman-Osborn, "Capital Punishment as Legal Lynching?", in *From Lynch Mobs to the Killing State: Race and the Death Penalty in America*, edited by Charles Ogletree, Jr. and Austin Sarat (New York: New York University Press, 2006), 36; M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR; "Clinton Glover Convicted," *Bamberg (SC) Herald*, October 26, 1911; "In the Palmetto State," *Bamberg (SC) Herald*, October 24, 1912; "Denying Guilt, Negro Dies," *Bamberg (SC) Herald*, September 26, 1912; "Negro Will Pay Death Penalty," *Kingstree, SC County Record*, June 19, 1913; "State and General Topics," *Kingstree, SC County Record*, December 30, 1915; "In the Palmetto State," *Bamberg (SC) Herald*, March 30, 1916; "Guilty Go Unpunished," *Edgefield (SC) Advertiser*, September 13, 1916; "Excitement in Colleton," "Officers Capture Convict," "In the Palmetto State," *Bamberg (SC) Herald*, May 16, 1918; "Young Negro Dies in Chair," *Bamberg (SC) Herald*, January 16, 1919; "Executed in State Prison," *Bamberg (SC) Herald*, July 17, 1919; "Negro Goes to Chair," *Bamberg (SC) Herald*, October 30, 1919; Michael L. Radelet, "Executions of Whites for Crimes against Blacks: Exceptions to the Rule?" *The Sociological Quarterly* 30.4 (Winter 1989): 529-544; I. Bennett Capers, "Defending Life," in *Life without Parole: America's New Death Penalty?* edited by Charles J. Ogletree, Jr. and Austin Sarat (New York: New York University Press, 2012), 178.

together with a fifth individual, convicted in a separate case—all died in the electric chair. As the Griffins' deaths demonstrated, the South Carolina judicial system could kill overachieving black men just as effectively as any lynch mob, and it could do so dispassionately and deliberately, while garbed in the full trappings of the law.⁵⁰

Every African American who grew up in early twentieth-century South Carolina was a potential target for racially-motivated violence. Except for Anthony Crawford, whose wealth made him unusual, all of the lynching victims in the region around Shoals Junction came from a background similar to Broadus Miller's. They had grown up in local tenant-farming families, poor and with limited schooling, seemingly destined for years of menial labor. But their lives had abruptly ended. The year after Miller was born, Allen Pendleton was savagely beaten and shot, his body left lying by the roadside only five miles north of Shoals Junction. When Miller was about seven years old, the mob lynched Willis Jackson in Honea Path. Before he was hoisted upside down to a telephone pole and riddled with gunfire, Jackson had grown up on a farm within three or four miles of Miller. In 1900, Jackson and his family had lived next to and almost certainly been the tenants of a landowner named Larkin Agnew—the brother-in-law of Tom and Alpha Walker's landlord Harrison "Lat" Rasor.⁵¹

⁵⁰ W. H. Townsend, ed., *Reports of Cases Heard and Determined by the Supreme Court of South Carolina, Volume XCVIII* (Columbia, SC: R.L. Bryan, 1914), 106-111; 1900 U.S. Federal Census, Chester County, South Carolina, Blackstock township, enumeration district #4, dwelling #333; 1910 U.S. Federal Census, Chester County, South Carolina, Blackstock township, enumeration district #18, dwelling #98. The murdered white farmer was rumored to have been romantically involved with a young black woman; in the wake of the murder, suspicion immediately focused on the woman and her husband, and they were taken "to the State penitentiary for safe-keeping because of threats of lynching." They were released after the accusations levied against the Griffins. In 2009, nearly a century later, the South Carolina Parole and Pardon Board posthumously pardoned the Griffins. Alex Spillius, "South Carolina Pardons Black Brothers Convicted of 1913 Killing," *London Telegraph*, October 18, 2009.

⁵¹ Terence Finnegan, *A Deed So Accursed*, 40; 1900 census, Abbeville County, SC, Donaldsville township, enumeration district #11, dwelling #410; 1910 census, Abbeville County, SC, Donalds township, enumeration district #14, dwelling #2; "Algary School Open," *Greenwood (SC) Evening Index*, January 12, 1918; L.F. Agnew death certificate, February 23, 1919, Anderson County, SC, Anderson city, file #3286. In 1900, Willis Jackson's family were listed as tenants, living next to landowner Larkin Agnew—the only two families listed on the census sheet.

But the racially motivated killing that may have affected Broadus Miller and his family the most would not be categorized a lynching. Miller was about sixteen years old when a mill hand in Ware Shoals—only about three miles from Miller’s home—killed Reverend James Walker. The murder of Reverend Walker exemplified how tenuous any distinction was between simple homicide and lynching. When millworker Pope McCarty confronted the minister, McCarty’s two companions—his brother and a fellow mill hand—stood and watched; a year later, they took the stand in the courtroom and perjured themselves on his behalf. If the two men had joined McCarty in attacking Reverend Walker, the minister’s fate would have been the same, but many commentators would have classified his death a lynching.⁵²

For Broadus Miller and other local African Americans, the question of whether Reverend Walker’s death could be categorized a lynching would have been meaningless. Before the fatal confrontation, McCarty had not even known the minister, but the sight of a black man wearing glasses had provoked a murderous blind rage. When the lowly mill hand gunned down one of the most distinguished leaders of the local black community, then the extent of white millworkers’ hatred for blacks was made manifest, and every member of the black community must have felt threatened. But the minister’s widow, Emma Walker, decided to remain in Ware Shoals after her husband’s murder, and she would assume the roles of both principal and teacher at the school in Briar Hollow. Eight years after Reverend Walker’s death she remarried, becoming the wife of Reverend James Selden Maddox of Dunn Creek Baptist Church.⁵³

⁵² “Plead Temporary Insanity in Case of Pope McCarty,” *Greenwood (SC) Index-Journal*, June 29, 1921; “Pope McCarty Gets Sentence of 7 Years,” *Greenwood Index-Journal*, June 30, 1921;

⁵³ Michael Ayers Trotti, “What Counts: Trends in Racial Violence in the Postbellum South,” *Journal of American History* 100. 2 (Sept. 2013), 380; “Plead Temporary Insanity in Case of Pope McCarty,” *Greenwood (SC) Index-Journal*, June 29, 1921; “Pope McCarty Gets Sentence of 7 Years,” *Greenwood Index-Journal*, June 30, 1921; A. B. Caldwell, ed., *History of the American Negro: South Carolina Edition*, 26. “Emma Maddox Building,” http://ms.gwd51.org/about_us/emma_maddox_building (accessed July 7, 2014).

CHAPTER 3

HOMICIDE AND JUDICIAL PUNISHMENT

“...when these variously constituted human particles are suddenly thrown broadcast on the sea of life, some swim, some sink, and some hang suspended, to be forced up or down by the chance currents of a busy hurrying world.”

- W.E.B. Du Bois, *The Souls of Black Folk*¹

For South Carolina cotton farmers, the World War was a financial windfall. Wartime demand fueled record high profits, and this sudden prosperity led farmers to invest even more heavily in growing cotton. But though prices remained high in the immediate aftermath of the war, they soon proved unsustainable. “South Carolina entered the year 1920 buoyant,” the state agriculture commissioner later ruminated. “Our hopes were running high, our credit freely pledged, for we confidently expected to have a good crop year and the whole world was our market.” That summer, as demand evaporated, cotton prices suddenly collapsed and the fickle cash crop lost two-thirds of its value. In the words of one historian, it was “the most drastic price collapse in cotton history.”²

The collapse of cotton prices marked the beginning of an agricultural depression that would affect all segments of South Carolina’s population. The landowning planters who invested in the crop, the millworkers who turned the raw cotton into textiles, the merchants and businessmen into whose coffers the money ultimately flowed—all were dependent on King Cotton. But those most affected were the ones on the bottom rung of the socioeconomic ladder,

¹ W. E. B. Du Bois, *The Souls of Black Folk* (Chicago: A.C. McClurg & Co., 1903), 177-178.

² George Brown Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: Louisiana State University Press, 1967), 60, 111; *Year Book and Seventeenth Annual Report of the Commissioner of Agriculture, Commerce and Industries of the State of South Carolina: 1920* (Columbia, SC: Gonzales and Bryan, 1921), 130.

the tenant farmers and field hands who lived on a subsistence level and owned no land of their own. In the fall of 1920, newspaper editorials called upon merchants to adopt a policy of “refusing to extend credit to negroes without the consent of the landlord,” while groups of hooded and robed men began riding through the countryside, “emphatically warning the negroes” that they must work for lower wages. Governor Robert Cooper publicly condemned the masked riders, as did Colonel William Simmons, organizer of the recently reincarnated Ku Klux Klan. But the riders’ tactics proved effective. Newspapers reported “the black men are flocking to the cotton fields and gathering the crop, while the white housewives now have all the help they want in the way of cooks and washerwomen.”³

In the spring of 1921, as the cotton planting season began but the agricultural depression continued, thousands of rural black South Carolinians moved to urban areas searching for work. Among them was seventeen-year-old Broadus Miller, who departed Shoals Junction and headed for the town of Anderson about thirty miles away. He most likely went by train. The Piedmont & Northern Railway ran from Greenwood to Anderson, stopping at the Shoals Junction depot along the way. Either purchasing a ticket for a segregated, second-class passenger car, or surreptitiously hopping on a freight train boxcar, Miller would have arrived in the town less than an hour later. Upon disembarking, he would have entered a hectic hive of social interaction and potential friction far removed from life on a farm. “When the Negro leaves the farm, he must of

³ “Rascality Comes Out,” Abbeville, *SC Press and Banner*, November 1, 1920; “Night Rider Raids Spread in South,” *New York Times*, October 11, 1920; “Topics of the Times: Solving the Problems of Servants,” *New York Times*, October 20, 1920; “Bishopville Has White Cap Riders,” Pickens, *SC Keowee Courier*, November 3, 1920; “War on ‘Night Riders’ by Ku Klux Klan,” *New York Times*, November 1, 1920; Walter F. White, “Reviving the Ku Klux Klan,” *The Forum* (April 1921), 426-434. Simmons was probably telling the truth when he denied the masked riders were Klansmen. Cash-strapped cotton farmers would have considered the membership fees for elaborate rituals and regalia a frivolous luxury, and white South Carolinians did not have to become dues-paying Klansmen in order to don hoods and sheets and terrorize blacks. Groups of masked riders appeared throughout the Cotton South during the fall of 1920, but these various groups followed no coordinated strategy in dealing with the agricultural crisis. In some locales, believing that the continued processing of cotton was further depressing prices, riders demanded that black farm laborers cease picking the crop.

necessity go to the urban community,” noted sociologist Arthur Raper in the 1920s. “He leaves a community where everybody knew each other; he goes to a place where no one seems to know anyone else or gives a continental [*sic*] what happens.”⁴

The growth of the regional textile mills had turned Anderson into a booming town. At the turn of the century it had been home to some 5,500 residents; by 1920 the population had doubled. A hydroelectric dam in the nearby countryside supplied electric lights and powered the segregated streetcars that circled the downtown streets. The town served as the cultural and social center of a wide area, and a theatrical showing of *Birth of a Nation* in 1916 had attracted huge crowds from miles around. “All trains coming into and going out of Anderson were crowded and in several cases extra coaches had to be provided,” the local paper had reported. At the center of town, in the middle of a large open plaza, stood a massive Victorian courthouse. Constructed of brick and adorned with a high bell tower with gabled roof, the courthouse had been completed and dedicated in 1898—the year a new era in white supremacy was firmly established in the Carolinas.⁵

⁴ “Broadus Miller Still at Large,” Greenwood, SC *Index-Journal*, June 25, 1927; George W. Hilton and John Fitzgerald Due, *The Electric Interurban Railways in America* (Stanford, CA: Stanford University Press, 1960), 331; *Reports of State Officers, Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 14, 1919, Volume 1* (Columbia, SC: Gonzales & Bryan, 1919), 96; “Bi-Racialism a Product of a Class Society,” Folder 17, Arthur Franklin Raper Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill. A 1910 schedule lists the railroad journey from Shoals Junction to Anderson as one hour and twelve minutes, while a 1916 schedule gives the time as fifty-two minutes. “State Fair,” Newberry, SC *Herald and News*, October 18, 1910; “Excursion,” Newberry, SC *Herald and News*, August 22, 1916.

⁵ 1900 and 1920 federal censuses, Anderson County, SC, Anderson City; *Year Book and Seventeenth Annual Report of the Commissioner of Agriculture, Commerce and Industries of the State of South Carolina: 1920*, 209; “Educators of South Have Endorsed Great Picture,” Anderson, SC *Intelligencer*, May 17, 1916; “The Ku Klux Klan with Ghostly Garbed Ghouls, Is Spectacular Feature of ‘Birth of a Nation,’” Anderson, SC *Intelligencer*, May 19, 1916; “Line O’ Dope,” Anderson *Intelligencer*, May 25, 1916; “Local News,” *Abbeville (SC) Press and Banner*, May 24, 1916; Howard Woody, *South Carolina Postcards, Volume IX: Anderson County* (Charleston, SC: Arcadia Publishing, 2003), 12, 26-27. The illustrations in Woody’s photographic history are an invaluable resource for reconstructing early twentieth-century Anderson.

In the late nineteenth century, as railways linked Anderson with the surrounding region, the town had become home to a large African American population, and over time a black middle class had formed. But though these shopkeepers, insurance agents, and small business owners were wealthier than the typical mill hand, they would be continually reminded of their place in the social hierarchy. In March 1919, a few of Anderson's leading black citizens created one of the first chapters of the NAACP in upstate South Carolina—and were promptly driven out of town by angry white residents, including the local newspaper editor, who accused them of promoting “social equality.” Prohibited from working in the textile mills and forced into a subservient role socially, many African Americans began leaving to pursue a better life elsewhere. From 1910 to 1920 the town's black population declined by several hundred people, and African Americans went from comprising 35% of local residents to slightly less than 30%. Black men were in the vanguard of the Great Migration northward, leading to a noticeable gender disparity among the working-age African Americans who remained; in 1920, women would comprise 56% of the black population between ages 15 and 44.⁶

However, aggregate population figures belie the full extent of the outward migration. At the same time that many black men were departing Anderson, others were arriving in town. Most of these newcomers had grown up laboring in the cotton fields and had little formal education and no occupational training. They arrived in a strange new urban environment to face a

⁶ Anderson, S.C. City Directory, Vol. VIII, 1920-1921, available online at <https://archive.org> (accessed February 6, 2014); W. J. Megginson, *African American Life in South Carolina's Upper Piedmont, 1780-1900* (Columbia: University of South Carolina Press, 2006), 335-353; Peter F. Lau, *Democracy Rising: South Carolina and the Fight for Black Equality Since 1865* (Lexington, KY: University of Kentucky Press, 2006), 53-54; Department of Commerce, U.S. Bureau of the Census, *Negro Population in the United States, 1790-1915* (Washington: Government Printing Office, 1918), 773; Department of Commerce, U.S. Bureau of the Census, *Fourteenth Census of the United States Taken in the Year 1920: Volume III, Population* (Washington: Government Printing Office, 1922), 928; *Year Book and Seventeenth Annual Report of the Commissioner of Agriculture, Commerce and Industries of the State of South Carolina: 1920*, 209. The 1920 census gives Anderson's population as 1,392 black males, 1,638 black females, 3,683 white males, and 3,856 white females.

precarious existence and they took whatever menial jobs they could find. Unlike the textile mills with their nearly all-white labor force, cottonseed mills employed African Americans, and some black men found work in a local cottonseed mill, grinding the seeds into a cattle feed and extracting the oil to use in margarine, soap, and lard. Others were hired as municipal workers to clean and maintain the town streets, or as service workers in hotels and restaurants. These newcomers frequently ran afoul of the law, and most of the people confined in the town jail had only recently arrived in Anderson. Police vigorously suppressed any unauthorized activity by African Americans. In the spring of 1921, around the time Broadus Miller came to town, sheriff deputies raided “a crap game being carried on by a lot of negroes,” leading to an exchange of gunfire and several arrests.⁷

After arriving in Anderson, itinerant black men found lodging with local families or in one of the downtown boardinghouses. One such boardinghouse was at 122 West Market Street, half a block off Main Street and a couple of blocks south of the courthouse square. A two-story wooden building, it stood directly across the street from a freight train station. The keeper of the boardinghouse was a middle-aged widow named Essie Walker, who may have been related to Broadus Miller’s uncle and aunt. At the turn of the century she and her husband Frank—both listed on census records as “mulatto”—had been tenant farmers a few miles outside Anderson. In the early 1900s they moved to a black neighborhood on the edge of downtown, obtaining a

⁷ 1920 census, Anderson County, SC, Anderson City, ward #4, 122 West Market Street and 404½ South Main Street; William J. Cooper, Jr., and Thomas E. Terrill, *The American South: A History, Volume II* (Lanham, MD: Rowman and Littlefield, 2009), 527; Numan Bartley, *The Creation of Modern Georgia*, 2nd ed. (Athens, GA: University of Georgia Press, 1990), 133; Carole Marks, *Farewell, We’re Good and Gone: The Great Black Migration* (Bloomington, IN: Indiana University Press, 1989), 61; “Anderson Negroes Fire on Officers,” *Abbeville, SC Press and Banner*, April 1, 1921. For the Great Migration as a gradual relocation from a rural setting to a large urban center (from countryside to southern towns, and from thence to northern cities), see, e.g., Joe William Trotter, Jr., ed., *The Great Migration in Historical Perspective: New Dimensions of Race, Class, & Gender* (Bloomington, IN: Indiana University Press, 1991), 22.

mortgage and purchasing a home. Essie Walker began operating a restaurant, her husband became a shoemaker, and together the couple raised a young grandson, the child of an absentee daughter. At some point in the 1910s Frank Walker died. After his death, his widow leased the boardinghouse, living there and renting out some half dozen rooms to single black men. On the evening of Sunday, May 1, 1921, the Walkers' grandson stumbled over something in a pitch-dark hallway within the house. Fetching a light, he returned to discover a horrific scene. The walls of the hallway "were spattered with blood." On the floor lay Essie Walker's body, a bullet wound in her chest and her head crushed by multiple blows from a baseball bat.⁸

Violent deaths were not uncommon in Anderson. Over the course of 1921 local residents burned to death in house fires, were fatally kicked by mules, and fell victim to automobile and industrial accidents. Despondent businessmen shot themselves or swallowed strychnine. But the leading cause of violent death was neither accidents nor suicides. With its rapid growth and ever-changing population, Anderson had the second-highest homicide rate of any town in South Carolina—and higher than any major city in the United States. In the months following the collapse of cotton prices, the number of homicides spiked throughout South Carolina. From 1920 to 1924, more South Carolinians would be killed at home than had died abroad on the battlefields

⁸ 1920 census, Anderson County, SC, Anderson City, ward #4, 122 West Market Street and 404½ South Main Street; Sanborn Fire Insurance Map, Anderson, SC, February 1918 (New York: Sanborn Map & Publishing Co., Ltd.), University of South Carolina, South Caroliniana Library, Digital Collections, available online at <http://www.sc.edu/library/digital/collections/sanborn.html> (accessed February 1, 2014); 1900 census, Anderson County, SC, Broadway township, enumeration district #42, dwelling #104; 1910 census, Anderson County, SC, Anderson City, ward #3, 1307 South Fant Street; 1920 census, Anderson County, SC, Anderson City, ward #4, 122 West Market Street; "Negro Confesses to Killing Negress at House in Anderson," *Greenville (SC) News*, May 3, 1921; Essie Walker death certificate, Anderson County, SC, May 1, 1921, file #6249, South Carolina State Archives, Columbia, SC. Press accounts state that Walker's body was discovered by her son; however, census records indicate that Walker's only living child was a daughter, and that the Walkers raised their daughter's son. These accounts also state that Broadus Miller had relatives in Anderson, and the shared surname "Walker" strongly suggests some type of kinship between the boardinghouse keeper and Broadus Miller's family. However, the evidence is unclear: Essie Walker's husband Frank came from an Anderson County family, while Tom Walker's parents lived in Abbeville (later Greenwood) County.

of the World War. The deadliest year was 1921, when officials recorded nearly three hundred homicides throughout the state, including seventeen in Anderson County. Essie Walker was the third African American woman killed in Anderson that year. In January, a thirty-year-old maid had been murdered at her home, while on April 24—exactly one week before Walker’s death—an assailant shot and killed a middle-aged African American widow who had three children.⁹

But though homicides occurred with depressing regularity in Anderson during the early 1920s, the killing of Essie Walker stood out as especially vicious. In the words of one press report, the dead woman “had been beaten so that she was hardly recognizable.” A local journalist later described her death as “one of the most brutal killings” in Anderson County history. Within a few hours of the discovery of Walker’s body, police arrested an African American named James Mattison, for whom they had an outstanding warrant stemming from an incident the previous year. On a Friday evening in January 1920 a carload of black men had driven to a hot supper on the outskirts of Anderson. There they had been accosted by Mattison, who had drawn a pistol and ordered them to leave, firing several shots at their car as they drove away. The men notified the police and a warrant had been issued, but over a year had passed and nothing had

⁹ Anderson County, SC, death certificates, January 1-December 31, 1921, *South Carolina, Death Records, 1821-1960* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc., 2008; Harrington C. Brearley, “A Study of Homicides in South Carolina, 1920-1926,” (Ph.D. dissertation, University of North Carolina at Chapel Hill, 1928), 24-25, 28-35; Florence Bowers death certificate, Anderson County, SC, January 28, 1921, file #64; Eliza Wakefield death certificate, Anderson County, SC, April 24, 1921, file #4366; 1920 census, Centerville township, Anderson County, SC, dwelling #196. National homicide statistics for the early 1920s are incomplete, for states such as Arkansas and Texas did not keep detailed records; in 1921, 292 homicides were recorded in South Carolina, the highest of any one year during the ten-year period between 1916 and 1926 (Brearley, 24, 28). Of the seventeen homicide victims in Anderson County in 1921, seven were white men, seven African American men, and three black women. Sixteen of the death certificates of Anderson County homicide victims list gunshot as a cause of death; the seventeenth ambiguously lists the cause of death as “homicidal.” Among cities and towns in South Carolina, only Florence had a higher homicide rate than Anderson.

been done about the charges. Only after Walker's death did police arrest Mattison, and under interrogation, he told them the boardinghouse keeper had been killed by Broadus Miller.¹⁰

Police seized Miller at a boardinghouse at 404½ South Main Street, several blocks from the crime scene, and took him to the Anderson County jail, which was in a two-story brick house that stood on a grassy lot only a hundred feet or so from the boardinghouse where Essie Walker had died. According to press reports, Miller "had bloodstains all over his clothes" when he was arrested, but he "denied having killed the woman." One newspaper account stated he was originally questioned and released, then rearrested a short time later, but it is difficult to understand why he would have been released if his clothing were indeed bloody. Apparently the discovery of additional evidence further implicated him in the killing: "When later an inside pocket of a coat was found near where the woman lay, the officers carried it to the jail, and it fitted the coat which Miller had on." The police interrogation turned physically coercive, and after being "put through the third degree," Miller "broke down and confessed his guilt," telling the police "that the woman hit him with a baseball bat and he shot her." A press account noted that before he confessed, Miller "first asked another prisoner if he thought they would kill him if it was found that he had killed the old woman."¹¹

None of the press accounts indicate whether Miller had found some type of employment in Anderson or if he had been residing in Walker's boardinghouse. Nor do they reveal any

¹⁰ "Negro Confesses to Killing Negress at House in Anderson," *Greenville (SC) News*, May 3, 1921; "Former Anderson Negro is Killed," *Anderson Daily Mail*, July 4, 1927; Records of General Sessions of Anderson County Court, 1921, Anderson County Clerk of Court's Office, Anderson, SC.

¹¹ *Ibid.*; "Murdered Negro Woman," Abbeville, *SC Press and Banner*, May 4, 1921; "Murdered Negro Woman," Greenwood, *SC Index-Journal*, May 3, 1921; "Negro Boy Slays Aged Negro," Pickens, *SC Keowee Courier*, May 4, 1921; Howard Woody, *South Carolina Postcards, Volume IX: Anderson County*, 13; Sanborn Fire Insurance Map, Anderson, SC, February 1918. The previous year's census had given a glimpse of the jailhouse population on one particular day—seven white men and a total of ten African Americans, five men and five women, most of whom were itinerant laborers who had only recently arrived in town. 1920 census, Anderson County, SC, Anderson City, ward #4, 123 West Church Street.

reasons for the apparent quarrel that led to her death. However, the killing had occurred on the first day of the month, when the boardinghouse keeper may have been confronting lodgers about paying their rent. Though the press identified Broadus Miller as the sole killer of Essie Walker, on Monday, May 9, a grand jury indicted both Miller and James Mattison for murder. In addition, police resurrected the year-old accusations against Mattison, leading to a separate indictment against him for assault and battery with intent to kill and for carrying a concealed weapon. When the case came to trial, Mattison would testify against Miller—and in exchange all the charges against him were dropped.¹²

Only two weeks after Essie Walker's death, Broadus Miller went on trial for murder. Presiding over the May session of Anderson County criminal court was Judge George E. Prince, who would play a decisive role in determining Miller's fate. In his mid-sixties, Prince had been prominent in Anderson County civic affairs for several decades, first as an attorney and state legislator, then as a judge. A portly bald man, with a jovial smile half-hidden beneath a large walrus moustache, the judge exemplified the town-based ruling class of upstate South Carolina. While serving in the legislature during the 1890s, he had been the managing director of one of Anderson County's textile mills and the acting legal counsel for several others. He used his position as a lawmaker to further the mills' interests, combining his advocacy of the mills with a strong sense of noblesse oblige and unstinting work as a community booster. He had led the fight to create a public school system in the county, and when Ben Tillman governed South Carolina

¹² "Negro Confesses to Killing Negress at House in Anderson," *Greenville (SC) News*, May 3, 1921; "Former Anderson Negro is Killed," *Anderson Daily Mail*, July 4, 1927; Records of General Sessions of Anderson County Court, 1921, Anderson County Clerk of Court's Office, Anderson, SC; "Murdered Negro Woman," *Abbeville, SC Press and Banner*, May 4, 1921; "Negro Boy Slays Aged Negro," *Pickens, SC Keowee Courier*, May 4, 1921.

as a virtual one-man state, he had openly defied the governor by advocating a strong and independent judiciary.¹³

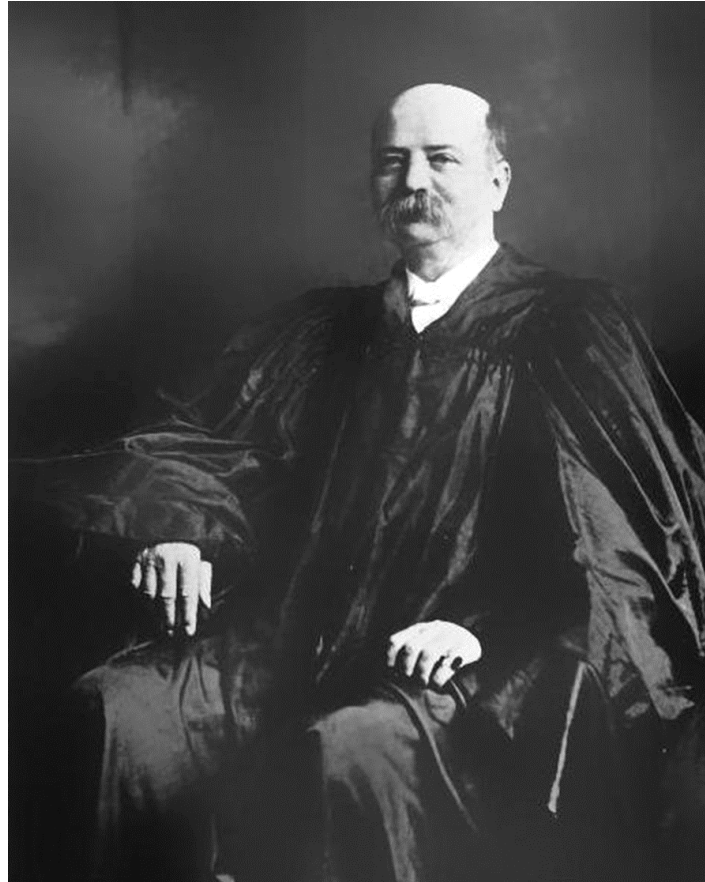


Figure 4. Judge George E. Prince (1856-1923).

Photograph from Yates Snowden and Harry Gardner, eds., *History of South Carolina: Volume 3* (Columbia, SC: Lewis Publishing Company, 1920).

¹³ Records of General Sessions of Anderson County Court, 1921; U.R. Brooks, "Judge George E. Prince," *South Carolina Bench and Bar, Vol. 1* (Columbia, SC: The State Company, 1908), 302-304; Yates Snowden and Harry Gardner Cutler, eds., *History of South Carolina, Volume 3* (New York: Lewis Publishing Company, 1920), 14-15; "George E. Prince, Esq." *Anderson Intelligencer*, September 30, 1896; Stephen A. West, *From Yeoman to Redneck in the South Carolina Upcountry, 1850-1915* (Charlottesville: University of Virginia Press, 2008), 130; "The New Judges," *Laurens (S.C.) Advertiser*, February 22, 1905; Francis Butler Simkins, *Pitchfork Ben Tillman, South Carolinian* (Baton Rouge: Louisiana State University Press, 1944), 185; James Rion McKissick, *Men and Women of Carolina* (Columbia, SC: University of South Carolina Press, 1948), 40-41; Louise Ayer Vandiver, *Traditions and History of Anderson County* (Atlanta: Ruralist Press, 1928), 125, 280; Frank A Dickson, *Journeys into the Past: The Anderson Region's Heritage* (Anderson, SC: Anderson County Bicentennial Committee, 1975), 169-171. For an in-depth examination of the "town people" whom Judge Prince epitomized, see David Carlton, *Mill and Town in South Carolina*, and Stephen West, *From Yeoman to Redneck*, 101-168.

As one longtime court observer noted, Judge Prince had a reputation for “doing and saying what he thinks is right, and he doesn’t care one whit whether anybody approves of his course or not.” In the courtroom, the judge displayed a Victorian fustiness enlivened by occasional flashes of anger. On one occasion, after a courtroom outburst from a safecracker whom he had just given a ten-year sentence, Prince impetuously tacked on another five years. “I gave this man a sentence entirely too severe,” he would later confess, writing multiple letters to the governor urging him to issue a pardon. He was a stickler for formalities and had a penchant for delivering long moralizing sermons from the bench. When attorneys dared appear in his courtroom wearing light-colored suits, he demanded they conform “to the rules governing the court” and don black clothing. Imbued with early twentieth-century notions of manliness, Prince once preached to a grand jury about the need to hire male schoolteachers. Only men could control the mischievous behavior of boys, the judge informed the jury, adding that “if your boy has no mischief about him, he is a sissy, and a sissy is no good.”¹⁴

In the eyes of Judge Prince, African Americans had a clearly defined and legally enshrined place in South Carolina. There would be harsh consequences for any black who stepped outside the boundaries of this place. In 1912, the judge had presided over the trial of William Reed, and after a jury convicted Reed of attempted rape, Prince sentenced him to South Carolina’s newly adopted electric chair. Nevertheless, the judge believed that within the confines of their assigned place, African Americans were entitled to the full protection of the law. In an era when many South Carolina political leaders condoned lynching, he vocally denounced it. At the 1895 state constitutional convention, he had advocated anti-lynching legislation, arguing that

¹⁴ “The New Judges,” *Laurens (S.C.) Advertiser*, February 22, 1905; “Judge’s Letters in S. K. Williams Case,” Newberry, S.C. *Herald and News*, December 9, 1913; “Many Plead Guilty in Court Yesterday,” Anderson, S.C., *Intelligencer*, May 9, 1916; “Anderson Jurist Made Impression,” *Anderson Daily Intelligencer*, October 8, 1914.

lynching undermined judicial authority. “Every man ought to feel that once in the hands of the officers of the law he is safe,” Prince declared. “A man should not be punished unless he is tried by law.”¹⁵

The judge saw African Americans as social inferiors, to be treated with a supposedly benign paternalism, and he reserved his greatest ire for whites who violated the strict tenets of racial segregation. In 1907, while opening a court session in Clarendon County, Prince lectured a grand jury about “the crime of a certain intercourse between the two races.” Like most white South Carolinians, he found the idea of a consensual relationship between a black man and white woman inconceivable; the “crime” consisted of white men taking black mistresses. Prince ordered the grand jury “not to bother with the colored people, who knew no better, but to get after the white folks who did know better,” and he declared that “if there were any rusty or crusty old bachelors in the County guilty of this crime, no matter how broad his acres or big his bank account, those were the ones he wanted to try.”¹⁶

Prince had close ties to Greenwood County. His father-in-law had been the founding president of Lander College. His wife’s brother now served as the college president, the judge himself sat on the school’s board of trustees, and the Princes frequently visited the county and had a wide circle of local friends and acquaintances. On Saturday, May 14, Judge Prince issued a brief court order concerning the seventeen-year-old Greenwood County boy whose murder trial he would oversee. Noting it had “been brought to my attention that there is some doubt as to the sanity” of Broadus Miller, the judge appointed Dr. Anne Young to examine the defendant. A pioneering woman doctor, twenty-nine-years old and a graduate of Woman’s Medical College in

¹⁵ “Electric Chair for Reed,” Pickens, SC *Keowee Courier*, April 3, 1912; Stephen A. West, *From Yeoman to Redneck*, 163.

¹⁶ “Court,” *Manning (S.C.) Times*, September 25, 1907. For the judge’s focus on punishing miscegenation, see also “Anderson Jurist Made Impression,” *Anderson Daily Intelligencer*, October 8, 1914.

Philadelphia, Dr. Young specialized in mental health and had worked for three years at the South Carolina State Hospital for the Insane, where her duties included unmasking patients who feigned mental illness. Upon moving to Anderson in 1918, she was the only professionally trained psychiatrist in upstate South Carolina. The federal government regularly employed her to examine mentally disabled war veterans, while state courts appointed her to determine the legal competency of criminal defendants. Called upon to examine the accused killer of Essie Walker, Dr. Young concluded Broadus Miller “was not normal mentally.”¹⁷

Judge Prince’s court order and Dr. Young’s diagnosis cast a stark new light on Miller’s character and actions. They also raise numerous questions. Who had brought the issue of his sanity to the judge’s attention, and what had prompted this concern? What did it mean that Miller was “not normal”? Was he psychotic? Schizophrenic? The court records are fragmentary, the questions unanswerable. But these two brief and enigmatic phrases—*some doubt as to the sanity, not normal mentally*—echo over time, an ominous warning of tragedies yet to come.

On Monday, May 16, Broadus Miller went on trial in the Anderson County courthouse for the murder of Essie Walker. Outside the courthouse stood a monument, over twenty feet tall, topped by the statue of a Confederate soldier with his arms clenched across his chest, silently

¹⁷ “Judge Prince Passes After Long Illness.” *Anderson (SC) Daily Mail*, March 31, 1923; “Impressive Services Mark Prince Funeral,” *Anderson (SC) Daily Mail*, April 2, 1923; “Excellent Opening at Lander College,” *Greenwood (SC) Index*, September 21, 1905; Records of General Sessions of Anderson County Court, 1921; Beth Ann Klosky, *Daring Venture: A Biography of Anne Austin Young, Pioneer Woman Doctor* (Columbia, SC: R.L. Bryan, 1978), 99-114, 122-123; “Broadus Miller Still at Large,” *Greenwood, SC Index-Journal*, June 25, 1927. Dr. Young had been hired to work at the State Hospital by superintendent C. Frederick Williams, who was instituting progressive reforms in the treatment of the mentally ill. Peter McCandless, *Moonlight, Magnolias, & Madness: Insanity in South Carolina from the Colonial Period to the Progressive Era* (Chapel Hill: University of North Carolina Press, 1996), 315. The doctor would later become one of South Carolina’s leading obstetricians, delivering several thousand babies over the course of a long career.

watching the police escort Miller into court. As sociologist Guy Johnson later noted, the American judicial system was an alien and hostile environment for any black defendant. “When a Negro goes into court,” wrote Johnson, “he goes with the consciousness that the whole courtroom process is in the hands of ‘the opposite race’—white judge, white jurors, white attorneys, white guards, white everything, except perhaps some of the witnesses and spectators.” On the bench sat Judge George Prince, while the prosecution would be conducted by Leon W. Harris, who had been elected solicitor of the Tenth Circuit the previous year. Only twenty-nine-years old, Harris had previously served as private secretary to Senator Ben Tillman. The right to counsel in capital cases would not be nationally recognized until 1932, with the U.S. Supreme Court’s decision in the *Scottsboro* case, but South Carolina had a history of guaranteeing this right dating back to the colonial era, and a local attorney— twenty-six-year-old John Alexander Neely, Jr.—would represent the defendant.¹⁸

¹⁸ Records of General Sessions of Anderson County Court, 1921; Guy B. Johnson, “The Negro and Crime,” *Annals of the American Academy of Political and Social Science*, Vol. 217, Crime in the United States. (September 1941), 97; 1920 census, Anderson County, SC, Anderson township, enumeration district #21, 518 Greenville Street; “Solicitor—10th Circuit,” Pickens, SC *Keowee Courier*, June 9, 1920; “Other Election News,” *Abbeville (SC) Press and Banner*, September 1, 1920; “To the Democratic Voters of Oconee County,” Pickens, SC *Keowee Courier*, August 25, 1920; Verbon Eric Kemp, ed., *Alumni Directory and Service Record of Washington and Lee University* (Lexington, VA: Alumni, Inc., 1926), 343; *Report of the Secretary of State to the General Assembly of South Carolina for the Fiscal Year Beginning January 1, 1920 and Ending December 31, 1920: Part Two* (Columbia, SC: Gonzales and Bryan, 1921), 18; “Solicitor Leon Harris Tells *New York Herald* That Our Courts Do Justice to the Negroes,” *Greenville (SC) Piedmont*, April 27, 1921, reprinted in Pickens, SC *Keowee Courier*, May 4, 1921; William M. Beaney, *The Right to Counsel in American Courts* (Ann Arbor, MI: University of Michigan Press, 1955), 17-19, 25; James J. Tomkovicz, *The Right to the Assistance of Counsel: A Reference Guide to the United States Constitution* (Westport, CT: Greenwood Press, 2002), 12; William S. McAninch, “Criminal Procedure and the SC Jury Act of 1731,” in *South Carolina Legal History: Proceedings of the Reynolds Conference, University of South Carolina, December 2-3, 1977*, edited by Herbert A. Johnson (Columbia, SC: University of South Carolina, 1980), 180; 1920 census, Anderson County, SC, Anderson township, enumeration district #21, 501 North McDuffie Street. The Supreme Court’s decision in the *Scottsboro* case (*Powell v. Alabama*, 1932) applied only to defendants in capital cases. Ironically, though South Carolina had been in the forefront of granting counsel to defendants in capital cases, it would be one of the last states to recognize that right for those charged with lesser felonies, doing so only after the Supreme Court’s 1963 decision in *Gideon v. Wainwright*.

During a physically coercive police interrogation, Miller had confessed to killing the boardinghouse keeper, but the trial began with the defense entering a plea of “not guilty,” apparently basing the plea on the claim of mental illness. Throughout the first day of the trial, the prosecution and defense presented their various witnesses. The first person called by the prosecution was county physician Dr. Halbert H. Acker, Jr., who had examined Essie Walker’s body and signed her death certificate. Following the doctor’s testimony, nine other men took the stand for the prosecution, including residents of the West Market Street boardinghouse and James Mattison, who had first directed the police to Miller. A number of white men also testified, most notably the mayor of Anderson, sixty-two-year-old Foster Fant. The mayor’s appearance on the witness stand is puzzling, the nature of his testimony a mystery. What had he personally witnessed that was relevant to the case? There is no transcript of the trial, and the question cannot be answered.¹⁹

Whereas all the prosecution’s witnesses were Anderson residents, the defense would rely entirely upon character witnesses who had no first-hand knowledge of Essie Walker’s death, but were well acquainted with the personality of the accused killer. As scholar Albert Bushnell Hart had noted a decade earlier, a black criminal defendant in the South enjoyed “a special protection whenever he can call in a respectable white man to vouch for him,” for “the Court is then likely to impose a light sentence.” Farm owners Harrison “Lat” Rasor and Clarence Agnew both traveled from Shoals Junction to Anderson to testify on Miller’s behalf, while W.E. Algary sent a written statement of support. One can only speculate why Rasor and Agnew agreed to make the

¹⁹ Records of General Sessions of Anderson County Court, 1921; Anderson, S.C. City Directory, Vol. VIII, 1920-1921; Essie Walker death certificate, Anderson County, SC, May 1, 1921, file #6249; 1920 census, Anderson County, SC, Anderson City, ward #4, 122 West Market Street, and ward #2, 578 S. Fant Street. For other examples of Dr. Acker’s courtroom testimony, see, e.g., “Large Crowds Pack Courtroom to Hear Trial of Young Men,” Anderson, SC *Intelligencer*, May 2, 1916; “Roberts Followed the Suicide Route,” *Anderson (SC) Intelligencer*, July 31, 1914; “Child Smothered to Death Tuesday,” *Anderson (SC) Daily Intelligencer*, January 21, 1914.

journey to Anderson, but as social scientist John Dollard later noted in his landmark study of southern race relations, white employers often appeared as character witnesses for black laborers accused of violent crimes against other blacks. “Very probably from the white standpoint these actions seem benevolent, since the whites know the accused Negroes as good servants or field hands,” wrote Dollard. “From the white standpoint it is a feudal protectoral relationship, an extension of family ties to ‘their’ Negroes.”²⁰

Feudal protectoral relationships were common throughout upstate South Carolina. A few years earlier, after one black man shot and killed another at an Anderson County church, his white landlord immediately announced he would provide bond for the man, whom he described as “an honest, hard-working negro.” Such seemingly benign acts could come at a heavy price, for white employers sometimes expected more work for less pay in exchange for feudal protection. In 1919, Abbeville officials complained that some local black laborers “had few scruples against committing crime” because of “the willingness of the white employer to pay the fines of the negroes arrested and convicted”; the white employer “could easily afford to pay these fines because in many cases the negroes were being paid half wages and some of them not even that.” More ominously, as John Dollard noted, if an African American man belonged to “the feudal group of some influential white man,” then he might “have extraordinary liberty to do violent things to other Negroes.”²¹

²⁰ Records of General Sessions of Anderson County Court, 1921; Albert Bushnell Hart, *The Southern South* (New York: Appleton and Company, 1910), 199; Harrington C. Brearley, “A Study of Homicides in South Carolina, 1920-1926,” 21; John Dollard, *Caste and Class in a Southern Town*, 2nd ed. (New York: Harper, 1949), 282-283.

²¹ 1920 census, Greenwood County, South Carolina, Walnut Grove township, enumeration district #91, dwellings #31, 55, and 65; “Killing Resulted from Lack of Rain,” *Anderson (SC) Daily Intelligencer*, July 28, 1914; “Causes of Crime Discussed Here,” *Abbeville (SC) Press and Banner*, August 12, 1919. John Dollard, *Caste and Class in a Southern Town*, 282-283. For white landlords’ feudalistic protection of their black laborers, see also Leon Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: Alfred A. Knopf, 1998), 265.

Instead of a single influential white man, a tightly-knit group of white landowners acted as feudal protectors for Broadus Miller’s family. Harrison “Lat” Razor, Clarence Agnew, and W.E. Algary were relatives and close neighbors of one another, and three of the most prominent and well-respected residents of the region around Shoals Junction. All three men were active members of Turkey Creek Baptist Church, where Razor served as church clerk and Algary as treasurer, and Razor had been the local school superintendent when Miller was a child. But though the motives for their testimony may have been benevolent, even generous acts carried an implicit expectation of gratitude. In addition to these white witnesses, Tom Walker came to Anderson to testify on behalf of his nephew, as did the Walkers’ minister, Reverend James Selden Maddox of Dunn Creek Baptist Church. After the testimony of the witnesses from Shoals Junction, Broadus Miller himself took the stand. Perhaps he asserted his innocence, perhaps he claimed the killing had been an unpremeditated act of passion—in other words, manslaughter instead of murder—or perhaps the defense called him as a witness in order to demonstrate a lack of mental competence. The last person to testify was the court-appointed psychiatrist, Dr. Anne Young, who declared that Miller’s mental condition made him “irresponsible for the crime.”²²

Following Dr. Young’s testimony, the court adjourned for the day. When the trial reconvened at 9:30 a.m. on Tuesday, May 17, the solicitor and defense attorney delivered their closing arguments and Judge Prince turned the case over to a jury of twelve white men. A couple of the jurors were tenant farmers, and at least one worked in a cotton mill, but the majority were

²² *Forty-Third Annual Report of the State Superintendent of Education of the State of South Carolina: 1911* (Columbia, SC: Gonzales and Bryan, 1912), 392-405; Margaret Watson, *Greenwood County Sketches: Old Roads and Early Families* (Greenwood, SC: Attic Press, 1970), 130, 355, 357; church records, Turkey Creek Baptist Church, Ware Shoals, South Carolina; “H. L. Razor Dies at His Home,” *Greenwood, SC Index-Journal*, March 22, 1940; “Clarence Agnew, Shoals Junction Resident, Dies,” *Greenwood, SC Index-Journal*, April 21, 1951; “Tribute Paid W.E. Algary,” *Greenwood, SC Index-Journal*, June 25, 1941; Records of General Sessions of Anderson County Court, 1921; 1920 census, Abbeville County, South Carolina, Donalds township, enumeration district #10, dwelling #115; “Broadus Miller Still at Large,” *Greenwood, SC Index-Journal*, June 25, 1927.

middle-aged landowning farmers from rural Anderson County, coming from backgrounds similar to the white men who had testified on Miller's behalf. They lived next to black tenant families, employed black field hands, and likely maintained feudal protectoral relationships with some of their African American tenants. The jury deliberated for several hours before foreman Thomas L. Webb—a fifty-nine-year-old farmer—informed the court they could not reach a verdict. Judge Prince ordered them to reconsider the case, but after further deliberations “the foreman again stated that they could not agree,” so the judge declared a mistrial. The jurors may have disagreed among themselves over whether Broadus Miller had killed the boardinghouse keeper, yet it seems more likely they could not come to a consensus concerning his mental competence and whether the killing should be punished as premeditated murder. For the next week and a half Miller sat in the local jail awaiting a new murder trial, but on Thursday, May 26, he agreed to plead guilty to manslaughter. Judge Prince then sentenced him to “hard labor in the State Penitentiary for a period of three years.”²³

A middle-aged black woman had been brutally killed; the seventeen-year-old African American accused of killing her received a three-year prison sentence. Six years later, the same individual would be accused of killing a white girl; he would then be targeted by thousands of armed manhunters and pursued throughout western North Carolina. The contrasting reactions are striking but hardly surprising. If a black man was accused of attacking a white female victim, it aroused the anger of all segments of the white population, and though they might differ in how

²³ Records of General Sessions of Anderson County Court, 1921. The following jurors are found on the 1920 Anderson County census: Thomas L. Webb—Hopewell township, enumeration district #49, dwelling #176; J. Otto Banister—Martin township, enumeration district #42, dwelling #225; Samuel S. McMahan—Hall township, enumeration district #45, dwelling #164; Robert H. Tripp—Brushy Creek township, enumeration district #33, dwelling #305; J. N. Harris—Savannah township, Starr town, enumeration district #59, dwelling #244; Furman E. Burris—Centerville township, enumeration district #87, dwelling #212; Daniel Patterson—Corner township, Iva town, enumeration district #38, dwelling #285; “Sentence of Ten Years for Ashley,” *Laurens (SC) Advertiser*, June 1, 1921.

they wanted the black man killed, whether by lynching noose or electric chair, they reacted with a fury far greater than to any other type of offense. When the victim was a white man, the reaction might be slightly less furious but was usually just as lethal, and racial disparity in punishment permeated the judicial system. “We have three classes of homicide,” opined a southern police detective in 1920. “If a nigger kills a white man, that’s murder. If a white man kills a nigger, that’s justifiable homicide. If a nigger kills another nigger, that’s one less nigger.” A facetious remark, perhaps, but in South Carolina, the detective’s description of the first two classes of homicide generally held true.²⁴

The degree of judicial punishment for homicide depended on if the killing was classified as murder or manslaughter, a distinction based upon the subjective question of whether the killer had reacted to “reasonable provocation, without premeditation or malice.” In early twentieth-century South Carolina, a murder conviction carried a mandatory death sentence unless a jury recommended mercy, in which case the convicted person received life imprisonment either in the state penitentiary or on a county chain gang. For manslaughter convictions, judges had great discretion in sentencing. According to law, individuals convicted of manslaughter could be sentenced to the penitentiary or chain gang for up to thirty years, but judges rarely imposed sentences of more than a few years for manslaughter. Every homicidal act originated from a particular set of circumstances and ended in the death of a specific individual, yet judicial punishment was inherently procrustean. A defendant could be tried and convicted of either

²⁴ Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 115-118, 127-130; Raymond B. Fosdick, *American Police Systems* (New York: Century Company, 1920), 45. The police detective’s remark is quoted by Fosdick, who gives an unfortunately vague description of the man as the chief of detectives in “a large Southern city” without specifying the state.

murder or manslaughter, with little middle ground between extremely harsh and comparatively lenient punishment.²⁵

In South Carolina, regardless of the circumstances, African Americans accused of killing white men were almost always tried and convicted of murder. The judicial outcome in the killing of John McGaha, adopted son of Citizen Josh Ashley, had been an extremely rare exception. In two separate cases in 1921, Governor Robert Cooper paroled African Americans who were serving life sentences in the state penitentiary for murdering white men. One of the parolees, Charles Campbell, had shot and killed a “very vicious” white assailant. “I am a white man, and Campbell is a negro, but I want to be fair,” a witness to the killing wrote to the governor. If it had not been for the racially charged atmosphere of the trial, the witness asserted, then the black man “could have gone before a jury and been acquitted on plea of self defense.” Instead, he had been convicted on a murder charge with a recommendation of mercy, leading to an informal agreement between the judge and the prosecutor; the judge imposed the mandatory life sentence, “but upon agreement on the part of the Solicitor that he would see that Campbell was paroled after serving a few years.” The second man whom Governor Cooper paroled—James Sanders—had confronted three white men who “made improper approaches to Sanders’ wife on the street.” After the men drew knives and began throwing bricks, he pulled a pistol and shot one of them, which led to a murder conviction. By the time Governor Cooper paroled Campbell and Sanders, they had both been incarcerated for five years.²⁶

²⁵ Andrew J. Bethea, *Code of Laws of South Carolina, 1912: Volume II* (Charlottesville, VA: Michie Company, 1912), 254-255, 260; *Reports of Cases Heard and Determined by the Supreme Court of South Carolina, Volume 79* (Columbia, SC: R. L. Bryan Company, 1908), 224-225; S. M. Wolfe, et al, *Code of Laws of South Carolina, 1922: Volume II* (Columbia, SC: R. L. Bryan Company, 1922), 9.

²⁶ *Statement of Pardons, Paroles and Commutations Granted by Robert A. Cooper, Governor of South Carolina: 1921* (Columbia, SC: Gonzales and Bryan, 1922), 13-14, 33-34; *Report of the Attorney General to the General Assembly of South Carolina for the Fiscal Year 1916* (Columbia: Gonzales and Bryan, 1917), 255; “Convict Pardoned,” *Greenwood, SC Index-Journal*, June 6, 1921; “Paroled During Good Behavior,” *Sumter, SC Watchman and Southron*, June 8, 1921. The almost inevitable murder convictions for African Americans who killed whites

As the cases of Campbell and Sanders demonstrated, African Americans convicted of murdering white men did not automatically receive death sentences, especially if jurors had doubts about a defendant's guilt. Instead of acquitting an accused black man outright or letting the prosecution end in a mistrial, an all-white jury would convict him and recommend mercy, thus ensuring he received a life sentence instead of death. Jurors saw themselves as saving the black man's life, not as condemning him to a life in prison. They did not want to face the potential backlash from the larger white community that an acquittal would provoke, and they assumed if a defendant were indeed innocent, then definitive proof of his innocence would materialize at some point in the future and someone else would shoulder the responsibility of ensuring he was freed. An accused black man was guilty until proven innocent, with mercy often recommended if a jury had more than reasonable doubt of his guilt.

Trial by jury entailed behind-closed-door negotiations and tacit compromises. Neither judge nor jury wanted to be left standing alone between an accused African American and a larger white community that demanded the black man's death. In 1913, Judge Prince had presided over the murder trial and conviction of Will Goggans, an African American charged with murdering a white man in Newberry County. Goggans steadfastly maintained his innocence, and the only evidence against him was the highly dubious testimony of two other African Americans who had also been accused in the case. But the jury did not recommend mercy and Prince therefore handed down the mandatory death sentence. Within weeks both judge and jury joined several other local white citizens in petitioning Governor Coleman Blease to have the sentence commuted to life imprisonment. The jurors explained they had grave doubts

recalls the sentiments of Georgia Supreme Court Justice Joseph Lumpkin, who in 1854 declared "that in no case in which a slave kills a white should the law mitigate murder to manslaughter." Andrew Fede, "Legitimized Violent Slave Abuse in the American South, 1619-1865: A Case Study of Law and Social Change in Six Southern States," *American Journal of Legal History*, 29.2 (April 1985), 130 n.218.

about the defendant's guilt and had wanted to recommend mercy, but they had been waiting on Judge Prince to suggest they do so. The judge insisted he had expected the jury to deliver such a recommendation, but the decision had been theirs and entirely out of his hands. As one anguished petitioner hastened to reassure the governor, "I naturally believe in white supremacy, and not social equality." However, the outcome of the trial had left him deeply troubled. "Fact is, the trial was like that of a white man, *except the verdict*." Performing a delicate balancing act to placate the various white constituents within his native county, Governor Blease granted the condemned man a series of extended reprieves, and in 1915, newly-elected Governor Richard Manning commuted the death sentence to life imprisonment.²⁷

When the evidence against African Americans accused of killing white men was flimsy, prosecutors often displayed more eagerness for a death sentence than a jury. In 1915, three African Americans in Laurens County went on trial for murder. They had allegedly killed a white farmer and burned down his house, and all three men received life sentences after the jury convicted them but recommended mercy. The solicitor had wanted the death penalty for the trio's alleged ringleader. "Not being content with this outcome of the trial," he charged the man with arson, which, though almost never prosecuted as such, was on the books as a capital crime. Following a second conviction, the solicitor succeeded in securing the desired sentence, but state officials objected to his attempted end-run around the original jury decision. "If the negroes are guilty they are equally guilty," the state pardon board reported to Governor Manning, who commuted the man's death sentence.²⁸

²⁷ *Report of State Officers, Board and Committees to the General Assembly of South Carolina for the Fiscal Year 1915* (Columbia, SC: Gonzales and Bryan, 1916) 656-674.

²⁸ "Greenwood Rogers Goes to the Chair," *Laurens (SC) Advertiser*, March 10, 1915; "Greenwood Rogers Saved from Chair," *Laurens (SC) Advertiser*, July 14, 1915. For life sentences of African Americans convicted of interracial murder, see also "Negro Gets Life Sentence for Murder of Magistrate," *Gaffney (SC) Ledger*, October 5, 1920. Nearly a quarter of a century after the Laurens County solicitor's attempt to secure the death penalty by bringing the arson charge, his action would prevent the by-now seventy-five-year old black man from receiving

Whereas any African American who killed a white man was almost certain to be convicted of murder, whites who killed African Americans usually did so with impunity. As an editorialist for *The State* admitted in 1921, the South Carolina judicial system was “often too lenient to white men when they are indicted for criminal offenses against negroes.” Yet, the editorialist argued, it would be wrong to conclude that whites who killed blacks never received judicial punishment. “While convictions of white men who kill negroes are not numerous, they are not unheard of,” he asserted. And indeed, by the late 1910s all-white juries in upstate South Carolina occasionally convicted white men for killing African Americans—but very rarely, and always for manslaughter and not for murder. In comparison with the sentences typically levied in such cases, millworker Pope McCarty’s seven-year sentence for killing Reverend Walker was exceptionally severe. On Christmas Day, 1915, a white overseer on an Anderson County farm got drunk and led two black farmhands in “raising rough houses” through an African American neighborhood in Anderson. They stormed into several homes, beating and pistol-whipping the occupants, and in one household the overseer fatally struck a forty-year-old man with an axe. A local jury would convict all three “rough housers” for manslaughter, with the overseer and one of the farmhands receiving five-year sentences, while the other farmhand got three years.²⁹

parole. As he left office in early 1939, Governor Olin Johnston signed parole papers for the man, but because the prisoner was serving concurrent life sentences—one for murder and one for arson—and the parole specified only one of the two sentences, prison officials refused to release him. “Convict to Stay in Prison in Spite of Parole,” *Spartanburg (SC) Herald*, July 20, 1939.

²⁹ “A Case in Anderson,” Columbia, SC *The State*, reprinted in *Gaffney (SC) Ledger*, April 5, 1921; “Several Negroes Were Badly Beaten,” Anderson, SC *Intelligencer*, December 28, 1915; “Anderson Murder Cases,” *Anderson (SC) Mail*, reprinted in *Pickens, SC Keowee Courier*, February 23, 1916; Moses Shanks death certificate, December 30, 1915, Anderson County, SC, Abbeville city, file #22737; *Statement of Pardons, Paroles and Commutations Granted by Robert A. Cooper, Governor of South Carolina: 1920* (Columbia, SC: Gonzales and Bryan, 1921), 5. In 1919, a white farm laborer in Greenville County shot and killed a young black man. Though a coroner’s jury ruled the killing a “justifiable homicide,” in the spring of 1921 the killer would be convicted of manslaughter; sources do not indicate the sentence imposed in the conviction, which the farm laborer immediately announced he would appeal. “Jury’s Deliberation Long,” *Gaffney (SC) Ledger*, March 29, 1921; “Suspects Picked Up Prove Nothing; Negro Still Free,” *Asheville Citizen*, October 8, 1919; 1920 census, Greenville County, SC, Bates township, enumeration district #4, dwelling #152, Ernest Batson. In examining scores of upstate South Carolina homicides from 1915 through 1921, the author has found four cases in which whites were convicted of manslaughter

White farm employees and millworkers were potentially vulnerable to prosecution for interracial manslaughter. Town elites and landowning farmers had much less reason to fear any judicial punishment for killing African Americans. In the spring of 1921, a white farm owner from Anderson County went on trial for killing his black tenant. The tenant's stepdaughter had recently moved away, but the landlord had wanted her to stay and continue laboring on his farm. Angry at her departure, he confronted her stepfather and gunned him down. In a marked departure from the judicial apathy typical in such cases, the young and energetic solicitor Leon Harris vigorously prosecuted the killing and—based “almost totally on negro testimony”—secured a manslaughter conviction and two-year sentence. Harris trumpeted his accomplishment in a letter to the *New York World*. The farm owner was “as prominent as any man of the county,” he “had some of the best white men of the county to testify as to his character,” and he had been “represented by as able attorneys as the State of South Carolina affords.” Nevertheless, the solicitor had won a conviction, which he cited as proof “that Southern white juries will give a man justice regardless of his color.”³⁰

The press heralded the conviction and two-year sentence as a victory for the legal system. As *The State*'s editorialist approvingly noted, it was “becoming increasingly dangerous for a white man to kill a negro.” Yet initial convictions were usually a preliminary step in a much longer process. Like many white men found guilty in criminal cases, the Anderson County farm owner immediately posted bail and announced he would appeal his conviction to the South

for killing African Americans, but no murder convictions for such killings. Three of the four manslaughter convictions occurred in 1921.

³⁰ “Reach Verdict Against Todd,” Greenwood, SC *Index-Journal*, March 29, 1921; “Gets Two Years for Killing Negro,” Abbeville (SC) *Press and Banner*, April 13, 1921; “Solicitor Leon Harris Tells *New York Herald* That Our Courts Do Justice to the Negroes,” Greenville (SC) *Piedmont*, April 27, 1921, reprinted in Pickens, SC *Keowee Courier*, May 4, 1921; “A Case in Anderson,” Columbia, SC *The State*, reprinted in Gaffney (SC) *Ledger*, April 5, 1921. Though the South Carolina newspaper headline stated Leon Harris's letter had appeared in the *New York Herald*, the accompanying article made clear that the letter had been printed in the *New York World*.

Carolina Supreme Court, and it is unclear if he ever served any of his sentence. Mistrial, retrial, appeal, then new trial—and if necessary, the entire sequence could be repeated multiple times. For a white defendant with sufficient financial resources, the judicial process became a circular game, expensive and time-consuming, but usually winnable. And when convictions were not overturned on appeal, then a parole, pardon, or commutation by the governor meant that most defendants served far less time than to which they had been sentenced. In the case of the Anderson “rough housers,” the white overseer who committed homicide would be paroled less than two years later, while his black accomplices remained imprisoned.³¹

African Americans accused of killing white victims were almost always convicted of murder, while whites accused of killing African Americans either received no judicial punishment or at most a manslaughter conviction. However, the vast majority of homicides were intraracial killings, with same-race perpetrator and victim, and despite the police detective’s coarse description of black-on-black homicide as “one less nigger,” in upstate South Carolina during the early 1920s there was little racial disparity in punishing intraracial homicides, at least in cases involving male victims. Whether the perpetrator and victim were white or black, the state’s judicial system often treated same-race killings in a cavalier fashion. Coroner juries sometimes ruled such killings justifiable. Grand juries refused to indict accused killers, regardless of the evidence, or would issue indictments only for lesser charges, such as carrying a concealed weapon or “disorderly conduct.” When homicide cases went to trial, the state’s all-white juries acquitted over one-third of black defendants, while more than two-thirds of white

³¹ “Jury’s Deliberation Long,” *Gaffney (SC) Ledger*, March 29, 1921; “Reach Verdict Against Todd,” *Greenwood, SC Index-Journal*, March 29, 1921; “Gets Two Years for Killing Negro,” *Abbeville (SC) Press and Banner*, April 13, 1921; *Statement of Pardons, Paroles and Commutations Granted by Richard I. Manning, Governor of South Carolina: 1918* (Columbia, SC: Gonzales and Bryan, 1919), 11; *Statement of Pardons, Paroles and Commutations Granted by Robert A. Cooper, Governor of South Carolina: 1920*, 5.

defendants were freed. In the mid-1920s, newspaper publisher Walter E. Duncan surveyed the state and counted 150 pending murder trials, most of which would end in acquittal or conviction on lesser charges. “Human life is cheap in South Carolina,” he concluded.³²

On May 14, 1921, less than two weeks before Broadus Miller’s plea bargain, Judge Prince passed sentence in three separate intraracial homicide cases. The defendants—two white, one black—had all been charged with murder, but the murder trials of all three men had ended in hung juries. One of the white defendants, Sloan Jones, had aimed to gun down another man on a residential street in Anderson on a Sunday afternoon, but the only person Jones killed was a passing white pedestrian, shooting him in the back. After one mistrial, a second jury convicted Jones of manslaughter. “I have to consider not just how much punishment will do you, but what will be sufficient to set an example to other people not to go around shooting people,” Judge Prince explained to Jones during sentencing. “I have got to punish you.” The judge then ordered him to be confined for three years in the state penitentiary. After the mistrials in the murder cases against them, the defendants in the other two cases—one white, one black—both accepted plea bargains and received two-year terms, the minimum sentence for manslaughter convictions.³³

If given a sentence of ten years or less, an individual convicted of manslaughter was allowed to post bail and remain free pending appeal, and though judges occasionally handed down sentences of more than ten years, such punishment was rare. In cases of intraracial homicide, African Americans were just as likely to receive long sentences for manslaughter as were white offenders. In March 1921, an Abbeville court sentenced two African Americans

³² Harrington C. Brearley, “A Study of Homicides in South Carolina, 1920-1926,” 41, 57; “South Carolina Is World’s Bloodiest Spot,” *Gastonia Daily Gazette*, August 15, 1925. For the high homicide rate in South Carolina, see also David Carlton, *Mill and Town*, 145.

³³ “Jury Fails to Agree,” *Gaffney (SC) Ledger*, May 14, 1921; “Anderson Defendants Given Sentences,” *Greenwood, SC Index-Journal*, May 15, 1921; “Gets Three Years for Killing Man,” *Pickens (SC) Sentinel*, May 19, 1921.

convicted of killing other black men. One of the convicted killers received a ten-year sentence, while the other was given twelve years. On the same day he sentenced Broadus Miller, Judge Prince held a sentencing hearing for twenty-nine-year-old Ernest Ashley, a great-nephew of the John Marion Ashley who had led the mob that lynched Allen Pendleton. The previous fall Ernest Ashley had killed a policeman at a Honea Path political rally. The police officer had “walked into a crowd where several men were scuffling.” Will Moore—the brother of Jim Moore who fifteen years earlier had attacked the hapless Pendleton—grabbed the lawman and tried to engage him in a wrestling match, but the officer refused to partake in the horseplay, at which point Ashley walked up and accused the policeman of acting “huffy.” Angry words were exchanged, leading to pushing and shoving, and culminating with Ashley pulling a pistol and killing the officer. The subsequent trial turned into “one of the hardest contested legal battles in the criminal court of Anderson,” with a team of prominent attorneys representing the defendant. Ashley claimed self-defense but a jury convicted him of manslaughter. Judge Prince originally imposed an eleven-year sentence, deliberately preventing Ashley from remaining free pending an appeal, but after defense counsel “implored Judge Prince to temper justice with mercy,” the judge relented and reduced the sentence to ten years, thus allowing him to post bail.³⁴

Though the particular circumstances of an intraracial homicide played a large role in determining whether an accused killer would be indicted for murder instead of manslaughter, the

³⁴ “Court of General Session Ended Today,” *Abbeville (SC) Press and Banner*, March 2, 1921; *Reports of Cases Heard and Determined by the Supreme Court of South Carolina, Volume 121* (Columbia, SC: R. L. Bryan Company, 1928), 17; “Court Adjourns Sine Die Saturday,” *Abbeville (SC) Press and Banner*, September 13, 1920; 1920 census, Abbeville County, SC, Donalds township, enumeration district #10, dwelling #219; “State Rests in the Ernest Ashley Trial,” *Abbeville (SC) Press and Banner*, May 25, 1921; “Sentence of Ten Years for Ashley,” *Laurens (SC) Advertiser*, June 1, 1921. Ernest Ashley appealed his ten-year manslaughter conviction to the South Carolina Supreme Court, which granted him a new trial. The following year, in September 1922, he was once again convicted of manslaughter, and this time, in a rare departure from the typical pattern, a court imposed an even harsher sentence of twelve years. “Twelve Years for Ashley,” Sumter, SC *Watchman and Southron*, September 23, 1922.

distinction between the two categories often seemed poorly defined and inconsistently applied. By the early 1920s, either through a jury's recommendation of mercy or a subsequent commutation by the governor, most persons convicted of same-race murder received a life sentence. Jurors generally showed a greater willingness to deliver murder convictions when men killed female victims. In January 1921, Judge Prince presided over the trial of a white resident of Greenville County named Hugh Bramlett. A year and a half earlier, Bramlett had driven to the home of his estranged wife and fatally shot his mother-in-law. Pleading temporary insanity, he had originally been convicted of murder without a recommendation of mercy, which meant an automatic death sentence, but an appeal to the South Carolina Supreme Court had won him a new trial. Once again he was found guilty of murder, but this time the jury recommended mercy and Prince imposed the required life sentence. The killing of African American women by black men sometimes resulted in convictions for manslaughter instead of murder—an outcome that rarely occurred with a white male perpetrator and white female victim—but all-white juries were generally more willing to deliver a murder conviction in such cases than if the victim had been a black man. Six weeks before Essie Walker was killed, a black man in Laurens County was sentenced to life imprisonment for “killing a negro woman,” and the day after Walker's death, an African American in Spartanburg received a life sentence for murdering his former girlfriend.³⁵

Whereas judicial punishment for interracial killings was profoundly unequal, in the early 1920s the South Carolina judicial system punished intraracial homicide with rough parity for white and black offenders. A defendant was more likely to be convicted of manslaughter than

³⁵ “Woman Dies of Wounds,” Pickens, SC *Keowee Courier*, June 25, 1919; “Hugh T. Bramlett Given New Trial,” Greenwood, SC *Index-Journal*, July 27, 1920; “Life Sentence for Bramlett,” *Gaffney (SC) Ledger*, January 18, 1921; “Life Sentences for Four Negroes,” *Laurens (SC) Advertiser*, June 18, 1919; Seth Kotch, “Unduly Harsh and Unworkably Rigid: The Death Penalty in North Carolina, 1910-1961,” (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2008), 100; “Life Sentence for Killing Wife,” Pickens, SC *Keowee Courier*, May 4, 1921; “Gets Life Sentence,” *Abbeville (SC) Press and Banner*, May 4, 1921; “Robert Burdette Cleared by Jury,” *Laurens (SC) Advertiser*, March 23, 1921.

murder, and convictions for either murder or manslaughter resulted in comparable sentences for both whites and blacks. This rough parity was a relatively recent development. At the beginning of the twentieth century, the state's judicial system had punished black-on-black homicide *more harshly* than white-on-white killings. On average, two or three black men had been hanged every year for committing intraracial murder. For three straight years, from 1907 through 1909, Greenwood County had one hanging a year—the only legal executions in the county's history. In all three cases, black men were hanged for murdering black victims. In December 1911, two convicted African American murderers were hanged in Lancaster, the first executions to take place there in twenty years; in both cases, the murder victim had been a black man. After South Carolina adopted the electric chair in 1912, all prisoners sentenced to death were transported to Columbia, housed on death row, and electrocuted within the walls of the state penitentiary. The frequency of executions remained roughly the same, and African Americans continued to comprise the vast majority of men condemned to death. But after 1912, lethal punishment for black-on-black homicides suddenly and sharply declined. (See Table 1).³⁶

For two decades prior to 1912, African Americans convicted of same-race murder had been executed at a steady pace, accounting for nearly 40% of all hangings in South Carolina. But in the decade after the electric chair was installed in the state penitentiary, only five black men

³⁶ “First Gallows Here Ready for Its Victim,” *Greenwood (SC) Index*, March 21, 1907; “Joe Evans Hanged,” *Greenwood (SC) Index*, April 18, 1907; “A Hanging Postponed,” Orangeburg, *SC Times and Democrat*, July 31, 1908; “Two Hangings in South Carolina,” Pickens, *SC Sentinel-Journal*, October 22, 1908; “Murderers To Be Hanged,” *Manning (SC) Times*, October 25, 1911; “First Execution in 20 Years,” Newberry, *SC Herald and News*, December 22, 1911; Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009), 29; Daniel Allen Hearn, *Legal Executions in North Carolina and South Carolina: A Comprehensive Registry, 1866-1962* (Jefferson, NC: McFarland, 2015), 153-175; M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR ed. Compiled by M. Watt Espy and John Ortiz Smykla, University of Alabama. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor], 2004. <http://doi.org/10.3886/ICPSR08451.v4> (accessed December 20, 2014). For the decades prior to 1912, Hearn documents several dozen more executions in South Carolina than are listed by Espy. However, Espy documents one 1921 execution that is not included in Hearn.

would be put to death for committing intraracial murder, less than 9% of all executions. Due largely to the 1909 state law making attempted rape a capital crime, the overall number of executions did not significantly change. In the decade following 1912, fourteen black men would be executed for the attempted rape of white women. Because African Americans comprised the overwhelming majority of men put to death both before and after 1912, and because the general frequency of executions remained roughly the same, the subtle change in how the death penalty was implemented went unnoticed by observers. Removed from the local level and veiled by “the majesty of the law,” the machinery of the state created greater racial parity in executions for intraracial homicides—and at the same time dramatically increased the disparity in capital punishment for black-on-white versus black-on-black offenders.³⁷

TIME PERIOD:	1892-1901	1902-1911	1912-1921
Total executions	70	62	55
Whites executed for intraracial murder	5	4	3
Blacks executed for arson	3	0	0
Blacks executed for interracial murder	30	22	28
Blacks executed for rape	5	7	5
Blacks executed for attempted rape	0	5	14
Blacks executed for intraracial murder	27	24	5

TABLE 1: LEGAL EXECUTIONS IN SOUTH CAROLINA, 1892-1921

Sources: Daniel Allen Hearn, *Legal Executions in North Carolina and South Carolina: A Comprehensive Registry, 1866-1962* (Jefferson, NC: McFarland, 2015), 142-175; M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR ed. Compiled by M. Watt Espy and John Ortiz Smykla, University of Alabama. Ann Arbor, MI: Inter-university Consortium for Political and Social Research, 2004.

³⁷ Daniel Allen Hearn, *Legal Executions in North Carolina and South Carolina*, 153-175; M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR ed.

Various factors contributed to this change in how the death penalty was implemented. Until 1912, county law enforcement officials were responsible for hanging persons sentenced to death. By the beginning of the twentieth century, South Carolina had officially abandoned the practice of public executions, but conditions varied widely from county to county, and large crowds—sometimes numbering a few hundred spectators—could be present at a hanging within a jailhouse or behind a jail yard wall. Like lynching, the legal hanging of African Americans sent a very vivid and visible message to local black communities, reminding them who held the reins of power and had the authority to decide whether a person lived or died. The transition from county hangings to state electrocutions occurred during the tenure of Governor Coleman Blease, who shrilly denounced alleged black criminality while indiscriminately dispensing pardons and commutations for intraracial homicide convictions to whites and blacks alike. Capital punishment for intraracial homicide among African Americans plummeted during his reign as governor, and it never returned to pre-Blease levels after he was gone. Most commutations of death sentences were prompted by petitions from residents of the county where the murder had occurred, and the only local voices powerful enough to be heard in Columbia belonged to influential white citizens who, whether from paternalistic solicitude for the condemned man or from feudal ties to his family, often lobbied on behalf of African Americans convicted of murder—if the murder victim had also been black.³⁸

³⁸ Stuart Banner, *The Death Penalty: An American History* (Cambridge: Harvard University Press, 2002), 155; Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009), 29; “Negro Hanged at Georgetown,” *Lexington (SC) Dispatch*, August 18, 1909; Stephen A. West, *From Yeoman to Redneck*, 182; “Blease’s Clemency Extended to 70 More,” *Kingstree, SC County Record*, January 7, 1915; Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009), 305. For the local dynamics within judicially punishing black-on-black violence, see, for example, “Negroes Try to Lynch a Negro,” *Bamberg (SC) Herald*, August 23, 1906; “There are a goodly number of people...” (untitled editorial), *Manning (SC) Times*, March 29, 1905; “Justice Is Asked,” *Manning (SC) Times*, April 5, 1905.

Yet even after 1912, African Americans convicted of intraracial murder ran a risk of being put to death by the state. The risk had dramatically decreased and was statistically small, but for those unlucky few who ended up sitting in the electric chair, the unlikelihood of their fate provided no consolation. In 1921, the year Broadus Miller went on trial, South Carolina executed eight men. All were black. Seven of the men had been convicted for the murder or rape of white victims. The eighth was Greenville County resident Will Lomax. In August 1919, a local court had convicted Lomax and three other African Americans of murder; in all four cases, the convicted men had killed black victims, and all of the men were sentenced to death. But through legal appeal or commutation, the lives of three men would be spared. Influential Greenville County citizens wrote to the governor on behalf of Will Lomax. He had a “low grade of intelligence,” “his mother was feeble-minded,” and the wife whom he had killed “was also idiotic.” Only hours before a scheduled execution, Lomax received a reprieve, and his advocates would successfully petition twice more to postpone his death. A board of physicians ultimately sealed the condemned man’s fate, examining him and concluding he was “below normal intelligence but not insane.”³⁹

³⁹ “Tobe Abercrombie,” *Yorkville (SC) Enquirer*, September 2, 1919; *Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1919* (Columbia, SC: Gonzales and Bryan, 1920), 128; *Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1921* (Columbia, SC: Gonzales and Bryan, 1922), 159; *Statement of Pardons, Paroles and Commutations Granted by Robert A. Cooper, Governor of South Carolina: 1921* (Columbia, SC: Gonzales and Bryan, 1922), 3; “Death Day Fixed,” *Sumter, SC Watchman and Southron*, November 13, 1920; “Will Be Executed Friday,” *Pickens, SC Keowee Courier* November 17, 1920; “Greenville Negro Is Granted a Reprieve,” *Greenwood, SC Index-Journal*, November 19, 1920; “Greenville Negro Given a Third Reprieve,” *Abbeville (SC) Press and Banner*, January 24, 1921; “Will Lomax Pays Penalty,” *Sumter, SC Watchman and Southron*, February 9, 1921; “Will Lomax Executed,” *Gaffney (SC) Ledger*, February 7, 1921. The execution of Will Lomax is omitted from Daniel Hearn, *Legal Executions in North Carolina and South Carolina*, but is included in M. Watt Espy and John Ortiz Smykla, *Executions in the United States, 1608-2002: The ESPY File*. 4th ICPSR ed. For the other men executed in 1921, see “Appeal Filed in Murder Case,” *Sumter, SC Watchman and Southron*, November 6, 1920; “Negro To Be Executed,” *Sumter, SC Watchman and Southron*, February 19, 1921; “Woman Sees Negro Executed for Husband’s Murder,” *Abbeville (SC) Press and Banner*, March 30, 1921; “Albert Wilson Executed,” *Sumter, SC Watchman and Southron*, May 7, 1921; “Pink Griffin Goes to Chair,” *Laurens (SC) Advertiser*, August 17, 1921.

Unlike the teenage Broadus Miller, Lomax was an adult and the victim had been his wife, but the contrasting outcome of the two cases is nonetheless striking: On February 4, 1921, less than three months before the killing of Essie Walker, the state of South Carolina executed a mentally impaired black man convicted of murdering a black woman.⁴⁰

⁴⁰ “Will Lomax Pays Penalty,” *Sumter, SC Watchman and Southron*, February 9, 1921; “Will Lomax Executed,” *Gaffney (SC) Ledger*, February 7, 1921.

CHAPTER 4

CONFINEMENT AND MIGRATION

*“Ah, my friends from the prison, they ask unto me,
‘How good, how good does it feel to be free?’
And I answer them most mysteriously,
‘Are birds free from the chains of the skyway?’”*
- Bob Dylan, “Ballad in Plain D”¹

On Tuesday, May 31, 1921, Broadus Miller arrived at the South Carolina State Penitentiary in Columbia. Only one other convict, an African American named Bob Russell, entered the prison that day. As publisher Walter E. Duncan noted, human life was cheap in South Carolina: convicted of housebreaking and larceny, Russell had been sentenced to six years—double the term given Miller, who had pled guilty to killing a woman. Russell came from Greenville County, adjacent to Anderson; an armed guard probably brought the two men to Columbia together by train. Upon their arrival, they were escorted through the massive arched gate of the administrative building—a forbidding granite fortress, topped by crenelated towers—and taken to the bath house, where they were stripped naked, inspected for vermin, given a bath, and issued prison clothing. The new prisoners were neither fingerprinted nor photographed, for state officials refused to allocate the \$300 such a system would cost. However, a clerk recorded the men’s physical descriptions: the seventeen-year-old Miller was five feet, eight inches tall with a dark brown complexion and scars on both knees. Within a day or two of their arrival, the

¹ Bob Dylan, “Ballad in Plain D,” © 1964 by Warner Bros. Inc., renewed 1992 by Special Rider Music.

men would be checked by the prison doctor, who vaccinated them against smallpox and decided if they were physically able to work.²

Located only a few blocks from the state capitol, the South Carolina penitentiary had been constructed in the immediate aftermath of the Civil War, at least in part to replace the punishments previously administered by slave masters. The penitentiary covered eighteen acres on the eastern bank of the Columbia Canal, near the point where the Broad and Saluda rivers joined to form the Congaree. Brick walls, ranging from fifteen to forty-five feet high, surrounded the grounds and its various buildings, many of them badly dilapidated. The main cell block was a large cavernous structure that dated from the late 1860s and contained five tiers of dank and narrow cells. In the shadow of the cell block stood the squat, rectangular “death house,” erected in 1912 to house half a dozen death row inmates and the state’s electric chair. On the other end of the prison complex, abutting the wall at the water’s edge, a large brick building served as a factory where inmates made wooden chairs. Between the factory and the main cell block, set off to the side and standing by itself, was a prison hospital, while the dozen or so other buildings included a commissary and a tuberculosis ward.³

² Central Register of Prisoners, May 27, 1913- May 2, 1925. S.C. Department of Corrections, South Carolina Department of Archives and History, Columbia, SC; “South Carolina Is World’s Bloodiest Spot,” *Gastonia Daily Gazette*, August 15, 1925; *Report of State Officers, Board and Committees to the General Assembly of South Carolina, 1921: Volume II* (Columbia, SC: Gonzales and Bryan, 1922), 38-42; South Carolina Attorney General's Office, *Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1921* (Columbia, SC: Gonzales and Bryan, 1922), 47; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary: Transcript of Testimony Taken by Witnesses at the Investigation before the Above Committee* (Columbia, SC: Gonzales and Bryan, 1923), 23-24, 130 (available at the South Caroliniana Library, University of South Carolina, Columbia, SC). See also the photograph of the administrative building in Michael Trinkley and Debi Hacker, *The Penitentiary Cemetery, Columbia, South Carolina* (Columbia, SC: Chicora Foundation, 2009), 11.

³ Trinkley and Hacker. *The Penitentiary Cemetery, Columbia, South Carolina.*, pp. 7-10; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, p. 142. For the early history of the South Carolina penitentiary, see Albert D. Oliphant, *The Evolution of the Penal System of South Carolina from 1866 to 1916* (Columbia, SC: The State Co., 1916), 4; Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia, SC: University of South Carolina Press, 1996), 198-212; Henry Douglas

Miller entered the penitentiary at a time when the inmate population was growing in size and changing in composition. At the beginning of the 1920s the prison had contained around 120 inmates, but over the next few years, due in large part to the agricultural depression, South Carolina's crime rate rose and the number of prisoners dramatically increased. By 1923 over 400 persons would be confined in Columbia. Nearly 90 percent of them were men, both black and white, who were housed in the cells of the main cell block, while the second floor of the commissary served as a women's dormitory, with a few dozen black women and a handful of white female prisoners. The women's quarters were supposedly racially segregated, but prison inspectors regularly complained the segregation was inadequate, with makeshift partitions and all female prisoners sharing the same lavatory. In 1921, Governor Robert Cooper commuted the sentences of two white women who had been sentenced to the penitentiary, upon condition the women leave South Carolina "and engage in respectable lives elsewhere." There was "no proper segregation of the white and negro women" in the penitentiary, declared the governor, and the dilapidated upper floor of the commissary was "not a fit place for incarceration of human beings, either white or black."⁴

Kamerling, "'Too Much Time for the Crime I Done: Race, Ethnicity, and the Politics of Punishment in South Carolina and Illinois, 1865 to 1900,'" (Ph.D. dissertation, University of Illinois at Urbana, 1998).

⁴ 1920 census, Richland County, SC, Columbia city, dwelling #1515; *First Annual Report of the State Board of Public Welfare of South Carolina, 1920* (Columbia, SC: Gonzales and Bryan, 1920-21), 44; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 2-11, 138; *Reports of the State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 8, 1918: Volume II* (Columbia, SC: Gonzales and Bryan, 1918), 37-40; *Third Annual Report of the State Board of Public Welfare of South Carolina, 1922: Volume III, Number IV* (Columbia, SC: Gonzales and Bryan, 1923), 42; G. Croft Williams, "Crime and Its Treatment in South Carolina," *Quarterly Bulletin of the State Board of Public Welfare* 8, no. 2 (Columbia, SC: State Board of Public Welfare, 1922), 3-6; *Statement of Pardons, Paroles and Commutations Granted by Robert A. Cooper, Governor of South Carolina: 1921* (Columbia, SC: Gonzales and Bryan, 1922), 10. For the connection between agricultural depression and rising crime rates, see, for example, North Carolina State Board of Public Welfare, *A Study of Prison Conditions in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1923). In giving population figures for the penitentiary, officials sometimes included the population of the state work farms (which were owned by the prison and housed inmates—mostly African Americans—who had been transferred from Columbia), while at other times the figures referred

Throughout the late nineteenth and early twentieth centuries the male inmate population had been overwhelmingly black, but this demographic composition dramatically changed in the years following the First World War. In 1919, for the first time, white men comprised a majority of male inmates, and throughout the early 1920s they would account for nearly 60 percent of the prison's male population. Nationwide, rapid post-war demobilization and the enforcement of prohibition laws had caused a significant increase in white male convicts. In South Carolina, however, the demographic transformation was largely the unintended consequence of changes in state law. In 1912 the legislature mandated that able-bodied male convicts serve their sentences on local chain gangs, unless—as in the case of Broadus Miller—a judge explicitly ordered a particular convict be sent to the penitentiary. At the same time, however, lawmakers decreed that counties must racially segregate the laborers on chain gangs, while allowing local officials to send any unwanted prisoners to the penitentiary. As state inspectors began enforcing the segregation requirements, some counties ended up transferring their long-term white prisoners to Columbia and maintaining all-black chain gangs.⁵

In addition to the racial segregation of chain gangs, other factors influenced the transfer of convicts from county to state. Able to choose which prisoners they wished to keep, counties often held on to able-bodied and potentially valuable laborers while getting rid of the disabled

only to those inmates housed in Columbia. *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 2, 138.

⁵ “White Criminals Outnumber Negro,” *Laurens (SC) Advertiser*, June 22, 1921; George W. Kirchwey, “The Prison's Place in the Penal System,” *Annals of the American Academy of Political and Social Science* 157 (Sept. 1931), 13; South Carolina Criminal Code, Chapter VIII, Section 104, “Able-Bodied Male Convicts to Work on County Chain Gangs,” Andrew J. Bethea, ed. *Code of Laws of South Carolina, 1912: Volume II* (Charlottesville, VA: Michie Company, 1912), 244-245; *Reports of State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 13, 1920: Volume II* (Columbia, SC: Gonzales and Bryan, 1920), 134. For the increasing number of white male convicts elsewhere, see North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 29-30; David Leroy Corbitt, ed., *Public Papers and Letters of Cameron Morrison, Governor of North Carolina, 1921-1925* (Raleigh, NC: Edwards & Broughton, 1927), 317.

and the incorrigibly violent. Consequently, the state penitentiary became—in the words of one official—a “dumping ground.” Throughout the entire South Carolina penal system a significant percentage of prisoners were mentally ill, with nearly one-quarter of county jail inmates thus afflicted, but the transfer of unwanted prisoners to Columbia caused an especially high percentage of mentally ill persons within the penitentiary. In 1921, the year Miller arrived, social workers examined the facility’s inmates and concluded that only one in five was of “normal” intelligence. Many had learning disabilities, while some 40 percent of the black inmates—and 51 percent of white inmates—were diagnosed as having a “mental defect,” a “psychopathic personality,” or a “mental disease.” A prisoner whose mental illness was exceptionally severe might eventually be transferred to the State Hospital for the Insane; Bob Russell, who had entered prison on the same day as Miller, would be transferred to the State Hospital the following year. During their time in the penitentiary, however, all inmates—the coldly calculating and the feeble-minded, the psychotic and the sane—were thrown together into the general prison population.⁶

This rapidly growing inmate population, many of them mentally or physically ill, exacerbated the already poor living conditions in the penitentiary. The top three floors of the main cell block lacked electricity, so most of the cells had only a small unscreened window for light. Five feet by eight feet, with a six-and-a-half foot high ceiling and a narrow iron grille

⁶ G. Croft Williams, “Crime and Its Treatment in South Carolina,” 4-6; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 23; Central Register of Prisoners, May 27, 1913- May 2, 1925, SCDAH. In 1921, the National Committee on Mental Hygiene surveyed seven South Carolina county jails and found that 19 percent of black inmates—and 30 percent of white inmates—were mentally ill or psychopathic. Williams, “Crime and Its Treatment,” 4. At every level of the South Carolina penal system a larger percentage of white prisoners than black prisoners were diagnosed as mentally ill. Several factors probably contributed to this disparity, and accused mentally competent African Americans may have been more likely to be convicted than their white counterparts.

door, each cell contained a small bunk. Overcrowding forced some men to share a single cell. As one prisoner recalled, the bed was “just a pair of springs and a frame and the springs were broken and the blankets stunk.” In summer, when Columbia sweltered in the humid and stagnant heat, bed bugs infested the cells. At night, a bucket in the corner served as a toilet; it would not be emptied until the following day. “You have to use the bucket and it stays in there all night, with the smell,” complained an inmate. Once a week the prisoners were allowed to bathe and given a clean change of underwear. Male prisoners ate in a single mess hall, a dozen men to a table, with segregated sections for blacks and whites. On special occasions—Christmas and Thanksgiving—they might receive pork. Otherwise the mess hall served the same menu every day of the week. Breakfast—bread, molasses, hominy, gravy, bacon, a piece of meat, coffee. Lunch—bread, molasses, vegetable of the day. Supper—bread, molasses, hominy, gravy. The lack of variety was a source of frequent complaint, as was the quality of the food. “Sometimes it is all right,” remarked one prisoner, “and most of the time it is not fit to eat.” The food was “not cleaned right and not cooked right,” declared another; there were “bugs and worms” in it, and “you can see the bugs and stuff in it and you can’t hardly eat it at all.”⁷

When decreeing the racial segregation of convict laborers, the South Carolina legislature had explicitly exempted the state penitentiary, and all of the prison’s inmates, both black and

⁷ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 27-32, 245, 258, 259, 286, 287, 348; *Reports of the State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 8, 1918: Volume II*, 37-38; “Columbia Journal: Prison Lures Them In (As Tourists),” *New York Times*, February 22, 1994; “Facts vs. Theory in Prison Management,” Sumter, S.C. *Watchman and Southron*, December 16, 1922. In the 1930s the prison would build a separate dining hall for black inmates; see the penitentiary blueprints in Trinkley and Hacker, *The Penitentiary Cemetery, Columbia, South Carolina*, 10. Inmates’ testimony about the poor quality of prison food contrasts sharply with the description given by state officials making regularly scheduled inspections (see, for example, *Report of State Officers, Board and Committees to the General Assembly of South Carolina, 1921: Volume II*, 38-42); prison officials apparently served higher quality meals when inspectors visited. For similar complaints about the food served in the South Carolina State Hospital (the asylum for the mentally ill), see Peter McCandless, *Moonlight, Magnolias, & Madness: Insanity in South Carolina from the Colonial Period to the Progressive Era* (Chapel Hill: University of North Carolina Press, 1996), 281-282.

white, were assigned jobs within the facility. A few dozen worked in the mess hall and kitchen, the laundry, and other prison facilities, but most were employed in the chair factory, where male inmates manufactured the chairs' wooden frames. In a separate section of the factory from the men, black female inmates wove the chairs' fiber seats. Though only lightly supervised, inmates were prohibited from speaking to one another during working hours. Unlike other jobs in the penitentiary, the factory provided a nominal wage, which officials called a "bonus," to anyone who exceeded a production quota. A typical worker might receive two or three dollars a month, with the most productive potentially earning double that amount. The prison doctor examined prisoners who claimed to be too sick to work; if he thought they were malingering, he allegedly punished them with hypodermic injections that caused extreme nausea and vomiting.⁸

Life in the penitentiary followed two different schedules, depending upon the season. On the summer schedule, male inmates were let out of their cells at six in the morning and had thirty minutes for breakfast. They worked until noon, when they had an hour-and-a-half break. After eating lunch, they could sit in the prison yard, smoking and talking, until returning to work at 1:30 and remaining there until five o'clock. Dinner lasted for half an hour, then the inmates were locked up at 5:30 p.m. During winter, the day began an hour later and the lunch break lasted only thirty minutes; work ended at a quarter after four and the prisoners were back in their cells by 4:45. As a prison inspector noted, the men were locked up "for twelve hours a day in the summer and fourteen hours in winter," which was "a long time to sleep and look at the four walls of a

⁸ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 13, 183, 213-214, 232-233, 285; South Carolina Criminal Code, Chapter VIII, Section 104, "Able-Bodied Male Convicts to Work on County Chain Gangs," *Code of Laws of South Carolina, 1912: Volume II*, 244-245; *Report of State Officers, Board and Committees to the General Assembly of South Carolina, 1921: Volume II*, 38-42. According to testimony given before the Special Joint Legislative Committee, factory laborers who exceeded the quota typically earned \$3.50 a month; however, the Report of State Officers gives a much lower figure, stating that "the bonuses amount to from three to nine cents a day."

cell.” After working nine-hour days Monday through Friday and half a day on Saturdays, the male inmates were allowed to spend Saturday afternoons in the prison yard playing baseball. Three Sundays a month the prison chaplain held morning and afternoon services; attendance was compulsory at the morning services, but inmates could decide if they wished to return to the chapel in the afternoon.⁹

Serving as prison superintendent in the early 1920s was a former state legislator named Arthur K. Sanders. An honorifically titled “colonel,” Sanders had been involved with the administration of the penitentiary for over twenty years, first as a member of the board of directors and then, beginning in 1915, as superintendent—a position to which he had been appointed thanks to his extensive political connections. By the time Broadus Miller arrived at the penitentiary, discipline had allegedly become lax, with guards occasionally allowing some inmates to don civilian clothes and spend evenings in the bars and flophouses of downtown Columbia. Tales of such escapades led to the resignation of the captain of the guards, and in December 1921, Colonel Sanders hired Clay Roberts to replace him. “Captain Roberts is an experienced man in prison work,” the superintendent noted. Indeed, Roberts had served as the guards’ captain once before. Born about 1876, he had grown up on a farm in Lexington County, just outside Columbia, and began working as a guard at the penitentiary in the late 1890s. Within a few years he had risen to the rank of sergeant. Soon thereafter he received his first appointment as captain and assistant warden. In 1913, Roberts had quit working at the prison, though it is unclear if he left voluntarily or was forced to resign.¹⁰

⁹ *Report of State Officers, Board and Committees to the General Assembly of South Carolina, 1921: Volume II*, 38-42.

¹⁰ Geddings Harry Crawford, ed., *Who's Who in South Carolina, A Dictionary of Contemporaries Containing Biographical Notices of Eminent Men in South Carolina* (Columbia, SC: McCaw, 1921), 165-166; 1920 census, Richland County, SC, Columbia city, dwelling #165; Pauline Witherspoon, “Social Legislation in South Carolina,” *Journal of Social Forces* 2.2 (January 1924), 232; *Annual Report of the Board of Directors and Superintendent of*

Returning to his former job of prison captain, Clay Roberts quickly established dictatorial command over inmates and staff alike, alienating many of the guards under his command. “At first I had guards come to me complaining to me about what the captain had done,” recounted Colonel Sanders. But the prison superintendent was glad to have the captain assume full control of day-to-day affairs, leaving Sanders to focus exclusively on the prison’s finances, and he peremptorily dismissed all complaints. “I told them out and out that if you can’t please the captain you can’t please me,” the superintendent explained. “The captain has absolute management of them. I try to look after the business end.” Roberts had even greater authority, unconstrained by any formal guidelines, over the prisoners themselves. In 1923, a state legislative committee was surprised to learn the prison had no written rules or regulations. “How do you suppose the prisoners know what to do if you haven’t any rules for them to see?” a lawmaker asked the prison superintendent. “I suppose a man knows what the general rules are,” Colonel Sanders responded. “What are the general rules?” the legislator persisted. “Behave yourself,” replied the colonel.¹¹

In the absence of any formal rules and regulations, Captain Roberts arbitrarily decided what constituted acceptable behavior—and how to punish transgressions. An investigation by the

the South Carolina Penitentiary for the Fiscal Year 1921 (Columbia: Gonzales and Bryan, 1922), 6; “Captain of the Guard,” Sumter, SC *Watchman and Southron*, December 3, 1921; *Reports and Resolutions of the General Assembly of the State of South Carolina Regular Session Commencing January 12, 1909, Vol. II* (Columbia, SC: Gonzales and Bryan, 1909), 996; *Reports and Resolutions of the General Assembly of the State of South Carolina, Regular Session Commencing January 9, 1912: Volume I* (Gonzales and Bryan, 1912), 874; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 145-146; 1880 census, Lexington County, SC, Lexington Township, dwelling # 181; 1903 Columbia, South Carolina, City Directory; 1910 census, Richland County, SC, Columbia City, South Carolina Penitentiary; “Capt. Clay Roberts Will Resign Job,” *Greenwood Index-Journal*, March 30, 1923. In the aftermath of the First World War, Roberts served as a clerk in the United States Quartermaster Corps, responsible for the acquisition of military supplies. By now middle-aged, he had married a woman nearly twenty years his junior and become stepfather to her young sons; the family boarded with Roberts’ sister and brother-in-law on a Lexington County farm. 1920 census, Lexington County, SC, Congaree township, family #354.

¹¹ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 14, 25.

State Board of Public Welfare concluded “that the discipline of the penitentiary is largely based upon the personal likes and dislikes of the captain of the guards and is extremely severe.”

Prisoners were sometimes placed in solitary confinement for fifteen days and given only bread and water, or they were chained to a cell door for hours at a time. The most dreaded form of punishment was flogging. Using a thick leather strap about two inches wide and attached to a round wooden handle, a guard—usually Captain Roberts himself—would lash an inmate’s naked back, raising welts and bringing blood. Both men and women were whipped, even for seemingly trivial offenses; on one occasion, a black woman was flogged for stepping out of line on the prison grounds to pick a flower. Women were taken to the lavatory in the female dormitory, stripped to the waist, and placed in stocks; they then received up to twenty-five lashes across their bare backs. The women’s screams could be heard throughout the building; afterwards they often spat up blood. Men sometimes received over forty lashes. To whip male inmates, guards occasionally took them to the autopsy room inside the “death house,” where they were stripped naked and held face-down on “the table where they lay the dead prisoners after they are executed.” Usually, however, male prisoners were taken to the basement beneath the prison hospital, to a place known as “the leather room,” and handcuffed to an iron ring high on the wall. Even inmates in the main cell block could hear the screams coming from the hospital basement.¹²

Appearing before a legislative committee in February 1923, Colonel Sanders defended the whipping of prisoners by pointing to penal systems elsewhere in the South. “Nearly all of the Southern States have the strap and punish them by whipping them,” the colonel argued. Yet a

¹² Ibid, 20, 147, 149, 192, 223, 225, 230, 246, 263-266; “Facts vs. Theory in Prison Management,” *Sumter, S.C. Watchman and Southron*, December 16, 1922; Frank Tannenbaum, *Darker Phases of the South* (G. P. Putnam’s Sons, 1924), 196-197. See also the description of prison discipline given in Elizabeth Robeson, “‘An ‘Ominous Defiance’: The Lowman Lynchings of 1926,” in *Toward the Meeting of the Waters: Currents in the Civil Rights Movement of South Carolina during the Twentieth Century*, edited by Winfred B. Moore, Jr., and Orville Vernon Burton (Columbia, SC: University of South Carolina Press, 2008), 78-79.

year and a half earlier, in a court ruling penitentiary officials flagrantly ignored, a South Carolina judge had decreed that “there is no authority for corporal punishment in this state.” The judge’s action had come in response to the case of Tom Keelan, a white man whom police in Spartanburg County arrested in August 1921 for hoboing aboard a freight train. Sentenced to thirty days on the local chain gang, Keelan was whipped to death by a chain gang guard after he fell ill and was unable to work. The dead man’s New Jersey relatives pressed the U.S. Department of Justice to pursue the case, which prompted Governor Robert Cooper to order an investigation. Just four months after Keelan’s death, in a remarkably similar case in Florida that garnered much greater publicity, a hobo named Martin Tabert was arrested and then flogged to death in a labor camp. Tabert’s family in North Dakota vigorously lobbied federal authorities to investigate the circumstances of his death, and extensive press coverage of the case led Florida lawmakers to declare a moratorium on flogging. Nor was Florida alone. In 1922, the governor of Alabama banned the practice and ordered the leather straps be destroyed, warning prison administrators they would be fired for any violation of the new policy. The same week that Colonel Sanders appeared before the committee in South Carolina, the Georgia governor issued an executive order prohibiting the use of “flogging as a part of prison discipline.” Later that year, North Carolina Governor Cameron Morrison imposed strict limitations on whipping and offered a \$400 reward “for evidence sufficient to convict any employee of the North Carolina State Prison Board” who violated the new policy.¹³

¹³ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 331; “Spartanburg Jury Convicts Chaingang Man,” *Edgefield (SC) Advertiser*, November 2, 1921; Tannenbaum, *Darker Phases of the South*, 109-112; Anne Haw Holt, “Men, Women and Children in the Stockade: How the People, the Press, and the Elected Officials of Florida Built a Prison System” (Ph.D. dissertation, Florida State University, 2005), 141-152; N. Gordon Carper, “Martin Tabert, Martyr of an Era,” *Florida Historical Quarterly* Vol. 52, No. 2 (Oct., 1973), 115-131; Mancini, *One Dies, Get Another*, 115, 197; Hastings H. Hart, *Social Progress of Alabama: A Second Study of the Social Institutions and Agencies of the State of Alabama* (Montgomery, AL: Brown Printing Co., 1922), 31; “Message of Governor Thomas W. Hardwick to the General Assembly of Georgia, June 29, 1923,” Folder 18, Box

Even Colonel Sanders could not deny that in many respects the South Carolina State Penitentiary was an antiquated facility. “I think we are about fifty years behind the times,” the prison superintendent confessed. However, he argued conditions had improved under his administration. Unlike before, inmates were now allowed to talk during their lunch break; after lunch they were given time to sit in the prison yard and smoke; they could write home once a week instead of only once a month. Yet such minor improvements could not mask the institution’s underlying brutality. Throughout the early 1920s, newspapers and political reformers regularly denounced conditions in the prison. In the words of an investigative committee, the penitentiary was “so obsolete, so inadequate, so unsafe and so unsightly that one cannot view it except as an expression of another age.” As one South Carolina newspaper headline proclaimed, “State Penitentiary Is a Medieval Prison out of Place in Present Day.”¹⁴

As in most southern states, the penitentiary in South Carolina was but one branch of a tripartite penal system. In addition to the state penitentiary and county-administered chain gangs, South Carolina incarcerated convicts on two state-owned prison farms. Adjoining one another but operated as separate enterprises, the Reed and DeSaussure farms covered 4,200 acres in Kershaw and Sumter counties, some forty miles east of Columbia. Throughout the year, depending upon the need for farm labor, inmates were transferred from the state penitentiary to the farms, where they tended livestock and raised cotton and other crops. On average, around

2, Georgia Governors' Messages, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia; Corbitt, ed., *Public Papers and Letters of Cameron Morrison*, 317. According to a 1929 report by the North Carolina State Board of Public Welfare, Governor Morrison completely abolished whipping in the state prisons, but the report seems to overstate the extent of Morrison’s actions; North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 92. For a general discussion of the role of whipping within penal systems, see Mancini, *One Dies, Get Another*, 75-77.

¹⁴ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 12, 106, 136; *Report of the Joint Legislative Committee to Investigate the State Penitentiary – Appointed by the General Assembly Session of 1925*, quoted in Trinkley and Hacker, *The Penitentiary Cemetery, Columbia, South Carolina*, 7; “State Penitentiary Is a Medieval Prison out of Place in Present Day,” *Aiken (SC) Standard*, August 14, 1925.

125 prisoners resided on the two farms. Nearly all of them were African American men, usually between twenty and forty-five years old, but a few white males and—especially in summer, when the workload was heavier—black women were also sent there. To house the inmates, each farm had a three-story brick building; the first floor contained a dining room and kitchen, while the top two stories served as dormitories, with about fifty beds on each floor. Black male prisoners occupied the second floor, with the third floor was used for the occasional contingent of white male or black female inmates.¹⁵

Purchased by prison officials in the 1890s, the two farms were under the authority of superintendent Colonel Arthur Sanders. But as in the penitentiary, Colonel Sanders delegated day-to-day supervision of the farms to subordinates, and on each farm a resident manager oversaw a handful of guards and a few dozen convicts. In 1922, sociologist Frank Tannenbaum contrasted the typical penitentiary—“with its isolated cells, its narrow windows, its high walls, its constant dampness and semi-darkness”—with conditions on prison farms. The farms were “not ideal,” Tannenbaum readily admitted, but they represented “an improvement on the old cell-block.” On the farms, prisoners were able to work outdoors, and they generally had better quality food, eating from crops and livestock that had been grown or raised on site.¹⁶

¹⁵ *First Annual Report of the State Board of Charities and Corrections of South Carolina to the Governor* (Columbia, SC: Gonzales and Bryan, 1915), 68-72; *Reports of the State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 8, 1918: Volume II*, 41-44; *Reports of State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 11, 1921: Volume II* (Columbia, SC: Gonzales and Bryan, 1921), 49-51; Oliphant, *The Evolution of the Penal System of South Carolina*, 9; 1920 census, Sumter County, SC, Rafting Creek township, dwelling #260. For the tripartite penal system in the South, see the description given by Frank Tannenbaum:

“Instead of one penal system there are at least three. There is the prison building which resembles that of the North. Then there is the County Chain Gang ... working prisoners on the public roads, each county more or less having its own system and its own management. In addition to that there is the State prison farm, a huge tract of land employing hundreds of men and raising cotton, rice, or tobacco.” Tannenbaum, *Darker Phases of the South*, 82-83.

¹⁶ Frank Tannenbaum, *Wall Shadows: A Study in American Prisons* (New York: G.P. Putnam, 1922), 143. As Tannenbaum noted, South Carolina was unusual among southern states in having more prisoners within the penitentiary than on the prison farms; states such as Mississippi, Florida, Louisiana, and Arkansas sent the vast majority of their inmates to prison farms (142).

But for all of their comparative advantages, the prison farms remained a harsh and unpleasant environment. During an annual inspection, a state official noted that all toilets on one of the farms had been out of order for over a year; prisoners had to relieve themselves in the nearby fields and woods. Once a month, the prison chaplain came from Columbia and held services; otherwise, the farm inmates spent the entire day on Sundays locked up their dormitories. Some of the convicts wore shackles, and they were all subject to whippings and other corporal punishments. The farm managers may not have been sadistic as Captain Roberts, but they did not hesitate to use the lash. As one of them explained to state lawmakers, “Sometimes it runs six months and I don’t have to punish a man, and then I might have to punish them very often.” Inmates were flogged for fighting and, in the farm manager’s words, for “buggery,” which he defined as one man using “another man as a woman.” For the black laborers, working conditions on the farms were similar to those under slavery. Prisoners worked from sunup to sundown six days a week and were whipped for any infractions, but unlike the factory workers in the penitentiary, they did not receive even a nominal wage for their labor.¹⁷

Though the working conditions resembled antebellum slavery, the profits derived from the prison farms were potentially greater than those earned by slaveholders. There was no initial investment cost for the convicts’ labor, for the prisoners did not have to be purchased and they arrived at the farms as fully-bodied adults. Moreover, the income earned by the state-owned farms was completely untaxed. As one critic observed, under such conditions a farm “couldn’t help” from reaping huge profits, for “whenever you take free niggers and . . . work them on a farm free, without having to pay for your labor,” then the enterprise was virtually guaranteed to

¹⁷ *Reports of the State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 8, 1918: Volume II*, 42-43; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 121, 11, 118.

make money. However, the farms kept no financial records. “These farms are conducted without a book being kept on either one,” complained a member of the penitentiary’s Board of Directors. “They ship out stuff, but where to and how much the farms cost to run, we can’t make out.”

When testifying before state lawmakers, Colonel Sanders claimed to have no idea whether or not the farms were a profitable venture, while on other occasions he boasted that the farms “were sources of great revenue.” He nevertheless insisted he had not used his position to line his own pockets. “I didn’t go in it for any graft and I didn’t get any,” the colonel declared, but his protestations rang hollow. The farms presented a host of opportunities to make money and bestow financial favors, and Sanders and other officials seem to have taken full advantage of such opportunities. The superintendent regularly sold cotton to preferred buyers at discounted prices, while on one occasion Governor Wilson Harvey arranged for the state to pay a commission to a cotton broker for *buying* the state’s cotton. In October 1922, officials claimed a suspicious fire had completely incinerated 174 bales of cotton stored in a farm warehouse; insurance paid for the vanished crop.¹⁸

The use of the penal system as a money-making venture had a long history in South Carolina. In 1877, Wade Hampton—South Carolina’s first post-Reconstruction governor—announced that the state’s prisons “should be made self-supporting as far as possible.” Hampton’s ultimate goal for the penal system extended beyond mere self-sufficiency. “With proper legislation,” the governor announced, “the labor of the convicts in the penitentiary could be made profitable.” A convict lease system, in which the state leased laborers to private companies outside the penitentiary, seemed the best way to realize Hampton’s vision of profitability, and South Carolina immediately enacted legislation to allow the leasing of

¹⁸ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 102, 68, 330, 58-59, 6, 330, 340.

prisoners. By the following year, convicts were working for railroads, mining companies, and large plantation owners. The program quickly developed into a major scandal after the press reported on the treatment of prisoners leased by the Greenwood and Augusta Railroad. Confined to a disease-ridden stockade and overseen by brutal supervisors, dozens of the railroad workers died, and in the wake of the incident, South Carolina largely abandoned the convict lease system. By the early 1880s, instead of leasing prisoners to outside companies, the state would focus on using convict labor within the walls of the penitentiary itself.¹⁹

The recently constructed penitentiary in Columbia provided the state with an ideal workplace for its prisoners. In 1883 the Columbia Hosiery company opened a hosiery mill within the penitentiary, using convict labor to produce stockings and knitted goods. For the state, the new arrangement proved more advantageous than the convict lease system. By bringing private companies to the penitentiary instead of sending prisoners to private companies, the state maintained absolute control of the convict work force, could dictate workplace conditions, and increased its own share of the profits. As an early scholar of the penal system rhetorically asked, “If the State has a right to make money out of the labor of a person whom it imprisons, why should it divide its profit from his labor with middlemen?” By the 1890s the state had diversified its operations, purchasing the prison farms and sending contingents of prisoners from Columbia to labor on the farms. Thanks to the revenue generated by the hosiery mill and prison farms, the South Carolina penal system became entirely self-funding. Grateful at not having to appropriate any funds to the penal system, state lawmakers exerted no oversight over its finances, and though

¹⁹ Oliphant, *The Evolution of the Penal System of South Carolina*, 4, 6; George Brown Tindall, *South Carolina Negroes, 1877-1900* (Columbia, SC: University of South Carolina Press, 2003), 267-271; William J. Cooper, *The Conservative Regime: South Carolina, 1877-1890* (Columbia, SC: University of South Carolina Press, 2005), 114; Mancini, *One Dies, Get Another*, 207-208; Bruce W. Eelman, *Entrepreneurs in the Southern Upcountry: Commercial Culture in Spartanburg, South Carolina, 1845-1880* (Athens, GA: University of Georgia Press, 2008), 239-241.

the farms and hosiery mill were highly profitable, there was no public accounting of how much money was earned or how it was distributed.²⁰

In the early 1910s, Governor Coleman Blease led a spirited fight to reduce the state's role within the penal system, arguing that all able-bodied prisoners should be placed under the control of local authorities and put to work on county chain gangs. "I have never believed . . . in keeping the Penitentiary for a money-making institution," the governor declared. Blease opposed nearly all aspects of state involvement in the penal system and advocated the abolition of the prison farms, but he displayed a particular animus for the hosiery mill, which he described as "a death trap" and "a tuberculosis incubator"—and whose convict labor force competed with the textile mill workers from whom Blease drew his political support. Under heavy pressure from the governor, state legislators and the penitentiary's board of directors abrogated the existing contract with the hosiery company. Blease heralded the closing of the mill as a wonderful accomplishment, asserting that "the most barbaric nation has never inflicted upon an innocent or a guilty man a meaner, nor more brutal punishment than South Carolina was giving to them in their hosiery mill." Yet shutting down the hosiery mill did nothing to change the underlying dynamic between the penitentiary and private companies. Looking for a new industry with which to do business, prison officials soon signed a contract with the Fiber Craft Chair Company. In 1917, the company took over the abandoned mill, refurbished the building and installed new machinery, and converted the hosiery mill into a furniture factory. Fiber Craft supplied the equipment and materials, while the prison furnished the labor. The contract called for the prison and the company to divide all profits equally, but it also gave the penitentiary full indemnity

²⁰ Mancini, *One Dies, Get Another*, 199; Oliphant, *The Evolution of the Penal System of South Carolina*, 7, 13. The quoted "early scholar of the penal system" was Albert Oliphant.

from all bad debts by potential customers. The prison's actual share of the net profits thus totaled more than one-half.²¹

In 1904—the same year Broadus Miller was born—W.E.B. Du Bois published a report on criminality among African Americans in the South. Du Bois argued that “the greatest single cause” for recidivism was the penal system’s focus on making a financial profit instead of reforming and rehabilitating prisoners. Six years later, scholar Albert Bushnell Hart observed that the penal system in southern states “still retains the notion . . . the prisoner is the slave of the state, existing only for the convenience and profit of those whom he serves.” In his 1916 study of the South Carolina penitentiary, Albert Oliphant concluded that “the effort to derive a profit for the State from the labor of men sentenced by the courts to the penitentiary is the outstanding feature of the management of this institution.” The desire to extract financial gain extended to every aspect of the facility. Some inmates suspected the penitentiary dining hall deliberately served inedible meals in order to compel them to spend their factory wages at the prison commissary, which sold canned goods, fruit, candy, and tobacco. With the approval of prison officials, several years earlier an inmate had established the commissary, but after the inmate’s

²¹ *Journal of the Senate of the General Assembly of the State of South Carolina, Being the Regular Session Beginning Tuesday, January 13, 1913* (Columbia, SC: Gonzales and Bryan, 1914), 27; Oliphant, *The Evolution of the Penal System of South Carolina*, 8, 13;; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 12, 106; “Hosiery Mill Case,” Sumter, SC *Watchman and Southron*, October 1, 1921; *Journal of the Senate of the General Assembly of the State of South Carolina, Being the Regular Session Beginning Tuesday, January 12, 1915* (Columbia, SC: Gonzales and Bryan, 1915-1916), 889; *Reports of the State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 8, 1918: Volume II*, 37-40. Following the closing of the hosiery mill, Columbia Hosiery sued the state of South Carolina for breach of contract, and, after prolonged litigation, the company was awarded over \$4,000 in damages. South Carolina Attorney General’s Office, *Annual Report of the Attorney General for the State of South Carolina to the General Assembly for the Fiscal Year Ending December 31, 1921*, 7-8. For the various methods by which states utilized convict labor within penitentiaries, see Henry Theodore Jackson, “Prison Labor,” *Journal of the American Institute of Criminal Law and Criminology* 18.2 (August 1927), 218-268. Among these were “the contract system,” in which the private contractor paid the state a set amount for each convict’s labor, and a variation known as “the piece-price” system, in which the contractor paid a set amount for each item produced. However, the system used by the South Carolina penitentiary does not fall under either of these definitions; instead of receiving a set price for labor or for finished goods, the penitentiary received one-half of all profits from the sale of these goods, a potentially much more lucrative proposition.

sudden and suspicious death, Captain Roberts had assumed control of it—and began pocketing its profits.²²

The institutionalized brutality, dismal living conditions, and economic exploitation within the penitentiary fueled a simmering anger among the inmate population. On May 8, 1922—one year after Broadus Miller arrived—this anger reached a breaking point. During their lunch break, workers from the chair factory learned that while they had been at work, guards had searched the cellblock and confiscated most of their personal belongings, including Bibles and letters from family members. After lunch, when Captain Roberts ordered the men to leave the dining hall and return to work, the inmates stood in sullen silence and refused to leave. One of the prisoners—known only as “Jew” Frank—stepped forward and openly confronted the captain of the guards. “Captain, I don’t believe it is right for you to be taking our Bibles and personal effects,” he declared. Surprised by such audacity and alarmed at the inmates’ rising anger, Roberts backed down, assuring the men that the confiscated items would be returned. His reply mollified the prisoners, who finally obeyed the order to return to work. But about twenty minutes after the inmates departed, Captain Roberts summoned two guards and told them to go to the chair factory, get “Jew” Frank, and bring him to the captain’s office. When the guards escorted the prisoner into the office, Roberts announced that Frank would be whipped for his impudence and ordered him to be taken to the hospital basement.²³

The sudden arrival of the guards in the chair factory and their departure with Frank had prompted a tumultuous reaction. Approximately two-thirds of the factory workers—some 150

²² W. E. B. Du Bois, *Some Notes on Negro Crime Particularly in Georgia* (Atlanta: Atlanta University Press, 1904), 61; Albert Bushnell Hart, *The Southern South* (New York: Appleton and Company, 1910), 201; Oliphant, *The Evolution of the Penal System of South Carolina*, 7; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 20, 244.

²³ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 23, 128, 176, 177, 284, 285, 291.

prisoners, most if not all of them white men—abruptly declared a strike. Ignoring all commands to resume work, the inmates clustered around the factory windows and door, waiting to see what would happen to Frank, whose willingness to stand up to the captain had greatly impressed his fellow convicts. As one inmate later noted, “If a man’s a man at the penitentiary he is considered a leader.” Watching from the factory, they saw Frank being escorted from the main prison building in the direction of the hospital and the infamous “leather room.” Suddenly he broke away from the guards and began running toward the factory. Galvanized by his flight, many of the inmates seized makeshift weapons—shovels and hammers, bricks and rocking chair arms—and rushed outside, milling about in the yard in front of the building. Those remaining inside the factory set fire to a trash can, while the two guards on duty hurriedly took shelter on the second floor, holding off the inmates at gunpoint.²⁴

From the main prison building, administrators and guards watched in dismay as the prison yard erupted in chaos. The superintendent, Colonel Sanders, began frantically calling up reinforcements from the Columbia police and fire departments and the Richland County sheriff’s department. A session of criminal court was being held in downtown Columbia; when the judge heard of the situation at the penitentiary, he quickly adjourned court so the police in the courthouse could rush to the scene. Bolstered by reinforcements, Captain Roberts led a large detachment of guards and police officers into the prison yard and toward the chair factory. As they neared the factory, the captain drew his pistol and began firing into the crowd of inmates, and the men under his command followed his lead. All of the prisoners quickly fell to the ground, some hit by bullets, but most to escape the gunfire. When the firing ended, one inmate had been fatally shot and a dozen others—including Frank—had been wounded. After marching

²⁴ Ibid, 208, 251, 291, 299. The racial composition of the group of striking prisoners is evidenced by the denouement of the incident: all thirteen of the prisoners struck by gunfire were white.

the vanquished men back to the main cell block and locking them in their cells, the guards and policemen stood in the well of the cell block, drinking soda and smoking cigarettes. From a cell on the third tier an inmate yelled down at the assembled officers, angrily cursing them. One of the policemen pointed up at the man and called, “Come out here you son-of-a-bitch, I want you.” Two guards rushed to open the cell and dragged the man down to the prison floor. With the entire cellblock watching, the policeman stepped up to the inmate and struck him savagely on the head with a heavy walking stick. A second blow sent him sprawling unconscious onto the concrete floor, and he was carried off to the hospital, blood streaming down his face.²⁵

In the following days, prisoners who had participated in the riot were taken to the death house and flogged. A policeman who witnessed one of the men laying on the death house table and being whipped later described what he had seen. “He kinder twisted up when they put the lash to him,” the officer recalled. The riot had attracted a great deal of press attention, prompting state legislators to organize an investigative committee. Having their actions called into question both angered and worried prison administrators. The prison doctor told inmates “that he would kill the first dam son of a bitch that testified against him,” while Captain Roberts declared he would “make it very warm for anyone that testified.” In spite of such threats, a few prisoners spoke to the committee—and were promptly punished for doing so. One of the men who testified was subsequently taken to the death house, “stripped by two negroes,” and held down on the table to be whipped by Captain Roberts. The captain then shackled the man’s feet and chained

²⁵ Ibid, 191-192, 222, 254, 292, 313, 315; “Investigation of Prison Mutiny,” Sumter, S.C. *Watchman and Southron*, May 13, 1922. When a legislative investigative committee questioned the propriety of the policeman clubbing the inmate, former governor Cole Blease spoke up in the officer’s defense. “No man has ever been convicted before a jury in South Carolina,” Blease declared, “for hitting another man when he was cursed for a son-of-a-bitch.” (*Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 317).

him by the neck to the wall, where he remained for over a week “without having any other food except bread and water.”²⁶

The role of African American inmates in punishing white convicts likely exacerbated friction between white and black prisoners, but like much of what happened within the penitentiary’s walls, interactions among the imprisoned left little trace in the written record. Broadus Miller may have been present in the penitentiary during the riot and its aftermath, or he may have been laboring on one of the prison work farms. The recorded history of his incarceration can be summarized in a single sentence: Prisoner # 20749 entered the South Carolina State Penitentiary on May 31, 1921 and was discharged on February 10, 1924. Sentenced to three years, he would be released three-and-a-half months early for good behavior, which suggests he had been a cooperative prisoner, perhaps holding down other inmates as they were beaten by prison guards.²⁷

When twenty-year-old Broadus Miller emerged from the penitentiary, he reentered a world that had dramatically changed while he had been imprisoned. Released from a rigidly-regimented environment, inmates such as Miller faced a bewildering future. “We furnish them clothes and give them railway tickets home,” the penitentiary superintendent had remarked the previous year, “but I imagine it is an incentive for them to commit other crimes when they get to a place broke and without any money.” However, there could be no ticket “home” for Miller.

²⁶ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 192, 279-280, 290. In March 1923, following a critical report by state legislators, Roberts announced his resignation. “Capt. Clay Roberts Will Resign Job,” Greenwood *Index-Journal*, March 30, 1923. Roberts would later become an assistant marshal at the University of South Carolina. Following his death, the university newspaper eulogized him as a man known for his “strict performance of duty.” “Roberts Dies After Illness,” Columbia, SC *The Gamecock*, October 28, 1932.

²⁷ Central Register of Prisoners, May 27, 1913- May 2, 1925, SCDAH; Oliphant, *The Evolution of the Penal System of South Carolina from 1866 to 1916*, 13.

During his time in prison, Tom and Alpha Walker and the rest of his family had departed Greenwood County. In the 1910s and 1920s, several hundred thousand African Americans left the Deep South during the Great Migration. Their reasons for moving varied from family to family, but for the vast majority of black South Carolinians between 1921 and 1924, the immediate cause for leaving the state was the devastation wrought by the boll weevil.²⁸

Only a quarter of an inch long but with a seemingly limitless appetite for cotton, the insects ate away at the fragile social fabric that bound tenant families to a particular community. The weevil would ultimately have a limited effect on cotton production in the South as a whole, for as it laid waste to one locale, the price of the cotton harvested elsewhere increased. But for South Carolina during the early 1920s, with an agricultural economy already mired in deep depression, the arrival of the weevil proved catastrophic. In 1920 the state's farmers produced over 1.6 million bales of cotton; the following year's harvest would be cut by more than one-half, an estimated \$100,000,000 loss to the state economy. In 1922, fewer than 500,000 bales were harvested, with the weevil consuming about forty percent of the cotton planted that spring. At the end of the decade, African American scholar Asa Gordon looked back on the insect's

²⁸ *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary*, 26; Mark Robert Schneider, *"We Return Fighting": The Civil Rights Movement in the Jazz Age* (Boston: Northeastern University Press, 2002), 21-22; Joe William Trotter, Jr., ed., *The Great Migration in Historical Perspective: New Dimensions of Race, Class, & Gender* (Bloomington, IN: Indiana University Press, 1991); Fabian Lange, Alan L. Olmstead, and Paul W. Rhode, "The Impact of the Boll Weevil, 1892-1932," *Journal of Economic History* 69.3 (September 2009), 687; Robert Higgs, "The Boll Weevil, the Cotton Economy, and Black Migration 1910-1930," *Agricultural History* 50.2 (April 1976), 337, 350. Estimates for the number of persons taking part in the Great Migration vary greatly, ranging from 300,000 to over 1 million. For interpretations of the Great Migration that emphasize racial violence as a precipitating cause, see Stewart E. Tolnay and E.M. Beck, "Black Flight: Lethal Violence and the Great Migration, 1900-1930," *Social Science History* 14.3 (Autumn 1990), 347-370; Stewart E. Tolnay and E.M. Beck, "Racial Violence and Black Migration in the American South, 1910 to 1930," *American Sociological Review*, 57.1 (February 1992), 103-116. The primary cause for out-migration depended upon the specific time and place. In the months following the 1916 lynching of Anthony Crawford, hundreds of African Americans had left Abbeville County, with Crawford's lynching clearly playing a major role in precipitating their departure. In later years, popular opinion exaggerated the role of the boll weevil in the overall out-migration of African Americans from the South. Only Georgia and South Carolina in the early 1920s fit the model of heavy infestation, dramatically lowered cotton yields, and subsequent large-scale out-migration that has been misleadingly portrayed as typical of the South as a whole. Robert Higgs, "The Boll Weevil, the Cotton Economy, and Black Migration 1910-1930," 345.

impact on black South Carolinians. “The effect of the cotton boll weevil on the average colored farmer can hardly be measured in dollars and cents,” Gordon concluded. “Coming as it did and when it did, the average farmer could not adjust quickly enough to ward off disaster.”²⁹

Upstate South Carolina bore the brunt of the weevil’s voracious fury, leaving bitter memories that lingered for years to come. “I almost went broke,” a Spartanburg County resident later recollected. “The boll weevil. We didn’t know how to fight it . . . and it was heart-breaking to see a good crop go down. Some of my neighbors just gave up and moved away. You could get farm land for almost nothing.” Some farmers attempted to counter the beetle by investing in more fertilizer. As one black farmhand grimly remarked, the heavily fertilized fields produced only “a crop of boll weevils.” Reacting to the weevil’s arrival, state agricultural agents preached the virtues of crop diversification and the growing of foodstuffs, but many farmers continued planting cotton. As an agent in Greenwood County noted, it was “the one crop grown in this part of the country on which credit can be obtained.” An Edgefield County farmer later described how he had “staked his all on cotton in the spring of 1922.” That summer the weevils swarmed over his fields, destroying the crop and forcing him to mortgage the farm. The next year he planted cotton once again. The results were even worse. “The more it rained, the more the grass grew, and the more the weevil came,” he recalled. By Christmas he was bankrupt and lost the farm to creditors.³⁰

²⁹ Gavin Wright, *Old South, New South: Revolutions in the Southern Economy Since the Civil War* (New York: Basic Books, 1986), 122, 204-205; Robert Higgs, “The Boll Weevil, the Cotton Economy, and Black Migration 1910-1930,” 345, 350; Fabian Lange, Alan L. Olmstead, and Paul W. Rhode, “The Impact of the Boll Weevil, 1892–1932,” 685-718; James C. Giesen, *Boll Weevil Blues: Cotton, Myth, and Power in the American South* (Chicago: University of Chicago Press, 2011), 35; “Cotton Men Hope to Conquer Weevil,” *New York Times*, September 25, 1921; “\$700,000,000 Loss from Boll Weevil,” *New York Times*, November 16, 1921; Walter Edgar, *South Carolina: A History* (Columbia, South Carolina: U of South Carolina Press, 1998), 485; Asa H. Gordon, *Sketches of Negro Life and History in South Carolina*, 2nd ed. (Columbia, S.C.: U of South Carolina Press, 1971), 166.

³⁰ John B. Culbertson, interviewed by R. V. Williams, January 27, 1939, Campobello, SC, and J. Thomas Metz, interviewed by John L. Dove, January 24, 1939, Chapin, SC, National Digital Library Program, Library of

The boll weevil struck especially hard in Broadus Miller's native Greenwood County. In 1920, the county's cotton fields had produced 253 pounds per acre; the following year, the average yield per acre dropped to only 103 pounds. Between 1920 and 1925, cotton acreage in the county was cut in half. Over the course of the decade, local farmland lost two-thirds of its value, and one-quarter of the county's farms would be abandoned. The cotton profits that flowed into town elites' coffers dried up quickly. In February 1922, Greenwood's United Methodist Church—one of the town's most prominent churches—declared “that church finances were in bad shape and they were without funds to meet current expenses.” But the ones who were hit hardest were those least able to sustain the blow. Decades later, elderly African Americans in Greenwood County vividly remembered the arrival of the weevil. They had desperately labored for weeks in the fields, attempting to protect the crop by coating each boll of cotton with a homemade insecticide—sulfur mixed in molasses. Their effort was futile. With no cash crop to use for purchasing supplies, many families faced near starvation. “It was so bad we didn't have no food or nothing then,” one man recalled. “The only crop we made that year was some peas,” reminisced a woman. “We ate pea bread, pea soup, peas boiled up.”³¹

Throughout the spring and early summer of 1922, the county's farmers hoped the previous year's weevil infestation had been a one-time occurrence, but late that summer the

Congress. American Life Histories: Manuscripts from the Federal Writers' Project, 1936–1940. Available online at <http://memory.loc.gov> (accessed February 1, 2014); Sharyn Kane and Richard Keeton, *In Those Days: African-American Life Near the Savannah River* (Atlanta: National Park Service, 1994), 22-25; Roger Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (New York: Cambridge University Press, 1977), 13, 174-176.; F.R. Lesh, et al, *Soil Survey of Greenwood County, South Carolina* (Washington, D.C.: United States Department of Agriculture, 1929), 7; B. R. Thomas, interviewed by John L. Dove, March 3, 1939, Columbia, SC. National Digital Library Program, Library of Congress. American Life Histories: Manuscripts from the Federal Writers' Project, 1936–1940.

³¹ “Where We Are,” Greenwood, SC *Index-Journal*, August 1, 1922; “Wheat Planting Is Urged by W.A. Collins,” Greenwood, SC *Index-Journal*, August 25, 1921; “Thinks Damage Estimate Too Low,” Greenwood, SC *Index-Journal*, August 23, 1921; F.R. Lesh, et al, *Soil Survey of Greenwood County*, 6; Harry R. Mays, *The History of Main Street United Methodist Church, Greenwood, South Carolina* (Franklin, TN: Providence House Publishers, 1992), 113-114; Elizabeth Rauh Bethel, *Promiseland: A Century of Life in a Negro Community* (Philadelphia: Temple University Press, 1981), 114.

weather turned cool and rainy, with the damp nights and cloudy days in which the weevil flourished. Already beset by insatiable insects, farmers around Shoals Junction suffered a further calamity during the first week of August, when a fierce hail storm pummeled the region and destroyed most of the crops, including a one-hundred-acre cotton field of Tom and Alpha Walkers' sometime landlord, Harrison "Lat" Razor. In the aftermath of the storm, wanting to retain agricultural laborers on hand for future growing seasons, Razor and other local landowners pled for a road work contract from the county in order to provide employment for their tenants and farmhands. A resident of Ninety Six wrote to the local newspaper offering to assist the afflicted farmers of Shoals Junction. He had no work for agricultural laborers, for his own cotton crop had been wiped out by the weevil, but he wanted "the pleasure of helping such men as Razor" by donating ten bushels of corn so they could feed their hogs.³²

The invasion of the boll weevil seemed a plague of biblical proportions, and South Carolina public officials reacted accordingly. Governor Thomas McLeod would proclaim a state-wide day of prayer, declaring that God had sent the weevil "as a judgment on our people not only for their sins, but as a means of bringing them back to Him." The governor requested state residents beg God "for deliverance from the ravages of the boll weevil, in such way or ways as may seem wise to Him, either by direct supernatural intervention or through the workings of natural causes which are under His control." Prayers for supernatural intervention went unanswered, but tenant farmers and field hands moved in less mysterious ways. In the eight months following the dismal harvest of 1922, around 50,000 black South Carolinians departed, causing a momentous shift in the state's demography. For the first time since the early colonial

³² "Weather Ideal for Weevil," *Greenwood Index-Journal*, August 13, 1922; "Andrew Chapel," *Greenwood Index-Journal*, August 13, 1922; "Description of Destruction," *Greenwood, SC Index-Journal*, August 7, 1922; "Suggests Giving Supply of Corn to Hail Sufferers," *Greenwood Index-Journal*, August 9, 1922.

era, African Americans would no longer comprise a majority of South Carolina's population. The mass exodus during the winter of 1922-1923 included over 2,400 black residents of Greenwood County—over 12% of the local African American population. Among those leaving the county were Tom and Alpha Walker.³³

For most African Americans who left South Carolina in the early 1920s, dire necessity prompted their departure. Whether sharecroppers or renters, they owned no land and their tenancy depended upon mutual agreement with a landlord. The weevil was mutually destructive for both farm owner and tenant. Half a century earlier, the sharecropping system had originated as a mutual compromise between planters and newly-freed people; when the weevil consumed the cotton fields, landowner and laborer shared a crop of nothing. If a landowner lost the farm to the bank or sold out and moved, then sharecropper or renter no longer had a home. Farm owners who managed to hold on to their land could weather the storm, but for tenants who paid rent in either cotton bales or in cash earned from the crop, their ability to pay vanished when the weevil arrived. The relationship of landlords to their tenants ran the gamut from outright brutality to paternalistic solicitude, but underlying all such relationships was cold hard economics. Landowning farmers such as the Rasors and Agnews had multigenerational feudal ties to particular black families, and in many cases they wished for their tenants to remain in the area, but they could not or would not provide long-term support for unemployed farm workers.³⁴

³³ "Asks Prayer for Pest," *New York Times*, June 8, 1923; Walter Edgar, *South Carolina*, 485; I. A. Newby, *Black Carolinians: A History of Blacks in South Carolina from 1895 to 1968* (Columbia, SC: University of South Carolina Press, 1973), 200-201; "50,000 Negroes Have Left South Carolina," *Morganton, NC News-Herald*, June 28, 1923. On the 1920 census, the family of Tom and Alpha Walker were enumerated in Walnut Grove township, and during Broadus Miller's 1921 trial, Tom Walker had appeared as a witness with other Shoals Junction residents. The Walkers' next appearance in the written record came in late 1923, when they were listed for the first time in the annually compiled Asheville, NC city directory. *Asheville City Directory: 1924* (Asheville, NC: Commercial Service Company, 1923).

³⁴ For the development of sharecropping as a mutual compromise between landlord and laborer, see Roger Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Emancipation* (New York: Cambridge University Press, 1977), 94.

But though the weevil was an immediate cause of out-migration, it accelerated a demographic transition that had begun years earlier with the establishment of the cotton mills. In 1907, the year following the opening of the mill at Ware Shoals, Greenwood County's mills consumed 25% more raw cotton than the county's farmers produced. In the following years, as the mills expanded and increased production, industrial demand would far exceed local supply, and the major railway routes running through the county allowed raw cotton to be shipped in with ease from elsewhere. Because African Americans were barred from working within the mills, the transition from an agricultural to an industrial economy displaced many black laborers. At the beginning of the twentieth century, Walnut Grove township had 1,356 residents, the majority of whom were black. By 1910, following the establishment of the Ware Shoals mill, the township's population had more than doubled, and by the end of the 1920s, the population would grow to 4,843 people, less than one-quarter of them African American. Within a single generation, as black tenant farmers played a progressively smaller role within the local economy, the township increasingly became the domain of white millworkers.³⁵

For most African Americans leaving upstate South Carolina, their journey followed rigidly ironbound channels to a limited set of potential destinations. The growth of the Piedmont cotton mills had helped spur the rapid expansion of rail networks connecting the mills to national markets; displaced black farmers and field hands would ride these same rails when exiting the region. From the town of Greenwood, both the Southern Railway and the Piedmont & Northern ran northward through Shoals Junction to Spartanburg, a major railway hub. At Spartanburg, the

³⁵ South Carolina State Department of Agriculture, Commerce and Immigration, *Handbook of South Carolina: Resources, Institutions and Industries of the State, Second Edition* (Columbia, SC: The State Company, 1908), 566; *Fourteenth Census of the United States Taken in the Year 1920, Volume I: Population 1920, Number and Distribution of Inhabitants* (Washington, D.C.: Government Printing Office, 1921), 604; *Fifteenth Census of the United States: 1930. Population, Volume III, Part II* (Washington, D.C.: Government Printing Office, 1931), 809; F.R. Lesh, et al, *Soil Survey of Greenwood County*, 2.

rail corridors split into two main migratory channels. To the east, the lines led up through Charlotte and the North Carolina Piedmont to the urban centers of the Northeast. A second set of railway lines veered northwest from Spartanburg and headed toward Asheville, the largest city in western North Carolina, then over the mountains to Tennessee and north to the cities of the Upper Midwest. Most migrants followed networks of family and friends, moving to towns and cities where familiar faces could help ease the burdens of being in unfamiliar places. For many African Americans from Abbeville and Greenwood counties, the journey up the eastern corridor ended in Pittsburgh and Philadelphia, home to black communities with extensive ties to these two counties.³⁶

On the western corridor, only one hundred miles north of Shoals Junction, was Asheville. Since the completion of railway ties between Spartanburg and Asheville in 1886, the mountain city had been a favored destination of African Americans leaving upstate South Carolina. Western North Carolina boosters promoted Asheville and the surrounding region as the “Land of the Sky,” a residential and vacation paradise with a steady need for domestic workers who would cook the meals, clean the rooms, and chauffeur the cars for a wealthy white clientele. In the early 1920s, a speculative real estate boom caused a frenzy of new construction, leading to great demand for strong-backed manual laborers. With Asheville booming at the same time as the weevil ate its way through South Carolina, the city became a magnet that attracted displaced tenants and farm hands. In 1922, the Southern Railway advertised roundtrip fares from

³⁶ Daniel Johnson and Rex Campbell, *Black Migration in America: A Social Demographic History* (Durham, NC: Duke University Press, 1981), 74-7; Jack Temple Kirby, *Rural Worlds Lost: The American South, 1920-1960* (Baton Rouge: Louisiana State University Press, 1987), 316; Allen Ballard, *One More Day's Journey: The Story of a Family and a People* (New York: McGraw Hill, 1984); Elizabeth Rauh Bethel, *Promiseland*, 115; Paul Finkelman, *Encyclopedia of African American History, 1896 to the Present, Volume 1* (New York: Oxford University Press, 2009), 346. Among the African Americans from the Greenwood/Abbeville area who moved to Pittsburgh were the grandparents of acclaimed writer John Edgar Wideman; see John Edgar Wideman, *Fatheralong: A Meditation on Fathers and Sons, Race and Society* (New York: Pantheon, 1994), 87-128.

Greenwood to Asheville for \$7.66, but most of the African Americans travelling the route in 1922 and 1923 would be making a one-way trip. Perhaps farm owner “Lat” Rasor provided Tom and Alpha Walker with a connection for finding employment; his brother managed an Asheville hotel, and in the spring of 1923, Rasor’s nephews came down to Shoals Junction to spend time on their uncle’s farm. By that fall, the Walkers were living in Asheville.³⁷

Released from the South Carolina State Penitentiary in February 1924, Broadus Miller would follow the Walkers to Asheville and be living there by June. Perhaps he travelled directly from Columbia, perhaps he revisited Greenwood County before heading northward, but in either case he almost certainly passed through the railway hub of Spartanburg. Leaving Spartanburg, the Southern Railway ran northwest to the base of Saluda Mountain, where the highlands abruptly rose from the Piedmont plain and formed a natural border between the two Carolinas. In the 1870s convict gangs had labored three miles up the bank of Pacolet Creek and into North Carolina, laying tracks for the steepest stretch of standard-gauge mainline railroad in the nation. The novelist Thomas Wolfe knew the route well, having travelled it on several occasions, and he would describe the journey in *Look Homeward, Angel*. When a train began ascending the steep escarpment at Saluda, its “wheels spun furiously on the rails” and passengers “stared seriously down into the milky boiling creek, and waited.” Posed precariously on the edge of an abyss, the train “slipped, spun, held, ploughed slowly up, like a straining mule,” and finally crested into the Land of the Sky.³⁸

³⁷ Benjamin Mays, *Born to Rebel: An Autobiography* (Athens, GA: University of Georgia Press, 2003), 25; Richard D. Starnes, *Creating the Land of the Sky: Tourism and Society in Western North Carolina* (Tuscaloosa, AL: University of Alabama Press, 2005), 9, 23-24, 43, 84; “Special Week-End Fares,” *Greenwood Index-Journal*, June 3, 1922; “Algary,” *Greenwood, SC Index-Journal*, April 13, 1923; “Algary,” *Greenwood, SC Index-Journal*, December 7, 1923; *Asheville City Directory: 1924*.

³⁸ Frank Clodfelter, “Saluda,” *Trains* (November 1984), 26-39; Jim Cox, *Rails Across Dixie: A History of Passenger Trains in the American South* (Jefferson, NC: McFarland, 2010), 383-384; Carolyn Sakowski, *Touring the Western North Carolina Backroads* (Winston Salem, NC: John Blair, 1990), 122-124; Thomas Wolfe, *Look Homeward, Angel* (New York: Charles Scribner’s Sons, 1957), 139.

PART TWO: NORTH CAROLINA

“Where you come from is gone, where you thought you were going to never was there, and where you are is no good unless you can get away from it. Where is there a place for you to be? No place.”

Flannery O’Connor, Wise Blood¹

¹ Flannery O’Connor, *Wise Blood* (New York: Farrar, Straus, and Giroux, 1962), 165.

CHAPTER 5

LAW AND ORDER IN A WHITE SUPREMACIST STATE

“Law and right and justice are unfortunately synonymous only in the abstract and not in practice. A great wrong can be and often is done under the protection of the law and justice under the law is frequently the rankest injustice.”

- Prison warden Lewis E. Lawes, 1928.¹

Unlike Broadus Miller’s native South Carolina, the Tar Heel State never had a majority black population. But in the 1890s, beset by economic hardship, many white North Carolinians turned to the newly formed Populist Party and gained power by allying with the state’s Republicans, the majority of whom were black. During the election of 1898, the Democratic Party responded with a massive white supremacist campaign. Raleigh *News and Observer* owner Josephus Daniels poured forth an unrelenting barrage of rabidly racist editorials and cartoons that stirred the state’s white population into a frenzy, while groups of mounted and armed men known as Red Shirts paraded throughout the state, intimidating and threatening African Americans and keeping them away from the polls. What could not be gained through heated rhetoric and the threat of force would be taken by outright violence. North Carolina’s largest city, Wilmington, had a majority black population and a racially-integrated local government; within days of the November election, armed white mobs and a local militia unit seized power, killing numerous African Americans and causing hundreds to flee the city. Two years later, a proposed constitutional amendment mandated literacy and poll tax requirements for voting. The measures were ostensibly color-blind, but with a clear underlying intent, and when they were

¹ Lewis E. Lawes, *Life and Death in Sing Sing* (Garden City, NY: Garden City Publishing Company, 1928), 13.

approved in a state-wide referendum, the disfranchisement that had been accomplished at gunpoint would be written into law.²

The election of November 1898 played out in similar fashion in both North and South Carolina, but in North Carolina, once the white supremacist campaign succeeded, many of the men who led that campaign then turned their focus to strengthening the authority of the state they had recreated. After inciting the violence of 1898, Josephus Daniels's *News and Observer* would take a strong editorial stance against lynching. Charles Aycock had spearheaded the fight to disfranchise African Americans; upon becoming governor in 1900, Aycock would deploy the National Guard on fifteen separate occasions to suppress potential lynch mobs. Not every member of Governor Aycock's cabinet approved of his policy. Superintendent of Education Thomas Toon had been a Reconstruction-era Klansman, and he fondly remembered the decade

² James M. Beeby, *Revolt of the Tar Heels: The North Carolina Populist Movement, 1890-1901* (Jackson, MS: University Press of Mississippi, 2008); Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 105-117, 121-126; Lee A. Craig, *Josephus Daniels: His Life and Times* (Chapel Hill: University of North Carolina Press, 2013), 146-191; H. Leon Prather, "The Red Shirt Movement in North Carolina 1898-1900," *Journal of Negro History* 62.2 (April 1977), 174-184; North Carolina, 1898 Wilmington Race Riot Commission: 1898 Wilmington Race Riot Final Report, available online at <http://www.ah.dcr.state.nc.us/1898-wrrc/report/report.htm> (accessed August 14, 2008); David Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: University of North Carolina Press, 1998); "White Men, Take Warning," *Morganton (NC) Herald*, September 22, 1898; "Democratic Jollification in Raleigh," *Morganton, NC Farmer's Friend*, November 17, 1898; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001), 148-172; "Hospital Notes," *Morganton, NC Herald*, March 8, 1900; "State Hospital Notes," *Morganton, NC Herald*, July 6, 1900. For the historiographical argument as to whether legally-sanctioned measures merely served as window dressing for the *fait accompli* of disfranchisement of African Americans by force, or whether legal disfranchisement represented a significant attempt by white elites to suppress the votes of lower-class whites, see V. O. Key, *Southern Politics in State and Nation* (New York: Knopf, 1949); J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974); C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 321-349; Glenn Feldman, *The Disfranchisement Myth: Poor Whites and Suffrage Restriction in Alabama* (Athens, GA: University of Georgia Press, 2004), especially pp. 1-12. In arguing against Key's *fait accompli* thesis, critics focus on disfranchisement in the Deep South, especially Mississippi. But in North Carolina, advocates of African American disfranchisement strove to ensure that as few whites as possible would be affected by the new voting requirements. The constitutional amendment included a provision that delayed implementation of the literacy test until 1908; disfranchisement advocate Charles Aycock was elected governor in 1900—and promptly launched a vigorous campaign for public education that dramatically increased literacy rates among the state's white population. Rob Christensen, *Paradox of Tar Heel Politics: The Personalities, Elections, and Events That Shaped Modern North Carolina* (Chapel Hill, NC: University of North Carolina Press, 2008), 43-45.

following the Civil War, when violence had helped reestablish a state more suited to the Klan's desires. "I haven't known a man lynched since the war that did not deserve it," the Superintendent of Education groused. Yet men such as Toon did not understand the import of Aycock's actions: In waging the fight against lynch mobs, the governor was consolidating the power of a state newly rebirthed in the blood of 1898.³

By the 1920s, the authority of this white supremacist state had become a well-established status quo, and the men who came to power in the 1920s would be just as committed as Aycock to maintaining both white supremacy and state authority. In 1920, Cameron Morrison was elected governor. As a young man, Morrison had played a leading role in organizing the Red Shirts, but after becoming governor, he would rapidly deploy the National Guard to any scene of a potential lynching, even in the face of opposition from local authorities. When Nash County officials criticized the 1923 deployment of the National Guard to their county, the governor summarily dismissed their complaints. "I am determined to use every particle of power given to me by the Constitution of the State to prevent lynching while I am governor," Morrison declared, "and I am going to do it by sending troops to any community as soon as I learn there is need for them to prevent violence."⁴

The governor served as the commander-in-chief of the National Guard, but a career military officer—an adjutant general—directed its daily operations. In 1920, John Van Bokkelen Metts was appointed adjutant general, an office he would hold for over three decades. While

³ Lee A. Craig, *Josephus Daniels*, 146-191; Charles D. Phillips, "Exploring Relations among Forms of Social Control: The Lynching and Execution of Blacks in North Carolina, 1889-1918," *Law & Society Review* 21.3 (1987), 372; "Ku Klux Klan," Folder 148, Bryan Grimes Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill.

⁴ Jonathan Daniels, *Tar Heels: A Portrait of North Carolina* (New York: Dodd, Mead, and Company, 1941), 207; W.J. Cash, "The Paladin of the Drys," *American Mercury* (October 1934), 139-47; W.J. Cash, "Jehovah of the Tar Heels," *American Mercury* (July 1929), 313; William H. Richardson, "No More Lynchings! How North Carolina Has Solved the Problem," *American Review of Reviews* 69 (April 1924), 403-404; "Governor Warns Lynchers," *New York Times*, December 9, 1923.

governors came and went, Adjutant General Metts remained in place, a powerful figure standing behind the throne. The son of a Confederate officer, Metts was a native of Wilmington. As a twenty-one-year-old sergeant in the Wilmington militia, he had participated in the bloody massacre of African Americans in November 1898. Two days after the massacre, he penned a letter describing the militia's actions. "[W]e killed a 'few negroes,'" Metts reported, but "we have not killed enough negroes—two or three white men were wounded and we have not gotten enough to make up for it." After being appointed adjutant general, Metts would combat lynching and other forms of mob violence with the same zeal that he had fought against enfranchised African Americans in the late 1890s.⁵

The state existed to protect and promote the interests of the economic elite, and during the early 1920s, African American laborers in North Carolina annually created an estimated \$500 million in wealth. In the autumn of 1923, events in Mitchell County demonstrated the incompatibility of mob violence and business interests. The mountain county had an overwhelmingly white population, but a number of companies had brought in African American laborers to work in mining, road construction, and the installation of water and sewer lines, while a chain gang that included black convicts from eastern North Carolina also toiled in the county. After one of the convicts escaped and accosted an elderly white woman, an enraged mob rounded up all the black laborers—about two hundred people—and marched them at gunpoint to the Spruce Pine train station, where they were forced onto boxcars and deported. Without black labor, road construction came to a halt and a mining corporation had to suspend operations. Business leaders complained to Governor Morrison, who quickly sent Adjutant General Metts

⁵ "Tar Heel of the Week: J. Van B. Metts," *Raleigh News and Observer*, April 22, 1951; John V.B. Metts to "Elizabeth," November 12, 1898, Hinsdale Family Papers (1712-1973), Box 3: Correspondence, 1892-1901, Rubenstein Rare Book & Manuscript Library, Duke University.

and two National Guard companies to Spruce Pine. About fifty African Americans “were brought back and placed at work on the highway projects and in the mines”—and armed troops protected these workers in the same way plantation owners had guarded enslaved laborers against unsanctioned violence from illicit mobs.⁶

The recorded number of lynchings in the South vary from one statistical accounting to another, depending on the enumerator and the criteria used to define “lynching.” But on one point these various compilations all agree: during the first three decades of the twentieth century, fewer people died at the hands of lynch mobs in North Carolina than anywhere else in the South. In 1924, author William H. Richardson—Governor Morrison’s former personal secretary—penned a laudatory article about the governor triumphantly headlined “No More Lynchings! How North Carolina Has Solved the Problem.” As Richardson noted, “Numerous instances could be cited where lynchings would undoubtedly have taken place during the past three years but for the presence of troops. In no case where troops have been used, however, has there been the slightest indication of further trouble.” In the previous year alone, Morrison had deployed the National Guard five times to prevent an impending lynching. “North Carolina has learned that threatened violence must be met by stern force,” Richardson proclaimed. When mobs of private

⁶ E.C. Branson to J.R. Brown, February 8, 1921, Folder 188, E. C. Branson Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; “Goss Will Go on Trial for His Life Today,” *Raleigh News and Observer*, 22 October 1923; “John Gross [sic] Writes His Religious Faith,” *Morganton News-Herald*, December 13, 1923; John Goss death certificate, December 7, 1923, State Prison, Raleigh, Wake County, NC, #332, register # 699; D. L. Corbitt, ed., *Public Papers and Letters of Cameron Morrison* (Raleigh: Edwards and Broughton, 1927), 255; Elliot Jaspin, *Buried in the Bitter Waters: The Hidden History of Racial Cleansing in America* (New York: Basic Books, 2008), 201-218; Seth Kotch, “Unduly Harsh and Unworkably Rigid: The Death Penalty in North Carolina, 1910-1961,” (Ph.D. dissertation, University of North Carolina, Chapel Hill, 2008), 104. Vann R. Newkirk, *Lynching in North Carolina: A History, 1865–1941* (Jefferson, NC: McFarland, 2009), 100-105. The escaped chain gang prisoner, John Goss, would be recaptured, tried and convicted for rape, and then executed at the state penitentiary in December 1923. Whether Goss sexually assaulted the elderly white woman is debatable; however, he had been sentenced to the chain gang for assaulting a black woman in Wilmington. Elliot Jaspin, *Buried in the Bitter Waters*, 217-218; “John Gross [sic] Writes His Religious Faith,” *Morganton News-Herald*, December 13, 1923; Daniel Allen Hearn, *Legal Executions in North Carolina and South Carolina: A Comprehensive Registry, 1866-1962* (Jefferson, NC: McFarland, 2015), 67.

citizens confronted well-trained, highly-disciplined, and heavily-armed agents of the state, the state's superior strength proved invincible. In most cases, the simple display of such overwhelming force proved sufficient to cow any would-be lynch mob. Writing for the *American Mercury*, W.J. Cash acerbically commented that Governor Morrison's "really grand feat in arms was the putting down of lynching," with the awe-inspiring display of military power providing at least some compensation to spectators deprived of witnessing more explicit violence.⁷

At the same time as Morrison and Metts vigorously suppressed mob violence, the newly-resurrected Ku Klux Klan emerged in North Carolina. Morrison's predecessor, Governor Thomas Bickett, had fought against the Klan's first attempts to organize within the state. But in the closing days of Bickett's administration, on December 30, 1920, an organizational meeting for a Klan chapter was held in Durham and one hundred of the city's "leading citizens" signed the charter. Five other eastern North Carolina cities—Raleigh, Oxford, Henderson, Wilson, and Rocky Mount—also began forming chapters. Whereas the Reconstruction-era Klan had waged war against the state and against African Americans who attempted to exercise their newly-recognized political rights, the new Klan had no such *raison d'être*. At the turn of the twentieth century, North Carolina had been reformed as a white supremacist state and African Americans had been disfranchised. In the first year or two of the Klan's existence in North Carolina, many recruiters used the organization as a profit-making scheme, signing up anyone willing to pay the

⁷ Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899-1940," *Journal of Southern History* 66.1 (2000), 75-100; Michael Ayers Trotti, "What Counts: Trends in Racial Violence in the Postbellum South," *Journal of American History* 100. 2 (Sept. 2013), 375-400; NAACP, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Arno Press, 1969), 32; Stewart E. Tolnay and E.M. Beck, *A Festival of Violence* (Chicago: University of Illinois Press, 1995), 112, 232; Vann R. Newkirk, *Lynching in North Carolina*, 167-170; Charles D. Phillips, "Exploring Relations among Forms of Social Control," 361-74; Phillip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002), 262; "Lynching Outlawed," *Wilmington Morning Star*, July 4, 1927; William H. Richardson, "No More Lynchings!", 403-404; W.J. Cash, "The Paladin of the Drys," 144. It should be noted that Morrison's predecessor, Governor Thomas Bickett, had also actively used the National Guard to suppress mob violence and lynching.

membership fee, while throughout the 1920s ordinary Klansmen occasionally committed illicit acts of violence. Nevertheless, leaders of the North Carolina Klan believed the organization helped enforce the authority of the state.⁸

The newly-reborn Klan would be embraced by many prominent North Carolinians, including the Durham industrialist and civic leader Julian Carr. A generous patron of Durham's black community, Carr was also North Carolina's leading champion of the Lost Cause. In his words, the Civil War had featured the South's "bravest and best" fighting against "the mercenaries of European immigration" and "the hirelings of the slums," and he regularly travelled throughout the state to give dedication speeches at the unveiling of Confederate monuments. In 1921 he was appointed commander-in-chief of the United Confederate Veterans of America (U.C.V.). Two years later, at the 1923 national convention of the U.C.V. in New Orleans, he addressed the assembled veterans and openly proclaimed he was a Klansman. Though motivated in part by nostalgia for the Reconstruction-era organization, Carr's support of the 1920s' Klan was primarily a reactionary response to distinctly contemporary issues.

Industrial leaders such as Carr looked with alarm at the rise of European communism and the

⁸ R. B. House, ed. *Public Letters and Papers of Thomas Walter Bickett, Governor of North Carolina 1917-1921* (Raleigh: Edwards and Broughton, 1923), 219; "Fiery Cross' Is Once More Raised in Durham," *Statesville Landmark*, January 3, 1921; "Ku Klux Klans," *Statesville Landmark*, January 3, 1921; "The Danger Is Too Great," *Statesville Landmark*, January 24, 1921. In response to the Klan's rebirth, the North Carolina legislature would pass a law against anonymous or threatening letters. "Doing of the Legislature," *Statesville Landmark*, January 17, 1921; State of North Carolina, *Public Laws and Resolutions Passed by the General Assembly at Its Session of 1921* (Raleigh: Mitchell Printing Company, 1921), 370; North Carolina General Assembly, *Journal of the House of Representatives of the General Assembly of the State of North Carolina: Session 1921* (Raleigh: Mitchell Printing Company, 1921) 130, 570, 651, North Carolina General Assembly, *Journal of the Senate of the General Assembly of the State of North Carolina: Session 1921* (Raleigh: Edwards and Broughton, 1921), 91, 93, 467, 493. The North Carolina law against anonymous or threatening letters remains in effect till this day. North Carolina, *General Statutes of North Carolina Annotated: Containing General Laws of North Carolina Enacted by the General Assembly, Volume 3* (LEXIS Pub., 2007), 1333. For the violence of the Reconstruction-era Klan in North Carolina, see the following: Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (New York: Harper and Row, 1971), 189-225, 336-348; Paul Yandle, "'Resistless Uprising'? Thomas Dixon's Uncle and Western North Carolinians as Klansmen and Statesmen," in *Reconstructing Appalachia: The Civil War's Aftermath*, edited by Andrew L. Slapp (Lexington, KY: University of Kentucky Press, 2010), 135-162; "Ku Klux Klan," Folder 148, Bryan Grimes Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill.

militancy of labor activists in the United States. In a speech given the same year as the convention in New Orleans, Carr declared that “real one hundred per cent Americanism”—the new Klan’s favorite catchphrase—“can depend on reinforcement from the South whenever revolution comes.”⁹

The Klan in North Carolina reached its apogee under the leadership of Henry Alexander Grady, who became Grand Dragon in September 1922. Grady came from a prominent Duplin County family; his father had been a U.S. congressman in the 1890s. Three years before becoming Grand Dragon, Grady had been elected Grand Master of Masons in North Carolina, and within weeks of being chosen to lead the Klan, he was elected to the bench as a North Carolina Superior Court judge. His position as a Superior Court judge conferred an aura of respectability and legally-sanctioned authority, which made him a highly-regarded figure within the Klan’s national organization. In the spring of 1923, he was appointed as one of the fifteen-member Imperial Klonselium, the Klan’s national leadership council. His fellow council

⁹ Walter B. Weare, *Black Business in the New South: A Social History of the NC Mutual Life Insurance Company* (Urbana, IL: University of Illinois Press, 1973, reprinted Durham, NC: Duke University Press, 1993), 39-42; Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill: University of North Carolina Press, 2008), 41-42, 92. Lenwood G. Davis, ed. *Selected Writings and Speeches of James E. Shepard, 1896–1946* (Lanham, MD: Farleigh Dickinson University Press, 2013), 7; untitled address, January 26, 1912, Richmond, Virginia, Folder 26, Addresses 1912-1914, Julian Shakespeare Carr Papers #141, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill; “Gen. Julian S. Carr,” *Confederate Veteran* 32.6 (June 1924), 204; Mena Webb, *Jule Carr: General Without an Army* (Chapel Hill: University of North Carolina Press, 1987), 195-196; “United Confederate Veterans,” *Confederate Veteran* 31. 4 (April 1923), 123; “Klan Views Avowed By Confederates,” *New York Times*, April 13, 1923; “Carr Says He’s Rebel and Ku Kluxer, Too,” Morganton, NC *News Herald*, April 19, 1923; George C. Rable, “The South and the Politics of Antilynching Legislation, 1920-1940,” *Journal of Southern History* 51. 2 (1985), 201-220; Philip Dray, *At the Hands of Persons Unknown: The Lynching of Black America* (New York: Random House, 2002), 258-272; Mark Robert Schneider, *We Return Fighting”: The Civil Rights Movement in the Jazz Age* (Boston: Northeastern University Press, 2002), 123, 172-173; untitled speech, Folder 29 (Addresses 1923), Julian Shakespeare Carr Papers #141, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill. The 1923 U.C.V. convention featured President Warren Harding’s father as a guest speaker; the elder Harding would proclaim Robert E. Lee “the greatest of American generals” and Jefferson Davis “one of the country’s greatest statesmen.” “Notable Visitors,” *Confederate Veteran* 31.5 (May 1923), 165. In contrast to the U.C.V., the Grand Army of the Republic—the Union veterans’ organization—had enthusiastically and unanimously adopted a resolution at its 1921 reunion in which it condemned the Ku Klux Klan “as a standing menace to constitutional government and the open and impartial administration of the law.” *Journal of the Fifty-Fifth National Encampment of the Grand Army of the Republic* (Washington, D.C.: Government Printing Office, 1922), 82-83.

members included such luminaries as Gutzon Borglum, who prior to sculpting Mount Rushmore carved out a name for himself as one of the nation's leading Klansmen.¹⁰

In January 1924, Judge Grady issued a lengthy public statement defending his role as Grand Dragon. The judge proudly noted that Klansmen took an oath to defend “the sacred constitutional rights and privileges of free public schools, free speech, free press, separation of church and state, liberty, white supremacy, just laws, and the pursuit of happiness.” The inclusion of “white supremacy” in such a list might seem incongruous, but it was a basic tenet of North Carolina's established political and legal systems. In April 1924, Grady penned an editorial for *The Searchlight*, the Klan's national newsletter. “White Supremacy was engrafted into the platform of the Democratic party in North Carolina in 1898,” he declared. “If the Democratic party was right in 1898, the Ku Klux Klan is right now.” By the 1920s, even the Democratic Party's white opponents had long since accepted African American disfranchisement as a fundamental principle of North Carolina politics. “The negro as a class does not desire to enter politics,” Republican gubernatorial candidate Judge John Parker asserted in 1920. “The Republican Party of North Carolina does not desire him to do so.” That same year, the state's Republican Executive Committee sent out an open letter endorsing the idea of “a strictly white government” and promising that “the Republican Party's policy will be to let the Negro stay out of politics.”¹¹

¹⁰ David M. Chalmers, *Hooded Americanism*, 95; William S. Powell, ed., *Dictionary of North Carolina Biography: Volume 2* (Chapel Hill: University of North Carolina Press, 1986), 325-326; Leonard Wilson, ed., *Makers of America: Biographies of Leading Men of Thought and Action, Volume II* (Washington, D.C.: B.F. Johnson, 1916), 243; B.F. Grady, *The South's Burden* (Goldsboro, NC: Nash Brothers, 1906), vii; “Agreement Negotiated and Entered Into By, Among, and Between William Joseph Simmons, H. W. Evans, et al.” John Quincy Jett Papers, Box 2, Legal Documents, Richard B. Russell Library for Political Research and Studies, University of Georgia Libraries, Athens, Georgia.

¹¹ “Grady Admits He Is Grand Dragon of Klan in State,” *Lumberton, NC Robesonian*, January 24, 1924; Henry A. Grady, “The Klan and the Negro,” *The Searchlight*, April 19, 1924; Glenda Elizabeth Gilmore, “False Friends and Avowed Enemies: Southern African Americans and Party Allegiances in the 1920s,” in *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, edited by Jane Elizabeth Dailey, Glenda Elizabeth Gilmore, Bryant Simon

Grand Dragon Judge Henry Grady wore two robes—the white robe of the Klan, and the black robe of state-sanctioned judicial authority—and he saw these two robes as complimentary, not clashing. From local segregation ordinances to the state’s anti-miscegenation statute, white supremacy was an integral part of the law in North Carolina, and Judge Grady believed in enforcing white supremacy through legal measures. The grandson of a large slaveholder, the judge saw himself as a paternalistic guardian of African Americans—as long they remained in their designated place. If they transgressed from the boundaries of their place, then they would be punished, but Grady was adamant that Klansmen maintain a mask of legality. Even before Grady’s appointment as Grand Dragon, leaders of the North Carolina Klan strongly opposed

(Princeton, NJ: Princeton University Press, 2000), 225-226; William Stevens Powell, ed., *Dictionary of North Carolina Biography, Volume 4* (Chapel Hill: University of North Carolina Press, 1991), 71; Eric Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second* (Baton Rouge: Louisiana State University Press, 1981), 287; Benjamin R. Justesen, *George Henry White: An Even Chance in the Race of Life* (Baton Rouge: Louisiana State University Press, 2001), 280; United States Congress, Senate Committee on the Judiciary, *Nomination of Frank A. Linney: Hearings Before a Subcommittee of the Committee on the Judiciary, United States Senate, Sixty-Seventh Congress, First Session* (Washington: Government Printing Office, 1921), 7-8, 24, 43; John H. Haley, *Charles N. Hunter and Race Relations in North Carolina* (Chapel Hill: University of North Carolina Press, 1987), 235-245. Ten years later, Judge Parker’s comments would come back to haunt him when the NAACP, in one of its first manifestations of political power, helped defeat his nomination to the United States Supreme Court. Kenneth W. Goings, “NAACP Comes of Age”: *The Defeat of Judge John J. Parker* (Bloomington: Indiana University Press, 1990); Richard L. Watson, Jr., “The Defeat of Judge Parker: A Study in Pressure Groups and Politics,” *The Mississippi Valley Historical Review* 50, no. 2 (1963): 213-234; Richard Kluger, “The Story of John Johnston Parker: The First Demonstration of Negro Political Power since Reconstruction,” *The Journal of Blacks in Higher Education* 46 (2004-2005): 124-125; William S. Powell, ed., *Dictionary of North Carolina Biography, Volume 5* (Chapel Hill, 1994), 17. The letter from the Republican Executive Committee went out under the name of Frank Linney, the party’s state chairman. In the 1890s Linney’s father—a Republican congressman from western North Carolina—had supported the voting rights of African Americans and outspokenly condemned lynching, and the son had witnessed first-hand the devastating political effectiveness of the race-baiting tactics used against his father. In 1921, when Frank Linney was nominated to be the U.S. district attorney for western North Carolina, the comments in the letter became an issue during his Senate confirmation hearings. Linney swore under oath that he had not written the letter that had gone out under his name; he distanced himself from the comments and suggested that he would support federal enforcement of voting rights in the South. At the beginning of the confirmation hearings, Linney’s nomination had been opposed by Senate Republicans and supported by southern Democrats; by the end of the hearings, because Linney had “backtracked in favor of the negro,” Democrats opposed his nomination while Republicans supported it. Linney was ultimately confirmed by the Senate, but the whole process highlighted the delicate balancing act required of Republican politicians in 1920s’ North Carolina. “Senate Will Hear Echoes of the Red Shirt Days of ’98,” *Greensboro Daily News*, July 6, 1921; “Linney Nomination Will Be Called Up Again Wednesday,” *Greensboro Daily News*, August 4, 1921; “Senator Overman To Cast His Vote Against Mr. Linney,” *Greensboro Daily News*, August 9, 1921; “Linney Nomination Is Not Likely To Reach Vote Today,” *Greensboro Daily News*, August 10, 1921; “Linney Nomination Confirmed 31 to 17 After Hot Debate,” *Greensboro Daily News*, August 11, 1921.

lynching, preferring state-sanctioned punishment for accused African Americans. In August 1922—one month before Grady became Grand Dragon—the Moore County sheriff rushed three black men accused of rape to the state penitentiary to protect them from a would-be lynch mob; the following day, the Raleigh Klan wrote to the *News and Observer*, praising the sheriff’s action—and urging “a special term of court and a speedy execution.” Addressing the Klan’s annual statewide rally in 1926, Judge Grady boasted “there had not been a lynching in North Carolina since the Klan was organized in the state.” From the judge’s perspective, the Ku Klux Klan was an anti-lynching organization, dedicated to defending the rule of law within a white supremacist state.¹²

In 1923, Tom and Alpha Walker departed Greenwood County, South Carolina and made their way to Asheville, where they moved into a tenement house on South Beaumont Street, in an African American neighborhood on the south side of Pack Square and the city center. Tom Walker found work as a construction worker, while his wife took a job as a maid. Over the next few years, the family periodically moved from one tenement house to another within the neighborhood. After being released from the South Carolina state penitentiary, Broadus Miller followed his relatives to Asheville. Either along the way or soon after arriving in the city, he met an eighteen-year-old girl named Mamie Wadlington. Like Miller and his relatives, she was a native South Carolinian, having grown up in Fairfield County just north of Columbia. On June

¹² “Grady Defends Klan,” *Lumberton Robesonian* July 12, 1926; B.F. Grady, *The South’s Burden*, vii; “Grady Admits He Is Grand Dragon of Klan in State”; Vann R. Newkirk, *Lynching in North Carolina*, 98; Henry A. Grady, “The Klan and the Negro.” In recent years, scholars have identified or reclassified a handful of killings in early 1920s’ North Carolina as “lynchings”; see, e.g., Newkirk, *Lynching in North Carolina*, 170. However, at the time of Grady’s 1926 speech, the North Carolina state government, the press, and national observers such as the Tuskegee Institute all agreed with his assessment; according to Tuskegee’s annual reports, there had not been a lynching in North Carolina since January 1921. “Lynching #12,” *Time*, September 1, 1930.

30, 1924, the young couple went to the Buncombe County courthouse and obtained a marriage license. In a laborious scrawl, the groom-to-be signed his name as “Broads Miller.” The license listed him as the son of Robert and Alice Miller, both deceased—the only known record of Miller’s birthparents. Later that afternoon a justice of the peace married the couple, who took up residence in a tenement house at 63 Valley Street, only a few hundred feet from the Walkers.¹³

The African American neighborhood in downtown Asheville had developed during the late nineteenth century, when black laborers began moving to the city to find work. The tycoon George Vanderbilt employed numerous African Americans on his Biltmore House estate, first as construction workers and then as domestic servants, and whether from paternalistic solicitude or from appreciation for a mutually beneficial working relationship, Vanderbilt would provide significant support to Asheville’s black community. He financed the construction of the Young Men’s Institute (Y.M.I.), a multi-purpose community center in the heart of the downtown neighborhood, and arranged for the building to be sold on favorable terms to African American civic leaders. On the streets surrounding the Y.M.I. were several black-owned businesses, including barber shops, doctors’ offices, restaurants, and funeral homes. In the early 1920s, as hundreds of black South Carolinians arrived in Asheville, hastily constructed tenement houses sprang up throughout the neighborhood, and by the end of the decade, South Carolina natives would account for over one-quarter of the city’s 16,000 black residents.¹⁴

¹³ *Asheville City Directory*, 7 vols. (Asheville, NC: Commercial Service Company, 1921–27), North Carolina Collection, Pack Memorial Library, Asheville; Broadus Miller/Mamie Wadlington marriage license and certificate, June 30, 1924, Buncombe County Register of Deeds, Asheville, NC.

¹⁴ Darin J. Waters, “Life Beneath the Veneer: The Black Community in Asheville, North Carolina from 1793 to 1900,” (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2011), 152-168; Erline L McQueen, interviewed by Dorothy Joynes, in *Voices of Asheville Oral History Collection*, Ramsey Library Special Collections, UNCA, Asheville, NC; Jenny Wallace, “Making Congregation out of Segregation: The African American Culture and Community in Asheville, Early 20th Century,” (B.A. thesis, University of North Carolina at Asheville, 2003); Nan K. Chase, *Asheville: A History* (Jefferson, NC; McFarland, 2007), 136-60; 1920 and 1930 censuses, Buncombe County, NC, Asheville township.

Broadus Miller's life in Asheville left but a fleeting trace in the written record, only a marriage license and certificate and a city directory listing. Thomas Wolfe had grown up on the opposite side of Pack Square from where Miller resided. A white outsider on the outskirts of the black community, Wolfe used the African American neighborhood as a source of artistic inspiration. The year before Tom and Alpha Walker's arrival, Wolfe wrote a play entitled *Welcome to Our City*, in which he described the neighborhood he knew as "Niggertown," its streets lined by "white-washed shacks and cheap one- and two-story buildings of brick," interspersed by empty lots "littered with rubbish, bottles, horseshoes, wagon wheels, and junk of every description." In *Look Homeward, Angel*, the novelist once again portrayed the neighborhood, categorizing most of its residents as "decent and laborious darkies." However, Wolfe was much more intrigued by the people whom he called "floaters": the young men and women of "precarious means" and "variable lives" who resided within "the celled hive of Niggertown," moving "mysteriously from cell to cell" and travelling through "the night with their flitting stealth"—individuals such as Broadus Miller.¹⁵

The unsettled social conditions of the early 1920s made Asheville fertile ground for the resurgent Klan. In the late summer of 1921, a recruiter named Lawrence Froneberger arrived in the city and began organizing a chapter of the Invisible Empire. His effort gained momentum that September, when a lecturer came from Klan headquarters in Atlanta and spoke at the Asheville City Auditorium, attracting an audience of some eight hundred people. Over the following weeks, around 450 men joined the Asheville chapter. Froneberger found an enthusiastic champion in Reverend Arthur T. Abernethy, a former college professor who would

¹⁵ Andrew Turnbull, *Thomas Wolfe* (New York: Scribner, 1967), 16; Thomas Wolfe, *Welcome to Our City: A Play in Ten Scenes*, edited by Richard S. Kennedy (Baton Rouge, LA: Louisiana State University Press, 1983), 11-12; Thomas Wolfe, *Look Homeward, Angel* (New York: Charles Scribner's Sons, 1957), 250-251.

later be appointed North Carolina's first poet laureate. Reverend Abernethy's First Christian Church of Asheville became a hotbed of Klan activity, and when the local Klan chapter needed money for expenses, they turned to a member of Abernethy's congregation, the wealthy businessman Nathaniel Augustus "Gus" Reynolds. One of the city's most prominent residents, Reynolds had served as chairman of the Buncombe County Board of Commissioners, then established Reynolds Funeral Home. He had married his brother's widow—and had thus become the stepfather of his own nephew, future U.S. senator Robert "Buncombe Bob" Reynolds. Headed by Froneberger, with Reverend Abernethy as a public spokesman and Gus Reynolds bankrolling its operations, the Asheville Klan launched a highly publicized campaign for "law and order" within the city.¹⁶

On November 1, 1921, Buncombe County sheriff deputies raided a house in the downtown black neighborhood and arrested two white women whom they found "in company with negro men." Charged with violating the state's anti-miscegenation statute and released on \$400 bond, the women immediately left town. Lawrence Froneberger and a handful of Klansmen set out in pursuit. They seized the two women in Saluda and brought them back to Asheville, where they successfully demanded that officials increase the bond and levy harsh punishments. Bond was raised to \$1000 apiece; one of the women would be sentenced to thirty days on a chain gang, while the other served time in jail. The two black men in whose company the women had been found had also been arrested. One of them received a two-year sentence on the chain gang. "Maybe when you serve that sentence and get off, you will stay in your place," the judge told

¹⁶ "Deposed Kleagle," *Asheville Citizen*, September 29, 1922; William S. Powell, ed., *Dictionary of North Carolina Biography: Volume 1*, 4; "Commissioner Defends Action in Naming Special Officers," *Asheville Citizen*, November 23, 1921; "Grand Jury Urge Audit of Books of Magistrates," *Asheville Citizen*, November 19, 1921; Julian M. Pleasants, *Buncombe Bob: The Life and Times of Robert Rice Reynolds* (Chapel Hill: University of North Carolina Press, 2000), 7.

him. The second man—Louis Sisney—was a veteran of the World War and had fought in France. After posting the initial bond, Sisney received death threats and fled the state, fearing “he would get a rope around his neck if he remained.”¹⁷

Though Froneberger had been deputized as a special officer of the Asheville police department, he had no warrant to seize the women in Saluda and would be indicted on federal charges of kidnapping and conspiracy. Gus Reynolds provided bond for the Klan leader, and the charges were dropped after his attorneys got the case transferred to Judge Thomas A. Shaw—who, as Froneberger approvingly noted in a letter to Klan headquarters in Atlanta, was a “fair

¹⁷ “Return of Women Still Wrapped in Complete Mystery,” *Asheville Citizen*, November 3, 1921; “Carolina Jury to Investigate Ku Klux Klan,” *Washington (D.C.) Times*, November 10, 1921; H.E.C. Bryant, “Ku Klux Klan Is Blamed,” *Charlotte Observer*, reprinted in Statesville, NC *Landmark*, November 7, 1921; “Eugene Garlington Given Two Years on Road,” *Asheville Citizen*, November 20, 1921; *Official Roster of Ohio Soldiers, Sailors and Marines in the World War, 1917-1918, Volume XVI* (Columbus, OH: F.J. Heer Printing Company, 1928), 5922; Emmett Jay Scott, *Scott's Official History of the American Negro in the World War* (Chicago: Homewood Press, 1919), 136-137, 146, 149-153, 161, 173, 187, 286-291; 1920 census, Buncombe County, NC, Asheville township, ward #4, subdivision #3, dwelling #182 (24 Goodlake Avenue); Ancestry.com. *U.S. City Directories, 1821-1989* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011; Ancestry.com *U.S., Department of Veterans Affairs Beneficiary Identification Records Locator Subsystem (BIRLS) Death File, 1850-2010* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011; Ancestry.com. *U.S., World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005. 1940 census, Cuyahoga County, OH, Cleveland, ward #16, block#11, household #134. Two weeks after illegally seizing the women in Saluda, Froneberger arranged for a search warrant to be sworn out against George Massa, a Japanese immigrant who operated a photography studio in downtown Asheville. An acclaimed landscape photographer whose work would later play an instrumental role in establishing Great Smokey Mountains National Park, Massa was accused of taking nude photographs of high school girls. Froneberger accompanied several policemen on a nighttime raid of Massa’s studio, where they arrested the photographer and confiscated his negatives. The local solicitor proclaimed that dozens of girls had posed nude for Massa—and was then forced to retract his claims when the photographs turned out to be formal portraits with the girls modestly clad. The girls were students at Asheville High School, the city’s leading secondary school, and their parents were outraged by the accusations that had been made. In the wake of the incident, the Asheville city council passed an ordinance that made slandering public school students a criminal offense, punishable by a \$50 fine. Lawyers Engage in Sharp Verbal Clash,” *Asheville Citizen*, November 19, 1921; Dayton Duncan and Ken Burns, *The National Parks: America's Best Idea* (New York: Random House, 2009), 221-223; “An Ugly Slander Proved False,” *Asheville Citizen*, November 20, 1921; “Ask ‘Bill of Particulars’ in Massa Case,” *Asheville Citizen*, November 20, 1921; “Judge Wells Orders Solicitor to File ‘Bill of Particulars’ in Case against George Massa,” *Asheville Citizen*, November 22, 1921; “Ku Klux Sought to Use Services of Young Citizen,” *Asheville Citizen*, November 23, 1921; “Bill of Particulars Is Filed by O.K. Bennett in Case Against Massa,” *Asheville Citizen*, November 24, 1921; “Sought to Buy Evidence to Convict in Massa Case,” *Asheville Citizen*, November 27, 1921; “A Case in Equity,” *Asheville Citizen*, November 28, 1921; “Probe of Charges Involving High School Girls Ordered,” *Asheville Citizen*, November 29, 1921; “Hearing to Fix Blame for High School Slander,” *Asheville Citizen*, November 30, 1921; “‘No Truth in Alleged Charge Against School Girls’ Is the Verdict,” *Asheville Citizen*, December 1, 1921; “Roberts Moves to End False Reports,” *Asheville Citizen*, December 2, 1921.

one hundred percent American Judge.” Reverend Abernethy applauded the Klan’s relentless pursuit of individuals accused of miscegenation. “It might as well be understood once [and] for all that we men of Asheville who value the sanctity of our homes and the superiority of our Caucasian blood do not intend to permit such social and sexual equality,” the minister declared. “If the law will assert itself to repress these crimes we will approve and sustain the law. If the law will not, then ... there are enough red-blooded men among us in Asheville to see that the higher law of civilization and God is executed.”¹⁸

In the late spring of 1922, Froneberger stepped down as leader of the Asheville Klan. He had profited handsomely from his few months as a Klan recruiter, earning several thousand dollars for organizing chapters in Asheville and other western North Carolina towns, and he used this money to open a real estate office on Pack Square. After his departure, the Klan remained a potent force in Asheville, maintaining close ties to local law enforcement, but its activities became much more discreet. Rather than attempting to garner front-page headlines, the Klan would concentrate on exerting an invisible influence behind the scenes. Asheville continued to be a receptive and welcoming environment for Klansmen. In July 1923, around the same time Tom and Alpha Walker arrived in the city, Asheville hosted the first annual meeting of Grand Dragons, attended by Judge Henry Grady and other Klan leaders from across the United States. Among the speakers at the meeting was the Grand Dragon of South Carolina, who demanded

¹⁸ “Find True Bill in Case Against Four” *Asheville Citizen*, November 8, 1921; “Grand Jurors To See if Ku Klux Are Active Here” *Asheville Citizen*, November 10, 1921; “To Continue Grand Jury Probe Today” *Asheville Citizen*, November 11, 1921; “Grand Jury Probe Nears Completion” *Asheville Citizen*, November 12, 1921; “Ku Klux Klan’s Organizer Here Is Under Arrest” *Asheville Citizen*, November 13, 1921; “Ku Klux Leader Will Plead Not Guilty In Trial” *Asheville Citizen*, November 14, 1921; “Ku Klux Organizer Is Special Officer” *Asheville Citizen*, November 17; “Courts or Chaos,” *Asheville Citizen*, November 13, 1921; “Expect Indictments Today in Grand Jury Probe” *Asheville Citizen*, November 15, 1921; Norman Hapgood, “The New Threat of the Ku Klux Klan, Part II,” *Hearst’s International* 43.2 (February 1923), 58; “Voice of the People: Anent the Two White Girls and Negro Men,” *Asheville Citizen*, November 4, 1921.

that immigration be stringently regulated “to prevent America from becoming the melting pot or dumping ground of the world.”¹⁹

The large influx of black South Carolinians to Asheville caused many white residents to believe their city had become a “dumping ground,” and they had no desire for this “dumping ground” to turn into a “melting pot.” In July 1924—just three weeks after Broadus Miller’s marriage—Buncombe County commissioners ordered the racial segregation of water fountains on Pack Square. Already well-established in the large urban centers of the South, such formally instituted segregation was considered a “progressive” measure and had been slow to come to “primitive” mountain regions. After the commissioners’ action, signs were placed on Pack Square designating separate facilities for whites and blacks, but these signs were inconspicuous and African Americans had been long accustomed to drinking from whichever fountain they wished. As the *Asheville Times* reported, local “negro haters” delighted in guarding the fountains reserved for whites and harassing any unsuspecting black who tried to drink. The newspaper deplored such actions, worrying that tourists would “carry erroneous impressions back home of this city’s methods of enforcing race segregation.”²⁰

During the late summer and fall of 1925, the reactionary backlash against black newcomers from South Carolina culminated in a series of rape accusations that brought racial tensions in Asheville to a fever pitch. Described by the *Asheville Citizen* as “a sordid saturnalia of bestial ravishment,” the alleged assaults began in August, when a white woman claimed she had been attacked on Sunset Mountain by a young black man. Police arrested some twenty-five

¹⁹ “Deposed Kleagle,” *Asheville Citizen*, September 29, 1922; *Asheville City Directory*, 7 vols. (Asheville, NC: Commercial Service Company, 1921–27), North Carolina Collection, Pack Memorial Library, Asheville; *Papers Read at the Meeting of Grand Dragons Knights of the Ku Klux Klan* (New York: Arno Press, 1977), 70..

²⁰ “Color Line on the Square,” *Asheville Times*, July 20, 1924; George Tindall, *The Emergence of the New South, 1913-1945* (Baton Rouge: Louisiana State University Press, 1967), 146.

suspects and brought them before the woman, but she did not identify any of them as her alleged assailant. Five weeks later, on the morning of September 19, a second woman alleged she had been assaulted at the same location. The thirty-five-year-old wife of a local carpenter, she was apparently either delusional or craving public attention. Doctors who examined the woman found her story dubious, but her vehement insistence that she had been attacked led to a manhunt lasting several hours. The woman had described her assailant as a tall, light-skinned black man in his thirties. Around five o'clock in the afternoon police arrested Alvin Mansel—a diminutive and dark-complexioned boy, only seventeen years old. Nevertheless, when the police took him to the woman, she identified him as her assailant.²¹

Like Broadus Miller and hundreds of other newcomers to Asheville, Alvin Mansel was a native of upstate South Carolina. He had grown up in Pickens County, the son of a shoe repairman. His mother had died when he was a child, and after completing a fifth-grade education he had held various menial jobs—picking cotton, cleaning the streets, and waiting tables at a roadside inn. Prominent white residents of Pickens would later testify Mansel was “trustworthy” and had a “good character,” and they had frequently employed him as a caretaker for their children. In the summer of 1925 he came to Asheville to visit his sister and ended up taking a job as a kitchen worker in the local tuberculosis sanatorium. Within weeks of starting the job, and based solely on his identification by the woman who claimed to have been assaulted, Mansel was charged with rape and taken to the Buncombe County jail, directly behind the county courthouse.²²

²¹ Theodore Harris, “Negroes Present Their Side of the Situation,” *Asheville Citizen*, October 30, 1925; “Negro Assailant of a White Woman Hunted by Police,” *High Point Enterprise*, August 18, 1925; “Sheriff Takes Negro From the City as Big Crowd Begins to Form,” *Asheville Citizen*, September 20, 1925.

²² North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 96-103.

On the evening of Mansel's arrest, a mob began forming on the downtown streets. Leaders of the Asheville Klan warned Sheriff E.M. Mitchell about "the formation of the mob and offered their services if needed." If the sheriff wished, Klansmen would assist him in defending the authority of the state-sanctioned legal system. Declining the Klan's offer to put "as large a force of men as he desired" at his disposal, the sheriff secretly rushed his prisoner to Charlotte. A committee from the mob was then invited to inspect the jail and verify Mansel had been removed, but while the inspection was in progress, the main body of the mob—estimated at between five hundred and a thousand men—stampeded the jail and broke down its gated entrance. Shouting "Give us the nigger!" the mob ransacked the entire building searching for the accused rapist.²³

One month after Mansel's arrest, there was yet another alleged sexual assault, this time in West Asheville, which led to a manhunt lasting several days. On October 26, police arrested an African American named Preston Neely after the alleged victim "recognized him in a local store and followed him down the street until she could summon an officer to make the capture." A native of Lancaster, South Carolina, Neely had moved to Asheville the previous year and worked as a dishwasher in a local café. After he was arrested and taken to the Buncombe County jail, an angry mob once again gathered, prompting Sheriff Mitchell to rush the prisoner to another county. That evening, the whole city was on edge, and when a black man on a downtown street was accused of "annoying a white woman," police arrested him; the following morning a special police court ordered the man to be "sent to the chain gang for two years."²⁴

²³ "Sheriff Takes Negro From the City as Big Crowd Begins to Form," *Asheville Citizen*, September 20, 1925.

²⁴ "Neely and Mansel to Face Trial at Once," *Asheville Citizen*, October 28, 1925; "Asheville," *New Orleans Times Picayune*, October 28, 1925; "Asheville, N.C., Scene of Another Attack," *Danville, VA Bee*, October 27, 1925.

In the wake of Preston Neely's arrest, the *Asheville Citizen* published an editorial addressed "To Asheville Negroes," which castigated the city's entire black population for not doing enough to prevent the assault of white women. "[I]ts women are dearer to the white race than everything life has to offer," the editorial declared, "and it will hesitate at nothing—NOTHING—to protect them and insure them safety." The editorial concluded with an ominous ultimatum to Asheville's black residents: "There must be no other assault on a white woman by a Negro—one more and peril will stare you in the face—a fearful peril. It will be no respecter of persons—the powers and influences which have restrained it will no longer avail." Leaders of the local black community responded to the dangerously volatile situation by organizing a mass meeting at the Young Men's Institute on a Sunday afternoon, at which the *Asheville Citizen* was roundly condemned for giving "encouragement to the possible shedding of blood should some irresponsible negro commit a crime in the future."²⁵

Perhaps motivated in part by a sense of self-preservation, longtime black residents of Asheville spoke with a reporter and drew a sharp distinction between themselves and the recently arrived immigrants from South Carolina:

These newcomers, in large measure, are of the so-called "boll weevil" type. They were brought to Asheville by construction workers to aid in the gigantic developments that have called for hordes of robust day laborers. The creation of the white man's residential paradise, the miracle of forming new business districts of accessibility and adequacy, the erection of factories and the placing of machinery in an industrial revival have required men of muscle. They have arrived in multitudes....

Many of these strange negroes have been picking cotton and hoeing corn in the flat lands with a month's earning absorbed by a month's appetite, with overseers ruthless and unscrupulous. Suddenly transplanted to a tolerant [*sic*] city like Asheville, they have shown a tendency to run riot and have exercised a bad influence on their fellows. With pockets bulging with money, they have made possible such dives and rendezvous as exert

²⁵ "To Asheville Negroes," *Asheville Citizen*, October 29, 1925; "A Warning Repeated," *Asheville Citizen*, October 30, 1925; "Negro Citizens of Asheville Call Huge Mass Meeting for Sunday to Consider Situation," *Asheville Citizen*, October 31, 1925; Theodore Harris, "Negroes Present Their Side of the Situation," *Asheville Citizen*, October 30, 1925.

a wicked sway. The Asheville negro can not disclaim a certain racial responsibility for them but neither can he assume a personal guarantee of their good behavior, especially since he had nothing to do with bringing them here.

But though members of Asheville's established black community may have felt some resentment toward the people pouring in from South Carolina, the charges against Alvin Mansel and Preston Neely upset all African Americans, natives and newcomers alike. Based entirely on unsubstantiated accusations, two black men would be going on trial for rape, a capital crime, which served as a stark reminder of how precarious the place of any African American was within the state's judicial system.²⁶

As trial preparations began, the Asheville National Guard was called to duty and the governor sent Adjutant General Metts to assess the situation and take appropriate measures. Alarmed at the highly volatile atmosphere in the city, Metts ordered a detachment of the Morganton National Guard to come to Asheville and reinforce the local guard unit; among the thirty troops arriving from Morganton was Lieutenant Sam Ervin, Jr., the future U.S. senator. On the morning of Monday, November 2, the Buncombe County sheriff brought Alvin Mansel and Preston Neely back to Asheville. On the outskirts of the city he met two automobiles filled with members of the National Guard, who escorted the sheriff and his prisoners into the city center. As the alleged rapists were arraigned in the Buncombe County courthouse, troops stood guard "with their Springfield rifles at a business-like angle, attracting much attention and sending a chill over the throng." Following their arraignment, Mansel and Neely were escorted to the county jail, where over fifty National Guardsmen had been stationed. The state's show of

²⁶ Theodore Harris, "Negroes Present Their Side of the Situation," *Asheville Citizen*, October 30, 1925.

superior force awed any would-be lynch mob, and a journalist noted that “there has been not the slightest indication of mob action against the negroes.”²⁷

Alvin Mansel was the first to go on trial. His alleged victim took the stand and told a tale that in many instances flatly contradicted her previous statements to the police. Nevertheless, on Thursday, November 5, a jury quickly convicted Mansel and he was sentenced to death. Immediately following his conviction, the trial of Preston Neely commenced. For two days the judicial proceedings played out as they had before, and the verdict seemed a foregone conclusion. As a journalist covering the trial for the Associated Negro Press noted, African American men accused of sexually assaulting white women were almost invariably found guilty, regardless of the evidence. Southern courts seemed to issue convictions automatically, one after another. “They turn these things out like sausages,” the journalist bitterly complained. But in the case of Preston Neely, jurors deliberated nearly four hours—and then acquitted the defendant. The unexpected verdict stunned the courtroom audience. The prosecution and defense began offering a series of competing motions to the judge, a prearranged tactic designed to keep the audience remaining in their seats, while fifty soldiers with fixed bayonets rushed Neely out of the courthouse and to a waiting convoy of police cars. The convoy sped south through Hendersonville and to an undisclosed location in South Carolina, where Preston Neely was released. Though acquitted of rape, he had been both literally and figuratively driven out of Asheville and back to his native state.²⁸

²⁷ *Report of the Adjutant General of the State of North Carolina: January 1, 1925 to June 30, 1926* (Raleigh: Edwards & Broughton, 1927), 9; “Troops Ordered to Guard Trials Here If Needed,” *Asheville Citizen*, October 31, 1925; “Local Briefs in and around Town,” Morganton, NC *News-Herald*, November 11, 1925; “With Troops Guarding Jail Negroes Await Their Trial,” *Raleigh News and Observer*, November 3, 1925; “Woman Accuser of Alvin Mansel Placed on Stand,” *Raleigh News and Observer*, November 4, 1925.

²⁸ “Found Guilty of Attack,” Los Angeles *California Eagle*, November 27, 1925; “Preston Neely Goes On Trial for His Life,” *Asheville Citizen*, November 6, 1927; “Preston Neely is Acquitted and Rushed to South Carolina Under Guard,” *Asheville Citizen*, November 8, 1925; “Troops Again Ordered to Report in Armory,” *Asheville Citizen*, November 8, 1925.



Figure 5. Alvin Mansel.

Photograph from North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 96.

As Alvin Mansel awaited execution, Buncombe County's white residents began learning further details about his case. There were blatant inconsistencies in his accuser's testimony, while numerous white employees and patients at the sanitarium offered signed affidavits that Mansel had been at work when the alleged assault occurred. Very little of the exculpatory evidence had been presented to the jury, and some of the jurors who had convicted him changed their minds and openly expressed serious doubt about his guilt. Doctors who had examined the alleged victim, witnesses who had heard the woman's original account of the rape, and even the assistant prosecutor in the case joined some four thousand other residents of Buncombe

County—including attorneys, judges, and religious leaders—and signed a petition urging executive clemency for the innocent victim of the state’s judicial system.²⁹

The petition went to the desk of Governor Angus McLean, who had succeeded Cameron Morrison in the governorship. A former lawyer and banker, McLean was derided by critics for being “a lover of money and all it implies,” a mere figurehead for the state’s “conservative plutocracy.” He had been elected in 1924 with the support of the Klan, but to a large extent the “election” was a formality; three years earlier, the North Carolina press reported the state’s political bosses had already decreed that McLean would be the next governor. Upon assuming office, he continued Morrison’s policy of using the National Guard to suppress lynching and other forms of mob violence. As McLean proclaimed in one of his public speeches, “the Negro is a most valuable element in our population because he controls our labor supply,” and he would not let the actions of illicit mobs threaten the state’s workforce. In July 1926, Governor McLean responded to the Buncombe County petitioners. In spite of the overwhelming evidence of Mansel’s innocence, the governor did not pardon him, but he commuted the sentence to life imprisonment. Alvin Mansel would end up spending five years in the state penitentiary before McLean’s successor pardoned him for the alleged crime he did not commit.³⁰

But though Governor McLean refused to pardon Alvin Mansel, he also refused to pardon members of the mob that had invaded and ransacked the Buncombe County jail. Fifteen of the men had been tried, convicted, and sentenced to various terms in prison or on the chain gang.

²⁹North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina*, 98-102.

³⁰ David Leroy Corbitt, ed., *Public Papers and Letters of Angus Wilton McLean* (Raleigh: Edwards & Broughton, 1931), xvi; Mary Evelyn Underwood, *The Scotsman from Lumber River: Farmer, Industrialist, Banker, Public Servant* (Raleigh: Pentland Press, 1996); Jonathan Daniels, *Tar Heels: A Portrait of North Carolina* (New York: Dodd, Mead, and Company, 1941), 64; “McLean is Timber for Presidential Seat,” *Elizabeth City (NC) Independent*, reprinted in *Hickory Daily Record*, June 25, 1927; Nell Battle Lewis, “North Carolina,” *American Mercury* 8.1 (May 1926), 43; “Machine Has Decreed Wilton M’Lean Shall Succeed Mr. Morrison,” *Greensboro Daily News*, July 11, 1921; North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina*, 102; “Both of Them Are Happy,” *Pittsburgh Courier*, November 15, 1930.

More than six thousand persons, including numerous law enforcement officials, petitioned the governor on their behalf. “No man can calculate the damage that may be done to the good name and fame of North Carolina by even one lynching,” McLean responded, “and the only way to suppress lynching is to let those who engage in it understand that they will be punished and punished severely.” Governor McLean’s focus was on maintaining public order, not on administering idealized notions of justice. Lynch mobs that challenged the supreme authority of the state’s judicial system, and African Americans who were wrongfully convicted by that system, would both be punished by the state.³¹

The rape accusations in the fall of 1925 were almost certainly complete fabrications. But though many white North Carolinians began to have serious doubts about Alvin Mansel’s guilt, they stubbornly persisted in believing *someone* must be guilty of the alleged crimes. Two years later, after Broadus Miller gained sudden notoriety, press reports would speculate that perhaps he had assaulted the women in Asheville. However, it is not clear if Miller was present in the city during the tumultuous late summer and autumn of 1925. At the end of 1924, when the city directory was compiled for the coming year, Miller and his wife resided on Valley Street, only a few minutes’ walk from the Buncombe County courthouse and jail. By the end of 1925, the couple would no longer be listed as living in Asheville. Precisely when Miller left the city is uncertain; perhaps the heightened racial tensions had helped prompt his departure. In any case, his destination was a familiar place. Like many African Americans who migrated northward, Miller had apparently maintained ties with the region from whence he came, for at some point in 1925 or early 1926, he returned to his native Greenwood County.³²

³¹ David Leroy Corbitt, ed., *Public Papers and Letters of Angus Wilton McLean*, 528-529.

³² Nell Battle Lewis, “North Carolina”; “Wrong Man May Be Serving Time,” *Raleigh News and Observer*, June 25, 1927; “Seek Pardon for N.C. Life Termer,” *Baltimore Afro-American*, May 26, 1928.

Throughout much of Broadus Miller's life, the only evidence of his travels comes from the criminal record he left behind. On March 2, 1926, he was arraigned in the Greenwood courthouse on charges of housebreaking and larceny. He had apparently attempted to burglarize a clothing store owned by a Russian-born Jewish immigrant named Louis Mark. According to the local newspaper, Miller confessed to breaking into Mark's store, but he denied stealing anything. "They caught me before I got any goods," he reportedly told the prosecutor. It would be the only known recorded statement Broadus Miller ever made. Having already served time in the state penitentiary, and having likely spent part of that prison sentence on one of the state's work farms, he would now become intimately familiar with the third element of South Carolina's tripartite penal system. After pleading guilty to breaking and entering, he was sentenced to one year of hard labor on the county chain gang.³³

In most southern states—including South Carolina—county officials operated their chain gangs with nearly complete autonomy. A state inspector visited once a year, but a local supervisor oversaw the gangs and armed guards had day-to-day authority over the prisoners. Greenwood County maintained two chain gangs, each having a dozen or so prisoners, and though the gangs served as a source of cheap labor, they were nevertheless the most expensive item in the county's budget. It cost the county over \$20,000 annually to pay the guards and superintendent, feed and clothe the prisoners, supply the tools for roadwork and the lumber for bridge construction, and furnish the two gangs with mules and wagons. One of the gangs consisted entirely of African Americans. Though the second group was known as the "white"

³³ Records of General Sessions of Greenwood County Court, 1926, Clerk of Court's Office, Greenwood County, SC; "More True Bills," Greenwood *Index-Journal*, March 3, 1926; "Liquor Comes High in Sessions Court," Greenwood *Index-Journal*, March 3, 1926; 1930 census, Greenwood County, SC, Greenwood city, enumeration district #24-10, 247 Pressley Street; Cecile Cohen Waronker, "Dillon's Ohav Shalom: A Small Town's Dream Come True," *Jewish Historical Society of South Carolina* 18.2 (Fall 2012), 17; Form N-315, U.S. Department of Justice, Immigration and Naturalization Service, Ancestry.com. *South Carolina, Naturalization Records, 1868-1991* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2013.

gang, it included both whites and blacks, who according to state law slept in segregated tents and were “given separate work to do on the roads.” The prisoners’ sentences ranged from a couple of weeks to several years, so there was a continual rotation of individuals coming and leaving the chain gangs, and every year around sixty or seventy men served as convict laborers on the county’s roads.³⁴

Each of the two chain gangs included an armed guard, a cook, and a “trusty”—a loosely-supervised prisoner who performed mundane tasks and errands. With the exception of the “trusty,” all the convicts were continuously shackled for the duration of their sentence. Every prisoner had his ankles cuffed together with a heavy iron chain a few feet long. In the middle of this chain was a short link with an iron ring that could be hitched to the man’s belt when he was working, thus lifting up the heavy chain so it would not drag on the ground. At night and when

³⁴; Jesse F. Steiner and Roy M. Brown, *The North Carolina Chain Gang: A Study of County Convict Road Work* (Chapel Hill: University of North Carolina Press, 1927), 3-7, 177. “Buddy Boyd Goes to Gang,” *Greenwood Index-Journal*, September 18, 1926; 1930 census, Greenwood County, SC, Callison township, dwelling #35; “Report for 1st. Quarter of 1926 of Disbursements by J. A. Marshall, Supervisor,” *Greenwood Index-Journal*, April 14, 1926; “Report for 2nd. Quarter of 1926 of Disbursements by J. A. Marshall, Supervisor,” *Greenwood Index-Journal*, July 8, 1926; *Reports of State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 13, 1920: Volume II* (Columbia, SC: Gonzales and Bryan, 1920), 119-120; ““Hot Stuff” Caught at Greenville,” *Greenwood Index-Journal*, August 18, 1926. In 1927, sociologists Jesse Steiner and Roy Brown would publish a groundbreaking study of the chain gang system, focusing on North Carolina but summarizing the general conditions of such gangs throughout the South. “Without doubt the motive underlying the establishment and the continuance of the county chain gang is primarily economic,” Steiner and Brown concluded. “The average county official in charge of such prisoners thinks far more of exploiting their labor in the interest of good roads, than of any corrective or reformatory value in such methods of penal treatment.” African Americans were most frequently sentenced to the chain gang as punishment for larceny, while prohibition violations accounted for the largest percentage of white convicts. Whenever a county needed a larger workforce, then local officials showed increased zeal in punishing offenders. As Steiner and Brown note, Virginia and Maryland were exceptions to the county-operated chain gang system; in both Virginia and Maryland, state authorities managed the chain gangs. Jesse F. Steiner and Roy M. Brown, *The North Carolina Chain Gang*, 3-7. For a description of how the growing popularity of the automobile and the need for a vastly expanded and improved network of public roads had caused chain gangs to become the primary form of incarceration throughout the South, see Jack Temple Kirby, *Rural Worlds Lost: The American South, 1920-1960* (Baton Rouge: Louisiana State University Press, 1987), 217-221, and C. Vann Woodward, *Origins of the New South, 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 425. As Woodward notes, the county chain gangs were “as full of possibilities for wrongdoing, cruelty, and inhumanity” as the convict-lease system had been. However, Woodward erroneously states that by 1919, chain gangs had replaced the convict lease system in every southern state except Alabama. Florida was still leasing convicts until the early 1920s, when public outcry over the brutal whipping death of Martin Tabert led state officials to quit leasing convicts to private contractors.

the men were marched along the road from one work site to another, a long chain was threaded through each man's iron ring and padlocked on the two ends, linking the convicts together in a coffle. Accompanied by a mule-driven wagon that carried their tools, tent, and supplies, the men toiled throughout the county, repairing wooden bridges and using pick-axes to widen and level the local roads.³⁵

For most of the year, the two Greenwood County chain gangs worked on opposite ends of the county, periodically moving and pitching camp at various locations in the countryside, then wintering for a few weeks on the county work farm on the outskirts of the town of Greenwood. Living conditions in the county's chain gang camps were wretched, with convicts sleeping in tents that leaked like sieves whenever it rained. In 1919, a state inspector visited one of the camps and was appalled by what he saw. "[T]he beds provided for the men are totally unfit for human beings," he reported. "They are nothing more than poor straw ticks and old mattresses laid flat on the ground [and] full of grit and other dirt." Two years later, an inspector described the county's camps as dismally unsanitary. "The most outstanding fault of both camps is the failure to properly dispose of the sewage," he noted. The refuse buckets were dumped on the open ground and the sewage left uncovered, which resulted in "the breeding of flies and the spreading of disease."³⁶

³⁵ Jesse F. Steiner and Roy M. Brown, *The North Carolina Chain Gang*, 3-7; Department of Commerce, Bureau of the Census, Bulletin 121, *Prisoners and Juvenile Delinquents, 1910* (Washington, DC: Government Printing Office, 1911), 88; 1930 census, Greenwood County, SC, Callison township, dwelling #35; *Special Joint Legislative Committee to Investigate Conditions in the State Penitentiary: Transcript of Testimony Taken by Witnesses at the Investigation before the Above Committee* (Columbia, SC: Gonzales and Bryan, 1923), 26 (available at the South Caroliniana Library, University of South Carolina, Columbia, SC); "A Cross-Country Road Is Improved," *Greenwood Index-Journal*, June 23, 1926; "Levelling Ridlehuber Hill," *Greenwood Index-Journal*, October 26, 1926.

³⁶ *Reports of State Officers Boards and Committees to the General Assembly of the State of South Carolina, Regular Session Commencing January 13, 1920: Volume II*, 119-120; *Report of State Officers, Board, and Committees to the South Carolina General Assembly* (Columbia, SC: Gonzales and Bryan, 1922), 102;

The same week Broadus Miller was sentenced to the chain gang, the South Carolina press reported that a black prisoner in Greenville County had been forced to labor barefoot on a chain gang throughout the previous winter, leading to severe frostbite and the amputation of both his feet. When not suffering from neglect, chain gang convicts were often targeted for maltreatment. After a Spartanburg County guard flogged a white prisoner to death in 1921, the state's judiciary had attempted to curb the practice of whipping convicts, but the guards had virtually no oversight and could largely do as they pleased. In his 1924 work *Darker Phases of the South*, sociologist Frank Tannebaum cited reports from South Carolina that whenever a convict first arrived at a road camp, he would be summarily flogged in order "to impress him with due reverence for his superiors."³⁷

For nine months Broadus Miller labored on a Greenwood County chain gang. In December 1926, following his early release for good behavior, he once again headed to Asheville and resumed living with his wife in the downtown black neighborhood. The following spring he was hired as a manual laborer by stone mason Dante Martin. A native of Italy, Martin had arrived in the United States in 1913 and spent the following decade at job sites in West Virginia and Kentucky. Asheville's speculative real estate boom attracted skilled craftsmen as well as manual laborers, and Martin moved to the mountain city in 1922. But as the frenzied wave of new construction in the city subsided, he had to search further afield for building projects. In May 1927, he secured a contract to build a large residential house about sixty miles east of Asheville, and around the beginning of June, the Italian-born stone mason and his crew of

³⁷ "Prisoner Voices Grave Accusation Against Officers," *Greenwood Index-Journal*, March 8, 1926; "Spartanburg Jury Convicts Chaingang Man," *Edgefield (SC) Advertiser*, November 2, 1921; Frank Tannenbaum, *Darker Phases of the South* (New York: G.P. Putnam's Sons, 1924), 80.

African American workers—including Broadus Miller—embarked on a fateful journey to Morganton.³⁸

³⁸ “Broadus Miller Still at Large,” Greenwood, *SC Index-Journal*, June 25, 1927; “Suspected Slayer of Girl, 15, Caught,” *Asheville Times*, June 22, 1927; “Franklin Pierce Tate House,” National Register of Historic Places Inventory-Nomination Form, United States Department of the Interior, National Park Service, Form 10-900, 1985; 1930 census, Buncombe County, NC, Leicester township, 132 County Home Road; Petition for Naturalization, U.S. Department of Labor, Naturalization Service. Ancestry.com. *North Carolina, Naturalization Records, 1868-1991* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2013.

CHAPTER 6

NATIVES AND OUTSIDERS

*Alien they seemed to be:
No mortal eye could see
The intimate welding of their later history...
- Thomas Hardy, "The Convergence of the Twain" ¹*

On May 5, 1927, a front-page headline in the Morganton *News-Herald* announced "Mr. and Mrs. Frank Tate to Build Stone House." One of Morganton's most prominent residents, Franklin Pierce Tate had a wide array of business interests, serving as a bank director, the president of an insurance agency, an investor in several textile mills, and an appointee to various state committees. In 1922 he married Martha "Pattie" Thomason, a South Carolina native who had moved to Morganton a few years earlier to become principal of the North Carolina School for the Deaf. Following their marriage, Mrs. Tate resigned as head of the school and the couple settled on West Union Street, an exclusive neighborhood that was home to several of the town's wealthiest residents. In the spring of 1927, following the birth of a son, the Tates hired a New York architect to draw up plans for a Colonial Revival mansion, made of granite, that would stand on a lot directly across the street from where they were living. Around the beginning of June, stone mason Dante Martin and his crew of construction workers—including Broadus Miller—arrived from Asheville to build the Tates' new home.²

¹ Samuel Hynes, ed. *Thomas Hardy: Selected Poetry* (New York: Oxford University Press, 1996), 73.

² "Mr. and Mrs. Frank Tate to Build Stone House," Morganton, NC *News-Herald*, May 5, 1927; Edward W. Phifer, Jr., *Burke: The History of a North Carolina County* (Morganton, NC: Burke County Historical Society, 1977), 162, 165; "Garrou Knitting Mills"; Otis A. Betts, *The North Carolina School for the Deaf at Morganton*, 101; "Thomason-Tate Engagement Announced," Morganton, NC *News-Herald*, May 25, 1922; "Local Briefs in and around Town," Morganton, NC *News-Herald*, June 22, 1927; Frank Pierce Tate wedding invitation, Box 1, Folder

Frank Tate's father—Samuel McDowell Tate—had been a near-legendary figure in Burke County. After being commissioned a Confederate officer, he would forever thereafter be known as Colonel Tate. In the late nineteenth century the colonel was one of the leaders of North Carolina's Democratic Party. He served several terms in the state legislature, then became state treasurer, and because of his political influence Morganton would be chosen as the site for two large public institutions—the State Hospital for the Insane and the North Carolina School for the Deaf. The colonel's premier accomplishment was his role in creating the Western North Carolina Railroad. On the eve of the Civil War, contractors had used slave labor to begin building the railroad. After the war ended and construction resumed, the board of directors appointed Colonel Tate to head the railroad company. The company was plagued by political infighting and financial malfeasance, which led to his removal from office, but in 1875, as a legislator in Raleigh, the colonel engineered the state's acquisition of the railroad and once again assumed control of the project.³

More than any other state, North Carolina in the late nineteenth century relied on convict labor for railroad construction, and convicts would take the place of slaves in completing the

14, Correspondence, 1921-1927, 1936, W. C. Ervin Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; "A Tale of a Ford, Two Negroes and a Mule," Morganton, NC *News-Herald*, December 14, 1922; "Franklin Pierce Tate House," National Register of Historic Places Inventory, Nomination Form (NPS Form 10-900), United States Department of the Interior, National Park Service, 1985; "Suspected Slayer of Girl, 15, Caught," *Asheville Times*, June 22, 1927.

³ Clement Anselm Evans, *Confederate Military History: A Library of Confederate States History, Volume 4* (Atlanta: Confederate Publishing Company, 1899), 486-487; William S. Powell, ed., *Dictionary of North Carolina Biography: Volume 6* (Chapel Hill, NC: University of North Carolina Press, 1996), 3; Edward W. Phifer, Jr., *Burke*, 97, 130, 463-465; Otis A. Betts, *The North Carolina School for the Deaf at Morganton, 1894-1944* (Morganton, NC: North Carolina School for the Deaf, 1945), 103; John C. Inscoe, *Mountain Masters: Slavery and the Sectional Crisis in Western North Carolina* (Knoxville: University of Tennessee Press, 1989), 66, 79-81, 161-176; Cecil Kenneth Brown, *A State Movement in Railroad Development: The Story of North Carolina's First Effort to Establish an East and West Trunk Line Railroad* (Chapel Hill: University of North Carolina Press, 1928), 191-214; Thomas E. Jeffrey, "An Unclean Vessel: Thomas Lanier Clingman and the 'Railroad Ring,'" *North Carolina Historical Review* 74.4 (October, 1997), 389-431; Margaret W. Morris, "The Completion of the Western North Carolina Railroad: Politics of Concealment," *North Carolina Historical Review* 52.3 (July, 1975), 256-282; John Preston Arthur, *Western North Carolina: A History* (Raleigh: Edwards and Broughton, 1914), 472-478; Mark Wahlgren Summers, *Railroads, Reconstruction, and the Gospel of Prosperity: Aid Under the Radical Republicans, 1865-1877* (Princeton, NJ: Princeton University Press, 1984), 110.

Western North Carolina Railroad. In March 1873, the state legislature approved the leasing of convicts to the railroad company, which paid the state forty cents a day per prisoner. Two years later, when the state acquired the company, Colonel Tate ensured the authorizing legislation mandated the use of convict labor. The convicts were shipped in railway boxcars to western North Carolina, then returned by rail to the state penitentiary in Raleigh. Over the course of nearly two decades, 3,600 prisoners—almost one-half of the persons sentenced to the state penitentiary—labored on the railroad in western North Carolina. Nearly all of these prisoners were African Americans. Housed in outdoor stockades, with each convict fed seven cents' worth of food daily, they did extremely hazardous work, and collapsing tunnels and other accidents would claim the lives of over four hundred men. In 1880, when the railroad finally reached Asheville, Morganton sat at the midpoint of the rails connecting Asheville to Statesville—and black men had left a trail of blood when laying the tracks.⁴

The convicts' labor had been openly exploited by armed overseers. The compulsory force used against nominally free people was more subtle, but dire necessity drove indigent workers forward as implacably as a whip. On the eve of the Civil War, enslaved African Americans had comprised one-quarter of Burke County's population—a smaller percentage than in the Cotton

⁴ Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia, SC: University of South Carolina Press, 1996), 207; "North Carolina Legislature," *Charlotte Southern Home*, March 10, 1873; "Captions of the Acts and Resolutions," *Raleigh Weekly Era*, March 13, 1873; "Legislature of North Carolina," *Charlotte Democrat*, March 1, 1875; "Railroad Matters," *Raleigh News*, March 4, 1875; William H. Abrams, Jr. "The Western North Carolina Railroad, 1855-1894" (M.A. thesis, Western Carolina University, 1976); Stephen R. Little, "The Mountain Division of the Western North Carolina Railroad: Experiment in Hardship" (B.A. thesis, Wake Forest University, 1972); Homer S. Carson III, "Penal Reform and Construction of the Western North Carolina Railroad 1875-1892" (B.A. thesis, University of North Carolina at Asheville, 2003); Richard D. Starnes, *Creating the Land of the Sky: Tourism and Society in Western North Carolina* (Tuscaloosa, AL: University of Alabama Press, 2005), 24. For a sampling of the stockaded convict laborers, see 1880 census, McDowell County, NC, Old Fort township, enumeration district # 1411, dwelling # 215, which lists a prisoner contingent of 167 African American men, 5 white men, and 3 African American women. A 2012 online posting by genealogist Chivous Omar Bradley drew the author's attention to this 1880 census listing. Rob Neufeld, "The Swannanoa Tunnel Depended on Convict Labor," available online at <http://thereadonwnc.ning.com/forum/topics/the-swannanoa-tunnel-depended-on-convict-labor> (accessed May 1, 2015).

Belt, but greater than the black population of the mountain counties to the west. Throughout the half century following emancipation, the number of African Americans in Burke County remained roughly constant, with around 2,500 people listed on census returns as either black or “mulatto,” but the lack of any natural increase indicated a steady stream of out-migration. During this same time period, the white population more than doubled, and by 1920, fewer than 12% of the county’s inhabitants were black.⁵

Prompted by racial animus and fear of potential competition, most white workers in Burke County were happy to see African Americans leave. In 1879, a Morganton editorialist declared that “only the large landed proprietor” was “at all troubled about” the exodus of African Americans, whose departure made “room here in this favored country for thousands of industrious white laborers.” Even the wealthy proprietors agreed that only a certain type of newcomer to the county would be welcomed with open arms. “Burke is a good and pleasant county for *white folk* to move to, but carpet-baggers and dead-beats ‘need not apply,’” Colonel Tate remarked in 1884. But unlike working-class whites, men such as Tate had a clear need for African American laborers. In the colonel’s words, Burke County’s elites “would prefer to do ‘head work’ and let the negro do the digging.”⁶

When Broadus Miller came to Morganton from Asheville in 1927, he almost certainly rolled into town on the railroad with which Colonel Tate had connected the two towns. He arrived to dig the foundations and carry the heavy granite blocks for the house being built for Colonel Tate’s son.

⁵ Edward W. Phifer, Jr., *Burke*, 463; 1870, 1880, 1900, and 1910 censuses, Burke County, NC; *Fourteenth Census of the United States Taken in the Year 1920, Volume 3: Population* (Washington, DC: Government Printing Office, 1922), 736. From 1870 through 1920, the African American (black and “mulatto”) population of Burke County fluctuated between 2,300 and 2,700 people.

⁶ “The Negro Exodus,” Morganton, NC *Blue Ridge Blade*, October 11, 1879; “Burke County,” Morganton, NC *Carolina Mountaineer*, January 2, 1884; William Cohen, “Negro Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis,” *Journal of Southern History* 42.1 (February 1976), 39.



Figure 6. Franklin Pierce Tate House.
410 West Union Street, Morganton, NC.

Photograph from “Franklin Pierce Tate House,” National Register of Historic Places Inventory, Nomination Form (NPS Form 10-900), United States Department of the Interior, National Park Service, 1985.

By the 1920s, Morganton’s population had grown to some 6,000 people, many of whom worked in local furniture factories and textile mills. Local residents were proud of their handsome downtown, with its paved streets lit by electric lights and lined by two- and three-story brick office buildings and stores. At the center of town stood the Burke County courthouse, nearly a century old and surrounded by a large grassy lawn. “Morganton is a pleasant town,” noted a visitor in the spring of 1927. He was especially impressed by the courthouse: “It is

almost covered with ivy and has a look of having always been there. All about the building are magnificent shade trees, and a lovely lawn adds much to the charm of this Hall of Justice.”⁷

To defend such halls of justice, the state recruited civilian volunteers. In November 1922, organizers began forming a local military company, which would be incorporated into the North Carolina National Guard as Company B of the 105th Engineers. Men between the ages of eighteen and thirty-five, many of them veterans of the World War, signed up to hold weekly drills and be sent to annual fifteen-day summer encampments. Exempted “from county and town poll taxes and jury duty,” they were furnished with uniforms and equipment and paid \$1.25 for each drill. Their regular displays of martial power provided an entertaining spectacle for the town’s residents. “The weekly drills of the boys in full uniform are attracting much local interest,” the *Morganton News-Herald* reported in the spring of 1923. That October, the company was deployed to Mitchell County, where for ten days they guarded African American laborers who had returned to the town of Spruce Pine after being driven out by a mob. Two years later, a detachment from the company went to Asheville to stand guard over the trials of Alvin Mansel and Preston Neely.⁸

National Guardsmen were not the only civilians volunteering to enforce the authority of state law. In 1923, Morganton’s First Methodist Church staged a short dramatic skit entitled “Which Shall Reign—Anarchy or Patriotism?” in which the characters of a deacon and a sheriff

⁷ “New Census Needed,” *Morganton News-Herald*, April 8, 1926; “Big Paving Program on for Next Year,” *Morganton News-Herald*, December 13, 1923; “Morganton Has a New Lighting System,” *Morganton News-Herald*, September 20, 1923; “Good Impressions,” *Morganton News-Herald*, May 26, 1927.

⁸ “Military Company Is Probable for Town,” *Morganton News-Herald*, November 9, 1922; “Local Briefs in and around Town,” *Morganton News-Herald*, November 30, 1922; “Formal Opening of Armory on June 26,” *Morganton News-Herald*, June 7, 1923; “Rumors,” “Morganton Boys Are at Spruce Pine,” *Morganton News-Herald*, October 4, 1923; “Morganton Boys Return from Spruce Pine,” *Morganton News-Herald*, October 11, 1923; “It Is Capt. Connelly and Lieut. Sam Ervin,” *Morganton News-Herald*, February 21, 1924; “Company B 105 Engineers Are Praised by Major,” *Morganton News-Herald*, November 1, 1923; “Young Men Wanted” *Morganton News-Herald*, September 17, 1925. “Local Guardsman on Duty in Asheville,” *Morganton News-Herald*, November 5, 1925; “Local Briefs in and around Town,” *Morganton News-Herald*, November 11, 1925.

devised “a plan of cooperation” for dealing with bootleggers. The character of the sheriff told the church audience “that law enforcement is also a matter for the Christian people of the State.” Many of the town’s “Christian people” fully endorsed this point of view, with Baptists and Methodists providing a bedrock of support for a chapter of the Klan. The Klan’s first public appearance in Morganton had occurred in May 1922, when robed and hooded men appeared at the burial of a local storeowner and placed a wreath of flowers in the shape of a burning cross upon their fellow Klansman’s grave. Two weeks later, in what was apparently one of his last attempts to peddle the Klan, Lawrence Froneberger came from Asheville and proclaimed the principles of “true Americanism” to an audience of nearly four hundred people at the local high school auditorium.⁹

In the summer of 1922, Morganton’s East Baptist Church sponsored a three-week tent revival by a peripatetic evangelist named Oney Williams Triplett, who set up his tent in a vacant downtown lot and attracted an audience of some 1,200 people every night during the week and double that number on weekends. “He is a civic-minded preacher, siding always with law enforcement and good government,” the *News-Herald* reported. On the evening of the Fourth of July, Reverend Triplett delivered a sermon called “The U.S.A. and the K.K.K.,” in which he “commended the Ku Klux Klan” for fighting against “some of the imminent perils” threatening “our government.” The following week, two robed and hooded Klansmen appeared at the revival and presented the evangelist with \$30 and a note thanking him for having “so admirably expounded the doctrine of the true, Christian religion as it should be followed by all 100 per cent

⁹ “Union Meeting for Law Enforcement,” *Morganton News-Herald*, January 18, 1923; “Anarchy or Patriotism Subject of Dialogue,” *Morganton News-Herald*, July 26, 1923; “Mr. J. Gilmore Mabe Died Early Yesterday,” *Morganton News-Herald*, May 4, 1922; “Klansmen Appear at Burial of Member,” “Resolutions,” *Morganton News-Herald*, May 11, 1922; “Prominent Clansman to Speak Here Tonight,” *Morganton News-Herald*, May 18, 1922; “Ku Klux Klan Holds Open Forum Meeting,” *Charlotte Observer*, May 21, 1922; “Ku Klux Klanism Is Practical Religion,” *Morganton News-Herald*, May 25, 1922.

Americans.” Two months later, evangelist George Eastes came from Virginia and held a revival at the First Methodist Church. Once again, two robed and hooded Klansmen showed up at the revival, bestowing \$50 and a note of appreciation to Eastes for his “great work” in “building up the morals of our great country.” “We believe in one hundred per cent Americanism, the obedience of our laws and Christian living,” the note declared.¹⁰

Other than visiting revivals and appearing at graveside services, the activities of the Morganton Klan left virtually no trace in the written record. In November 1922, “reliable sources” reported to the *News-Herald* that Klansmen was planning to take “drastic measures” against Burke County’s bootleggers. The local Klan quickly responded with a letter to the newspaper, disavowing such plans. “[W]e investigate such cases that are brought to our notice and if our investigations justify we report to our local town and county officers, they being the proper persons to enforce the law,” the letter asserted, and it defended the Invisible Empire’s “great principles,” which included “white supremacy,” “Protestant Christian religion,” “prevention of mob violence and lynching,” “upholding of the Constitution of the United States,” and “100 per cent Americanism.” The Klan had little reason *not* to work with local law enforcement officials—many of whom were themselves Klansmen. When fighting against miscegenation in Asheville or campaigning against bootleggers in Burke County, the Klan was

¹⁰ 1930 census, Gaston County, North Carolina, Gastonia township, house # 407; Louisville, Kentucky, City Directory, 1903, Ancestry.com. *U.S. City Directories, 1821-1989* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2011; 1900 census, Alleghany County, North Carolina, Gap Civil township, dwelling # 85; *Charlottesville, VA. Directory, 1912-1913* (Richmond, VA: Hill Directory Company, 1912), 98; Durham, North Carolina, City Directory, 1911-1912; Alexandria, Virginia, City Directory, 1917; 1910 census, Durham County, North Carolina, Durham township (enumeration district #33), dwelling # 137; Ancestry.com. *U.S., World War I Draft Registration Cards, 1917-1918* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005; “Tent Meeting Is Attracting Crowds,” *Morganton News-Herald*, July 6, 1922; “Triplett Campaign Very Successful,” “Klansmen Appear at Triplett Meeting,” *Morganton News-Herald*, July 20, 1922; “Ku Kluxers Appear at Revival Service,” *Morganton News-Herald*, September 14, 1922. The money given to Triplett and Eastes was small change compared to the vast sums earned by the major league stars of the evangelical circuit. During a six-week revival in Charlotte in early 1924, Billy Sunday would rake in \$26,000 in donations—including \$225 from the Mecklenburg County Klan. “30,000 Hear Billy Sunday in Farewell Sermon,” *Morganton News-Herald*, February 14, 1924.

demanding stringent enforcement of state-sanctioned laws, and the coercive authority of a lawman's badge went hand-in-hand with the power of a hood and sheet.¹¹

In the early 1920s the Klan captured the public imagination, but as sociologist Guy B. Johnson observed in 1923, there was “nothing new” about its ideology. “It is part of the social heritage of a great many Americans,” Johnson argued, “and therein lies the strength of the Klan, not in a mere organization of a million members, but in the kindred and sympathetic attitudes of many millions of Americans—the real Invisible Empire.” When espousing the supremacy of native-born white Protestants, the Klan had many fraternal partners. In North Carolina, the largest fraternal organization for native-born white male Protestants was the Junior Order United American Mechanics (Jr. O.U.A.M.), which had been formed in mid-nineteenth century Philadelphia following violent clashes between Protestants and Irish Catholic immigrants. The Junior Order originally served as a labor union, with an early membership drawn largely from the urban working class. For most of the nineteenth century the organization was limited to the northeastern United States, but in the early 1890s it began expanding into the American South.¹²

With the smallest foreign-born population of any U.S. state, North Carolina proved a fertile recruiting ground for the Junior Order. Local chapters were established in Asheville and Winston-Salem in 1891, and the following year a state-wide council was formed. Recognizing

¹¹ “Ku Klux Klan On Hunt for Burke Booze Violations,” *Morganton News-Herald*, November 9, 1922; “Burke Kounty Klan Objects to Communication,” *Morganton News-Herald*, November 23, 1922; Charles Burleson, personal interview with author, April 13, 2007.

¹² “Koming Klansmen,” Folder 125, Guy Benton Johnson Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; “To Organize Patriotic Sons of America,” *Morganton News-Herald*, August 2, 1923; M.D. Lichliter, *History of the Junior Order United American Mechanics of the United States of North America* (Philadelphia: J. B. Lipincott, 1908), 1-3, 121, 328, 330, 532, 719; Bruce Dorsey, *Reforming Men and Women: Gender in the Antebellum City* (Ithaca, NY: Cornell University Press, 2002), 195-239; Michael Feldberg, *The Philadelphia Riots of 1844* (Westport, CT: Greenwood Press, 1975); Vernon M. Briggs, Jr., *Immigration and American Unionism* (Ithaca, NY: Cornell University Press, 2001), 46-47; Daniel Coit Gilman, Harry Thurston Peck, Frank Moore Colby, eds. *The New International Encyclopaedia, Volume 14* (New York: Dodd, Mead and Company, 1907) 619; Mary Ann Clawson, *Constructing Brotherhood: Class, Gender, and Fraternalism* (Princeton, NJ: Princeton University Press, 1989), 83.

the growing importance of the state within the Junior Order movement, leaders of the organization chose Asheville to host their annual national council meeting in 1894. Five years later, when the national council again met in Asheville, one of the attendees proposed membership be expanded to include immigrants who had resided in the United States for ten years and had become U.S. citizens; the proposal was voted down by a margin of fifty-to-one. By the 1920s, the Junior Order had some 50,000 members in North Carolina—far more than in any other southern state. As the organization expanded, it had outgrown its working-class roots, and its members included many of North Carolina’s business and political elite—men such as Robert “Buncombe Bob” Reynolds, the future U.S. senator, and Clyde Hoey, the attorney from Shelby who would go on to serve as North Carolina governor and U.S. senator.¹³

The Klan and the Junior Order shared the same constituency of native-born white Protestants, and during the 1920s the two organizations maintained close ties and sometimes conducted joint meetings. Klan founder Colonel William Simmons warmly praised the Junior Order as “one of the greatest fraternal organizations,” and though the Atlanta-based newspaper *The Searchlight* served as the Klan’s national newsletter, for several years the paper carried the Junior Order’s name on its masthead. In the words of Grand Dragon Henry Grady, the Klan and the Junior Order were “almost as one” in their attitudes toward “the Jew, the negro and the

¹³ M.D. Lichliter, *History of the Junior Order*, 1-3, 121, 328, 330, 532, 719. Arthur A. Preuss, *Dictionary of Secret and Other Societies* (St. Louis: B. Herder Book Co., 1924), 208, 530-533, 542; “News of Current Events,” *Statesville Landmark* March 30, 1920; “Junior Order Council Will Meet in Wilson August 23-24,” *Lumberton, NC Robesonian*, August 15, 1927; “Three Want Job Vice Councilor,” *Gastonia Daily Gazette*, August 24, 1927; David Harry Bennett, *The Party of Fear: From Nativist Movements to the New Right in American History*, Chapel Hill: University of North Carolina Press, 1988), 452; William Stevens Powell, ed., *Dictionary of North Carolina Biography, Volume 3* (Chapel Hill: University of North Carolina Press, 1988), 158-159; William Stevens Powell, ed., *Dictionary of North Carolina Biography, Volume 5* (Chapel Hill: University of North Carolina Press, 1994), 204-205. On both the state and national levels, the Junior Order was headed by an elected governing body that served fixed terms. In 1904, Raleigh labor organizer W. E. Faison would serve as the Jr. O.U.A.M.’s national leader. W. E. Faison, *The Dignity, Power and Responsibility of Organized Labor: Labor Day Address, Greensboro, N.C., September 4, 1905* (Raleigh, N.C.: Allied Printing Trades Council, [1905?]); “State News,” *Statesville Landmark*, July 1, 1904.

Roman Catholic.” In 1925, after the death of a Morganton tinsmith named Sidney Shuford Lane, the local chapter of the Junior Order attended Lane’s funeral at the First Methodist Church and conducted his graveside service at Forest Hill cemetery. As the service concluded, “eighteen robed Klansmen appeared and placed on the grave a floral emblem.” Lane had been a member of both the Junior Order and the Klan, and both organizations would publish “Resolutions” commemorating him.¹⁴

Whereas Klansmen used heavy-handed tactics, members of the Junior Order wore velvet gloves, operating a beneficiary fund for widows and establishing numerous orphanages. In the words of a press release from the North Carolina Junior Order, “one of its chief objectives” was “the promotion of education.” However, this “education” consisted entirely of Bibles and flags. At presentation ceremonies in public schools throughout Burke County and the rest of the state, the Junior Order handed out these twin symbols of Protestant patriotism; the organization’s press release proudly noted that “over many schools the Flag of the Nation flies [and] the word of God is being read to them due to the interest of the order in the cause of education.” In the spring of 1927, Junior Order leader Sam Ervin, Jr. delivered the dedication speech at the new Morganton

¹⁴ “North Virginia Flooded with Klux Posters,” *Washington Times*, February 25, 1922; United States Congress, House Committee on Rules, *The Ku-Klux Klan: Hearings Before the Committee on Rules, House of Representatives, Sixty-Seventh Congress, First Session* (Washington: Government Printing Office, 1921), 76, 90; John M. Shotwell, “Crystallizing Public Hatred: Ku Klux Klan Public Relations in the Early 1920s” (M.A. thesis, University of Wisconsin, 1974), 113; “Grady Admits He Is Grand Dragon of Klan in State,” *Lumberton, NC Robesonian*, January 24, 1924; “Mr. S.S. Lane Buried on Sunday Afternoon,” *Morganton News-Herald*, September 17, 1925; “Resolutions of Respect,” *Morganton News-Herald*, September 24, 1925. In Indiana, the Klan newspaper *The Fiery Cross* devoted extensive coverage to the Junior Order. A regular column in *The Fiery Cross* advertised Junior Order meetings, while feature articles highlighted the organization’s presentation of Bibles and flags to public schools and its campaign to remove any Catholic subject matter from school libraries. “Junior Order Gives Bibles to Schools,” *Indianapolis Fiery Cross*, January 5, 1923. “Schools Oust Sect’s Lexicon,” *Indianapolis Fiery Cross*, April 6, 1923; “Junior Order United American Mechanics,” *Indianapolis Fiery Cross*, February 2, 1923; “State News of the Jr. O.U.A.M.,” *Indianapolis Fiery Cross*, March 2, 1923. In April 1922, Klan founder Colonel Simmons addressed a gathering of the Junior Order in Atlanta and delivered a vitriolic diatribe against “every buck nigger” who might attempt to vote. “This is a white man’s civilization and we are the instrumentalities for the preservation thereof,” Simmons declared. His Junior Order listeners responded to the colonel’s words with thunderous applause. Charles P. Sweeney, “The Great Bigotry Merger,” *The Nation* 115.2974 (July 5, 1922), 9.

high school, then “presented the school with a Bible and flag.” In contrast to many members of the Junior Order, Ervin was much more politic, and with the presidential candidacy of New York’s Catholic governor Al Smith looming, the young Democratic loyalist used the dedication speech to urge his listeners to “never be too cocksure” about their own religious beliefs.¹⁵

Unlike the newly-resurrected Klan, which had risen from obscurity to prominence seemingly overnight, the Junior Order had roots in Morganton dating back to the 1890s. In the early twentieth century, local editor T.G. Cobb had served a term as the organization’s state leader. After Cobb’s death in 1916, his twenty-eight-year-old daughter Beatrice took over the *Morganton News-Herald* and became the town’s leading spokesperson. In 1921, *Editor and Publisher*—the national trade journal of newspapers and periodicals—featured an article on Beatrice Cobb. “Miss Cobb comes pretty near running the town of Morganton,” the article declared. In her role as the only newspaper publisher in Burke County, she served as the “advisor and mentor” to county residents, and when she editorialized on an issue, then voters were “sure to back up her judgment.” The following year, twenty-five-year-old Sam Ervin, Jr. ran for the state legislature. Cobb energetically promoted the candidacy of the “well-educated” and “quick-witted” Ervin, who possessed “all the vigor and enthusiasm of young manhood.” “Sam Ervin would be a credit to the county,” she proclaimed. “Let’s send him to Raleigh!” That November,

¹⁵ “Junior Order Orphanage Dedicated at Lexington,” *Morganton News-Herald*, June 9, 1927; “Junior Order Proposes Uniform School Taxes,” October 21, 1926; “Junior Order to Have Flag Raising in Hickory Sunday,” *Morganton News-Herald*, October 1, 1925; “Burkemont Council Installs New Officers,” *Morganton News-Herald*, “Hickory Juniors Entertain,” *Morganton News-Herald*, January 7, 1926; “Oak Hill Presented with Flag and Bible,” *Morganton News-Herald*, December 9, 1926; M. D. Lichliter, *History of the Junior Order*, 107; Sam J. Ervin, Jr., *Preserving the Constitution: The Autobiography of Senator Sam J. Ervin, Jr.* (Charlottesville, VA: Michie, 1984), 356; “New School Building Dedicated Last Sunday,” *Morganton News-Herald*, June 2, 1927; Cole Savage, “Just Knocking Around in Burke County,” *Morganton News-Herald*, June 2, 1927.

Burke County's voters heeded the editor's impassioned plea and launched the young Ervin on his political career.¹⁶

Noted Raleigh *News and Observer* columnist Nell Battle Lewis would herald Beatrice Cobb's editorship as "one of the unquestionable triumphs of feminism in Tarheelia." In a profession that was almost exclusively a male domain, the Morganton editor stood out as a remarkable figure. For several years she was the only female member of the North Carolina Press Association; in 1922, she was elected secretary of the Press Association, an office she would hold until her death over three decades later. Cobb regularly travelled to press conventions throughout the United States, sometimes in the company of her colleague Josephus Daniels, whom she greatly admired. Like Daniels, she took a keen interest in politics, serving as a Democratic precinct chairwoman in Burke County. When visiting the 1924 Democratic National Convention in New York, she was enthralled by the raucous convention floor fight. "It's more thrilling than the most exciting game of any description you ever witnessed," she enthused.¹⁷

But as Beatrice Cobb assured her many readers, she "always tried to keep the paper free from political bias, considering its function as a newspaper to be paramount to any other." And indeed, she seemed to see her editorship as a sacred calling, never marrying but being fully wedded to her beloved newspaper, to which she maintained a lifelong commitment. Yet the *News-Herald's* "function as a newspaper" consisted of more than merely reporting the news. The editor acted as an outspoken and self-proclaimed booster of Morganton, carefully cultivating a

¹⁶ M. D. Lichliter, *History of the Junior Order*, 540; *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 145; Roy Parker Jr., "Beatrice Cobb," North Carolina Press Association, 1998; "Miss Beatrice Cobb," *Editor and Publisher* 53 (April 30, 1921), 6; "A Question of Usefulness to the County," *Morganton News-Herald*, October 26, 1922.

¹⁷ "Why Not?" *Morganton News-Herald*, August 30, 1923; *The Heritage of Burke County*, 145; "Observations in Florida," *Morganton News-Herald*, February 18, 1926; "S. J. Ervin, Jr. Named Democratic Chairman," *Morganton News-Herald*, July 17, 1924; "Looking in on the Democratic National Convention," *Morganton News-Herald*, July 3, 1924.

portrait of an idyllic town—one that would attract investors. In a 1923 editorial entitled “It Pays to Boost,” Cobb pointed to the example of Buncombe County, where property values had increased by 25% over a three-year period. “The tax books of Buncombe present a mighty strong argument in favor of boosting your community,” the editor argued. The following spring, Cobb issued a special “Prosperity and Publicity” edition of the *News-Herald*. Lavishly illustrated with state-of-the-art photography, it would be widely praised and emulated by other newspapers throughout the state. “Miss Cobb believes in progress and practices it,” the *Raleigh News and Observer* approvingly noted. A front-page headline on the special issue promoted one of Burke County’s most marketable assets: “Pure Anglo-Saxon Blood.”¹⁸

In writing about local African Americans, Cobb displayed a patronizing affection mixed with nostalgia for a time when race relations had been starkly clear. When an elderly black man died in 1922, the editor eulogized him as someone who “held the respect of both the white and colored people,” for he had been “one of the few remaining old darkies of antebellum days.” Three years later, Cobb published a tribute to the African American man who had worked for her family for several decades. “He is one of the old-fashioned type that is so rapidly disappearing,” she lamented. A recognizable and familiar figure in 1920s’ Morganton was Jones Erwin, who had worked as a station hand at the local train station for nearly half a century. In 1923, the Southern Railway’s newsletter included a brief tribute to Erwin for his many years of service. Cobb reprinted it in the *News-Herald* and proclaimed that his “friends here, both white and colored, are delighted at the recognition thus given the faithfulness of 'Uncle Jones.’” The

¹⁸ “The Campaign,” *Morganton News-Herald*, September 25, 1924; *The Heritage of Burke County*, 145; “It Pays to Boost,” *Morganton News-Herald*, September 13, 1923; “Burke County Rich in History and Attractions,” *Morganton News-Herald*, Prosperity and Publicity edition, spring 1924; “Comments on Special Edition,” *Morganton News-Herald*, April 3, 1924.

following year Erwin's wife passed away. "Good Colored Woman Dies," announced a front-page headline in the *News-Herald*. The accompanying obituary noted that the woman's husband was "one of the best known darkies in the community."¹⁹

One role black southerners would not play in the *News-Herald* was to be included in the editor's conception of the "Southern people." In a 1926 editorial, Cobb asserted that "a typical trait in the average Southern negro, who lives and works for Southern people," was the black man's knowledge "that in almost every situation his best friends are the white people." Such "friendship" was what scholar John Dollard later termed a "feudal protectoral relationship," for these "friends" had status and power within a white supremacist state and could thus provide African Americans with valuable support and protection. In March 1927, the *News-Herald* reported on a local black man who had been arrested for a crap game. "Whenever he comes in conflict with the law, negro-like, he thinks first of his 'whitefolks' and tries to figure who of them will have the softest heart and help him out," the paper asserted.²⁰

In her role as editor, Beatrice Cobb frequently served as a feudal protector of the town's African American residents, defending the local black community when she believed they had been unfairly attacked. But though Cobb enthusiastically embraced many forms of social and economic "progress," she shared the same deeply conservative views about race as most of her fellow white townspeople. A staunch prohibitionist and member of the First Methodist Church, the politically active Morganton editor seemed in some respects a younger version of Rebecca Latimer Felton, the Georgia suffragist and first woman to serve in the U.S. Senate—and whose

¹⁹ "Uncle Howard Passed Away Last Sunday," *Morganton News-Herald*, February 16, 1922; "Uncle Calvin Smith," *News-Herald*, October 15, 1925; "An Old Timer at Morganton," *Morganton News-Herald*, August 23, 1923; "Uncle Jones' Erwin Gets Letter from His Friend," *Morganton News-Herald*, September 13, 1923; "Good Colored Woman Dies," *Morganton News-Herald*, July 3, 1924.

²⁰ "The Negro Problem," *Morganton News-Herald*, August 26, 1926; John Dollard, *Caste and Class in a Southern Town*, 2nd ed. (New York: Harper, 1949), 282-283; "Among the Home Folks," *Morganton News-Herald*, March 17, 1927.

1922 appointment to the Senate was heralded by Cobb as “a significant event” that “marked the recognition of American womanhood.” In nothing did she resemble Felton more than in her deeply-rooted psychological horror at the thought of a black man raping a white woman. At the turn of the twentieth century, Felton had loudly demanded that African Americans accused of assaulting white women be lynched. Though not quite as outspoken as the fiery Georgian, Cobb reacted to any alleged assault of a white woman by a black man with a far greater fury than she displayed toward any other topic or event.²¹

In 1919, an African American named Tom Gwynn was arrested and charged with raping a sixteen-year-old white girl in neighboring Catawba County. After a mob attempted to storm the jail and lynch Gwynn, police rushed him to Morganton, where he was guarded by Burke County officers until being sent on to the state penitentiary. Beatrice Cobb gave a lurid account of Gwynn’s alleged crime—“The black beast overtook his intended victim and caught her arms,” she breathlessly reported—and though she editorially praised the Burke County officials who had helped prevent mob violence, she empathized with the would-be lynch mob. “It is but natural that red-blooded white men would want to see a brute have immediate punishment,” she declared. Gwynn’s punishment may not have been immediate, but it would be swift and lethal: within six weeks of his arrest, he had been tried, convicted, and executed by the state.²²

In the spring of 1925, racial tensions in Morganton came to a head when a young black man named Arthur Montague was accused of raping a white girl. Born about 1903—just a few

²¹ “The seating of Mrs. Felton” (untitled editorial), *Morganton News-Herald*, November 23, 1922; *The Heritage of Burke County*, 145; Joel Williamson, *The Crucible of Race: Black-White Relations in the American South since Emancipation* (New York: Oxford University Press, 1984), 124-130

²² “Negro Tom Gwynn Found Guilty in Ten Minutes,” *Morganton News-Herald*, May 29, 1919; “Negro Barely Escapes Vengeance of a Mob,” “Outwitting a Mob,” *Morganton News-Herald*, June 12, 1919; “Praise for Burke Officers,” *Statesville (NC) Landmark*, reprinted in *Morganton News-Herald*, June 19, 1919; Seth Kotch, “Unduly Harsh and Unworkably Rigid: The Death Penalty in North Carolina, 1910-1961,” (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2008), 118-119.

months before Broadus Miller—Montague had grown up in Pierce County in southeast Georgia, where his family lived in a rented home in the town of Blackshear. As a teenager, his mother had given birth to two sons, then married an illiterate day laborer with whom she had an additional two children. The youngest of these children was Arthur. Both of his parents had moved to Pierce County in the late 1800s, for the swampy pine woods of southeastern Georgia offered various job opportunities for African Americans. Women worked as laundresses and cooks. Men labored in the local sawmills and lumber camps and in the turpentine industry, while a large factory in Blackshear employed African Americans to shovel and mix the guano and other ingredients for the commercial fertilizers used on cotton farms throughout the South.²³

In the 1910s Arthur Montague's parents died, leaving him and his siblings to fend for themselves. Cast adrift in an adult world, the young Montague lived a hand-to-mouth existence. When he was about twenty-one-years old, he arrived in Morganton, where on January 31, 1925, he married a local girl named Louise Avery. His teenage bride belonged to Burke County's largest extended black family, descendants of the numerous slaves once held by wealthy plantation owner Isaac T. Avery. She had grown up in a fatherless household, supported by a mother who worked as a laundress, and she lived with her mother and her mother's elderly aunt in a two-room rented cabin on Concord Street at the edge of downtown. An unpaved street with small houses fronted by grassless dirt yards, Concord was home to some two dozen black families. The street ran parallel to and two blocks over from West Union Street with its

²³ 1900 census, Pierce County, Georgia, Blackshear district, dwelling #108; 1910 census, Pierce County, Georgia, Blackshear district, dwelling #62; Martha Mizell Puckett, *Memories of a Georgia Teacher: Fifty Years in the Classroom* (Athens, GA: University of Georgia Press, 2002) 12-13.

residential mansions, and several of the women on Concord Street were employed in washing the clothes and cooking the meals of West Union's white elites.²⁴

In April 1925, Montague found work as a substitute cook at the North Carolina School for the Deaf, the large public institution Colonel Tate had secured for the town. Located on the rural outskirts of Morganton, about two miles from downtown, the school's two-hundred-acre campus sat atop a scenic hill with a view stretching across open fields to the South Mountains on the horizon. The school was a largely self-sufficient community, home to around 300 boarding students who came from across the state and ranged in age from children of six or seven to young adults in their early twenties. With a curriculum that emphasized both academic work and vocational training, the School for the Deaf had its own farm and dairy, and its resident staff included everyone from administrators and teachers to farmhands and laundry workers. Among the staff were a handful of African Americans, most of whom worked as cooks in the dining hall. The school provided room and board, and whether because Montague and his young wife had become quickly estranged, or more likely because the couple had no place to live together, he took up residence alone in the servant quarters on campus.²⁵

On the evening of April 23, only a few days after he started working at the school, Montague accompanied two black teenage boys to a party in the nearby countryside. His

²⁴ "Montague Must Die Friday for His Crime," *Morganton News-Herald*, January 21, 1926; Register of Deeds, Burke County, North Carolina, marriage records, Book 16, p. 296; 1920 census, Burke County, North Carolina, Morganton township, precinct # 2, dwellings # 38 through #60; John E. Fleming, *A Summer Remembered: A Memoir* (Yellow Springs, OH: Silver Maple Publications, 2005), 11. The 1920 census lists the head of Louise Avery's household as her grandmother, but the woman was actually her great-aunt; see "Annie Corinna Avery Grimes," *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 208.

²⁵ Otis A. Betts, *The North Carolina School for the Deaf at Morganton, 1894-1944* (Morganton, NC: North Carolina School for the Deaf, 1945), 11; "School for the Deaf, N.C.," Series 2, Box 3, Post-1920 Burke County, N.C., Edward William Phifer Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; Phifer, *Burke: The History of a North Carolina County*, 97; "'Old Hurrygraph' Visits Morganton," *Morganton News-Herald*, July 12, 1923; 1920 census, Burke County, North Carolina, Morganton township #2, North Carolina School for the Deaf; 1930 census, Burke County, North Carolina, Morganton township #2, North Carolina School for the Deaf.

companions supplied him with alcohol that Montague would later claim had been spiked with some type of drug. Later that night, senselessly drunk, he staggered back to the School of the Deaf, where at three o'clock in the morning a female night supervisor discovered him wandering the first floor of a residence hall. After ordering him to leave, she reported the incident to a security guard. A few minutes later the supervisor heard a scream coming from the third floor. Rushing upstairs, she found a frightened young woman who had been woken up by Montague coming into her dorm room and approaching her bed. When the young woman turned on a light and began screaming, he had turned and fled.²⁶

The nighttime disturbance created havoc on the normally tranquil campus. Police were quickly summoned and together with the school's staff they began a campus-wide search for the intruder. At dawn they finally found him. After fleeing the residence hall, Montague had gone to a dormitory for younger students and entered a second-floor infirmary where three girls were sleeping. He had crawled into the bed of one of the girls—a fourteen-year-old student—and was passed out drunk beside her. Upon discovering him in the bed, a school administrator exclaimed, "You black son of a bitch I ought to kill you right here." Doctors examined the girl and declared she had been raped; in order to prevent a potential lynching, local law enforcement officials immediately rushed the accused rapist to the state prison in Raleigh.²⁷

Three weeks later, when Montague was brought back to Morganton to stand trial, Adjutant General Metts ordered Captain Owen Connelly to consult with the prosecutor about deploying the local company of the National Guard. The captain called up a detachment of men

²⁶ "Atrocious Crime at N.C. School for Deaf," *Morganton News-Herald*, April 30, 1925; "Montague Must Die Friday for His Crime," *Morganton News-Herald*, January 21, 1926; "Found Asleep in Girl's Room after Assault," *Charlotte Observer*, April 25, 1925

²⁷ *Ibid*; Seth Kotch, "Unduly Harsh and Unworkably Rigid: The Death Penalty in North Carolina, 1910-1961," 121; "Montague Negro Is Sentenced to Die," *Morganton News-Herald*, May 14, 1925. The Morganton newspaper listed the alleged victim as age fourteen, while the *Charlotte Observer* reported that she was twelve.

and kept them in readiness at the Morganton armory throughout the first day of the trial. That evening, at the prosecutor's insistence, guardsmen were positioned around the county jail where Montague was being held. As the trial concluded the following day, and once again upon the prosecutor's request, Connelly placed his men near the courthouse, out of public sight but within reach if needed. When reporting to Metts on the guard unit's actions, the captain noted he had deployed his men as discreetly as possible. Apparently he felt an obtrusive presence would have inflamed public sentiment even further; the men under his command were Burke County residents, and Captain Connelly could not have relished the prospect of putting them in open opposition to their friends and neighbors.²⁸

Arthur Montague had come to Morganton as a stranger, an outsider who married a local girl, and his trial would expose the uneasy relationship between the resident black community and African Americans who moved to the town from elsewhere. Morganton's black residents strove to distance themselves from Montague and his actions. "He just drifted in and didn't belong here," local African Americans told Beatrice Cobb. The two teenage boys who had accompanied Montague to the party and supplied him with alcohol were natives of the town. They testified against him, stating that after he became drunk, he had boasted about his plans for sexually assaulting some student. Montague argued that because the two witnesses were former boyfriends of his young wife, their testimony was motivated by jealousy. Describing the accused rapist on the witness stand, the *News-Herald* acknowledged "he was by no means lacking in wit and sense, answering the questions with more intelligence than might have been expected." But

²⁸ *Report of the Adjutant General of the State of North Carolina: January 1, 1925 to June 30, 1926* (Raleigh: Edwards & Broughton, 1927), 7-8.

Montague's wit and sense could not save him, and after deliberating for seven minutes, the jury convicted him of rape and he was then sentenced to death.²⁹

Two weeks after Montague's trial, an annual outdoor drama took place on the grounds of the School of the Deaf, attracting an audience of some two thousand spectators. Composed by a local high school teacher, and starring an amateur cast that included many Morganton residents, "The Birthright" presented the story of Burke County's history in several acts. The drama opened with a prologue in which the character of "Father Time" recounted how Native Americans had been driven out of the region and "Burke became the home of the white people." Subsequent acts included a portrayal of "the merry-making in the negro quarters during the slave period." After a mournful requiem for the Lost Cause, the drama reached its climax—a fiery rendition of Reconstruction, replete with mounted and costumed Klansmen who rode to the rescue "bearing the fiery cross." The robed actors were depicting the events of half a century earlier, but their appearance immediately evoked the newly-reborn Invisible Empire. "The horsemen in their Ku Klux Klan robes brought a storm of applause," noted a visiting journalist, "and this was taken to indicate that there are numerous Klansmen in Burke county." Staged on the same school grounds where Montague's alleged crime had taken place, and occurring only a fortnight after he was sentenced to death, the performance helped celebrate the restoration of the established order the black outsider from Georgia had so profoundly upset.³⁰

²⁹ "Atrocious Crime at N.C. School for Deaf," *Morganton News-Herald*, April 30, 1925; "Found Asleep in Girl's Room after Assault," *Charlotte Observer*, April 25, 1925; "Montague Negro Is Sentenced to Die," *Morganton News-Herald*, May 14, 1925; "In Fairness to Our Negroes," *Morganton News-Herald*, May 14, 1925; 1920 census, Burke County, North Carolina, Morganton township, dwelling #68, and Morganton township, precinct # 2, dwelling #19.

³⁰ "Pageant Tonight Promises to be Instructive—Entertaining; Many Visitors Expected," *Morganton News-Herald*, May 15, 1924; "'The Birthright' Presented Scenes in Burke County History in Inspiring Way," *Morganton News-Herald*, May 22, 1924; "Burke County History Effectively Presented in Pageant Form in 'The Birthright,'" *Morganton News-Herald*, May 22, 1925; John A. Livingstone, "'The Birthright' Was An Artistic Triumph and a Review of Burke's Wonderful History," *Raleigh News and Observer*, reprinted in *Morganton News-Herald*, May 28, 1925

The Arthur Montague case deeply angered Morganton's white residents and prompted a reactionary backlash against all African Americans, natives and newcomers alike. "To say that the entire community was shocked and mortified by the horror of the crime ... is putting it mildly," Beatrice Cobb observed. In Cobb's words, "the helpless little deaf girl was outraged in an unspeakably terrible manner by a negro brute—a crime that would be calculated more than anything else to raise to fever heat the Anglo-Saxon blood of every decent-minded white man in the State." Morganton's other white residents agreed with the editor's assessment, and after indicting Montague for rape, a local grand jury had issued a written statement to the *News-Herald*: "We, the grand jury, desire to recommend that the two State institutions located in Burke county, that is the State Hospital and the School for the Deaf, not employ in or around the buildings of said institutions any colored help."³¹

Yet in spite of Beatrice Cobb's highly inflammatory rhetoric, she consistently drew a distinction between Morganton's native African American residents and itinerant black laborers who arrived in the town from elsewhere. Though she printed the grand jury's recommendation, she editorialized against it and defended "our negroes," who were "above the average." Local black residents had been "almost as much aroused by Montague's crime as the white people," Cobb argued, "and Arthur Montague's crime should not be laid at their doorsteps." The following week, the *News-Herald* published an editorial by schoolteacher Daisy Moore Avery, who wrote on behalf of Morganton's African American community to thank the editor "for so kindly defending us." Local blacks had been "deeply humiliated" by the grand jury's recommendation. "There are pitifully few jobs open to us here," Avery noted, and if the recommendation were followed, then "several men and women who have given years of faithful

³¹ "Atrocious Crime at N.C. School for Deaf"; "Precaution Well Enough," Morganton *News-Herald*, April 30, 1925; "Special Court Term Closed on Wednesday," Morganton *News-Herald*, May 14, 1925.

service at the State institutions will have to leave home to find employment.”³²

In the early twentieth century, a continual stream of African Americans departed Morganton looking for work. A few individuals succeeded and attained a notable prominence, and Beatrice Cobb was generous in her praise of them. John M. Avery moved to Durham and rose to the position of general manager for the North Carolina Mutual Insurance Company, the nation’s largest African American insurance firm. In Cobb’s words, he was “a credit to his race.” The singer Marguerite Avery became a soprano who performed at the Metropolitan Opera and regularly toured the eastern United States. “Both white and colored friends take pride in the unusual talent she has shown and in her prospects for a musical career,” the *News-Herald* announced. Yet individuals such as John Avery and Marguerite Avery were the fortunate and more determined few, who had risen by dogged struggle to achieve an unusual level of success. Wherever they might go, most African Americans never escaped the economic conditions into which they had been born.³³

African Americans who stayed in Morganton had severely limited opportunities for work. Most black women could look forward to nothing more than a lifetime of cooking, cleaning, and caring for the children of the town’s well-to-do white residents. Yet as sociologist Arthur Raper observed in 1925, an African American woman at least had better prospects finding work as a domestic servant than a black man had of obtaining a steady job. “Her employment is regular,

³² “In Fairness to Our Negroes,” *Morganton News-Herald*, May 14, 1925; “Speaking for the Negroes,” *Morganton News-Herald*, May 21, 1925. There is no evidence that the grand jury’s recommendation was ever followed. In the coming years, African Americans continued to be employed at the School of the Deaf. 1930 census, Burke County, North Carolina, Morganton township #2, North Carolina School for the Deaf.

³³ “Along the Color Line” *Morganton News-Herald*, November 30, 1922; “Three Burke Brothers in Positions of Honor” *Morganton News-Herald*, January 7, 1926; John Sibley Butler, *Entrepreneurship and Self-Help among Black Americans: A Reconsideration of Race and Economics*, revised ed. (Albany, NY: State University of New York Press, 2005), 198; “Famous Colored Soprano To Be Here Friday Night,” *Morganton News-Herald*, April 15, 1926; “Colored Singer Has Unusual Ability,” *Morganton News-Herald*, May 6, 1926; “Marguerite Avery Sings in New London,” *New York Age*, April 20, 1929; “Music Notes,” *New York Age*, May 4, 1929; Eugene Thamon Simpson, *Hall Johnson: His Life, His Spirit, and His Music* (Lanham, MD: The Scarecrow Press, 2008), 93.

and her services are sought, while his work is casual and seasonal,” the sociologist noted. Some men worked at Burke Tannery on the southern edge of town, where they skinned and tanned the hides of dead animals to use for leather belts and shoes, but most of the jobs open to African American men were temporary and poorly-paid. Three years earlier, Morganton’s First Baptist Church had spent over \$10,000 to build a parsonage; a local black man was hired at fifteen cents an hour to wheelbarrow the brick and mortar the white masons used. With many black men leaving to search for work, there was not a large labor force on hand, and building contractors regularly brought in work crews from out of town. In June 1924, “a bunch of Savannah negroes” had temporarily come to Morganton to erect “new buildings at the State Hospital.”³⁴

Most industrial jobs in Morganton were closed to African Americans. At the turn of the twentieth century, during the same time period when African Americans had been politically disfranchised, they had been excluded from working in the textile mills that were springing up across the North Carolina Piedmont. Unlike in South Carolina, the exclusion of black workers from the state’s mills was never formally instituted by law, but it quickly became deeply entrenched and nearly total. A majority of the millworkers were women and girls, and because of the largely white female workforce, the de facto segregation of the mills was rigidly enforced. After inspecting the state’s mills in the early twentieth century, scholar Holland Thompson reported that “the working of negroes, particularly negro men, beside white women within walls

³⁴ “Burke Tannery and Big Shoe Co. Merge,” *Morganton News-Herald*, May 5, 1921; *The Heritage of Burke County*, 209; “Local Briefs in and around Town,” *Morganton News-Herald*, June 30, 1927; “Negro Dependency in the Southern Community,” Folder 20, Arthur Franklin Raper Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; W. Stanley Moore and Samuel W. Freeman, *A History of First Baptist Church Morganton, North Carolina, 1879-1900* (n.p., n.d.), 22; “Negroes Fall Out Over Cards, One Dead,” *Morganton News-Herald*, June 12, 1924.

would not be tolerated,” so “the only negroes employed directly in the Southern textile industry are a few outside the mill proper.”³⁵

Among the various types of mills were factories that produced hosiery, which typically offered better paid and less hazardous jobs than other kinds of millwork, without the swirling clouds of cotton dust that turned mill hands into “lint heads.” These jobs were largely segregated by sex, and though women and girls comprised a majority of the hosiery mill work force, men were employed in the higher-paying positions. In the mid-twentieth century, looking back on the development of the hosiery industry in North Carolina, a business analyst concluded, “The year 1898 appears to have been a turning point.” That year Julian Carr formed Durham Hosiery Mill Company, which soon became the largest hosiery manufacturer in the world. Over the next three decades, hosiery mills rapidly expanded throughout the state, which would become home to about one-fifth of all such mills in the nation. In the early years, Carr and other owners experimented with using African American labor, but they abandoned such efforts in the face of adamant opposition from working-class whites.³⁶

By the beginning of the 1920s, there were nine hosiery mills in Burke County, three of them owned by an Italian immigrant named Francis Garrou. A member of a Protestant sect known as the Waldensians, Garrou had moved to Burke County with his parents and a few dozen

³⁵ “News, Personals, and Other Things from Fonta Flora,” Morganton, NC *Burke County News*, March 17, 1899; Timothy J. Minchin, *Hiring the Black Worker: The Racial Integration of the Southern Textile Industry, 1960-1980* (Chapel Hill, NC: University of North Carolina, 1999), 23; C. Vann Woodward, *Origins of the New South*, 222-225; Glenda Gilmore, *Gender and Jim Crow*, 23; Victoria Byerly, *Hard Times Cotton Mill Girls: Personal Histories of Womanhood and Poverty in the South* (Ithaca, NY: ILR Press, 1986), 44-50; Holland Thompson, *From the Cotton Field to the Cotton Mill: A Study of the Industrial Transition in North Carolina* (New York: Macmillan, 1906), 249.

³⁶ Jacquelyn Dowd Hall, et al., *Like a Family: The Making of a Southern Cotton Mill World* (Chapel Hill: University of North Carolina Press, 1987), 66-67, 238, 255-266; Clarence H. McGregor, *The Hosiery Manufacturing Industry in North Carolina and Its Marketing Problems* (Chapel Hill, NC: Graduate School of Business Administration, Research Paper Series, 1965), 5; Leslie Brown, *Upbuilding Black Durham: Gender, Class, and Black Community Development in the Jim Crow South* (Chapel Hill, NC: University of North Carolina Press, 2008), 92-93; I. A. Newby, *Plain Folk in the New South: Social Change and Cultural Persistence, 1880-1915* (Baton Rouge: Louisiana State University Press, 1989), 462-466, 474-481; U.S. Department of Labor, *Wages and Hours of Labor in the Hosiery and Underwear Industry, 1907 to 1914* (Washington, D.C.: Government Printing Office, 1915), 7-8, 30.

other Waldensian families in the early 1890s. There they formed the community of Valdese, about eight miles east of Morganton. At the beginning of the twentieth century, Garrou partnered with other investors and opened a mill in Valdese, and in the following years, as he accumulated considerable wealth, he expanded operations. On East Union Street in downtown Morganton stood an abandoned furniture factory. In 1917, Garrou took over the abandoned factory, refurbished the building and installed new machinery, and converted the furniture factory into a hosiery mill, which employed several dozen women and teenage girls to make artificial silk hosiery for women and mercerized dress socks for men. With \$150,000 in capital investment, the eponymously named Garrou Knitting Mill was the most valuable hosiery mill in Burke County. One of its primary investors—Franklin Pierce Tate—sat on Garrou Knitting Mill’s board of directors and served as the mill’s vice-president.³⁷

Around the beginning of June 1927, at the same time Broadus Miller and the other black laborers arrived in Morganton to build Frank Tate’s palatial new home, fifteen-year-old Gladys Kincaid began toiling in Garrou Knitting Mill. She belonged to a family that had lived in Burke and adjacent counties for several generations. The Kincaids had settled in the western Piedmont during the mid-1700s and over the next century and a half had multiplied exponentially. Some branches of the family had prospered, owning land and slaves and accumulating wealth that they passed down to their descendants, but other branches of the family had become dirt-poor. Gladys Kincaid was the child of landless tenant farmers. She had grown up in the small rural community of Chesterfield, about five miles north of Morganton, and like many millworkers, her move from

³⁷ *Thirty-Second Report of the Department of Labor and Printing of the State of North Carolina, 1919-1920* (Raleigh: Edwards and Broughton, 1921), 78; *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 198; Edward W. Phifer, Jr., *Burke*, 245-247, 267-268; “The Garrou Mills” and “Garrou Knitting Mills,” Industries Vertical File, Burke County Public Library, Morganton, NC.

farm to mill had been occasioned by family tragedy. Her father James Kincaid died of influenza in January 1923 at the age of forty-seven, leaving a widowed wife and eight children.³⁸

After her husband's death, Mary Jane Kincaid found it difficult to run the farm on her own, so around 1926 she and her children moved to the home of her brother Walter Bean, a sharecropper who lived in a two-story farmhouse on the bank of the Catawba River, about a mile and a half from the center of town. The following year, because of the family's poverty, Gladys Kincaid had to quit school and find employment. Some of her friends and former schoolmates worked at Garrou Knitting Mill and they helped her obtain a job there. A week after her fifteenth birthday, she began working ten-hour days from Monday through Friday and half a day on Saturday. New employees in the mill earned five dollars and fifty cents a week, but after finishing training and starting work on a production basis, they received a weekly paycheck of around eight dollars. With this hard-earned money, Gladys Kincaid would help support her widowed mother and younger siblings.³⁹

On her daily walk to and from the hosiery mill, Kincaid regularly passed Will Berry's house where Broadus Miller boarded. In the late afternoon before and after supper, Miller and

³⁸ Johnston Avery, "Extensive Search is Being Made for Morganton Slayer," *Hickory Daily Record*, June 22, 1927; C. K. Avery to Jess Byrd, March 5, 1969, Folder 1, Andrew Dunn Kincaid Papers, Southern Historical Collection, Manuscripts Department, Wilson Library, University of North Carolina at Chapel Hill; 1860 census (slave schedule), Burke County, NC; "Glen Alpine Has Lost Three Leading Citizens," *Morganton News-Herald*, June 23, 1927; Jack Temple Kirby, *Rural Worlds Lost: The American South, 1920-1960* (Baton Rouge: Louisiana State University Press, 1987), 293; 1920 census, Burke County, NC, Lower Creek township, enumeration district #16, dwelling #93; James Kincaid death certificate, January 4, 1923, Burke County, NC, Quaker Meadow township. Among the numerous Kincaids in Burke County was Beatrice Cobb's mother, and the *News-Herald* editor was thus a distant cousin of the young millworker; however, there is no evidence that Cobb would have known who the girl was before the summer of 1927. *The Heritage of Burke County*, 145.

³⁹ 1930 census, Burke County, NC, Morganton township, enumeration district #19, dwelling #20; Johnston Avery, "Extensive Search is Being Made for Morganton Slayer," *Hickory Daily Record*, June 22, 1927; Cecil Kincaid (Gladys Kincaid's younger brother), telephone interview with author, June 28, 2007; Cecil Kincaid and Mae Fleming Wellman, interviewed in "*Let the Dead Speak*": *The Saga of Gladys Kincaid*, privately recorded documentary video directed by Terry Helton, 1997. For a general description of the living conditions of individuals like Gladys Kincaid, see Victoria Byerly, *Hard Times Cotton Mill Girls: Personal Histories of Womanhood and Poverty in the South* (Ithaca, NY: ILR Press, 1986), especially pp. 44-50.



Figure 7. Gladys Kincaid and Family.
The only known photograph of Gladys Kincaid, taken in 1919 when she was seven years old.
She stands at the center of the family portrait.

Photograph courtesy of Clyde Fleming.

the other lodgers in the house would sit and socialize on the front porch, facing the street along which Kincaid walked. After the girl's death, witnesses stated that Miller had "watched her for several days" as she walked down Bouchelle Street and had sometimes "followed her for a short distance down the road." According to a salacious account in the *Charlotte Observer*, "Miller

had for several days followed the girl's movements ... with bestial lust in his eyes. On two occasions at least he had skulked behind her as she, a wistful looking girl of appealing beauty, had wandered her way home.” No one witnessed the fatal encounter between Kincaid and her assailant, but Beatrice Cobb described a “blood-curdling” scene between diametrical opposites. In Cobb’s words, the killing of Kincaid “was enough to stir people as few things can arouse them—a pretty, innocent young girl, just blossoming into her teens, the victim of a savage-minded, unspeakably brutal black beast.”⁴⁰

The *Hickory Daily Record* declared the murdered girl had been the “attractive little victim of a mad negro’s lust,” but press accounts unanimously agreed she had not been raped. “Examination by physicians ... was clear in the disclosure that whatever might have been the motive of the Negro as he waylaid his victim, murder was his only accomplishment,” the *Raleigh News and Observer* reported. The *News-Herald* described the assailant as a “would-be rapist” who had “fatally wounded the girl before he was able to accomplish his fiendish purpose.” In focusing on the potential horror of a black man raping a white girl, newspapers sometimes seemed to minimize the fatal injury that had been inflicted. In the words of the *Danville Bee*, “No attack was committed on the girl other than a heavy blow which crushed her skull.” The *Winston-Salem Twin City Sentinel* argued it was fortunate the blow had been “harder than her assailant intended,” for “this very violence saved her from the ravages of the brute.”⁴¹

⁴⁰ Marjorie Fleming, personal interview with author, June 26, 2007; Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; “Troops Trail Negro on M’Lean Order,” *Asheville Times*, June 23, 1927; “Morganton Negro Attacked Girl in Sight of Three Homes,” *Winston-Salem Journal*, June 28, 1927; Bruce Edward Baker, “Lynching Ballads in North Carolina,” (MA thesis, University of North Carolina at Chapel Hill, 1995), 45; Harry L. Griffin, “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23, 1927; “Negro Attacks White Girl,” *Morganton News-Herald*, June 23, 1927; “A Trying Week,” *Morganton News-Herald*, June 30, 1927.

⁴¹ Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; “Negro Attacks White Girl,” *Morganton News-Herald*, June 23, 1927; “Funeral Today is Burke’s Sadest [sic],” *Hickory Daily Record*, 23 June 1927; “Young Woman is Dead Following Brutal Attack,” *Danville, VA Bee*, June 22, 1927; “Can’t Afford a Lynching,” *Winston-Salem Twin City Sentinel*, June 24, 1927.

The scene of the fatal assault quickly became a sort of shrine, attracting carloads of “spectators and curiosity seekers” from across the state. During her lifetime the young millworker had not been well-known in Morganton, but after she died, newspapers clamored to obtain a photograph of her and press accounts emphasized her physical beauty. In the words of one reporter, her “timid charm and happy disposition had made her a popular favorite of all who knew her.” Supervisors at the knitting mill described her as “a slender, timid brunette of unusual popularity with her fellow employees,” while neighbors stated “she was a girl of good character, quiet and unassuming in demeanor.” Decades later, one of her former teachers could still recall the girl’s “dark blue eyes peering at me in the classroom from out of a wan white face.” The teacher remembered her clearly: “A fair student, Gladys was quiet, but courteous, kind and friendly. She seemed to be something of a dreamer, gazing often with unseeing eyes beyond persons and objects within her immediate presence.” One of her childhood friends later reminisced about Kincaid, who had been “the quiet type” and “lady-like” but loved playing baseball with her schoolmates. “She was a beautiful girl,” her friend recalled. “Her mother made all her clothes, and she always looked so pretty.”⁴²

On the Wednesday afternoon following her death, Gladys Kincaid’s body was prepared for burial. The deeply-rutted dirt road leading to her family’s home had turned to mud during the previous night’s downpour, so Kincaid lay in state at the home of a cousin in Morganton. Throughout the day a steady stream of visitors came to pay their respects. On Wednesday night,

⁴² “Sleepless Searchers for Negro Slayer Find No Clue,” *Hickory Daily Record*, June 24, 1927; “Morganton Negro Attacked Girl in Sight of Three Homes,” *Winston-Salem Journal*, June 28, 1927; “Hopes of Capturing Man Back to Low Ebb Again,” *Raleigh News and Observer*, June 27, 1927; Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; Harry L. Griffin, “Net Tightens About Negro Sought for Attacking Girl,” *Charlotte Observer*, June 24, 1927; Harry L. Griffin “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23, 1927; L.J. Hampton, “Hickory Reports Say Murderer Has Been Caught,” *Winston-Salem Journal*, June 24, 1927 (morning edition); H. Clay Ferree, “The Day the Mob Took Over,” Crime and Criminals Vertical File, Burke Co. Public Library; Mae Fleming Wellman, interviewed in “*Let the Dead Speak.*”

Mae Fleming stayed to help care for Kincaid's mother, who had been briefly hospitalized for shock but then released. A cousin, former schoolmate, and coworker of the dead girl, the teenage Fleming spent the night sleeping in the same room with Mary Jane Kincaid. They were woken the next morning by the sound of the hosiery mill whistle blowing to announce the start of another work day. Seventy years later, Fleming still vividly remembered the bereaved mother's reaction: "And we were laying there in the bed, and when that whistle went off, she said, 'Oh Lord, I'm thinking about Gladys, it's time for her to go to work.' And she cried, she cried. She was so pitiful."⁴³

On the morning of Thursday, June 23, exactly one month after her fifteenth birthday, Kincaid's funeral was held at Catawba Valley Baptist Church. The wooden church house stood on a high bluff about two miles upriver from Kincaid's home, halfway between Morganton and the rural community of Chesterfield where she had been born and had spent most of her brief life. Her family had attended Catawba Valley when they lived in Chesterfield, and following her father's death and the move to her uncle's, the young girl had continued going to the church, which had a congregation of some one hundred people. About two years earlier, she had been entered on the church roll as an official member, a momentous event in the lives of rural southerners. Her family had never owned their own home, moving from one tenant farm to another, but the church provided a place of continuity in a shifting and changing world.⁴⁴

The pastor of Catawba Valley, Reverend Wesley Sprinkle, was joined in conducting the funeral by Reverend Rufus Bradshaw of Morganton's First Baptist Church. The sixty-two-year-

⁴³ Mae Fleming Wellman and Cecil Kincaid, interviewed in "Let the Dead Speak"; Cecil Kincaid, telephone interview with author, June 28, 2007; "Suspected Slayer of Girl, 15, Caught," *Asheville Times*, June 22, 1927.

⁴⁴ "Troops Trail Negro on M'Lean Order," *Asheville Times*, June 23, 1927; Ted Ownby, *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865-1920* (Chapel Hill: University of North Carolina Press, 1990), 122-123; *Minutes of the Ninety-Eighth Annual Session of the Catawba River Baptist Association, October 20 and 21, 1927* (Morganton, NC: News-Herald Print, 1927), 28-29.

old Bradshaw had a reputation as an eloquent speaker and he delivered the funeral oration. With a “voice choking with emotion,” the minister “spoke the few words of condolence to the bereaved ones, while a crowd that overflowed the church fought hard to control its feelings and keep back the tears from its eyes.” Among those attending the funeral were several of the dead girl’s former schoolmates and teachers, along with many of her colleagues from the hosiery mill. The sky was dark and a soft rain fell as Kincaid was lowered into the ground in the adjacent church cemetery. In the words of one reporter, it was “as if the pathos of Burke’s greatest tragedy had stirred the depths of nature’s own heart.”⁴⁵

Because of her family's poverty, donations paid for Gladys Kincaid’s funeral and for the marble tombstone placed atop her grave. “She was the flower of our home,” read an inscription on the tombstone, which was crowned with the sculpted form of a young white lamb. The design of the tombstone was typical for children’s graves in the 1920s, but in Kincaid’s case, the stone also served as a visual representation of her portrayal in the press. She had been an innocent white lamb; her accused killer would be demonized and hunted down as a beast.⁴⁶

⁴⁵ “New Pastor of East Baptist Church Here,” Morganton, NC *News-Herald*, March 6, 1924; “April Fool’s Day Will Be Long Remembered by Rev. and Mrs. W. B. Sprinkle,” Morganton, NC *News-Herald*, April 10, 1924; “Rev. W. B. Sprinkle at Drexel Baptist Church,” Morganton, NC *News-Herald*, September 17, 1925; “First Baptist Church Calls Mr. Bradshaw,” Morganton, NC *News-Herald*, November 26, 1925; Henry D. Holsclaw and Harry Lee Pennell, “The Murder of Gladys Kincaid” (Lenoir, NC: privately published, 1927); “Final Tribute Saturday for Rev. W.R. Bradshaw,” Morganton *News-Herald*, 31 March 1942; “Funeral Today is Burke’s Sadest [sic],” *Hickory Daily Record*, June 23, 1927.

⁴⁶ Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, June 23, 1927; “Thousands in Burke Hunt Negro,” *Charlotte Observer*, June 22, 1927; “Monument for Gladys Kincaid Has Been Ordered,” Morganton *News-Herald*, July 28, 1927.

CHAPTER 7

OUTLAWRY

“... judgment is such, that after that any one hath been solemnly called, and demanded to appear to the king's peace at three several counties for felony, and he cometh not, that from thence forward he is holden for a wolf, and is called wolf's-head, because the wolf is a beast hated of all people; and from thence forward it is lawful for any one to kill him; as it is a wolf, whereof the custom was, to bring the heads to the chief place of the county....”

- Andrew Horne, *The Mirrour of Justices*, early 14th century¹

On Wednesday, June 22, 1927—the morning after Gladys Kincaid was fatally attacked—Burke County Sheriff Jules Hallyburton swore out an affidavit asserting Broadus Miller was wanted “for the crime and felony of murder and rape,” but that he “flees from justice and lurks and conceals himself and evades arrest and service of the usual process of law.” According to all contemporary press accounts, Kincaid had not been raped. But she had been killed, and the fate of her accused murderer would be decided by proclamation.²

The sheriff’s affidavit served as the preliminary step by which Burke County authorities could legally designate Broadus Miller an outlaw. Enacted by the North Carolina General Assembly in 1866, the outlawry statute could be used against any individual accused of a felony. Immediately after the sheriff swore out the affidavit, two Burke County justices of the peace—George Battle and William Hallyburton, a cousin of the sheriff—issued an official proclamation: “It is . . . ordered that any citizen of the County of Burke may arrest, capture and bring said

¹ Andrew Horne, *The Mirrour of Justices, Written Originally in the Old French, Long Before the Conquest* (Washington, DC: John Byrne, 1903), 189.

² “Negro is Declared an Outlaw,” *Morganton News-Herald*, June 23, 1927.

Broadus Miller to Justice, and in case of flight or resistance by the said Broadus Miller, after being called on and warned to surrender, may slay him without accusation or impeachment for crime.”³

When outlawing Broadus Miller, county officials scrupulously followed the procedures set forth by state law; they were almost certainly advised in this process by Sam Ervin, Jr., who had been appointed county attorney the previous December. The affidavit and outlawry proclamation closely copied the wording of the state statute, with one notable exception: the statute permitted all North Carolina citizens, regardless of their county of residence, to act upon the proclamation. Governor Angus McLean would frequently and wrongly be credited with proclaiming Broadus Miller an outlaw. The statute did not grant the governor this power; the only persons authorized to issue outlawry proclamations were “any two justices of the peace, or any judge of the supreme, superior, or criminal courts.” The governor merely voiced his approval of an action that had been taken at the local level.⁴

Immediately following the proclamation against Miller, Burke County commissioners approved a \$250 reward for the fugitive, dead or alive, which the state of North Carolina promptly matched with an additional \$250 reward. In the coming days, these two rewards would be augmented by a much larger private reward fund organized by Morganton resident Sam Taylor, who distributed a sign-up sheet among local businesses and private individuals. At the top of the sheet was a simple statement: “We the undersigned promise to pay the sum opposite our names for the brute who murdered Gladys Kincaid, and as the Governor [*sic*] has outlawed

³ *Public Laws of the State of North-Carolina, Passed by the General Assembly at the Session of 1866* (Raleigh: William E. Pell, 1866), 125-126; “Negro is Declared an Outlaw,” *Morganton News-Herald*, June 23, 1927.

⁴ “New Officers Take Over Affair of the County,” *Morganton News-Herald*, December 9, 1926. For the wording of the statute as in effect in the 1920s, see *Fugitives from Justice, North Carolina Consolidated Statutes, Article 6, Section 4549: Outlawry for Felony. Consolidated Statutes of North Carolina: Volume One* (Raleigh: Commercial Printing, 1920), 1846-1847.

him we agree to pay the party or parties for his person dead or alive.” Over the course of one week, some eight hundred signatories would pledge a total of nearly \$1,500; among the main contributors were three local furniture factories. Because of the outlawry proclamation and the offered rewards, every North Carolina citizen had both a legal right and a financial incentive to kill Broadus Miller.⁵

Outlawry had distant origins in English common law, in which being declared an outlaw meant that an individual was stripped of all the rights and privileges enjoyed by members of a civil society and no longer had any legal protection. As scholars Frederick Pollard and Frederic William Maitland noted, “To pursue the outlaw and knock him on the head as though he were a wild beast is the right and duty of every law-abiding man.” In the eighteenth century, colonial officials in North Carolina occasionally enacted legislation to outlaw “evil Disposed Persons in the Frontier Parts” and individuals who engaged in “riotous assemblies.” However, North Carolina’s 1866 outlawry statute was not modeled on these legislative acts. Instead, in both its wording and the procedures it set forth, the 1866 statute was nearly identical to the state’s previous law against fugitive slaves.⁶

⁵ Johnston Avery, “Extensive Search is Being Made for Morganton Slayer,” *Hickory Daily Record*, June 22, 1927; Harry L. Griffin, “Hundreds Join Grim Hunt for Assailant of Girl in Burke,” *Charlotte Observer*, June 23, 1927; “Statement from Mr. Taylor,” Morganton, NC *News-Herald*, July 7, 1927; “To My Friends,” Morganton, NC *News-Herald*, July 14, 1927.

⁶ Frederick Pollard and Frederic William Maitland, *The History of English Law Before the Time of Edward I* (Boston: Little, Brown, and Company, 1895), 459-461; Bobby G. Deaver, “Outlawry: Another ‘Gothic Column’ in North Carolina,” *North Carolina Law Review* 41 (1963), 634-639; H. Erle Richards, “Is Outlawry Obsolete?” *Law Quarterly Review* 18.3 (1902), 298; Wyatt Payne, “Outlawry,” *American Lawyer* 11.6 (1903), 252; Walter Clark, ed., *State Records of North Carolina: Volume XXIII, Laws, 1715-1776* (Goldsboro, NC: Nash Brothers, 1904), 616-617; Great Britain Privy Council, “Order of the Privy Council of Great Britain concerning an act of the North Carolina General Assembly concerning riots,” April 22, 1772, available online at <http://docsouth.unc.edu/csr/index.html/document/csr09-0104> (accessed May 22, 2015).

Enacted in 1715, North Carolina's first slave code authorized private citizens to "kill any Runaway Slave" who had been a fugitive for more than two months, stipulating that the killer "shall not be called to answer for the same if he give Oath that he could not apprehend such slave but was constrained to kill him." In 1741 the General Assembly expanded this legislation into a comprehensive legal code, "An Act Concerning Servants and Slaves." One of the act's major provisions detailed the legal process for dealing with slaves who "run away and lie out hid and lurking in the Swamps, Woods and other Obscure Places." When two justices of the peace were jointly notified that a runaway slave was "killing cattle and hogs" or "committing other injuries," the justices were required to issue an outlawry proclamation that would be posted "at the door of the court house, and at such other places as said justice shall direct." The proclamation declared that if the fugitive did not "immediately return home," then it would be "lawful for any Person or Persons whatsoever to kill and destroy such Slave or Slaves, by such ways and means as he shall think fit, without Accusation or Impeachment of any Crime."⁷

After the Revolution, the slave code of colonial North Carolina—including the guidelines for outlawing fugitive slaves—remained in effect and continued to be used. In 1790, two Mecklenburg County justices of the peace issued an outlawry proclamation against a fugitive slave named Jupiter, who had "frequently runaway & was a pest to the neighborhood where he

⁷ Marvin L. Michael Kay and Lorin Lee Cary, *Slavery in North Carolina, 1748-1775* (Chapel Hill: University of North Carolina Press, 1995), 61-66. Colonial authorities would compensate the owners of slaves killed as the result of outlawry, but in 1753 the General Assembly stipulated that in order to receive compensation, an owner must certify the slave had "been sufficiently cloathed, and ... constantly received, for the preceding Year, an Allowance not less than a Quart of Corn per Diem." Five years later, noting "the High Valuation of Slaves ... killed by Virtue of an Outlawry," legislators decreed that a slaveholder would receive no more than sixty pounds in compensation, approximately one-third of a male slave's potential monetary value. Walter Clark, ed., *The State Records of North Carolina, Volume XXIII*, 389-390, 489. For an example of a colonial-era proclamation of outlawry against a fugitive slave, see "State of North Carolina, Craven County," *New Bern North Carolina Gazette*, March 6, 1778 (reprinted March 27, 1778). Colonial Virginia also outlawed fugitive slaves and compensated owners if the slaves were killed; see George William Van Cleve, *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic* (Chicago: University of Chicago Press, 2010), 53. However, the Virginia law authorizing the outlawing of fugitive slaves was apparently revoked in 1792. *The African Observer* (October 1827), 198.

lurked and he out hid.” In 1796, the General Assembly decreed county officials would reimburse an owner for two-thirds of a slave’s value if an outlawry proclamation resulted in the slave’s death—provided a local jury concluded the slave had been fed, clothed, and treated “with the humanity consistent with his or her situation” prior to becoming a fugitive.⁸

When writing outlawry proclamations, justices used the law itself as a template, copying large sections directly from it. A typical example appeared in the *Cape Fear Reporter* in April 1821. New Hanover County slaveholder Robert Brown had notified two justices of the peace that his runaway slave Cupid was “lurking about in the said county, committing acts of felony and other misdeeds,” so the justices proclaimed that if Cupid did not immediately surrender, then “any person may kill and destroy the said slave, by such means as he or they may think fit, without accusation or impeachment of any crime.” The proclamation was accompanied by a reward notice from Brown, who offered fifty dollars “for the apprehension and delivery of negro CUPID, to the Jailor of this county, or for his HEAD.” The proclamation and reward notice were widely reprinted in northern newspapers as evidence of slavery’s horrors, leading the *New York Advertiser* to denounce conditions in North Carolina: “What must be the state of things in a

⁸ John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999), 85-86; John Haywood, *A Manual of the Laws of North Carolina* (Raleigh: J. Gales, 1814), 174-175; Harriet Beecher Stowe, *A Key to Uncle Tom’s Cabin* (Boston: John P. Jewett, 1853), 85. In 1796, in the case of *Sherrod v. Davis*, a plaintiff in a civil suit secured judgment against a white defendant who had fled to another state. Citing the precedent of English common law, the plaintiff tried to have the defendant outlawed in order to confiscate his property. A North Carolina Superior Court ruled that such types of outlawry proclamations had “never been used here before the Revolution” and therefore could not “be received here as law”—hastening to add that “there is nothing in the constitution to repel such a law, should the Legislature think proper to establish it.” But instead of prohibiting the plaintiff’s proposed course of action, the court implicitly gave its consent, concluding that it was “totally immaterial whether the outlawry would be erroneous or not,” because “an erroneous outlawry remains good until reversed . . . and before [the defendant] can be admitted to have his writ of error, he must appear and put in bail to the suit.” The ruling presented an inescapable circularity: The validity of a proclamation could be challenged only if the outlawed person surrendered to authorities, but until that time, every citizen of the state had legal authority to kill the individual. William H. Battle, *Reports of Cases Adjudged in the Superior Courts of Law and Equity of the State of North Carolina, From the Year 1789 to the Year 1798* (Raleigh: Jos. Gales and Son, 1832), 329. Based upon a partial and misleading reading of *Sherrod v. Davis*, some historians have erroneously asserted that North Carolina’s use of outlawry proclamations against fugitive slaves “was confined to the colonial world”; see, e.g. Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 287.

community living under what is called a free government, boasting of its high regard for liberty and the rights of man, and above all claiming to be a CHRISTIAN COUNTRY, WHEN ITS LAWS SANCTION MURDER?”⁹

The importance attached to maintaining a veil of legality over the killing of fugitive slaves was demonstrated in the spring of 1822, when the *Raleigh Star* published a reward notice from a slaveholder who offered twenty dollars if his runaway slave were returned alive—and twenty-five dollars “if delivered to him *dead*.” By offering more money for the fugitive if he were killed than if he were taken alive, the slaveholder made clear which outcome he preferred. A Salisbury newspaper, the *Western Carolinian*, disapproved of this reward offer and its flagrant solicitation of murder. “We know not what right any individual has, in *any case*, to authorize another to kill his negro without an act of outlawry,” the newspaper editorialized. As the editorial implied, an outlawry proclamation provided the legal authorization for killing fugitive slaves, and after being notified a runaway was taking livestock or committing any other unspecified “injuries,” justices of the peace were required by law to issue a proclamation. In some cases, outlawry proclamations were thus a formality, necessary for preserving the appearance of legal process, but always obtainable by any irate slaveholder who wished a runaway dead.¹⁰

Some state lawmakers apparently believed the outlawry process was legally flawed, for in 1830, as the General Assembly worked on revising the slave code, the press reported that legislators were considering how to create “a new and more legal form of outlawing slaves.” All outlawed slaves could be legally killed, regardless of whether or not they were armed or offered

⁹ Deborah A. Rosen, *Border Law: The First Seminole War and American Nationhood* (Cambridge, MA: Harvard University Press, 2015), 177. “Outlawry,” Wilmington, NC *Cape Fear Reporter*, April 14, 1821; “Outlawry,” “Fifty Dollars Reward,” Greenfield, MA *Franklyn Herald*, May 22, 1821; *New-York Post*, May 10, 1821; “From the N.Y Daily Advertiser,” Salisbury, NC *Western Carolinian*, June 12, 1821. For other examples of printed outlawry proclamations, see, e.g., *Wilmington (NC) Gazette*, January 1, 1807; *Edenton (NC) Gazette*, September 17, 1821; *Newbern Sentinel*, August 11, 1827.

¹⁰ “We have received...” (untitled editorial), Salisbury, NC *Western Carolinian*, April 30, 1822.

any resistance. One legislator proposed amending the law so that any armed runaway would automatically be designated an outlaw, thus eliminating the use of individual proclamations. But the following year, when the state legislature finished incorporating the existing slave code into a new “Act Concerning Slaves and Free Persons of Color,” the process for outlawing fugitive slaves remained unchanged. If a runaway did not immediately return after a proclamation was posted, then every North Carolina citizen had the legal right to kill the fugitive “by such ways and means as he shall think fit.”¹¹

Abolitionist Harriet Beecher Stowe saw the outlawry provision of the North Carolina slave code as a prime example of the evils of slavery, and she was particularly horrified by the “awful possibilities” implicit in “the fearfully suggestive clause, ‘*by such ways and means as he shall think fit!*’” In 1841, the British and Foreign Anti-Slavery Society published a report describing how fugitive slaves were treated in North Carolina: “A slave who runs away, lurks in swamps, &c., and kills a hog or any other domestic animal to keep himself from starving, is subject to a proclamation of outlawry, and then whoever finds him may shoot him, tear him in pieces with dogs, burn him to death over a slow fire, or kill him by any other tortures.” As Massachusetts abolitionist William Ingersoll Bowditch noted, the vast majority of fugitive slaves were illiterate and could never read any outlawry proclamation issued against them. “This is truly a Christian law!” Bowditch bitterly declared. “A written proclamation to men, not one in ten thousand can read a letter of it!”¹²

¹¹ “General Assembly,” Halifax, NC *North-Carolina Free Press*, December 14, 1830; Revised Code-No. 105, Slaves and Free Persons of Color, An Act Concerning Slaves and Free Persons of Color, 1831 (1741 c 35 s 40), available online at <http://docsouth.unc.edu/nc/slavesfree/slavesfree.html> (accessed May 20, 2015).

¹² Harriet Beecher Stowe, *A Key to Uncle Tom’s Cabin*, 85-86; British and Foreign Anti-Slavery Society, *Slavery and the Internal Slave Trade in the United States of North America* (London: Thomas Ward, 1841), 176-177; William Ingersoll Bowditch, *Slavery and the Constitution* (Boston: Robert F. Wallcut, 1849), 104-105.

But though outlawry proclamations ostensibly enjoined fugitive slaves to return to their masters, the intended audience of such proclamations were white bounty hunters. In November 1836, slaveholder William Cobb of Jones County appeared before local justices of the peace and secured a proclamation against two fugitive male slaves. Cobb then offered a \$200 reward for the men “or for the killing of them, so that I can see them.” Throughout the late 1840s and the 1850s, outlawry proclamations regularly appeared in the newspapers of Wilmington, a busy seaport and largest city in the state. One of the city’s most prominent residents was Miles Costin, a wealthy merchant, real estate speculator, and sometime slave trader. In August 1849, Costin obtained an outlawry proclamation for a twenty-year-old slave named London. Published in the *Wilmington Journal*, the proclamation was accompanied by a reward notice. Costin offered fifty dollars for London’s capture—“or One Hundred Dollars for his head.”¹³

The Civil War rendered the outlawry provision and all other aspects of the North Carolina slave code obsolete. In the immediate aftermath of the war, state legislatures throughout the South rushed to implement new laws known as “Black Codes,” which restricted the movement and labor of newly-freed African Americans. In 1866, the North Carolina legislature convened in the middle of January for a two-month special session, much of which was spent in developing a Black Code. The same legislative session that created North Carolina’s Black Code

¹³ Ibid; Alan D. Watson, *Wilmington, North Carolina, to 1861* (Jefferson, NC: McFarland, 2003), 125, 153. 1850 census, New Hanover County, NC, Wilmington city, dwelling #5; *The Southern Business Directory, and General Commercial Advertiser* (Charleston, SC: Steam Power Press, 1854), 399; “Notice,” *Wilmington (NC) Chronicle*, November 2, 1842; “Ranaway,” *Wilmington (NC) Chronicle*, May 4, 1842; “Notice,” *Wilmington (NC) Commercial*, March 16, 1849; “\$50 Reward for London,” *Wilmington (NC) Journal*, August 31, 1849. Miles Costin’s granddaughter, Dr. Mary Martin Sloop, became a noted mission worker who established and operated a hospital and school in the small North Carolina mountain community of Crossnore. Susan Stroud Robeson, *An Historical and Genealogical Account of Andrew Robeson of Scotland, New Jersey, and Pennsylvania* (Philadelphia: J. B. Lippincott, 1916), 168, 267; William S. Powell, *Dictionary of North Carolina Biography: Volume 4* (Chapel Hill: University of North Carolina Press, 1991), 232; John C. Inscoc, “Mary Martin Sloop: Mountain Miracle Worker,” in Michelle Gillespie and Sally G. McMillen, eds., *North Carolina Women: Their Lives and Times, Volume One* (Athens, GA: University of Georgia Press, 2014), 313-336. For other examples of slaveholders who offered greater rewards for outlawed slaves’ deaths than for their return, see “Fifty Dollars Reward for Aaron,” *Wilmington (NC) Journal*, April 5, 1850; “State of North Carolina,” *Wilmington (NC) Journal*, September 20, 1850.

also produced the state's outlawry statute. The statute did not specify the racial identity of an offender and was not included within the Black Code, but most of its wording was taken directly from the slave code's provision for outlawing fugitive slaves. There were, however, a few notable revisions. Under the new statute, an outlawry proclamation could be issued against any individual accused of committing a felony. As before, two justices of the peace (sometimes referred to as "magistrates") could jointly issue a proclamation, but the statute authorized any Superior or Supreme Court judge to do so as well. Most importantly, whereas outlawed slaves could be killed without any restrictions, the new law specified fugitives must first be "called on and warned to surrender." Those who were outlawed could be killed even if they were unarmed, but only "in cases of flight or resistance."¹⁴

North Carolina's outlawry statute reflected the chaotic conditions of the war's immediate aftermath, when civil government had broken down and gangs of horse thieves and bandits terrorized many communities. Yet the statute's origins in the slave code suggest lawmakers envisioned it at least in part as a means of controlling newly-freed people. In the months after the war ended, white southerners feared potential vengeance from the people who had been enslaved, and as Christmas approached in 1865, rumors swept the South that former slaves were plotting a bloodbath. In early December, the head of the North Carolina State Senate Committee

¹⁴ Joseph Grégoire de Roulhac Hamilton, *Reconstruction in North Carolina* (New York: Columbia University, 1914), 147, 313; W. E. B. Du Bois, *Black Reconstruction in America* (New York: Harcourt, Brace, and Company, 1935), 470; Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana, IL: University of Illinois Press, 1997), 34-40; *Public Laws of the State of North-Carolina, Passed by the General Assembly at the Session of 1866*, 98-105; "Captions of the Acts and Resolutions," *Raleigh Daily Progress*, February 10, 1866; *Public Laws of the State of North-Carolina, Passed by the General Assembly at the Session of 1866*, 125-126. In 1905, the legislature would make minor revisions to the outlawry statute, adding criminal court judges to those empowered to issue outlawry proclamations and clarifying that if the proclamation were issued by a judge, as opposed to two justices of the peace, then the judge did not have to be from the county where the alleged felony had occurred. Moreover, judges could authorize the sheriff of any county in the state to organize a posse and search for the fugitive, while justices of the peace could do so for only their own county. Thomas B. Womack, Needham Y. Gulley, and William B. Rodman, eds. *Revisal of 1905 of North Carolina, Prepared under Chapter Three Hundred and Fourteen of the Laws of One Thousand Nine Hundred and Three, Volume 1* (Raleigh: E.M. Uzzell, 1906), 953.

on Military Affairs requested Union forces provide local militias with arms and ammunition “to more effectually suppress any insurrectionary movement on the part of free negroes, should they attempt it.” In this atmosphere of fear and dread, the outlawry statute was born.¹⁵

State senator James Turner Morehead from Guilford County sponsored the statute. The chairman of the judiciary committee, Morehead belonged to one of the wealthiest and most prominent families in the state, and until emancipation, the family had held over one hundred slaves on their plantation outside Greensboro. On Tuesday, February 6, 1866, in his role as judiciary chairman, James Turner Morehead addressed the state senate and urged adoption of the bill “to outlaw felons, who flee from justice.” The senate began its session that day with an opening prayer by Reverend Needham Cobb; nearly three decades earlier, the minister’s father William Cobb had arranged an outlawry proclamation for two runaway slaves so he could see them dead.¹⁶

On March 1, 1866, the outlawry statute was enacted; it would remain in effect for over a century. A proclamation of outlawry essentially deputized the entire civilian population, granting every private citizen the legal right to use lethal force against an outlawed individual. Only

¹⁵ Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985), 193-216; Roberta S. Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction, 1865-67* (Durham: Duke University Press, 1985); *Journal of the Senate of the General Assembly of the State of North Carolina at Its Session of 1865-66* (Raleigh: William E. Pell, 1865-1866), 80.

¹⁶ *Journal of the Senate of the General Assembly of the State of North Carolina at Its Session of 1865-66*; 1860 census (slave schedule), Guilford County, NC. William S. Powell, ed. *Dictionary of North Carolina Biography: Volume Two* (Chapel Hill: University of North Carolina Press, 1979), 392. James Turner Morehead was either the younger brother or the son of John Motley Morehead, who had served as North Carolina governor in the 1840s. Governor Morehead had both a brother and son named James Turner Morehead, both of whom lived in Guilford County and both of whom served various terms in the state legislature. None of the secondary sources indicate that either of the two individuals served in the General Assembly in the session of 1865-1866, but the contemporary *Journal of the Senate* lists one of them as serving that term. The *Journal* gives the date of the senate session as February 30, 1865—an obvious misprint of both day and year. John Motley Morehead, III, *The Morehead Family of North Carolina and Virginia* (New York: privately printed, 1921), 52, 68 Samuel A’Court Ashe, ed. *Biographical History of North Carolina from Colonial Times to the Present, Volume 2* (Greensboro, NC: Charles L. Van Noppen, 1905), 259-264; William S. Powell, ed. *Dictionary of North Carolina Biography: Volume Four* (Chapel Hill: University of North Carolina Press, 1991), 319-322.

justices of the peace and judges had the legal authority to proclaim someone an outlaw, and they used this power with no oversight by state authorities in Raleigh. The statute stipulated an outlawry proclamation had to be “published at the door of the court house and such other places as the said justices shall direct.” But the law did not mandate that any official record be kept of such proclamations, and though proclamations sometimes appeared in local newspapers, the law did not require it.¹⁷

During Reconstruction, Henry Berry Lowry and the so-called “Lowry Gang” of Robeson County would become the most famous outlaws in North Carolina. The Lowries were members of a group of people who would later be known as the Lumbee. Descendants of Native Americans, African Americans, and whites, the Lumbee had been designated on antebellum records as “free persons of color.” They lived in their own insular community in southeastern North Carolina, about seventy miles west of Wilmington, and had been pulled into the Civil War against their will, with the Confederate Home Guard forcibly impressing them into wartime service building fortifications. In the closing months of the war Henry Berry Lowry and his companions waged a bloody tit-for-tat against Robeson County’s white elites, a fight that would continue after the war officially ended. In Reconstruction-era North Carolina, Republicans and Conservatives (a coalition of former Democrats and Whigs) had contrasting visions of non-whites’ place in the post-war order. However, they agreed that this place must be within the confines of state authority, and though they disagreed on who should wield political power, they shared a mutual interest in reconstructing the apparatus of the state and reestablishing state-

¹⁷ *Public Laws of the State of North-Carolina, Passed by the General Assembly at the Session of 1866*, 125-126.

sanctioned county governments. In this process of state-rebuilding, Lowry and his companions had no place within the state and would thus become outlaws.¹⁸

Though the Lowries were described as “outlaws” by newspapers throughout the country, the descriptive term “outlaw” did not necessarily reflect an individual’s legal status. The process by which the Lowries were legally outlawed was complex and murky, stretching over several years. In December 1866, Conservative Governor Jonathan Worth issued “A Proclamation” concerning Henry Berry Lowry, whom he described as “a free negro.” The governor proclaimed that Lowry was “a fugitive from justice” and offered a \$300 reward for his “arrest and delivery” to the Robeson County sheriff. Governor Worth’s announcement was *not* an outlawry proclamation (which governors had no legal authority to issue), and the reward was offered for Lowry’s arrest, not for his death. Two years later, in November 1868, Republican Governor William Holden wrote an open letter to the Robeson County sheriff. “I have received information that bands of armed men, variously disguised, are breaking the peace, robbing and plundering, and causing terror to many of the good citizens of Robeson,” the governor informed the sheriff, and he demanded that the sheriff enforce state laws within the county.¹⁹

¹⁸ Gerald M. Sider, *Living Indian Histories: Lumbee and Tuscarora People in North Carolina* (Chapel Hill: University of North Carolina Press, 2003), 157-176; Mary C. Norment, *The Lowrie History* (Lumberton, NC: Lumbee Publishing Company, 1909); Anna Bailey, “How Scuffletown Became Indian Country: Political Change and Transformation in Indian Identity in Robeson County, North Carolina, 1865-1956,” (Ph.D. dissertation, University of Washington, 2008), 18-69; William McKee Evans, *To Die Game: The Story of the Lowry Band, Indian Guerrillas of Reconstruction* (Syracuse, NY: Syracuse University Press, 1995); William McKee Evans, “Native Americans in the Civil War: Three Experiences,” in *Civil War Citizens: Race, Ethnicity, and Identity in America’s Bloodiest Conflict*, edited by Susannah J. Ural (New York: New York University Press, 2010), 187-212; Adolph L. Dial and David K. Eliades, *The Only Land I Know: A History of the Lumbee Indians* (Syracuse, NY: Syracuse University Press, 1996), 45-87; Karen I. Blu, *The Lumbee Problem: The Making of an American Indian People* (New York: Cambridge University Press, 1980), 50-61; Barton A. Myers, *Rebels against the Confederacy: North Carolina’s Unionists* (New York: Cambridge University Press, 2014), 87, 126; Susanna Michele Lee, *Claiming the Union: Citizenship in the Post-Civil War South* (New York: Cambridge University Press, 2014), 129-131; United States Senate, *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States: Volume Two, North Carolina* (Washington, D.C.: Government Printing Office, 1872), 286-287.

¹⁹ “State of North Carolina,” *Wilmington, NC Daily Journal*, December 13, 1866; “Capture of a Thief,” *Wilmington (NC) Daily Dispatch*, April 14, 1867; “Robeson County,” *Raleigh Semi-Weekly Sentinel*, December 5, 1868; Anna Bailey, “How Scuffletown Became Indian Country,” 48. An April 1867 press report would state that Henry Berry

Governor Holden described the violence in Robeson as the work of multiple “bands of armed men” who were “variously disguised.” The Lowries did not disguise themselves; they went heavily armed and openly challenged anyone to stop them. But in 1868 the Ku Klux Klan had emerged as a powerful force throughout North Carolina, including Robeson County. The Conservative editor of the *Raleigh Sentinel*—Josiah Turner—interpreted Governor Holden’s letter as targeting Klansmen, and Turner would strenuously deny any “lawless acts” were taking place in Robeson. An unnamed county resident wrote to the *Wilmington Journal*, hastening to reassure men such as Turner that the governor’s demand for rigorous law enforcement was in accord with Conservative interests. In March 1869, three months after Governor Holden’s letter to the sheriff, Superior Court Judge Daniel Russell, Jr. issued an outlawry proclamation against Henry Berry Lowry and five of Lowry’s companions. A twenty-three-year-old Republican who would go on to serve as governor during the tumultuous late 1890s, Judge Russell was the son of one of the largest landowners in southeastern North Carolina, a former slaveholder who following emancipation impressed black children in Robeson County into forced apprenticeships.²⁰

Lowry “has been outlawed for his numerous crimes”; however, the reporter provided no details and may have been misinterpreting the meaning of Governor Worth’s proclamation. “Capture of a Thief,” *Wilmington (NC) Daily Dispatch*, April 14, 1867.

²⁰ “Military Court,” *Raleigh Weekly Standard*, January 24, 1866; “State Items,” *Raleigh Sentinel*, July 11, 1867; “Reports of Outrages,” National Archives Publication M843, Records of the Assistant Commissioner for the State of North Carolina, Bureau of Refugees, Freedmen and Abandoned Lands, M843, Roll 33; “Apprenticeships,” *Raleigh Sentinel*, January 30, 1867; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985), 124; Karin L. Zipf, *Labor of Innocents: Forced Apprenticeship in North Carolina, 1715-1919* (Baton Rouge: Louisiana State University Press, 2005), 93-104; Jeffrey J. Crow and Robert Franklin Durden, *Maverick Republican in the Old North State: A Political Biography of Daniel L. Russell* (Baton Rouge: Louisiana State University Press, 1977), 11-33; Otto H. Olsen, “The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda,” *North Carolina Historical Review* 39. 3 (July, 1962), 341; Mark L. Bradley, *Bluecoats and Tarheels: Soldiers and Civilians in Reconstruction North Carolina* (Lexington, KY: University of Kentucky Press, 2009), 226; “War and Treason,” *Raleigh Sentinel*, October 10, 1868; “Robeson County,” *Raleigh Semi-Weekly Sentinel*, December 5, 1868; “Further Particulars of Outrages Committed in Robeson,” *Wilmington (NC) Journal*, December 18, 1868; United States Senate, “Outrages Committed by Disloyal Persons,” *Executive Documents Printed by Order of the Senate of the United States for the Third Session of the Forty-First Congress, 1870-1871: Volume One* (Washington: Government Printing Office, 1871), 30; “Judge D. L. Russell,” *Fayetteville, NC Eagle*, May 25, 1871; “Proclamation of Outlawry,” *Wilmington (NC) Daily Journal*,

The judge's outlawry proclamation had little effect. African Americans, Lumbee, and persons of mixed ancestry comprised nearly one-half of Robeson County's population, and virtually all of them viewed the Lowries as heroes, not as criminals. Most white residents of the county abhorred the Lowries, but not to the extent of risking their own lives attempting to enforce the proclamation. In 1870, Conservatives won control of the state legislature. The following February the legislature passed an act authorizing Republican Governor Tod Caldwell to proclaim a \$2,000 reward for Henry Berry Lowry and \$1,000 each for five of his companions, with the money to be paid for them "dead or alive." Four of the men named in the legislative act—including Lowry's brother Tom—had not been listed on Judge Russell's outlawry proclamation. The act asserted all these men had been outlawed by magistrates in Robeson County, but lawmakers included a curious provision suggesting they doubted whether magistrates had indeed done so: "*Provided*, That this act shall only apply to such of said persons as have been or may hereafter be regularly outlawed by due course of law."²¹

Though he was named in the reward authorization, Tom Lowry had not been outlawed, neither by Judge Russell nor by local magistrates. Within weeks of the legislature's action, he was being held in the Lumberton jail, but the circumstances of his arrest—and when it occurred—are unclear. In early May, the other Lowries stormed the jailhouse and freed him. On May 22, 1871—three months after the legislature authorized the rewards—Governor Caldwell

March 10, 1869. The men named on Judge Russell's outlawry proclamation were Henry Berry Lowry, Boss Strong, Andrew Strong, Shoemaker John, John Dial, and William Chavis. The secondary literature consistently portrays the Lowries as the primary motivation for the creation of the outlawry statute. However, the statute was created in early 1866 and there is no evidence that it was used against the Lowries until at least several months later. Moreover, the outlawing of the Lowries has consistently (and wrongly) been attributed to the governor; see, e.g., William McKee Evans, *To Die Game*, 102; Adolph L. Dial and David K. Eliades, *The Only Land I Know*, 63.

²¹ Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010), 23; *Public Laws of the State of North-Carolina, Passed by the General Assembly at Its Session 1870-71* (Raleigh: James H. Moore, 1871), 130-131. "Rewards," *Raleigh Daily Telegram*, February 17, 1871. The February 1871 act authorized rewards for Henry Berry Lowry, Boss Strong, George Applewhite, Stephen Lowry, Thomas Lowry, and Henderson Oxendine.

issued a \$1,000 reward notice for Tom Lowry. The notice declared Tom Lowry had “been outlawed in accordance with the law of the State, by four Justices of said county”—double the number of justices required to issue a proclamation. Apparently Robeson County officials hurriedly secured an outlawry proclamation for Lowry after he escaped jail, erring on the side of caution to ensure its legality.²²

In July 1871, Robeson County attorney Giles Leitch, Jr., appeared before a U.S. congressional committee to testify about conditions in his native county. One of the committee members asked him when the Lowries had been outlawed. “I do not exactly remember the date of their having been outlawed,” Leitch replied, “but the magistrates of the county, being empowered to do so by the laws of the State, issued a proclamation of outlawry against those men some three or four years ago.” He then named seven individuals whom the magistrates had outlawed a few years before—a group that did not include Tom Lowry. Leitch’s description of the outlawry process puzzled one of the committee members. “Does not the outlawry have to be proclaimed by the governor?” he asked. No, replied Leitch, under North Carolina law “the magistrates issued a proclamation of outlawry, and the legislature authorized the governor to offer a reward for all who had been outlawed.” The committee member then produced a letter from the Robeson County sheriff to Governor Caldwell, in which the sheriff stated Lowry and his band had been “outlawed by your excellency” and that he had been “specially enjoined by proclamation from the executive department to pursue and take [them] dead or alive.” Leitch was nonplussed by the sheriff’s letter. “If you will excuse me from deciding exactly how the law is, I will be very much obliged,” the attorney told the committee.²³

²² “Local Intelligence,” *Wilmington, NC Daily Journal*, March 4, 1871; “\$1000 Reward,” *Raleigh Daily Telegram*, May 23, 1871; “Startling from Robeson,” *Wilmington, NC Daily Journal*, May 11, 1871.

²³ United States Senate, *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States: Volume Two, North Carolina* (Washington, D.C.: Government Printing Office,

Leitch had good reason to be flummoxed, for he had correctly described the outlawry statute's provisions: governors had no legal authority to issue proclamations of outlawry; by law, only magistrates or a judge could do so. Nevertheless, the Robeson County sheriff believed the Lowries had been outlawed by state officials in Raleigh. North Carolina Adjutant General John C. Gorman echoed the sheriff's belief, declaring that Henry Berry Lowry and his companions had been "outlawed by the Legislature, and the Governor." But though the statements made by the sheriff and the adjutant general were factually incorrect, they were essentially true. The proclamations against the Lowries had been issued by Judge Russell and local magistrates; however, without the support and financial backing of the state legislature and the governor, these proclamations were mere pieces of paper. The Lowries had been *effectively* outlawed by the large rewards offered by the state. In early 1871, around the same time the state government issued its reward offer for the Lowries, a group of nine Robeson County white men killed a prominent local African American. After a warrant was issued for their arrest, they fled. Reprising the action he had taken against the Lowries, Judge Russell outlawed the nine white men, an action for which he would be vociferously denounced by Conservatives. But unlike in the case of the Lowries, state authorities did not offer rewards for these nine outlaws, and the attempt to prosecute them was eventually dropped.²⁴

1872), 283, 286, 296; Ariela Julie Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge, MA: Harvard University Press, 2008), 118-119. In his July 1871 testimony, Giles Leitch named the individuals outlawed by Robeson County magistrates as Henry Berry Lowry, Boss Strong, Andrew Strong, George Applewhite, Stephen Lowry, Henderson Oxendine, and Calvin Oxendine.

²⁴ "Letter from Adj't-Gen. Gorman" *Raleigh Tri-Weekly Era*, October 26, 1871; "The Lowry Gang," *Wilmington (NC) Morning Star*, July 13, 1871; "We learn that Henry Berry Lowry..." (untitled article), *Lumberton, NC Robesonian*, reprinted in Charlotte *Southern Home*, May 9, 1871; William McKee Evans, *To Die Game*, 159-161, 235; "The Lowreys and the Legislature," *Raleigh Tri-Weekly Era*, April 4, 1872; James Ley [?] to F. M. Wishart, August 19, 1871, Folder 3, Subseries 1.2. Lowry Gang Materials, 1871-1953 and Undated, Wishart Family Papers #4624, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill; United States Congress Senate, "Outrages Committed by Disloyal Persons," *Executive Documents Printed by Order of the Senate of the United States for the Third Session of the Forty-First Congress, 1870-1871* (Washington: Government Printing Office, 1871), 30; "Another Complaint," *Raleigh Daily Telegram*, March 16, 1871; "Outlawed," *Raleigh Daily Telegram*, March 18, 1871; "State News," *Wilmington, NC Daily Journal* September 19, 1872.

The outlawing of the Lowries took place within the unsettled and contentious politics of Reconstruction. Unlike the “Lowry Gang,” which consisted of a handful of men whose activities were confined to Robeson County, the Ku Klux Klan numbered in the thousands and terrorized the entire state. In 1870, Klansmen lynched a prominent African American political leader in Alamance County. Governor Holden’s efforts to suppress the Klan in Alamance would lead to his impeachment by the state legislature, but in December 1871, Superior Court Judge Albion Tourgée—one of the leading Republicans in North Carolina—managed to secure indictments against fourteen Klansmen who had participated in the lynching. After thirteen of the men fled and refused to surrender to the local sheriff, Judge Tourgée issued an outlawry proclamation against them. However, the proclamation was not accompanied by any reward offer from the state, and the state legislature would eventually grant amnesty to Klansmen. Both the Lowries and the Klan challenged state authority, but the Klan would be assimilated into the state while the Lowries would be hunted down and killed.²⁵

²⁵ Mark L. Bradley, *Bluecoats and Tarheels*, 217-219, 251-255; Carole Watterson Troxler, “‘To Look More Closely at the Man’: Wyatt Outlaw, a Nexus of National, Local, and Personal History,” *North Carolina Historical Review* 77 (October 2000), 403-433; Gregory P. Downs, *Declarations of Dependence: The Long Reconstruction of Popular Politics in the South, 1861-1908* (Chapel Hill: University of North Carolina Press, 2011), 122-126; Mark Elliott, *Color Blind Justice: Albion Tourgée and the Quest for Racial Equality from the Civil War to Plessy v. Ferguson* (New York: Oxford University Press, 2006), 33, 156-160; “We are informed...” (untitled editorial), *Greensboro (NC) North State*, February 8, 1872; “Judge Tourgee’s Charge at Graham,” *Hillsborough (NC) Recorder*, February 21, 1872; “Proclamation,” *Raleigh Weekly Era*, March 14, 1872. “That Amnesty Bill in the Senate,” *Raleigh Daily Era*, January 24, 1873; “Bill of Indictment for Murder,” *Raleigh Daily Era*, February 11, 1873; “Murderers at Large To-Morrow,” *Raleigh Daily Era*, February 17, 1873; “Some Questions and Thoughts on Ku Klux Amnesty,” *Raleigh Daily Era*, February 17, 1873; Deborah Beckel, *Radical Reform: Interracial Politics in Post-Emancipation North Carolina* (Charlottesville, VA: University of Virginia Press, 2011), 84-85; *Journal of the House of Representatives of the General Assembly of the State of North Carolina at Its Session of 1872-73* (Raleigh: Stone and Uzzell, 1873), 552. In his role as judge, Albion Tourgée had previously issued outlawry proclamations against petty criminals. In 1869, after a local sheriff filed an affidavit against two men accused of burglarizing homes in Nash County, they were outlawed by Tourgée. “Proclamations,” *Raleigh Daily Standard*, January 13, 1869. In a letter to President Grant, Judge Tourgée claimed to have secured murder indictments against eighteen men in connection with the Alamance County lynching; however, the bill of indictment listed only fifteen men, and noted that the grand jury had refused to indict one of these fifteen persons. John Y. Simon, ed., *The Papers of Ulysses S. Grant: Volume 22, June 1, 1871-January 31, 1872* (Carbondale, IL: Southern Illinois University Press, 1998), 370; “Bill of Indictment for Murder,” *Raleigh Daily Era*, February 11, 1873. Though the amnesty of 1873 did not extend to those who had committed “deliberate or willful murder,” potential witnesses could no longer be compelled to testify once they were immune from the threat of prosecution.

In February 1872, the state legislature authorized and Governor Caldwell then issued a dramatically increased reward notice “for the arrest of certain outlaws and murderers,” offering the unprecedented sum of \$10,000 for Henry Berry Lowry and \$5,000 apiece for five of his companions—including Andrew Strong and Lowry’s brothers Stephen and Tom. The money would be paid for the men “dead or alive.” Henry Berry Lowry disappeared around the time of the increased reward, reportedly dying from an accidental self-inflicted gunshot wound; his body would never be found and the \$10,000 reward never claimed. In July 1872, Robeson County bounty hunters hid in the bushes next to a public road and ambushed Tom Lowry, waiting until he was only a few feet away and unleashing a volley of gunfire. The men loaded his body in a wagon and drove to the county seat of Lumberton, where curious spectators swarmed to get a glimpse of the corpse; the killers posed for a studio photograph, kneeling with rifles in hand and Lowry’s body sprawled on the ground in front of them. On Christmas Day 1872, “Lowry Gang” member Andrew Strong visited a rural store, made some purchases, and then walked outside and stood on the porch. A store clerk quietly lifted a double-barreled shotgun from beneath the counter and followed him, killing him with a blast to the back of the head. Holding off spectators at gunpoint, the clerk managed to get Strong’s body into the back of a wagon and set off for Lumberton to claim the reward.²⁶

In February 1873, North Carolina’s Conservative legislature approved blanket amnesty for violence committed by members of clandestine political organizations prior to September 1,

²⁶ “House of Representatives,” *Wilmington, NC Daily Journal*, January 27, 1872; 104-105; *Public Laws of the State of North-Carolina, Passed by the General Assembly at Its Session 1871-72* (Raleigh: Theo. N. Ramsay, 1872), 166; William McKee Evans, *To Die Game*, 221. “The Lowry Gang,” *Wilmington (NC) Morning Star*, July 21, 1872; “The Outlaws,” *Wilmington (NC) Daily Journal*, July 23, 1872; “The Outlaws,” *Raleigh News*, July 25, 1872; William McKee Evans, *To Die Game*, 234-235; “Paid Up,” *Raleigh News*, August 9, 1872; Malinda Maynor Lowry, *Lumbee Indians in the Jim Crow South*, 15-17; Mary C. Norment, *The Lowrie History*, 141-142; “The Dead Outlaw,” *Wilmington (NC) Journal*, January 3, 1873. The February 1872 act authorized rewards for Henry Berry Lowry, Andrew Strong, Boss Strong, George Applewhite, Stephen Lowry, and Thomas Lowry.

1871, which effectively ended any attempt to prosecute Klansmen. The lawmakers implicitly recognized the “Lowry Gang” as politically motivated, for the amnesty bill excluded one man by name: Stephen Lowry, the brother of Henry and Tom, would not be included in the general pardon. Thought to be the last surviving member of the Lowry band, he would be killed by bounty hunters one year later, shot at a distance as he sat playing a banjo. As in the previous cases, his killers loaded his body in a wagon and brought it into town. “Lumberton is in a high state of excitement caused by the bringing in of the dead body of this notorious outlaw,” a local journalist reported. “The streets are crowded with anxious citizens, who are feverish to learn the particulars of his death and to gaze upon the visage of one so famous.”²⁷

The outlawry statute explicitly stated that individuals had to be “called upon and warned to surrender” and could be killed only “in cases of flight or resistance.” Tom Lowry, Andrew Strong, and Stephen Lowry—none of the three men were given any warning. Bounty hunters gunned them down in cold blood—and were then rewarded by the state for what they had done. As sociologist Max Weber later noted, an intrinsic element of state authority was its claim to a “monopoly of the legitimate use of physical force within a given territory.” In Weber’s words, “The state is considered the sole source of the ‘right’ to use violence.” Ultimately, however, state-sanctioned violence was not constrained by strict adherence to the artificial constructs of written law.²⁸

²⁷ William H. Battle, ed. *Battle's Revisal of the Public Statutes of North Carolina: Adopted by the General Assembly at the Session of 1872-74* (Raleigh: Edwards, Broughton, and Company, 1873), 80-81; “Act for Amnesty and Pardon,” *Raleigh, NC Daily Era*, March 6, 1873; “North Carolina,” *Raleigh News*, March 27, 1873; William McKee Evans, *To Die Game*, 240-241; “Stephen Lowery Killed,” *Fayetteville North Carolina Gazette*, February 26, 1874. Unbeknownst to state lawmakers, one other outlawed member of the Lowry band—George Applewhite—was still alive at the time of the amnesty act (February 1873). Later caught by authorities, Applewhite successfully pled that he had been granted amnesty by the act’s provisions and was thus immune from prosecution. *North Carolina Reports: Cases Argued and Determined in the Supreme Court of North Carolina, June Term, 1876, Volume LXXV* (Raleigh: Josiah Turner, 1876), 229-233.

²⁸ H. H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (New York: Oxford University Press, 1946), 78. As North Carolina Supreme Court Justice Charles A. Cook noted in the 1901 case of *State v.*

In the years following Reconstruction, with state authority firmly reestablished and unassailable, the outlawry statute would be used as a common tool of law enforcement. From 1875 through 1927, there are about seventy known cases in which North Carolina judges and justices of the peace issued outlawry proclamations against individuals accused of various felonies, ranging from murder to burglary. In all of these cases, the outlawed fugitives were men; apparently the outlawry statute was never used against a woman. Proclamations were issued in every region of the state, from the mountains to the sea, but the frequency of such proclamations varied greatly from one county to another. Some counties have no recorded history of having utilized the outlawry statute, while other counties—such as New Hanover and Cumberland—have several known cases in which fugitives were outlawed. The outlawry process was ripe for potential abuse. Nevertheless, magistrates and judges do not seem to have promiscuously issued proclamations. In the first six decades following the adoption of the outlawry statute, there is only one known case in which an outlawed individual was subsequently acquitted of the charges against him. In October 1896, Davidson County officials outlawed an accused barn burner named Obe Davis, who was white. On the advice of his attorney, Davis surrendered and was acquitted when witnesses substantiated his alibi.²⁹

Stancill, “So careful is the law to protect those who have not been tried and convicted, that the ‘outlaws’ are entitled to be ‘called upon and warned to surrender’ before they are allowed to be slain.” The *Stancill* case involved the superintendent of a work camp convicted of manslaughter for shooting and killing a man who had escaped from the camp ten years earlier. The escapee had not been outlawed, but a decade later, the newly-appointed superintendent learned of the man’s whereabouts and attempted to arrest him—without announcing that he was a law officer—and then shot him in the back as he fled. The manslaughter conviction was upheld by the North Carolina Supreme Court, but Justice Cook dissented, arguing that because the dead man had previously been tried and convicted, the killing was legal. In recognizing an outlawed individual’s legal right to be warned to surrender, Justice Cook was merely stating a unanimously recognized fact. *North Carolina Reports, Volume 128: Cases Argued and Determined in the Supreme Court of North Carolina, February Term, 1901* (Raleigh: Edwards and Broughton, 1910), 447-453.

²⁹ See Appendix: Known Cases of Outlawry Proclamations in North Carolina, March 1866-June 1927. “Obe Davis Outlawed,” *Lexington, NC Dispatch*, October 21, 1896; “Obe Davis a Free Man,” *Durham Sun*, November 24, 1896.

In late nineteenth-century North Carolina, approximately 70% of outlawed fugitives were African Americans, many of whom had been outlawed for burglary or armed robbery. The sole requirement for outlawing an individual was that the accused person had to be wanted for a felony. In July 1884, Wilmington police sought an outlawry proclamation against Pompey Snead, a black man charged with multiple thefts. Because all the charges against him were misdemeanors, local magistrates would not issue a proclamation. The next day a new warrant charging Snead with a felonious burglary was drawn up and the magistrates then outlawed him. But unless a reward was offered as an incentive, private citizens usually showed little interest in hunting potentially dangerous fugitives. “A proclamation of outlawry stands against him, it is true,” a journalist noted of Pompey Snead, “but he can afford to laugh at this as no reward has been offered for his apprehension.”³⁰

Since a reward greatly enhanced the effectiveness of a proclamation, local officials usually posted rewards for outlawed men. The state frequently offered rewards for a variety of wanted fugitives, but in most cases, these fugitives had not been outlawed and the rewards were offered for their arrest, not for their death. In December 1879, a Mecklenburg County judge issued a bench warrant for a black man named Bob Pharr, a South Carolina native accused of killing an African American near Charlotte. The North Carolina governor offered a \$200 reward for Pharr, who was killed by a policeman two weeks later, apparently while resisting arrest. But when the policeman sought to claim the reward, state officials refused to pay. The North Carolina attorney general declared that though “there might have been a necessity to kill the

³⁰ “Pompey Snead Outlawed,” *Wilmington Morning Star*, July 26, 1884; “Splinters,” *Goldsboro Messenger*, September 15, 1884; “Pompey Snead Seen Again,” *Wilmington Daily Review*, August 25, 1884. For the demographics of outlawed fugitives, see the Appendix.

fugitive,” Pharr “had not been outlawed” and the state’s reward was therefore valid only if he had been taken alive.³¹

An outlawry proclamation essentially announced open hunting season for the individual who had been outlawed. In the fall of 1878, an escaped black convict named Tom Johnston returned to Wilmington and threatened his wife, who went to the police and swore out a criminal complaint against him. A warrant was issued for his arrest and local magistrates outlawed him. “So if anybody is desirous of bringing down a human being, they have a chance to try a shot at Johnston,” reported the *Wilmington Sun*. “Be careful, though, and don’t let him get the first crack at you.” County officials offered a reward for Johnston, thus giving everyone in the community a financial incentive to kill him. “When the darkeys go out bird-hunting now, they keep one barrel of their guns loaded with buck-shot, and only shoot out the other,” the newspaper claimed. “They all want to be prepared for Johnston. His hide will command a premium in the market at any time.” The following day, after the reported shooting of an innocent man who had been mistaken for the fugitive, the *Wilmington Sun*’s coverage of the case turned more sober. As the paper confessed, “It is matter of serious reflection that before the true Johnston is brought down many an innocent man may suffer with a load of lead.”³²

In the fall of 1892, an alleged wave of burglaries in Durham by itinerant black men sparked a media frenzy. Many of these robberies seem to have been prompted by dire necessity, with food and clothing being pilfered from homes at night. The prime suspect was a young man

³¹ “The Recent Homicide at Pineville,” *Daily Charlotte Observer*, December 2, 1879; “The Notorious Henry Johnston,” *Lincolnton, NC Lincoln Progress*, December 6, 1879; “Dead in His Tracks,” *Raleigh Observer*, December 19, 1879; “No Reward for Killing Bob Pharr,” *Daily Charlotte Observer*, January 7, 1880.

³² “A Negro Desperado,” *Wilmington Sun*, November 28, 1878; “Proclamation of Outlawry Against Tom Johnson,” “Proclaimed an Outlaw,” *Wilmington Sun*, December 5, 1878; “Shooting Affray,” *Wilmington Sun*, December 6, 1878; “Cape Fear Ripples,” “Kidnapped in the City,” *Wilmington Sun*, December 11, 1878; “Nothing New from Him,” *Wilmington Sun*, December 14, 1878. The outlawed Tom Johnston seems to have successfully fled the Wilmington area; there are no known press reports of his capture or death.

named Henry Rogers, recently released from a chain gang and described in the press as being “as black as a negro can be.” The *Durham Globe* offered extensive coverage of Rogers’s alleged exploits. “Let him be caught, or, better still, killed, that the law may be saved trouble and expense,” the *Globe* declared. On one occasion, a mob chased Rogers through the streets of downtown Durham, but he eluded his pursuers. Soon thereafter, on October 24, 1892, magistrates outlawed him, and the press reported that some three dozen local residents were setting off on horseback and on foot for a nearby wood where he was thought to be hiding. “Load your gun for bear, and go after him,” the *Globe* urged its readers. After Rogers was arrested a week and a half later, a committee of Durham’s white residents debated whether he should be taken from the jailhouse and lynched; they decided “that the law should have a chance before justice was resorted to.” His trial took place with a potential lynching looming large over the judicial proceedings. The *Globe* reported a crowd had gathered outside the courthouse “and proposes to stretch Rogers’ neck if the jury deals at all lightly with him.” Yet for all the hysteria about the supposed enormity of his misdeeds, Henry Rogers pled guilty to only three counts of larceny—and was then sentenced to the state penitentiary for thirty years.³³

³³ “Load Your Gun,” *Durham (NC) Daily Globe*, October 20, 1892; “Of the County Dads,” *Durham (NC) Globe*, April 7, 1892; “Prisoner Escapes!” *Durham (NC) Daily Globe*, September 21, 1892; “A Highway Robber!” *Durham (NC) Daily Globe*, October 17, 1892; “Burglars at Work!” *Durham (NC) Daily Globe*, October 24, 1892; “Rogers Outlawed!” *Durham (NC) Daily Globe*, October 26, 1892; “Suspicious Characters Arrested,” *Durham (NC) Recorder*, October 26, 1892; “Sensation at Durham,” *Raleigh News and Observer*, October 28, 1892; “In the Old North State,” *Winston-Salem Twin City Sentinel*, November 3, 1892; “\$25 Reward,” *Durham (NC) Daily Globe*, November 4, 1892; “Live Local Links,” *Durham (NC) Daily Globe*, November 8, 1892; “North Carolina,” *Oxford (NC) Public Ledger*, November 11, 1892; “State News,” *Winston-Salem Progressive Farmer*, November 15, 1892; “Would Break Jail!” *Durham (NC) Globe*, December 23, 1892; “Of Henry Rogers!” *Durham (NC) Globe*, December 31, 1892; “Rogers Is Guilty!” *Durham (NC) Globe*, January 19, 1893; “North Carolina,” *Oxford (NC) Public Ledger*, January 27, 1893. The outlawing and eventual capture of Henry Rogers did little to ease the alleged crime wave in Durham. “Midnight robberies of greater or less magnitude, continue to occur almost nightly, and hitherto quiet and peaceful neighborhoods are now disturbed by nocturnal visits from these skulking and desperate wretches,” the press reported after Rogers’s arrest. “Robbery Last Night,” *Durham (NC) Globe*, November 17, 1892.

In the mid-1890s, after the Populist-Republican alliance gained political power in North Carolina, justices of the peace were once again chosen by direct election, a practice that had been abandoned at the end of Reconstruction. With the direct election of justices and the empowerment of black voters, local officials seemed to become more responsive to black-on-black crime, especially if the victim were deemed to have been “respectable.” In June 1895, an African American named Magnus Slade shot and killed his cousin Lee Jones, “a respectable colored man” who owned a store in Wilmington. After local magistrates outlawed Slade and a posse unsuccessfully pursued him into a nearby swamp, the *Wilmington Star* facetiously suggested “that a barbed-wire fence, twelve feet high, be ‘built’ around the swamp” and that the posse “set bear traps for the outlaw.” In the fall of 1896, Wake County magistrates outlawed twenty-three-year-old Jim Booker, an African American who had killed his estranged girlfriend. The dead woman had been a maid in the household of Florence Tucker, whose late husband Rufus had been a business magnate and reputedly the wealthiest man in Raleigh. State and local officials displayed great zeal in pursuing the outlawed Booker. “No Crime to Kill Him,” proclaimed a headline in the *Raleigh News and Observer*. As the accompanying article noted, “Any man may shoot him like a dog and the law will hold it no murder.” Jim Booker would be arrested and convicted over a year later, and after an extended and ultimately unsuccessful appeals process, he was executed in January 1899.³⁴

³⁴ Eric Anderson, *Race and Politics in North Carolina, 1872-1901: The Black Second* (Baton Rouge: Louisiana State University Press, 1981), 250-251; “County Government,” *Asheville Daily Citizen*, October 30, 1894; “Colored Officials,” *Charlotte Democrat*, November 19, 1896; “A Foul Murder,” “The Jones Murder,” “That ‘Inaccessible’ Swamp,” *Wilmington (NC) Morning Star*, June 7, 1895; 1898 Wilmington Race Riot Commission, *1898 Wilmington Race Riot Final Report* (2006), 164. Marcus Slade escaped from Wilmington, but would be arrested in South Carolina seven years later. “Negro Murderer Captured,” *Wilmington, NC Weekly Star*, May 16, 1902; 1880 census, Wake County, NC, Swift Creek township, enumeration district #276, dwelling #256; Samuel A’Court Ashe, ed. *Biographical History of North Carolina from Colonial Times to the Present, Volume 7* (Greensboro, NC: Charles L. Van Noppen, 1908), 453-461; *North Carolina Reports: Cases Argued and Determined in the Supreme Court of North Carolina, Volume 123, September Term, 1898* (Goldsboro, NC: Nash Brothers, 1899), 713-728; “Murder in House’s Creek,” *Raleigh News and Observer*, August 30, 1896; “Around the City,” *Raleigh Press-Visitor*,

In the early twentieth century, an African American named Will Harris gained widespread notoriety as an outlaw. In 1901, Harris escaped from a Mecklenburg County chain gang. Over the next year-and-a-half, he allegedly roamed the county committing barn burnings, burglaries, and assaults. In the spring of 1903, police arrested Harris in Baltimore. Brought back to Charlotte to stand trial, he pled guilty to nine counts of robbery and assault with a deadly weapon and was sentenced to twenty-five years in the state penitentiary. He escaped from prison that August and returned to Mecklenburg County, where he shot and wounded the husband of his former girlfriend. On August 14, 1903, two justices of the peace outlawed Harris. It was the first use of the outlawry statute in Charlotte in eight years. As a local journalist noted, "A good many lawyers were ignorant of the fact that such a statute existed . . . until the matter came up this morning." The North Carolina governor offered a \$200 reward for the outlaw, who in the following months was blamed for various unsolved crimes and suspicious fires. Will Harris had become a legendary figure, but the man behind the myth remained elusive, with no credible evidence as to where he may have gone.³⁵

September 3, 1896; "Booker Is Outlawed," *Raleigh News and Observer*, September 10, 1896; "State News," *Concord (NC) Times*, September 3, 1896; "\$100 Reward for Jim Booker," *Raleigh Press-Visitor*, October 2, 1896; "Booker Arrested," *Raleigh Press-Visitor*, December 13, 1897; "Booker Behind the Bars," *Raleigh Morning Post*, December 21, 1897; *Annual Report of the Auditor of the State of North Carolina for the Fiscal Year Ending November 30, 1898* (Raleigh: Guy V. Barnes, 1899), 99; "Trial of Booker," *Raleigh Press-Visitor*, March 31, 1898; "Booker Must Hang," *Raleigh News and Observer*, April 1, 1898; "Jim Booker Confesses His Crime," *Raleigh Morning Post*, January 18, 1899; "Pays Death Penalty," *Raleigh News and Observer*, January 19, 1899. There was no reasonable doubt that Slade and Booker were guilty of the crimes of which they were accused. Slade and his cousin had quarreled about money, and Slade shot the man in front of multiple African American witnesses. In Booker's case, the dead woman's teenage son and her mother witnessed the killing.

³⁵ "Negroes Jailed, Charge of Arson," *Charlotte News*, October 15, 1901; "Harris Has Gone," *Charlotte News*, October 18, 1901; "Bad Negro Again on the Rampage," *Charlotte News*, December 26, 1902; "Observations," *Charlotte News*, January 1, 1903; "Harris' Gun Found," *Charlotte News*, January 5, 1903; "Will Harris Again," *Charlotte News*, January 10, 1903; "Desperado Harris Caught," *Charlotte Observer*, April 2, 1903; "May Be for His Life," *Charlotte News*, April 3, 1903; "Will Harris, Desperado, Gets 25 Years," *Charlotte News*, April 25, 1903; "Negro Desperado, Will Harris, Is Now at Large," *Charlotte News*, August 11, 1903; "Harris Steals Sam Huey's Wife," *Charlotte News*, August 12, 1903; "Supt. Mann's Statement as to Will Harris' Escape," *Raleigh Morning Post*, August 13, 1903; *Gastonia Gazette*, August 18, 1903; "Will Harris Now an Outlaw," *Charlotte News*, August 14, 1903; "Harris Outlawed," *Charlotte Observer*, August 15, 1903; "Was This Harris?" *Charlotte News*, August 15, 1903; "Is Negro Harris Highwayman?" *Raleigh News and Observer*, September 1, 1903; "A Negro Jailed at

Three years after Charlotte magistrates outlawed Harris, a man arrived in Asheville claiming to be the notorious outlaw. Late in the evening on November 13, 1906, an African American went to his girlfriend's home on Valley Street—the same street on which Broadus Miller would reside less than two decades later. He discovered his girlfriend already had a visitor, a black man who had arrived in the city the day before. The man boasted he was the famous outlaw Will Harris, but his identity would never be conclusively established. Earlier that day he had purchased a high-powered Savage .303 rifle and a jug of whiskey. He had been drinking heavily and threatened the woman's jealous boyfriend, who left the home and summoned police. When officers arrived at the scene, they were met with gunfire. Rifle in hand, the man walked out of the house and up the street, firing with cool deliberation and uncanny accuracy. He then fled into the nearby countryside. In his wake he left five men dead—two white police officers and three local black residents. The following morning a Superior Court judge issued an outlawry proclamation against “a certain person, a colored man, calling himself, and supposed to be, Will Harris.”³⁶

County and state authorities quickly posted large rewards for the fugitive killer, who was pursued for the next day-and-a-half by hundreds of armed men with bloodhounds. When a posse finally overtook him in a wooded area in Fletcher, a few miles south of the city, he exchanged gunfire with them and was cut down in a hailstorm of bullets. His body would be brought back to

Mooresville as a Suspect,” *Charlotte News*, January 4, 1904; “Van Griffin Burnt Out,” *Charlotte News*, April 4, 1904.

³⁶ Bob Terrell, *The Will Harris Murders* (Alexander, NC: WorldComm, 1997); Eric J. Olson, “Race Relations in Asheville, North Carolina: Three Incidents, 1868-1906,” in *The Appalachian Experience: Proceedings of the Sixth Annual Appalachian Studies Conference*, edited by Barry M. Buxton, et al. (Boone, NC: Appalachian Consortium Press, 1983), 153-157; *Biennial Report of the Attorney General of the State of North Carolina, 1907-1908* (Raleigh: E. M. Uzzell, 1909), 110-112; “Mob Is Pursuing Harris, Asheville Negro Murder,” Greensboro, NC *Daily Industrial News*, November 15, 1906; “Proclamation of Outlawry,” *Raleigh News and Observer*, November 17, 1906; “Bloodhound on the Track of Harris, the Atrocious Murderer,” *Raleigh Times*, November 14, 1906; “May Be Harris,” *Charlotte News*, November 16, 1906; “Dead Negro Not Harris,” *Charlotte Observer*, November 17, 1906.

Asheville and publicly displayed in the front window of a South Main Street undertaker. “It is estimated that more than 2,000 men looked upon the ghastly corpse,” a journalist noted, and when “this great mass of humanity was permitted to pass into the undertaking place and view at close range the desperado there were murmurs for still greater vengeance and an expressed desire that the body be taken and burned.” Cooler heads prevailed, dissuading the crowd from any action that would further damage Asheville’s image in the eyes of prospective tourists. The following evening local black residents held a large community meeting and adopted resolutions denouncing “the crimes of this alleged Will Harris ... who had proven at such awful cost to others his utter unworthiness of human life.”³⁷

The murderous events of November 1906 would live on in the collective memory of Asheville’s residents for decades to come. Six years old when the killings occurred, Thomas Wolfe later gave a fictionalized retelling of the incident in his short story “The Child by Tiger.” The shooting rampage had taken place only a few hundred yards from Wolfe’s home, and he was likely drawing from childhood memory when he described the sound of the bloodhounds after they were taken to the crime scene and set on the killer’s trail. “[T]he baying of the hounds as they came up on the leash from Niggertown,” wrote Wolfe, was “one of the most savagely mournful and terrifying sounds that night can know.” The writer seemed haunted by the

³⁷ Ibid. Though the name “Will Harris” would become indelibly associated with the man who suddenly arrived in Asheville and the following day went on a shooting rampage, the man’s identity was never conclusively established. He may indeed have been Harris, who had been outlawed in Charlotte three years earlier, or he may have falsely boasted to be the by-then almost mythical figure. At least two black residents of Asheville stated they had known the man in South Carolina, and one of them identified him as Rufe Lindsey of York County. After he was killed, the Mecklenburg County sheriff and a white resident of Charlotte who had known Harris travelled to Asheville and examined the corpse. The sheriff thought the body looked similar to Harris, but the head was “so shot up” he could not say for certain, while the second examiner adamantly insisted the dead man was not the Will Harris whom he had known in Charlotte. “May Be Harris,” *Charlotte News*, November 16, 1906; “Dead Negro Not Harris,” *Charlotte Observer*, November 17, 1906; “Is Harris Dead?” *Asheboro (NC) Courier*, November 22, 1906. According to one press account, Will Harris was seen in Charlotte in 1909, three years after the Asheville killings. “Will Harris in Charlotte Recently,” *Charlotte Observer*, reprinted in *Concord (NC) Daily Tribune*, July 1, 1909.

subsequent grisly public display of the outlaw's corpse, shocked at how his fellow townspeople had taken "that ghastly mutilated thing and hung it in the window of the undertaker's place, for every woman, man, and child in town to see." Yet Wolfe well understood the morbid attraction of such spectacles. "I think it has always been the same with people," the narrator of his story concluded. "They protest. They shudder. And they say they will not go. But in the end they always have their look."³⁸

The events in Asheville seem to have taken place at a turning point in the use of the outlawry statute. In the forty years since the statute had been adopted, there had been nearly four dozen documented cases in which North Carolina judges or magistrates issued proclamations of outlawry. Yet until 1906 there are no known proclamations against black men accused of killing white victims. In the following two decades, the statute would be utilized in at least eight such cases. Given the limited surviving record of outlawry proclamations, there may have been earlier instances in which African Americans accused of interracial homicide were outlawed. Nevertheless, it seems that in the early twentieth century, at the same time as state leaders and the press began actively campaigning to eradicate lynching, local officials felt an increasing need to ensure an angry posse's pursuit of a black man followed the formalities of written law. By outlawing the fugitive, officials were providing legal immunity to anyone who might kill him.³⁹

The first verifiable case of the outlawry statute being used against an African American accused of interracial homicide occurred in Salisbury during the spring of 1906, only a few months before the killings in Asheville. On a Sunday morning in April, a Salisbury streetcar

³⁸ Mauldin, Joanne Marshall Mauldin, *Thomas Wolfe: When Do the Atrocities Begin?* (Knoxville: University of Tennessee Press, 2007), 19-20; Richard S. Kennedy, *The Window of Memory: The Literary Career of Thomas Wolfe* (Chapel Hill: University of North Carolina Press, 1962), 316-318; Thomas Wolfe, *The Complete Short Stories Of Thomas Wolfe*, ed. Francis E. Skipp (New York: Simon and Schuster, 1987), 332-348.

³⁹ See Appendix.

conductor ordered an African American couple to move to the rear of the car and take “a Jim Crow seat.” The couple “resented the discrimination” and refused, and at the next stop the conductor ordered them off the streetcar. As the man disembarked, he pulled a pistol and fatally shot the conductor, then fled, leaving his girlfriend behind. Throughout Salisbury, dozens of white men who were on their way to church joined a posse and set out after the man. His name was John Black—or perhaps Ed Davis; newspapers disagreed over which name was an alias and which one really his. Perhaps both names were aliases, assumed by the itinerant man whom press reports described as “a vicious South Carolina negro.” In the following days, two justices of the peace outlawed him and local residents raised a \$600 reward for the man “dead or alive,” but though several suspects were arrested, police never caught the streetcar conductor’s killer.⁴⁰

At the same time as African Americans were increasingly outlawed for interracial homicide, white fugitives would begin to account for the majority of outlawry proclamations overall. In 1908, North Carolina voters approved statewide prohibition, which caused a dramatic change in the demographics of outlaws. Over the following two decades, around 60% of proclamations would be issued against white men, most of them bootleggers who had shot law officers. In the summer of 1911, Wilkes County magistrates outlawed Code Lane, a moonshiner accused of shooting and seriously wounding a revenue agent. Lane quickly surrendered, telling authorities “that after being declared an outlaw he decided the best thing for him to do was to give himself up,” and after pleading guilty to the shooting, he was sentenced to ten years in a federal penitentiary. In the spring of 1921, police confronted a gang of men delivering a carload

⁴⁰ “Shot on His Car,” *Salisbury Evening Post*, April 30, 1906; “Mr. Wiggins Low,” *Salisbury Evening Post*, May 1, 1906; “Spirits Turpentine,” *Wilmington Morning Star*, May 4, 1906; “The Reward for John Black,” *Raleigh News and Observer*, May 4, 1906; “May Not Grant an Election,” *Wilmington Messenger*, May 4, 1906; “Davis Outlawed,” *Charlotte News*, May 4 1906; “Davis an Outlaw,” *Charlotte Observer*, May 5, 1906; “North Carolina, Rowan County,” *Salisbury Evening Post*, May 9, 1906; “Another Edward Davis,” *Salisbury Evening Post*, May 10, 1906.

of whiskey in downtown Greensboro. A gunfight ensued in which a policeman and a bootlegger were killed, but Carl Talley—the leader of the gang—escaped. State and local officials offered rewards for Talley, and hoping to compel him to surrender, authorities widely advertised an imminent proclamation of outlawry. But the threat went unheeded, and on May 9, 1921, Guilford County magistrates proclaimed Talley an outlaw. He was arrested in Virginia a year and a half later. Convicted of killing the policeman and sentenced to fifteen years in the state penitentiary, he would be paroled after serving seven years.⁴¹

In some cases, white fugitives were saved from being outlawed by influential advocates intervening on their behalf. Over the Christmas holiday in 1923, Raleigh resident Lawrence Gatling gunned down and killed his wife and his bootlegging partner. A week after the killings, with Gatling nowhere to be found, the local prosecutor announced he would arrange an outlawry proclamation against him. Gatling came from a respectable family—his father was the former Raleigh postmaster—and an attorney for the family hurriedly appeared before Superior Court Judge Henry Grady, Grand Dragon of the North Carolina Klan. Denouncing outlawry as a “barbarous and obsolete” custom, the attorney “asked that the savage statute be not invoked,” and Judge Grady agreed not to issue a proclamation against Gatling. “Efforts to give him the standing of a wolf failed,” a journalist announced.⁴²

⁴¹ Daniel J. Whitener, *Prohibition in North Carolina, 1715-1945* (Chapel Hill: University of North Carolina Press, 1946), 153ff; “Winston-Salem Man Tells How He Captured W. Nance,” *Winston-Salem Twin-City Daily Sentinel*, September 6, 1911; “Evidence Was So Strong Assailants of Revenue Men Made Confessions,” *Asheville Citizen*, December 8, 1911; “Third Member of Murder Gang Not Yet Caught,” *Winston-Salem Twin City Sentinel*, May 5, 1921; “Talley, Third Man in Murder Car, Still at Large This Morning,” *Greensboro Daily News*, May 6, 1921; “Carl Talley Will Be Declared Outlaw If At Large Tomorrow,” *Greensboro Daily News*, May 8, 1921; “Carl Talley Formally Declared an Outlaw,” *Raleigh News and Observer*, May 10, 1921; “Reward for Carl Talley,” *Winston-Salem Twin City Sentinel*, May 14, 1921; “Carl Talley, Outlaw, Caught,” *Greensboro Daily News*, December 25, 1922; “Can’t Be Done,” *Greensboro Daily News*, December 27, 1922; “‘Oh, My God,’ Wife Cried,” *Monroe (NC) Journal*, February 3, 1923; “Carl Talley Given Parole by Gardner,” *Statesville Landmark*, September 8, 1930.

⁴² “Gatling Kills Two,” *Rockingham (NC) Post-Dispatch*, January 3, 1924; “Steps Taken to Outlaw Gatling,” *Wilson, NC Daily Times*, January 8, 1924; “Will Extradite Gatling,” *Statesville Landmark*, February 11, 1924. A month after almost being proclaimed an outlaw, Gatling was arrested in Florida and sent back to North Carolina,

Judge Grady's decision not to issue an outlawry proclamation outraged the *Statesville Landmark*. "It was not uncommon for this statute to be invoked in the first 25 years following the War Between the States," the *Landmark* asserted. "But latterly, with the growth of the sentiment to regard all murderers especially as objects of tender consideration, it fell into disuse." Because the recorded history of proclamations is fragmentary, it is difficult to judge the accuracy of the newspaper's claim, but the frequency of outlawry proclamations seems to have remained roughly constant in the six decades following the adoption of the statute. Nor did local officials become discernably more conscientious about reserving proclamations for especially brutal crimes. As an early twentieth-century legal scholar noted, outlawry in English common law had sometimes been used as "merely a means of compelling appearance" for court proceedings. On occasion, at least in the case of white fugitives, North Carolina's outlawry statute served the same function. In January 1920, a hot-headed Lexington businessman named Baxter Shemwell beat up a local attorney who refused to represent him in a civil suit. Ordered to appear in court to face charges of assault and battery, Shemwell left town and sent word he was on an urgent business trip. The exasperated prosecutor swore out an affidavit and two local magistrates outlawed Shemwell, who promptly surrendered to police. Tried and convicted, he would be sentenced to two-and-a-half years on the chain gang.⁴³

But whatever offense an outlawed white fugitive may have committed, if he surrendered or was captured, then he ran little risk of being sentenced to death. From 1866 to 1927, there are no known cases of an outlawed white man being apprehended and then executed, no matter how

where he was tried and convicted and sentenced to thirty years in the state penitentiary. "Gatling Gets 30 Years," *Whiteville, NC News Reporter*, April 24, 1924.

⁴³ "Blood On Their Hands," *Statesville Landmark*, January 10, 1924; H. Erle Richards, "Is Outlawry Obsolete?" *Law Quarterly Review* 18.3 (1902), 299; "Baxter Shemwell is Posted as an Outlaw by Court in Davidson," *Greensboro Daily News*, January 21, 1920; "Judge Firm in Shemwell Case," *Lexington, NC Dispatch*, August 13, 1920. Shemwell had a long history of angry and violent rages; over two decades earlier, he had killed a man but then been acquitted with the assistance of a high-priced legal team. *North Carolina Medical Journal* 35 (1895), 132-133.

heinous his crime. In May 1915, Graham County moonshiner Ed Williams killed his mother-in-law, brother-in-law, and sister-in-law because he thought they had informed law officials about his bootlegging activities. His wife's father offered a \$300 reward for his murderous son-in-law, who promptly fled to Tennessee. A few months later, Williams furtively returned to Graham County and arranged the assassination of his father-in-law. A judge then issued an outlawry proclamation against him. Arrested soon thereafter, Williams was tried and convicted for the first three killings—and received a ninety-year prison term. Even when outlawed for killing law officers, white fugitives did not end up being sentenced to death. In January 1927, a judge outlawed Bud Davis, a bootlegger who had shot and killed the Lee County sheriff. After Davis was caught and convicted, he was sentenced to thirty years in the state penitentiary, not to the electric chair.⁴⁴

However, when African Americans outlawed for interracial homicide were apprehended, they were quickly tried and convicted and put to death. In February 1911, Cumberland County justices of the peace outlawed twenty-four-year-old Lewis West. Described by the press as “a vicious and desperate negro,” West apparently headed a gang of armed robbers, and when police raided their hideout, he shot and killed a deputy sheriff. Outlawed and with \$1,700 in reward

⁴⁴ “Serious Shooting in Graham,” *Asheville Gazette-News*, May 3, 1915; “Officials Have Not Located Ed Williams,” *Asheville Citizen*, May 6, 1915; “Graham County Man Is Assassinated,” *Asheville Gazette-News*, August 24, 1915; “Two Arrested for Murder,” *Asheville Gazette-News*, August 26, 1915; “Three Others Arrested in the Phillip’s Case,” *Asheville Gazette-News*, August 26, 1915; “Posses Searching for Ed Williams,” *Charlotte News*, August 26, 1915; “Armed Posse Searches Smoky Mountains,” *Asheville Citizen*, August 26, 1915; “Two Sentenced to Death in Chair for Phillips Murder,” *Asheville Citizen*, September 20, 1915; “Ferguson Proclaims Williams an Outlaw,” *Asheville Citizen*, September 23, 1915; “Outlaw Caught by Graham Officers,” *Charlotte Observer*, September 27, 1915; “Williams Is Behind Bars of Local Jail,” *Asheville Citizen*, September 28, 1915; “Williams Will Be Tried Monday,” *Asheville Times*, March 17, 1916; “Ed Williams Is Given 90 Years,” *Asheville Times*, March 27, 1916; “Wiggins and Miller Still in County Jail,” *Asheville Citizen*, May 15, 1916; “Governor Denies Commutation,” *Asheville Citizen*, August 24, 1916; “Fight Renewed for Wiggins and Miller,” *Asheville Citizen*, September 5, 1916; “Two Men Escape Death,” *Lexington, NC Dispatch*, November 1, 1916; (“Sheriff Is Shot By Blockaders,” *Statesville Landmark*, January 31, 1927; “Bud Davis, Outlaw, Is Caught in Wake,” *Statesville Landmark*, February 7, 1927; “4 Men Will Be Indicted for Slaying Lee County Sheriff,” *Lumberton, NC Robesonian*, February 28, 1927; “Slayers of Lee County Sheriff Taken to Pen,” *Lumberton, NC Robesonian*, April 18, 1927.

money offered for him, he was soon captured at gunpoint and convicted of murder. In May 1911—three months after being proclaimed an outlaw—West died in the electric chair. A decade later, in October 1921, Granville County police and a posse of civilian volunteers attempted to arrest Wiley Perry, an African American accused of bootlegging. Perry fatally shot one of the posse members and fled. Within hours, scores of men with bloodhounds were scouring the nearby woods. “There is intense feeling throughout the county and there is fear that the negro will be lynched when captured,” a journalist reported. Outlawed by local magistrates, Perry would be arrested in December 1922 and executed five months later.⁴⁵

With a death sentence looming over their heads, African Americans outlawed for interracial homicide had little incentive to surrender. Like the man presumed to be Will Harris, Dave Evans preferred to die fighting. In February 1916, Evans was a convict on a Pitt County chain gang. When the chain gang guard threatened to whip him, Evans “replied that he would never be whipped again” and killed the guard with a pick-axe. He and half a dozen other convicts then fled, stopping at a nearby farmhouse to remove their chains. Pitt County officials immediately launched a massive manhunt. All the escapees were vigorously pursued, but because Evans had killed the guard, he alone would be outlawed and a \$600 reward offered for

⁴⁵ “Still at Large,” *Greensboro Daily News*, February 5, 1911; “Wilson Negro Outlawed,” *Wilmington Morning Star*, February 5, 1911; “Believed that West is Located,” *Greensboro Telegram*, February 5, 1911; “West Seen Near Kenly,” *Wilson, NC Daily Times*, February 6, 1911; “Lewis West and Gang of Desperados,” *Fayetteville Weekly Observer*, February 8, 1911; “West Case Is On,” *Greensboro Daily News*, March 14, 1911; “Draw Net around West,” *Charlotte Observer*, March 16, 1911; “Electric Chair for Lewis West,” *Raleigh News and Observer*, March 19, 1911; “Pays for His Crime,” *Fayetteville Index*, May 5, 1911. “Aiken Killed by Bad Negro,” *Charlotte Observer*, October 31, 1921; “Wiley Perry Has Been Outlawed,” *Durham Morning Herald*, November 6, 1921; “\$500 Reward,” *Raleigh News and Observer*, November 2, 1921; “The State Offers Reward,” *Oxford (NC) Public Ledger*, November 4, 1921; “Alleged Slayer of Aiken Taken,” *Durham Morning Herald*, December 10, 1922; “Wiley Perry, Acknowledged Murderer of Roy Aiken, Now in Custody,” *Oxford (NC) Public Ledger*, December 12, 1922; “Wiley Perry Is Executed,” *Statesville Landmark*, May 10, 1923. The February 1911 proclamation was the second time Louis West had been outlawed. Five years earlier local magistrates had outlawed him for bootlegging, robbery, and making armed threats. He had fled to South Carolina, where he was arrested for robbery and sentenced to the South Carolina State Penitentiary. He then escaped from the prison and returned to Cumberland County, where he was outlawed once again. “Spirits Turpentine,” *Wilmington Morning Star*, October 2, 1907.

him dead or alive. Most of the escaped convicts were quickly recaptured, but Evans managed to stay a step ahead of the men and bloodhounds on his trail. Before fleeing, he had taken the slain guard's pistol, and two weeks after his escape, he shot and killed the county's chain gang supervisor, who was at the forefront of the posse pursuing him. Evans then circled back to his own home in the nearby countryside; the following morning the posse caught up with him and gunned him down. They first took his body to the nearby town of Ayden, where it was viewed by hundreds of people, then drove on to Greenville and displayed the bloody corpse on the street in front of the Pitt County courthouse. In the words of a local journalist, the manhunt's conclusion provided "a most satisfactory ending to one of the most exciting incidents in the history of Pitt county."⁴⁶

Yet cases such as that of Dave Evans were highly unusual. Though an outlawry proclamation gave every North Carolina citizen the legal authority to kill a fleeing fugitive, manhunts for outlawed fugitives rarely ended in their deaths. In the first quarter of the twentieth century, Evans and Asheville's "Will Harris" are the only known instances in which outlawed African Americans died at the hands of their pursuers. In January 1919, a federal agent in Cherokee County gunned down accused murderer James Rose—the first time since Reconstruction that a white outlaw is known to have been killed. On rare occasions, an outlawed fugitive committed suicide, but in most cases, outlaws were either taken alive—or successfully escaped the clutches of the law.⁴⁷

⁴⁶ "Hundreds of Men Searching Country Near Greenville for Escaped Felons," *Wilmington (NC) Dispatch*, February 17, 1916; "Convict Guard Dies from His Injuries," *Greensboro Daily News*, February 18, 1916; "Dave Evans Gets Another Victim," *Raleigh News and Observer*, March 2, 1916; "Throngs View Body of Dale Evans in Street," *Wilmington (NC) Morning Star*, March 4, 1916; "Relief in Pitt," *Greenville Reflector*, reprinted in *Hickory (NC) Daily Record*, March 7, 1916; "Local and Personal," *Washington (NC) Progress*, March 9, 1916; "State and Foreign," *Nashville, NC Graphic*, March 9, 1916.

⁴⁷ "Outlaw Fatally Shot by Federal Agent," *Greensboro Daily News*, January 25, 1919; "Wilson County Posse Is Hunting Bill Gay," *Wilmington Morning Star*, December 24, 1915; "Panic-Stricken Wife Sees Man Kill Her Husband," *Winston Salem-Journal*, December 26, 1915.

In May 1922, an African American named Tony Gibbs had a fatal dispute with John Adden, the manager of a tobacco company in Washington, the county seat of Beaufort County. Gibbs was the chauffeur for one of Adden's business acquaintances. While on a weekend fishing trip, Adden called Gibbs and demanded he come pick him up and drive him back to town. The chauffeur refused, and when Adden returned to Washington on Monday afternoon, a heated argument ensued that culminated with Gibbs shooting and killing his would-be labor lord. That evening, Washington's white residents were up in arms seeking vengeance. "All Monday night sentiment ran high and had the negro been captured and brought here it would have been impossible for the officers to have prevented his being lynched," a journalist noted. Two days later, a Superior Court judge outlawed Gibbs. The dead tobacco company manager had been a member of the Klan, which had "two hundred or more members" in Beaufort County, and when the casket with Adden's body was placed on a train to be shipped to his hometown, Klansmen in robes and hoods accompanied the procession. Press reports noted that rewards totaling \$500 had been offered for Tony Gibbs—" \$200 by the County, \$200 by the City, and \$100 by the Ku Klux Klan." But in spite of the large reward offers, Gibbs seemed "to have disappeared as completely as if the earth had opened up and swallowed him," and he would never be apprehended.⁴⁸

In November 1922, just six months after Tony Gibbs was outlawed, a white policeman responded to an argument in a black neighborhood in the town of Wilson. He attempted to arrest Oscar Melvin and in the ensuing scuffle Melvin pulled a pistol and killed him. Hundreds of men with bloodhounds were soon on Melvin's trail and chased him into a nearby swamp, where "he

⁴⁸ "Slayer of Adden Is Still at Large," Kinston, NC *Daily Free Press*, May 10, 1922; "Negro Surrounded in Beaufort Swamp," *Hickory (NC) Daily Record*, May 10, 1922; "Posse Still Hunting for Negro Murderer," *Raleigh News and Observer*, May 10, 1922; "John H. Adden Murdered," *Washington (NC) Progress*, May 11, 1922; "Local and Personal," *Washington (NC) Progress*, May 18, 1922; "Local and Personal," *Washington (NC) Progress*, May 25, 1922.

was seen in the undergrowth and shot at several times,” but his pursuers never cornered him. Local justices of the peace proclaimed Melvin an outlaw, and town, county, and state authorities offered a total of \$900 in reward money for him. After he was allegedly sighted at his sister’s home in a small sawmill town in neighboring Duplin County, the Wilson County sheriff led a posse on a raid and engaged in a gun battle with some of the town’s residents, killing one African American, but the posse did not locate Melvin. In the coming months, county authorities continued searching for him, even sending an officer to Detroit to investigate an alleged sighting, but Melvin had disappeared and would never be found.⁴⁹

While the frenzied manhunt for Oscar Melvin was at its peak, law enforcement officials in Duplin County contacted the Wilson sheriff, wanting to know if the reward offers for the fugitive were still valid if he were killed instead of captured alive. “Melvin dead is worth more to this community and the State of North Carolina than Melvin alive; if dead, put his head in pickle and ship it here,” the sheriff responded. “The reward will be forthcoming. Do what you wish with the body. Melvin is an outlaw, and no prosecution will follow.”⁵⁰

When Burke County officials outlawed Broadus Miller in the summer of 1927, they were utilizing a well-established provision of North Carolina law. Apparently an outlawry proclamation had been issued in the county at least once before. In February 1916, the press reported a white bootlegger named Charles Mace had been outlawed for the “extremely brutal”

⁴⁹ “Wilson Patrolman Is Murdered by a Negro,” *Greensboro Daily News*, November 21, 1922; “Virtually Surrounded by Posse Negro Slayer Makes His Escape,” *Wilmington (NC) Morning Star*, November 21, 1922; “Outlaw Wilson Negro Wanted for Murder,” *Raleigh News and Observer*, November 26, 1922; “Posse in Duplin Runs Into Warm Scrimmage,” *Greensboro Daily News*, November 27, 1922; “One Killed and Two Wounded in Battle With Armed Blacks,” *Wilmington (NC) Morning Star*, November 27, 1922; “It Was Not Oscar Melvin,” *Wilson, NC Daily Times*, April 17, 1923.

⁵⁰ “Pickled Head of Outlaw Is Worth Exactly \$1,300,” *Lenoir (NC) News-Topic*, December 7, 1922.

murder of his wife. Mace lived in the South Mountains, a small outcropping of rugged hills about eight miles outside Morganton that—as an editorialist noted a few years later—had a notorious reputation for “mean corn whisky, blockaders, illiteracy, degeneracy, poverty and criminals.” In a drunken rage, Mace savagely beat his wife and then shot her in the head. In the words of a press report, “The dead woman had her arm broken and her body showed other marks of violence.” After her body was discovered, a sheriff’s posse pursued Mace through the South Mountains, opening fire when they glimpsed him scaling down a cliff, but he escaped and made his way on foot to York County, South Carolina, where police captured him a month later. Brought back to Morganton to stand trial, Mace was convicted and sentenced to thirty years in the state penitentiary.⁵¹

Newspapers unanimously agreed Mace had been outlawed, and the pursuing posse did not hesitate to shoot at him on sight. Yet the details of how he was outlawed are ambiguous. No proclamation against him appeared in the press, and the Burke County sheriff told reporters Mace had been outlawed by the governor—which was not legally possible. Eleven years later, county officials would meticulously follow the law when outlawing Broadus Miller. Charles Mace was a white man and had received a thirty-year prison term; when Miller was proclaimed an outlaw, he had been effectively sentenced to death. If apprehended alive and put on trial, the African American accused of killing young Gladys Kincaid would end up taking a seat in the electric chair. As the North Carolina press emphasized, his death was “just as certain at the hands of the State as at the hands of a mob.” Few observers thought Miller would be taken alive.

⁵¹ “Mrs. Charles Mace Shot Through Head,” Morganton, *NC News-Herald*, February 24, 1916; “South Mountains of Burke,” *Hickory Daily Record*, reprinted in *Morganton News-Herald*, April 16, 1925; “Charles Mace, Burke Outlaw, Is Captured,” *Marion (NC) Progress*, March 30, 1916; “Charles Mace Is Captured,” Morganton, *NC News-Herald*, March 30, 1916; “The Mace Murder Trial,” Morganton, *NC News-Herald*, May 11, 1916; “Charles Mace Sentenced to Thirty Years in Pen,” *Charlotte News*, May 12, 1916.

According to the *Hickory Daily Record*, the odds were “more than ten to one” that he would be “shot down in flight or fight.” The outlawry proclamation gave every citizen the legal right to kill the fleeing fugitive, and many white residents of Morganton devoutly wished for such an outcome: if Miller were quickly killed, a potential lynching would be averted and the town would be spared a tumultuous trial. As editor Beatrice Cobb noted, “Many law-abiding citizens have expressed the hope that the negro outlaw would be killed in resisting arrest.”⁵²

But though Broadus Miller was relentlessly hunted, his pursuers had no guarantee of success in finding him. In 1906, the outlawed killer of a Salisbury streetcar conductor had escaped. Two years later, a black man was outlawed for shooting the Reidsville police chief; though police arrested suspects in four different states, they never found the man. In 1909, Salisbury officials once again issued an outlawry proclamation for an African American, a South Carolina native named John Jackson. Accused of killing a policeman, Jackson was hotly pursued but never apprehended. In the cases of Tony Gibbs and Oscar Melvin—the last two known instances in which African Americans were outlawed prior to 1927—both fugitives successfully eluded the men and bloodhounds chasing them. Even after an outlawry proclamation was issued against Broadus Miller, the outcome of the manhunt remained in doubt.⁵³

⁵² “Get the Criminal, But Save the State,” *Winston-Salem Journal*, June 23, 1927; “Mob Violence,” *Hickory Daily Record*, June 25, 1927; “The Clear Call to Duty,” *Greensboro Daily News*, June 25, 1927; “No Cause for Alarm,” *Hickory Daily Record*, June 29, 1927; “A Trying Week,” *Morganton News-Herald*, June 30, 1927.

⁵³ “Police Chief Shot Down,” *Reidsville (NC) Review*, January 21, 1908. “From All Over the State,” *Lexington, NC Dispatch*, January 29, 1908; “New About the Vicinity,” *Reidsville (NC) Review*, January 24, 1908; “Town and County News,” *Reidsville (NC) Review*, October 6, 1908; “Sheriff M. F. Pinnix Passes,” *Reidsville (NC) Review*, May 7, 1912; “Salisbury Officer Shot,” *Concord (NC) Daily Tribune*, February 15, 1909; “Negro Shoots Officer in Salisbury,” *Hickory (NC) Democrat*, February 18, 1909; “Officer Monroe Dies of Wound,” *Asheville Citizen*, February 18, 1909 “No News of Jackson,” *Salisbury Post*, reprinted in *Concord (NC) Daily Tribune*, February 18, 1909; “Colored Ministers Condemn Lawlessness,” *Charlotte Evening Chronicle*, February 19, 1909; “Condemn Crime in Race,” *Charlotte News*, February 19, 1909; “John Jackson Is Captured,” *Winston-Salem Journal*, February 23, 1909; “Big Reward for Policeman’s Murder,” *Charlotte News*, March 1, 1909; “Held as Policeman’s Slayer,” *Raleigh News and Observer*, March 5, 1909; “Name Got Him in Trouble,” *Charlotte Observer*, June 7, 1909; “Looks Like Jackson,” *Salisbury Evening Post*, June 11, 1909; “Defied Six Officers,” *Salisbury Evening Post*, June 16, 1909; “Is This Jackson?” *Charlotte Observer*, August 14, 1909; “Jackson Caught Again,” *Charlotte Evening Chronicle*, December 23, 1909.

CHAPTER 8

MANHUNT AND COURTHOUSE SPECTACLE

“If we were not something more than unique human beings, if each one of us could really be done away with once and for all by a single bullet, storytelling would lose all purpose. But every man is more than just himself; he also represents the unique, the very special and always significant and remarkable point at which the world’s phenomena intersect, only once in this way and never again.”

- Hermann Hesse, Demian¹

During the first thirty-six hours of the manhunt for Broadus Miller, the press reported a lynching was imminent in Burke County. More cautious than his predecessor Cameron Morrison, Governor Angus McLean hesitated to intervene, waiting for local authorities to request the deployment of the National Guard. As sociologist Arthur Raper noted a few years later, “The effectiveness of the National Guard in preventing mob outbreaks is greatly hampered by the traditional theory and practice of ‘county rights,’ which holds the county virtually self-sufficient.” Many counties were reluctant to request assistance from the state, for they viewed the presence of armed troops as a form of “outside interference” that “aroused the lawless element and wounded the pride of the better element of the whites.”²

¹ Hermann Hesse, *Demian* (New York: HarperCollins, 1995), 1-2.

² “Thousands in Burke Hunt Negro,” *Charlotte Observer*, 22 June 1927; Frank Smethurst, “Determined Search for Negro Slayer of Young Morganton Girl Futile,” *Raleigh News and Observer*, 23 June 1927; “Morganton Once More Breathes Sigh of Relief,” *Statesville Landmark*, July 4, 1927; Arthur F. Raper, *The Tragedy of Lynching* (New York: Arno Press, 1969), 15-16. Press reports indicate that the local National Guard company had assisted the sheriff during the first thirty-six hours of the manhunt, but they had acted on their own initiative and had not yet been officially deployed.

On the morning of Thursday, June 23—the day after Burke County justices of the peace outlawed Miller—Governor McLean took the initiative and telephoned Sheriff Hallyburton. After the sheriff admitted Miller would likely be lynched if he were caught, the governor officially deployed the local company of the National Guard and ordered them “to guard the life of Miller in the eventuality of his capture.” According to the *Washington Post*, the troop deployment was also prompted by fear “that the mob... may seek vengeance upon some of the negroes who have been arrested on suspicion.” Police took Miller’s wife from Morganton and jailed her in another county, while Will Berry—the homeowner with whom Miller had boarded—was transferred to the jailhouse in Lenoir. Authorities remained so concerned about potential mob violence against Berry, who was rumored to have helped Miller escape, that they later removed him from Lenoir and held him in an undisclosed location.³

On Thursday evening, after receiving reports that the search parties hunting Broadus Miller showed a “menacing disposition,” Adjutant General Metts dispatched an additional National Guard company from Hickory to Morganton. The sudden deployment sparked a rumor “that Miller had been captured and was being lynched,” causing hundreds of Hickory residents to get in their automobiles and speed to Morganton, eager to see the rumored lynching. Numerous other bounty hunters and would-be lynchers were also arriving in town, including four men from Mitchell County, “armed to the hilt, who said they hailed from the Big Rock Creek section, where a negro is not allowed to alight or stay after sundown”; the men “were itching for a chance to try their marksmanship.” Overwhelmed by a situation beyond his ability to control, the Burke

³ Harry L. Griffin, “Net Tightens About Negro Sought for Attacking Girl,” *Charlotte Observer*, 24 June 1927; Frank Smethurst, “Troops Now Taking Part in Search at Morganton,” *Raleigh News and Observer*, 24 June 1927; “Ask Troops to Curb Man-Hunters’ Fury,” *Washington Post*, 24 June 1927; “Morganton is Quiet but Disappointed Over Failure,” *Greensboro Daily News*, 26 June 1927; L.J. Hampton, “Hickory Reports Say Murderer Has Been Caught,” *Winston-Salem Journal*, 24 June 1927 (morning edition); Marjorie Fleming, interviewed by author, June 26, 2007.

County sheriff spoke with reporters. “If Broadus Miller falls into the hands of some of the citizens,” Sheriff Hallyburton declared, “they would lynch him even if the Governor himself were on hand.” Thursday ended with another “night of wild chases and false rumors,” but with armed troops officially on duty and patrolling the town streets, the sheriff finally got some sleep. He had been up for over forty-eight hours, ever since the discovery of Kincaid’s body had thrust him into a sudden and unexpected whirlwind.⁴

The following day, the press noted that civic leaders in Morganton had “expressed resentment over reports tending to indicate that mobs, bent on lynching, had held sway since Tuesday.” The *Charlotte Observer* quoted Beatrice Cobb, who indignantly denied the existence of angry mobs in the town. “There is no danger of a lynching here,” Cobb asserted. “The searchers are orderly and calm. Except for a few younger boys with hot heads, there has been no talk of lynching.” In her own newspaper, Cobb was a bit more candid, noting that if Miller were captured alive, “the common sense of the officers in charge is sufficient assurance that they would not aggravate the situation here by attempting to bring him to Morganton.” The editor strove to maintain an idealized representation of her hometown, both to outsiders and to the local audience, and she minimized or ignored any news that challenged such a portrait: the *News-Herald* never once mentioned the National Guard troops patrolling the town’s streets.⁵

The National Guard was deployed in Morganton for two days, Thursday and Friday, June 23 and 24. By Friday evening, law enforcement officials were convinced Miller had escaped

⁴ “Sleepless Searchers for Negro Slayer Find No Clue,” *Hickory Daily Record*, June 24, 1927; “Manhunt Goes on in Burke,” *Winston-Salem Journal*, 25 June 1927; L.J. Hampton, “Hickory Reports Say Murderer Has Been Caught,” *Winston-Salem Journal*, June 24, 1927 (morning edition); “Militia Patrols Seat of Burke,” *The State* (Columbia, SC), June 24, 1927; “Still No Trace of Negro Is Found By N.C. Searchers,” *Thomasville (GA) Times-Enterprise*, June 24, 1927.

⁵ “Knob Surrounded in Man-Hunt,” *Charlotte Observer*, June 25, 1927; “A Trying Week,” *Morganton News-Herald*, June 30, 1927; “Morganton Once More Breathes Sigh of Relief,” *Statesville Landmark*, July 4, 1927; “Wrong Man May Be Serving Time,” *Raleigh News and Observer*, June 25, 1927; *Report of the Adjutant General of the State of North Carolina: July 1, 1926 to December 31, 1927* (Raleigh: Edwards & Broughton, 1928), 5.

town and Governor McLean demobilized the troops. The deployment had irritated local officials and civic leaders, who saw it as an implicit criticism of their apparent inability to handle the situation. But for Morganton's African American residents, the troops' presence had provided a reassuring sense of security. As angry mobs hunted Broadus Miller, black domestic servants stopped going to work, afraid to venture into white neighborhoods, while some families barricaded themselves inside their homes, sending anyone who could pass as white to buy groceries and supplies. On the Sunday afternoon following Kincaid's murder, leaders of the African American community held a meeting at Gaston Chapel African Methodist Episcopal Church. A committee of spokespeople—including pastors, schoolteachers, and a local black businessman—drafted a series of resolutions and sent them to the *News-Herald*, which published them on June 30. In the resolutions, the committee denounced Kincaid's murder and thanked a number of people—including Governor McLean and Captain Connelly of the Morganton National Guard—"for the protection they have given us."⁶

Notably, Beatrice Cobb was one of the persons thanked in the resolutions. In an editorial entitled "The Outsider," Cobb emphasized that Broadus Miller was not a native of the town and drew a distinction between Morganton's resident black population and other African Americans. "It is to the credit of the local negroes that this crime is not to be charged against them," the editor asserted. "As a whole the Morganton negroes are fairly law-abiding and live in peace and amity with the white citizens of the community. In practically every instance of startling and outstanding crime during recent years some negro from a distance has been the principal." She deplored "that the local negroes" had to suffer "the discredit and reflected disgrace of the

⁶ Marjorie Fleming, interviewed by author, June 26, 2007; "Resolutions Adopted by Negro Mass Meeting," *Morganton News-Herald*, June 30, 1927. *Burke County Heritage, Volume II* (Morganton, N.C.: Burke County Historical Society, 2001), 271.

disreputable acts of these drifters.” As rumors circulated that Will Berry had helped Broadus Miller escape, Cobb spoke up in his defense, arguing that Berry knew “nothing of the crime, or of Miller, merely becoming scared so that he got tangled up in answering questions.”⁷

But though Beatrice Cobb defended local African Americans, she tacitly endorsed the lynching of Gladys Kincaid’s accused killer. “How would you feel,” she demanded of her readers, “if this girl, the helpless, innocent victim of a devil in human guise, were your sister or your daughter?” In Cobb’s words, death was “too lenient a punishment” for Broadus Miller. During the manhunt for Miller, newspapers throughout North Carolina published editorials condemning lynching and urging that the outlawed fugitive be tried and punished by the state, but the *News-Herald* would not discourage any would-be lynch mob. Almost forty years earlier, a local newspaper—the *Morganton Star*—had published an angry editorial denouncing the supposed laxity of the state-sanctioned judicial system. Less than a week later, on September 11, 1889, a mob dragged two accused killers—one white, the other black—from the Morganton jail and hanged them from a railroad bridge. The *Star* then published a second editorial, ostensibly deploring mob violence but objecting to criticism of the lynching from other newspapers. No one outside Burke County, the paper argued, had any right to pass judgment on local matters. The *Star*’s editor was T.G. Cobb—Beatrice Cobb’s father. When advocating swift vengeance and asserting county sovereignty, Cobb followed in her father’s footsteps.⁸

⁷ “Resolutions Adopted by Negro Mass Meeting,” *Morganton News-Herald*, 30 June 1927; “An Outsider,” *Morganton News-Herald*, June 23, 1927; “Posse Closes in Upon Negro Killer of Girl,” *Asheville Times*, June 26, 1927; “Morganton Negro May Be in This County,” *Cleveland Star* (Shelby, NC), June 24, 1927.

⁸ “The Difference,” *Morganton News-Herald*, June 23, 1927; “There Must Not Be Mob Rule,” *Charlotte News*, June 25, 1927; “The Lynch Law Spirit Must Go,” *Charlotte News*, June 28, 1927; “Get the Criminal But Save the State,” *Winston-Salem Journal*, June 23, 1927, reprinted in *Hickory Daily Record*, June 23, 1927 and *Statesville Daily*, July 2, 1927; “Why Mob Law Pays Not,” *Cleveland Star*, July 1, 1927; Edward W. Phifer, *Burke: The History of a North Carolina County* (Morganton, NC: Privately published, 1977), 347; J. Alex Mull, *Tales of Old Burke* (Morganton: News Herald Press, 1975), 91; “Hung from a Railroad Bridge,” *Morganton Star*, September 12, 1889. In the words of historian George C. Rable, the rhetorical question that Beatrice Cobb posed to her readers was “the perennial clincher” of lynching apologists. George C. Rable, “The South and the Politics of Antilynching Legislation, 1920-

In the days after Kincaid's murder, scores of African American men would be arrested throughout western North Carolina. Two itinerant travelers were seized six different times by various posses and transported to the Morganton jail to be identified. Each time the men were released, then rearrested as they desperately tried to leave town. They finally managed to continue on their way after a local official gave them a signed affidavit certifying that neither of them was Broadus Miller. At Spencer, a small community near Salisbury, railroad workers spotted and chased a black man, and after he eluded them, they summoned the Rowan County sheriff to continue the pursuit. When farmers outside Charlotte "reported that a strange negro was wandering around the fields and acting queerly," a police officer arrested the man after a daylong search. In the ominous words of a news account, the policeman "put the negro through a severe cross-examination." Not all the targeted suspects were African Americans. A "dark complexioned" man from India "was frightened mightily when a mountain posse dragged him from a bus" and interrogated him about Kincaid's murder.⁹

The press reported that police had found a photograph of Miller in an abandoned suitcase, presumably in Will Berry's home, and a Morganton photography studio "capitalized upon the situation by turning out hundreds of postcard pictures of the alleged negro culprit" and selling them for fifteen cents each. The widely-distributed photograph of Miller strikingly resembled a man named Eugene Martin, who had once worked for several months as a construction laborer in

1940," *Journal of Southern History* 51.2 (May 1985), 202. For the 1889 lynchings in Morganton, see Miles Gardner, *Further Tales of Murder and Mayhem in Lancaster, Kershaw and Chesterfield Counties* (Spartanburg, S.C.: Reprint Co., 2006), which in spite of its title gives a detailed account of this Burke County case. According to the NAACP, in March 1897 a Native American doctor and a young girl were lynched in Morganton; however, if these lynchings actually occurred, then they were almost certainly misattributed to Burke County. The NAACP listing seems to refer at least in part to a Cabarrus County case that was reported in the press in November 1895. NAACP, *Thirty Years of Lynching in the United States, 1889-1918* (New York: Arno Press, 1969), 84; *Marion (OH) Daily Star*, November 15, 1895.

⁹ "Bridges Tells of Slaying of Miller," *Charlotte News*, July 4, 1927; "Suspect Held in Odd Tangle," *Charlotte Observer*, July 1, 1927; "Miller May Have Hopped Off the Train at Spencer," *Raleigh News and Observer*, July 2, 1927; "Think Slayer of Morganton Girl Captured," *Charlotte Observer*, July 3, 1927.

Hickory. Arrested in eastern North Carolina and taken back to Catawba County and jailed, Martin confessed he was an escaped convict from an Asheville chain gang. Sheriff Hallyburton publicly confirmed the prisoner was not Broadus Miller, but after a Morganton resident visited the jail and mistakenly identified him as the fugitive, an angry mob gathered outside the jailhouse. Local police rushed Martin to Gastonia, where he was held for several days before being returned to the chain gang. Authorities were so alarmed at the possibility of a lynching that they refused to disclose where Martin had been taken.¹⁰

In addition to the photograph, a physical description of Broadus Miller was also widely circulated: “About 5 feet 10 inches, light brown color, slender, weight about 150 pounds, clean shaved, hair shaved from eyebrows, thin brown eyes, scar on left forearm, wears band ring on finger of left hand.” Several press reports referred to Miller as having a “ginger-cake” complexion—a term referring to a reddish-brown skin color. Police engaged in a massive roundup of anyone who remotely resembled the photograph or physical description. On Thursday, June 23, the *Hickory Daily Record* reported that Morganton deputies were “speeding back and forth over the foothill section of North Carolina in an effort to quickly identify the many captures that have been made.... Asheville, Marion, Lenoir, Hickory and other sections of this country have captured and held tall ginger-cake negroes until the Burke officers could identify them.”¹¹

¹⁰ “National Guard Troops Aid Search for Negro,” *Hickory Daily Record*, June 23, 1927; “Arrest 3 New Suspects in Burke Slaying,” *Asheville Times*, June 24 1927; “Local Negroes Believe Wrong Person Hunted,” *Hickory Daily Record*, June 27, 1927; “Suspect Held in Odd Tangle,” *Charlotte Observer*, July 1, 1927; “Gene Martin Was in Gaston Jail For Few Days,” *Gastonia Daily Gazette*, July 5, 1927.

¹¹ “Seeking Negro in Wide Area,” *Charlotte Observer*, June 26, 1927; L. J. Hampton, “Hickory Reports Say Murderer Has Been Caught; No Confirmation Yet,” *Winston-Salem Journal*, June 24, 1927 (morning edition); “Citizens Calm at Morganton,” *Charlotte Observer*, June 23, 1927; “National Guard Troops Aid Search for Negro,” *Hickory Daily Record*, June 23, 1927.



Figure 8. Reward Notice for Broadus Miller.

Winston-Salem Journal, June 24, 1927

Rumored sightings of Broadus Miller came from all directions, and the manhunt for him would “spread over three states, with authorities and posses in North Carolina, South Carolina and Virginia engaged in the search.” Less than two days after the assault on Kincaid, police arrested a young black man near Raleigh because he seemed “nervous,” and they announced he would remain in custody until they were “completely convinced” he had “no connection with the Morganton crime.” The following day, Burke County deputies travelled to Gaffney, South Carolina to check out a suspect whom police had jailed, while in Lynchburg, Virginia a railway

detective arrested a traveler who resembled the description of Miller and held him in custody pending positive identification.¹²

Among the many alleged sightings of Broadus Miller, the most credible reports indicated he had fled northwest on foot and passed through Chesterfield—the rural community in which Gladys Kincaid had been born and spent her childhood. In the countryside around Chesterfield lived a number of African American families, some of whom fed the fleeing fugitive. Their motives for assisting him varied, but when confronted with a black man being chased by angry white mobs, many African Americans assumed the man was innocent, and even if they believed him guilty, they did not want him to be lynched. However, no one would give Miller shelter, which would have put a family in grave danger as accomplices, and when some persons in the community reported to the police they had seen him, law officers brought bloodhounds to the scene.¹³

Press coverage of the manhunt for Miller would frequently emphasize the role of the hounds. As Sam Ervin, Jr. later remarked, people had “a superstitious awe about bloodhounds and any testimony of bloodhounds tracking a suspect.” In a detailed study of lynchings in 1930, three years after the Miller case, sociologist Arthur Raper noted that the “the only evidence against several of the persons lynched” was “the bloodhounds’ halting trails,” which Raper considered “symbolic of the primitive elements in man-hunts.” The high regard for “bloodhound evidence” was not limited to lynch mobs. Under North Carolina law, prosecutors could present

¹² Smethurst, “Troops Now Taking Part in Search”; “Suspect Held in Odd Tangle,” *Charlotte Observer*, July 1, 1927; “New Hunt for Negro Slayer Is Started in Adako Section Today,” *Asheville Times*, June 25, 1927; “Bridges Tells of Slaying of Miller,” *Charlotte News*, July 4, 1927; “Seeking Negro in Wide Area,” *Charlotte Observer*, June 26, 1927; “Morganton Officers Come to Gaffney to See ‘Broadus Miller,’” *Greenwood, SC Index-Journal*, June 25, 1927.

¹³ “Search for Negro Outlaw Renewed with New Enthusiasm as Trail Seems to Lead Nearer,” *Morganton News-Herald*, June 30, 1927; Bobbie Wakefield, email to author, July 4, 2007; Marjorie Fleming, interviewed by author, June 26, 2007.

such evidence in court—provided the hound was “of pure blood,” “of a stock characterized by acuteness of sense and power of discrimination,” and had “been trained in the exercise of tracking human beings.” However, identification by bloodhounds could be used only to corroborate more substantial proof, and though juries in North Carolina sometimes convicted defendants based solely on “bloodhound evidence,” these convictions were consistently overturned on appeal.¹⁴

Bloodhounds had not been able to pick up the trail of Kincaid’s accused killer anywhere in Morganton, neither at the scene of the attack nor at Will Berry’s home. Only after police took them to Chesterfield did they finally strike a trail, which officers followed “in an almost direct route” up the Johns River valley and into the Blue Ridge Mountains of western Caldwell County. Throughout the following week, manhunters combed some fifty square miles along the mountainous and heavily wooded eastern slopes of Grandfather Mountain. Concentrated in the area of Wilson Creek, the mountain manhunt began on Friday, June 24, when someone spotted a man resembling Miller in the vicinity of Adako, a small community near the Burke-Caldwell county line. Over the next few days, newspapers emphasized the “phantom negro” had not been conclusively identified. In the words of the *News-Herald*, “some negro, who for some reason is dodging, has been giving the inhabitants of that section occasional glimpses of his dusky form and has been leaving traces of his flight.” Some people speculated the man might be a recently “escaped convict from a road construction gang,” but law officers thought Broadus Miller might

¹⁴ Bill Wise, *The Wisdom of Sam Ervin* (New York: Ballantine Books, 1973), 61; Arthur Raper, *The Tragedy of Lynching* (New York: Arno Press, 1969), 10; Edward C. Jerome and Thomas J. Jerome, *Jerome's Criminal Code and Digest of North Carolina, Fourth Edition* (Atlanta: Harrison Company, 1916), 107. In the fall of 1927, a Wake County grand jury would indict an African American man entirely on the basis of “bloodhound evidence,” but a Superior Court judge then dismissed the indictment. North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 57.

be trying to reach his sister, who reportedly worked as a cook at a resort hotel in the small community of Edgemont, several miles up Wilson Creek from Adako.¹⁵

Both private citizens and law enforcement officials were eligible for the large rewards offered for Miller. Though he had no formal jurisdiction in either Caldwell or Burke counties, Hickory police chief Eugene Lentz went to Adako on Friday to check out the alleged sightings of the fugitive. Lentz soon became convinced that Miller had indeed been seen in the area. An elderly black man described giving food to a stranger who claimed to be on the run for accidentally killing a man in Asheville; the stranger had requested shelter, but the old man had refused and sent him away. A group of children near Brown Mountain said the suspect had stopped at their family's cabin around one o'clock in the afternoon, "then left hurriedly going in the direction of the mountains." That afternoon Lentz tracked the fugitive for several miles before losing his trail. In the evening a posse of three hundred civilians cordoned off Adam's Knob, a mountain peak a few miles north of Adako, but did not find anyone.¹⁶

The following morning someone allegedly glimpsed the suspect in the woods near Adako, and another reported sighting in the nearby community of Collettsville caused several carloads of sheriff's deputies to race to the scene. As the day progressed, the hunt centered on a heavily wooded area between Johns River and Mulberry Creek. In the words of the *Charlotte*

¹⁵ "Phantom Negro Eludes Dogs and Officers in Several Days Chase," *Lenoir News-Topic*, June 30, 1927; "Search for Negro Outlaw Renewed," *Morganton News-Herald*, June 30, 1927; "Hopes of Capturing Man Back to Low Ebb Again," *Raleigh News and Observer*, June 27, 1927; "Morganton Negro Attacked Girl in Sight of Three Homes," *Winston-Salem Journal*, June 28, 1927; "Knob Surrounded in Man-Hunt," *Charlotte Observer*, June 25, 1927.

¹⁶ "Man Hunt Started Again Today in Adako Section," *Hickory Daily Record*, June 25, 1927; L. J. Hampton, "Manhunt Goes on in Burke," *Winston-Salem Journal*, June 25, 1927; "Knob Surrounded in Man-Hunt," *Charlotte Observer*, June 25, 1927. For the eligibility of law enforcement officers to claim reward money in 1920s' North Carolina, see, e.g., "Officer Gets Large Reward," *Charlotte Observer*, April 24, 1925. Four years earlier, in October 1923, Lentz had captured John Goss, the escaped convict whose apparent assault of an elderly white woman had sparked the ethnic cleansing of Mitchell County. When Lentz attempted to claim a \$200 reward offered for Goss by the town of Spruce Pine, officials there refused to give him the money, preferring to reward Mitchell County citizens who had been involved in the pursuit, not the Catawba County police chief who actually made the capture. Tom Rusher, *Until He Is Dead: Capital Punishment in Western North Carolina History* (Boone, NC: Parkway Publishers, 2003), 17, 40.

Observer, “All day the pursuit was hot, with a bloodhound leading the pursuers almost to within sight of the fugitive.” Hunters chased the suspect “until his shoes were worn off and his feet were bleeding,” and bloody footprints indicated “the killing speed which the fugitive has been forced to keep up to stay ahead of the pursuers, both man and dog.” The footprints showed the pursued man was removing his cap and using it to cover his raw and bleeding feet. Late Saturday evening the bloodhound’s handlers believed the dog was within a few hundred feet of their prey, but the fugitive succeeded in doubling back on his trail and losing his pursuers. The bloodhound, “exhausted by long hours of trailing, dropped in his tracks and could go no farther,” so the posse stopped to wait for morning and the arrival of fresh hounds from Salisbury and Asheville.¹⁷

On Sunday, the hunt resumed. From dawn to dusk, hundreds of private citizens and law-enforcement officials from Burke, Catawba, and Caldwell counties swept the mountains north of Collettsville. Among the hunters that day was Sam Ervin Jr., who came from Morganton to participate personally, while a Catawba County police chief, wearing “a pair of overalls” and “with a pistol strapped under his left arm,” directed one of the hunting parties. One member of the posse—described in press reports as a “hearty young hillsman from near Morganton”—later claimed to have “jumped the negro from his night’s bed and stayed close on his heels until early afternoon before he lost the trail,” but none of the other hunters could find any clear sign of their prey. Nor could the bloodhounds pick up the fugitive’s scent, erased by the hordes of men tramping through the woods over the previous two days.¹⁸

¹⁷ “Man Hunt Started Again Today,” *Hickory Daily Record*, June 25, 1927; “Seeking Negro in Wide Area,” *Charlotte Observer*, June 26, 1927; “Now Believe Capture of Negro Fugitive is Near,” *Raleigh News and Observer*, June 26, 1927; “Trail of Slayer of 15 Year Old Morganton Girl Is Lost,” *Lenoir News-Topic*, June 27, 1927.

¹⁸ “Pursuers Fag in Man-Hunt; Negro Escapes Sight Race,” *Charlotte Observer*, June 27, 1927; “Local Negroes Believe Wrong Person Hunted,” *Hickory Daily Record*, June 27, 1927; “Trail of Slayer,” *Lenoir News-Topic*, June 27, 1927.

The Sunday manhunt attracted a “typical holiday crowd,” with people swarming to the mountains to witness the latest developments in the case—and to be present if Miller were captured and lynched. “Hundreds of cars went from Morganton, Hickory and Lenoir to Adako and Collettsville,” noted the *Charlotte Observer*. Throughout the day a long line of traffic slowly snaked its way along the narrow mountain backroads, traveling “from one place to another” as “various reports and rumors gained circulation.” Over a thousand people parked their cars and walked along a stretch of road between Collettsville and Olivette, but they did not enter the woods to hunt the wanted man. Instead, in the contemptuous words of one reporter, they only “paraded the broad highway and displayed their vicious guns and pistols.” The horde of spectators “walked up and down in places where they could be seen by the most persons and threatened extreme violence if Broadus Miller were to walk out in that big and thickly populated highway,” but they did not dare “stick their toes under a patch of shrubbery, unless a car pushed them off the road.” In the late afternoon as the sun sank and the air grew chill, the sightseers and highway strollers began heading back to town.¹⁹

Over the next couple of days, the hunt continued on a smaller scale. Police and bounty hunters combed the woods near Collettsville, while a posse of twenty men from Blowing Rock spent Monday searching a nearby rocky crag. The fugitive’s trail had grown cold, however, and law-enforcement officials began “talking among themselves to the effect that the negro has made good his escape.” Hoping to pick up the trail again, police brought in fresh bloodhounds from eastern North Carolina. One of the hounds was accompanied by six puppies, for its handlers wanted the young dogs to learn “their first lesson in man hunting under the most adverse

¹⁹ “Hunt in Vain for Broadus Miller,” *Raleigh News and Observer*, June 27, 1927; “Trail of Slayer,” *Lenoir News-Topic*, June 27, 1927. “Local Negroes Believe Wrong Person Hunted,” *Hickory Daily Record*, June 27, 1927. As Arthur Raper noted, “The man-hunt provides an opportunity for carrying and flourishing firearms with impunity, a privilege which appeals strongly to the more irresponsible elements.” Raper, *Tragedy of Lynching*, 9.

circumstances it is possible to imagine.” As the *Raleigh News and Observer* explained to its urban readers, the area of the manhunt was “the rugged land at the very foothills of the uncharted Blue Ridge and Grandfather ranges.” Though the terrain was daunting, the mountain woods contained “plenty of water and fine huckleberries.” Journalists and police speculated Miller might also be receiving food from some mountain residents. About four miles north of Collettsville lived a number of rural African American families, descendants of slaves from the Johns River valley. As the *Charlotte Observer* reported, “Officials have searched every negro house in this community and are keeping a close watch on them.”²⁰

Eighty years later, a number of elderly Caldwell County residents still remembered the 1927 manhunt. Many oral histories emphasized the theft of food from isolated cabins and springhouses. When one family found that some of their milk had been stolen, they threw away their remaining milk and butter because “Broadus had been in the springbox.” From another family’s house, Miller stole a bowl of food and some rags to wrap around his raw and bleeding feet, discarding the empty bowl a few hundred feet from the home. Late in the afternoon on Tuesday, June 28, the fugitive entered the home of Charlie Ingram, who lived on Cold Water Creek near Mortimer. Ingram’s wife was outside with other local women, hoeing a nearby cornfield, when the intruder stole milk and cornbread from the family’s kitchen. The Ingrams’ daughter saw him and screamed, causing Miller to jump out the open kitchen window and flee. Posse members with bloodhounds soon arrived. Seeing movement in the bushes near the Ingrams’ home, the posse opened fire, killing two chickens. After the hounds caught scent of the man’s trail, the chase began anew. Late that night, the family of a woman giving birth to a child

²⁰ “Dense Forests Hide Fugitive,” *Charlotte Observer*, June 29, 1927; “Hunt in Vain for Broadus Miller,” *Raleigh News and Observer*, June 27, 1927.

heard the baying of the hounds and looked out their kitchen window. They glimpsed the fleeing fugitive and, minutes later, the posse and dogs, hot on his trail.²¹

On the morning of Wednesday, June 29, as news spread of the previous day's events, carloads of men again headed into the mountains. In the words of one reporter, "Cars began passing Collettsville at an early hour this morning and the search began to resemble one of its earlier days." Unlike the weekend sightseers, these midweek arrivals "went into the thickets of the mountains," determined to claim the large rewards offered for the outlaw. Late Wednesday afternoon a woman near Mortimer saw him breaking into her family's springhouse. Hunters quickly arrived with hounds and began a relentless pursuit lasting late into the night. After sunset, members of the posse spotted and fired at the fugitive as he crossed a railroad trestle over Wilson Creek. From there his trail "led the men and dogs on into the untracked region west of Mortimer." That night, a journalist on a nearby ridgeline reported hearing "a continuous but faint roar of the barking dogs as they stick to the course over the rugged cliffs."²²

Far from the mountains, the *Charlotte Observer* provided its urban readers with a vivid summary of unfolding events:

With the bass voices of half a dozen bloodhounds echoing through the stillness of the night in these Caldwell county mountains, the man-hunt . . . was believed by officers in charge of the search to gradually be coming to a close. Reports coming out of the dense mountains are that the negro . . . is just a few paces ahead of the pursuing posse. From Collettsville to Adako, and then from Adako to Globe, the chase for the outlawed man has been resolutely pushed, and tonight the pack of bloodhounds, increased from all parts

²¹ In the summer of 2007, Sandra Coffey of the Collettsville Historical Society interviewed several elderly Caldwell County residents about the manhunt; she then transcribed these interviews and provided them to the author. (Sandra Coffey, emails to the author, August 4, 13, 17, and 20, 2007). The only newspaper reference to the Ingrams ("Search for Negro Outlaw Renewed") claimed that the fugitive stole canned fruit, shoes, and a shotgun from the home; however, the *Charlotte Observer* ("Posse Hot on Negro's Trail," June 30, 1927) reported that the same three items (canned fruit, shoes, and shotgun) were stolen during the Tuesday-night burglary of a store near Piney, a small community a dozen miles south of the Ingram residence. The pursuit of the fugitive led north from the Ingrams, and none of the Caldwell County residents interviewed by Sandra Coffey mentioned a shotgun as one of the stolen items.

²² "Posse Hot on Negro's Trail," *Charlotte Observer* June 30, 1927; "Phantom Negro Eludes Dogs," *Lenoir News-Topic*, June 30, 1927; "7 Bloodhounds Aid in Search for Negro Now," *Hickory Daily Record*, June 29, 1927.

of the state, has battled its way through the thicket of mountain growth on toward Mortimer, near the line of Avery county.

But predictions of an end to the manhunt proved premature. West of Mortimer the fugitive entered one of the most rugged areas in the Appalachians, with twelve-mile-long Linville Gorge at its center. On each side of the gorge, steep wooded cliffs plunged down some 1,400 feet to the Linville River. In this harsh terrain, Broadus Miller managed to shake off the hunters and bloodhounds on his heels.²³

On Saturday, July 2, thirty-three-year-old North Carolina Pardon Commissioner Edwin Bridges arrived in Morganton and met with Sheriff Hallyburton and county attorney Sam Ervin, Jr. The pardon commissioner and Ervin were longtime friends, having known each other since their school days in Chapel Hill; three years earlier, Bridges had been a guest at Ervin's wedding. Governor McLean had sent Bridges to confer with Hallyburton and Ervin about how to prevent a lynching if Miller were captured. The North Carolina National Guard—including the Morganton company—were setting off early the following morning for their annual two-week summer encampment in South Carolina and would not be available to guard the fugitive if he were taken alive. Bridges and the Burke County officials agreed to station “one or two high powered cars” in the area of the manhunt and “rush the negro to some unknown location for safe keeping” if he were captured. But as the men undoubtedly realized, the most effective way to prevent a public lynching was for the outlawed fugitive to be shot and killed on sight.²⁴

²³ “Posse Hot on Negro's Trail,” *Charlotte Observer* June 30, 1927; Dirk Frankenberg, *Exploring North Carolina's Natural Areas: Parks, Nature Preserves, and Hiking Trails* (Chapel Hill: University of North Carolina Press, 2000), 293–95.

²⁴ “M'Lean Sends Pardon Chief on Man Hunt,” *Asheville Times*, July 3, 1927; Mary Underwood, *The Scotsman from Lumber River* (Raleigh: Pentland Press, 1996), 80; “Edwin Breathed Bridges,” in *Encyclopedia of American*

Numerous men from Morganton had spent the past week in the mountains hunting Broadus Miller, but that weekend they began returning to town. Among them was the improbably named Commodore Vanderbilt Burleson, who had “been out almost constantly” on the wanted fugitive’s trail. The forty-two-year-old Burleson had grown up in Linville Falls, a small mountain community at the upper end of Linville Gorge. The son of a renowned mountain guide and bear hunter, he had become a skilled tracker and bear hunter as well. In the early twentieth century, photographer Frank W. Bicknell extensively documented life in Linville Falls. Several of Bicknell’s photographs were of Burleson and his kinsmen, guns in hand, proudly standing over the body of some black bear they had killed. Burleson’s background had well-prepared him for the manhunt, which—like a bear hunt—featured groups of men using dogs to pursue their prey over long distances and for several days.²⁵

Biography (New York: American Historical Society, 1938); Edwin B. Bridges to Sam Ervin Jr., May 24, 1924, Feb. 19, 1926, Sam J. Ervin Papers, Manuscripts Department, Library of the University of North Carolina at Chapel Hill. ; David Leroy Corbitt, ed., *Public Papers and Letters of Angus Wilton McLean* (Raleigh: Edwards & Broughton, 1931), 861; Edwin B. Bridges to Governor A.W. McLean, July 5, 1927, McLean Governor Papers, Correspondence, 500-526, North Carolina State Archives, North Carolina Division of Archives and History, Raleigh; “Boys Off to Camp,” *Morganton News-Herald*, July 7, 1927; *Report of the Adjutant General of the State of North Carolina: July 1, 1926 to December 31, 1927* (Raleigh: Edwards & Broughton, 1928), 90.

²⁵ Ben Dixon MacNeill, “Broadus Miller Meets His Doom in Gun Battle,” *Raleigh News and Observer*, July 7, 1927; Frank W. Bicknell Photograph Collection, North Carolina State Archives, Raleigh, NC; The primary source of information on Commodore Burleson are interviews conducted with his children: Charles Burleson, personal interview with author, April 13, 2007; Pat Burleson Howell, personal interview with author, June 26, 2007; Margaret Burleson Crumley, telephone interview with author, June 27, 2007. See also “Young Man from the Mountains,” *Hickory, NC Daily Record*, July 4, 1927; “Bears Are Fat in North Carolina,” *Forest and Stream* (November 1, 1913), 555. White southerners often viewed African Americans and black bears in a similar fashion—almost, but not fully, human, with potentially dangerous strength. This perceived similarity caused a single term to be used for both: the word “Cuffy” had a long and infamous history as a racial epithet and was a widely-used nickname for bears. A nineteenth-century visitor to the American South reported that black bears were sometimes kept as pets, but “if bruin misbehaves or grows rough and restive, they kill him and get another.” “‘Cuffy,’ so they style the black bear, is often led into fatal mishaps,” the visitor noted. “The Sportsman Abroad,” *The Gentleman’s Magazine and Historical Review* (London: January 1867), 39. For use of the term “Cuffy” to refer to African Americans, see Frederic G. Cassidy, ed., *Dictionary of American Regional English* (Cambridge, MA: Belknap Press, 1985); H. L. Mencken, *The American Language: An Inquiry into the Development of English in the United States* (New York: Alfred A. Knopf, 1937), 523. For the term “Cuffy” used in reference to bears, see, for example, the article “Cuff, Jonas Ridge Pet,” *Morganton News-Herald*, July 7, 1927; the article describes a pet bear named Cuff that “is as black as the soot in the chimney.”



Figure 9. Bear Hunters in Linville Falls.

Commodore Vanderbilt Burleson stands third from left in the middle row and holds a long-barreled pistol. Burleson's father kneels on the ground at far left. Circa 1905.

Photograph courtesy of Pat Burleson Howell.

In 1913, Commodore Burleson had married a woman from Morganton who was teaching in a mountain school. The couple moved to her hometown, where Burleson worked as a town policeman, then as a carpenter and building contractor. In the 1920s he joined the Morganton Klan and at some point became head of the local klavern, but it is unclear if he assumed this leadership role before or after the summer of 1927, when he suddenly achieved widespread renown. He belonged to Morganton's First Methodist Church, a bastion of support for the local Klan, and as a teetotaling former alcoholic, he would have been attracted to the Invisible

Empire's fight against bootleggers. One particular characteristic of Burleson stands out: his antipathy for African Americans. The community of Linville Falls was lily-white, and after moving to Morganton, Burleson had a reputation for disliking blacks. In 1925, during the Arthur Montague case, he had been a member of the grand jury that recommended Burke County's public institutions quit employing African Americans; indeed, the grand jury's recommendation may have been his idea.²⁶

On the same day Pardon Commissioner Bridges arrived in Morganton, the Yancey County sheriff arrested and jailed a man who resembled the widely-distributed photograph of Broadus Miller. That evening in Morganton, Commodore Burleson and Harrison Pritchard—a tenant farmer who had also spent the previous week hunting the fugitive in the mountains—met with Fons Duckworth. A former town alderman and a leader of the local Junior Order, Duckworth was a well-known figure in Morganton; the previous year, when announcing his appointment to the Burke County Road Commission, Beatrice Cobb had praised him as “a practical business man with an unusual amount of good common sense.” Duckworth told Burleson and Pritchard that he planned to drive to Yancey County and check out the suspect who had been arrested. He would be accompanied by John C. Burnett, a white resident of Morganton who knew Broadus Miller by sight and could identify him, and he invited Burleson and Pritchard to go along on the trip.²⁷

Early the following morning, Sunday, July 3, the four men set out in Duckworth's Model T Ford. They were not acting in any official capacity, and if the suspect turned out to be Miller,

²⁶ Charles Burleson, personal interview with author, April 13, 2007; Pat Burleson Howell, personal interview with author, June 26, 2007; Margaret Burleson Crumley, telephone interview with author, June 27, 2007; “Special Court Term Closed on Wednesday,” *Morganton News-Herald*, May 14, 1925.

²⁷ “Long Hunt for Negro Outlaw,” *Morganton News-Herald*, July 7, 1927; “Citizen's Ticket,” *Morganton News-Herald*, March 24, 1927; “Burkemont Council Installs New Officers,” *Morganton News-Herald*, January 7, 1926; *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 160; “The News-Herald believes...” (untitled editorial) *Morganton News-Herald*, January 21, 1926.

they were not authorized to extradite him. Though they were going to see a prisoner held in police custody, when they left that morning, all of them were armed. Along the way, they stopped in the town of Marion to get a morning paper and learned that the Yancey County sheriff, worried about a potential lynch mob, had transferred his prisoner to the Asheville jail. They also heard the latest news: during the night, the long-sought fugitive had apparently stolen food from a café in Linville Falls. The men from Morganton immediately turned and headed north toward Burleson's birthplace.²⁸

The Linville Falls community is situated on the crest of a rugged mountain ridge at the intersection of Burke, Avery, and McDowell counties. A railroad ran through the valley at the foot of the mountain, stopping at a small train station in the rural community of Ashford. At the turn of the twentieth century, a writer had described the six miles between Linville Falls and Ashford as "some of the wildest scenery of the South," in which "vast chasms, ghastly rents, massive towering rocks, seared and seamed, are on every hand." Commodore Burleson's uncle John Wiseman owned a general store—called Black Bear Store—in Linville Falls. On Sunday morning Wiseman discovered that a café across the road from his store had been broken into during the night, with discarded candy bar wrappers marking the intruder's trail going down the mountain toward Ashford. Suspecting the culprit might be the fugitive outlaw, the storekeeper telephoned the Morganton police. That same morning someone stole a jar of milk from the springhouse of a farmer in Ashford. The farmer's daughter claimed to have glimpsed a black man with a gun crossing the road at Concord United Methodist Church.²⁹

²⁸ "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927; "Those Who Searched," *Morganton News-Herald*, July 7, 1927; Ben Dixon MacNeill, "Broadus Miller Meets His Doom in Gun Battle," *Raleigh News and Observer*, July 7, 1927; "Negro Brought Here for Safe-Keeping," *Asheville Times*, July 3, 1927.

²⁹ J. O. Lewis, "The Costliest Railroad in America: A New Railroad That Cost More Than Thirty Million Dollars," *Scientific American* Supplement No. 1752, July 31, 1900; "Leaves From a Notebook," *Morganton News-Herald*, July 21, 1927; "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927; "Young Man from the Mountains Shoots Outlaw," *Hickory Daily Record*, July 4, 1927; "Negro Outlaw Slain at End of Long Trail in

When they arrived in Ashford, Burleson and his companions saw several cars parked beside the road near the church. The McDowell County sheriff had brought bloodhounds, and a few dozen people had gathered at the scene. Starting at the farmer's springhouse, members of the loosely organized posse traced the fugitive's trail to an empty milk jar a hundred yards away. From there footprints led up the wooded mountainside behind the church. Burleson and Pritchard recognized the tracks as the same they had followed in Caldwell County a few days before, for one of the man's feet was "covered with rags with two toes [sticking] through." The group of hunters split up and went in separate directions, agreeing that whoever came upon any sign of their prey would give a bobwhite whistle to alert the others. As Pritchard and Duckworth circled around the top of the mountain, they came upon a fresh trail through the brush and whistled. While working his way up through the dense undergrowth with a .45-caliber pistol in hand, Commodore Burleson suddenly encountered Broadus Miller.³⁰

As the crow flies, Ashford is only some twenty miles from Morganton, but during twelve days on the run the outlawed fugitive had covered a much greater distance—up the Johns River valley, back and forth across the rugged ridges at the base of Grandfather Mountain, and over the steep rock faces and thick scrub brush of Linville Gorge. In a mad zigzag course, going in circles and doubling back on his own trail, he had frantically tried to shake off the incessant hounds and hunters on his heels. He had worn out his shoes in the first few days of running, and from then on he had been barefoot, his bleeding feet wrapped in rags, as he pushed blindly forward through

Mountains," *Charlotte Observer*, July 4, 1927; "Broadus Miller, Outlaw, Is Killed," *Marion (NC) Progress*, July 7, 1927. The train station in Ashford was officially called Linville Falls Station, but the station was six miles from the Linville Falls community. According to the *Marion Progress*, farmer George Ollis glimpsed the fugitive. However, elderly Ashford resident Buford Franklin, who grew up a few hundred feet from the scene and knew the Ollis family personally, remembered Ollis's daughter Tressie as the person who claimed to have spotted the outlaw. Buford Franklin, personal interview with author, June 11, 2007.

³⁰ "Broadus Miller, Outlaw, Is Killed," *Marion (NC) Progress*, July 7, 1927; "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927.

dense laurel thickets and snake-infested creek bottoms. Living on wild berries, on occasional milk and food pilfered from springhouses and remote cabins, he had lost thirty pounds while on the run. When he emerged from Linville Gorge early on Sunday morning, hungry and tired, he had broken into a café, desperately searching for food. Apparently making no attempt to cover his tracks, he had littered the ground with candy bar wrappers as he made his way down the mountainside toward Ashford. There he drank milk from a farmer's springhouse, tossed aside the emptied jar, and wandered back into the woods.³¹

Commodore Burleson shot and killed Broadus Miller on the thickly wooded mountainside behind Concord United Methodist Church. The details of the killing are shrouded in controversy. According to Burleson, the fugitive was armed and fired at him with a .12-gauge shotgun, stolen from some isolated mountain cabin. Burleson's companions supported his account. Duckworth later claimed that when he arrived on the scene "less than a minute" after the shooting, a shotgun was "lying at the negro's side," and when the gun was broken open, "it was still smoking" from having recently been fired. The previous week, the press had reported rumors that Miller was armed; as one journalist noted, posse members were "prepared to shoot without a great deal of provocation." In the coming days, newspapers throughout the United States portrayed the encounter between the outlaw and Commodore Burleson as an epic gun battle in which Burleson had triumphed, but other hunters would later challenge the official account of Miller's death.³²

Hearing the gunshots, the rest of the posse quickly arrived on the scene. Broadus Miller lay on the ground, shot in the chest and mortally wounded; he "never spoke and in a moment or

³¹ Ibid.

³² "Vain Effort Being Made to Discredit Burleson," *Morganton News-Herald*, July 21, 1927; "Posse Hot on Negro's Trail," *Charlotte Observer* June 30, 1927; "Claims Broadus Miller Shot While Asleep beside Stump," *Lenoir News-Topic*, July 14, 1927; "Broadus Miller, Negro Outlaw, Is Killed," *Lenoir News-Topic*, July 4, 1927.

two closed his eyes and was dead.” Burleson and his companions then tied a rope around Miller’s legs and dragged him like a dead animal out of the woods and to the road, where they threw his body into the back of Duckworth’s Model T. The men set off for Morganton, speeding down the rough backroad and “turning curves as fast as possible.” On the way they passed the automobile of Sheriff Hallyburton, who—accompanied by Pardon Commissioner Bridges and Sam Ervin, Jr.—was rushing to the scene of the renewed manhunt. Beyond the mountain valley the road straightened and flattened and ran directly toward Morganton, where shortly before noon the manhunters arrived with their grisly trophy.³³

Journalist Ben Dixon MacNeill of the *Raleigh News and Observer* happened to be in Morganton that Sunday, having stopped in the town on his way to cover a Fourth of July celebration planned for the following day in Mitchell County. Known as “the most colorful newspaperman in North Carolina,” and seeming to have a “mysterious gift for being where things happened,” MacNeill vividly described the bounty hunters’ arrival:

An automobile swept into [town] with its siren shrieking. Four men rode in the car, and over the right rear door projected the feet of a figure thrown carelessly on the floor. The feet were wrapped in rags. The left foot was partially bare and very black. It hung loosely over the side of the car. The streets were filled with people going home from their places of worship.

One of the men sat still and tired in the seat but the other three leaned far out of the car to yell jubilantly to the crowds going home from church[,] “Here’s your Nigger—come and look at him.” People stopped to stare as the car swept along and then they turned toward the court house in the center of the town. . . .

Shooting half across the sidewalk before it was brought to a stand still, the car drew up before the courthouse. The rear door was opened, and two men grabbed the feet

³³ Buford Franklin, interview with author, June 11, 2007. Franklin’s account is corroborated by a description given by H. Clay Ferree, who later saw Miller’s body in Morganton: “I saw . . . the seared and broken skin where the taut rope had cut his legs” H. Clay Ferree, “The Day the Mob Took Over,” in “Crime and Criminals” vertical file, North Carolina Room, Burke County Public Library, Morganton, NC. “Man Slaying Negro Killer is Hero of the Day,” *Asheville Times*, July 4, 1927. Ben Dixon MacNeill (“Broadus Miller,” *Raleigh News and Observer*, July 4, 1927) states that the men arrived in Morganton shortly after noon. All other eyewitnesses give a slightly earlier time of arrival. See J. Alex Mull, *Tales of Old Burke* (Morganton: News Herald Press, 1975), 94; Harry Wilson Jr., *Lazarus Bros. The Early Years: The Story of Their Store and Their Times 1893–1993* (Morganton, NC; privately published, n.d.), n.p.; Margaret Burleson Crumley, telephone interview with the author, June 27, 2007.

that projected. The body was dragged to the pavement, its head hitting sharply as it fell. For a moment it lay there, with its red, gaping wounds in the naked breast and stomach still dripping. The clothing had almost all been torn off in his wandering through mountain forests. . . .

Again grasping the figure by the feet, two men dragged it across the sidewalk, across the courthouse lawn, pausing a moment before the door and then going in. A vast throng collected with miraculous speed. They yelled in exultation. Women embraced one another and men shook one another by the hand and slapped one another on the back. Before the doors of the courthouse they all clamored for a sight of the dead, naked fugitive.

For half an hour Broadus Miller's body "lay in a huddled heap" on the courthouse floor while local residents crowded into the building to look at his remains. In the words of the *Charlotte Observer*, "thousands of people, in varying moods and temperaments, began to pour into town and fill the streets about the courthouse." The rapidly growing crowd all wanted to see the body, and a group of men dragged the corpse out of the courthouse and to the north side of the lawn, where they placed it on the ground beside a large Confederate monument. The crowd—mostly comprised of men, but with a few women and children as well—clustered around Miller's body, with several men standing on the base of the monument to look down at the dead black man on the ground below.³⁴

Over the course of the next hour, the crowd grew restive and unruly, with people pushing forward to get a glimpse of the body—and threatening to do more than just look at it. In MacNeill's words, "Some proposed to hang him up in sight of everybody and others demanded that he be dragged through the streets behind an automobile." Decades later, some oral histories

³⁴ Margaret McMahan, "Early Years of Ben Dixon MacNeill," *Raleigh News and Observer*, Aug. 13, 1967; MacNeill, "Broadus Miller Meets His Doom"; "Negro Outlaw Slain at End of Long Trail in Mountains," *Charlotte Observer*, July 4, 1927; "Confederate Monument" vertical file, North Carolina Room, Burke County Public Library, Morganton, NC. For additional information on MacNeill, see William S. Powell, ed. *Dictionary of North Carolina Biography* (Chapel Hill: University of North Carolina Press, 1991). A member of the North Carolina Historical Commission, MacNeill had been invited to the July 4 dedication of a monument to the Revolutionary War soldiers known as the Overmountain Men. "To Unveil Monument at Historic Gillespie Gap," *Raleigh Times*, June 24, 1927. A photograph of the scene on the courthouse lawn appeared on the front page of the *Charlotte Observer*, July 5, 1927, and the *Raleigh Times*, July 6, 1927.

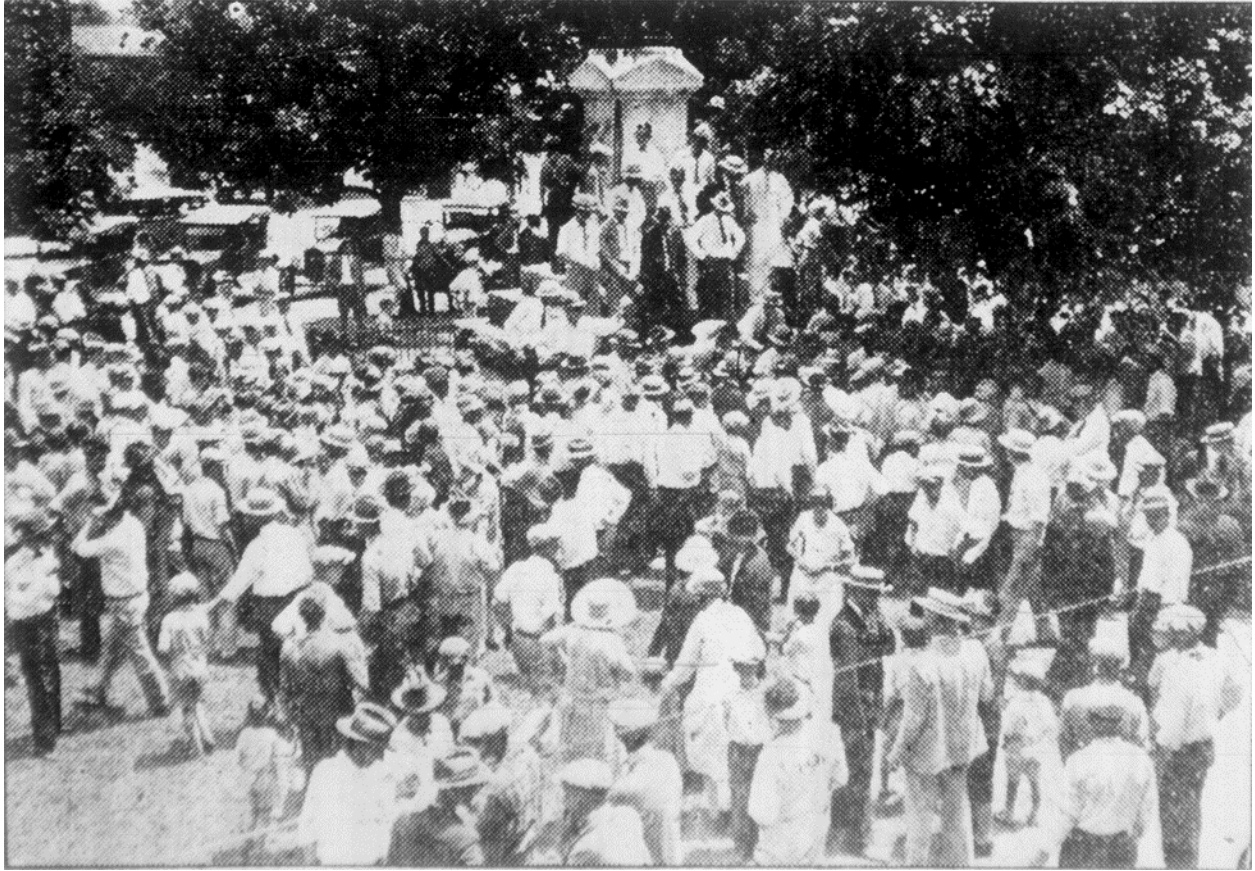


Figure 10. Morganton Courthouse Square, July 3, 1927.
Broadus Miller's body lies on display at the base of the Confederate monument

Raleigh Times, July 6, 1927.

of the events on the courthouse square would claim that Miller's body had been dragged behind a car, but there is no evidence such an act took place. Instead, alarmed at a situation that threatened to spiral out of their control, local law officials seized the body and hauled it to the jailhouse, a small two-story building on the opposite side of the courthouse square. There they removed it from public view and locked it in a cell. While the body lay in the cell, authorities brought in Broadus Miller's wife—who had been held in an undisclosed location—and a dozen of his

coworkers to confirm the identity of the emaciated corpse. “That’s Broadus,” his wife said. Two policemen then escorted Mrs. Miller back to Asheville by train.³⁵

The large crowd on the courthouse lawn attracted the attention of motorists on a nearby highway, who stopped to see the cause of the excitement. Traffic on the highway came to a standstill, and as news spread by telephone throughout Burke and adjacent counties, carloads of more spectators rushed to the scene, clamoring to see the dead outlaw. After the crowd grew to a few thousand people, they began threatening to storm the jailhouse. Sheriff Hallyburton's “own inclination was to send the body immediately to an undertaking establishment,” but “after a conference with other officials” he acquiesced to the crowd’s demand. However, this time local officials took steps to maintain a more orderly exhibition. While some fifty town and county officers stood guard, police carried the body back outside and laid it “on a board at the foot of the steps of the north portico of the jail.” Officers roped off a narrow aisle leading to the steps and allowed the crowd to pass by in single file in front of the body.³⁶

Not everyone on the crowded courthouse lawn stood in line to see Miller’s corpse. Beatrice Cobb later asserted that though she “felt no uneasiness or hesitancy in mingling with the crowd,” she had “no desire to gaze upon a dead negro and did not look at the body.” Outspoken

³⁵ MacNeill, “Broadus Miller Meets His Doom”; “Long Hunt for Negro Outlaw,” *Morganton News-Herald*, July 7, 1927; “Young Man from the Mountains Shoots Outlaw,” *Hickory Daily Record*, July 4, 1927; “Negro Outlaw Slain at End of Long Trail in Mountains,” *Charlotte Observer*, July 4, 1927. MacNeill was the only journalist to describe the body lying next to the Confederate monument; the photograph of the courthouse square later published in the *Charlotte Observer* and *Raleigh Times* confirms the accuracy of his description. The various oral histories and newspaper accounts offer a confused and sometimes contradictory chronology of events, indicative of the tumultuous atmosphere on the courthouse lawn. In her book on an Indiana lynching, author Cynthia Carr describes “anecdotal evidence” of the lynching’s victims being “dragged around the square behind an automobile,” though “none of the newspaper accounts mention” it—a description eerily similar to the conflicting oral and written accounts of what occurred in Morganton. Cynthia Carr, *Our Town: A Heartland Lynching, a Haunted Town, and the Hidden History of White America* (New York: Crown, 2006), 124-127. The photographs taken of Broadus Miller’s body clearly indicate that he had not been dragged by car, for the corpse shows no evidence of the great physical trauma such an action would have caused.

³⁶ MacNeill, “Broadus Miller Meets His Doom”; “Long Hunt for Negro Outlaw,” *Morganton News-Herald*, July 7, 1927; “Young Man from the Mountains Shoots Outlaw,” *Hickory Daily Record*, July 4, 1927; “Negro Outlaw Slain at End of Long Trail in Mountains,” *Charlotte Observer*, July 4, 1927.

in calling for the death of African Americans who assaulted white women, Cobb never wished to see the result of what she so passionately advocated. In October 1922, North Carolina had executed a teenage black boy named McIver Burnett, convicted of raping a young white woman. The state prison in Raleigh allowed over eighty spectators—men and women—to crowd into the small death chamber and watch the boy be electrocuted. The week following Burnett’s execution, Cobb editorialized that it was “beyond the comprehension of the average woman to understand why anybody, man or woman, would have the remotest desire to be a witness to such a gruesome spectacle.”³⁷

As the public exhibition of Miller’s body began, Commodore Burluson sat in the law office of Sam Ervin, Jr. across the street from the courthouse, giving a formal statement to Pardon Commissioner Edwin Bridges. Burluson asserted the outlaw had been armed with a shotgun and had fired at him, the load of shot going over his head. Ervin spoke up and said three witnesses had told him the shotgun blast hit a tree stump directly in front of Burluson. “Is that right?” the outlaw’s killer responded. “I thought he shot over my head.” The pardon commissioner would subsequently report to the governor that “the slaying of Broadus Miller was necessary and justifiable,” and he praised local officials, especially his friend Ervin, for having “worked diligently and wisely in taking precautionary measures for the purpose of preserving law and order.” The meeting with the governor’s envoy abruptly ended when a police officer stepped into the office and announced that the huge crowd outside was demanding to see the man who had killed Broadus Miller. When Burluson emerged from the law office, the crowd cheered

³⁷ “Woman Watches Assailant Executed at State Prison,” *Raleigh News and Observer*, October 13, 1922; North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 43-44; Katrina Nannette Seitz, “The Transition of Methods of Execution in North Carolina: A Descriptive Social History of Two Time Periods, 1935 & 1983,” (Ph.D. dissertation, Virginia Polytechnic Institute and State University, 2001), 93; “Nine women witnessed....” (untitled editorial), *Morganton News-Herald*, October 19, 1922.

wildly. Police officers escorted him across the courthouse lawn and to the jailhouse porch. Eerily reprising the trophy photographs from his bear-hunting days, Burleson stood “above the body of the dead negro” throughout the afternoon, occasionally waving in response to the people shouting his praises.³⁸

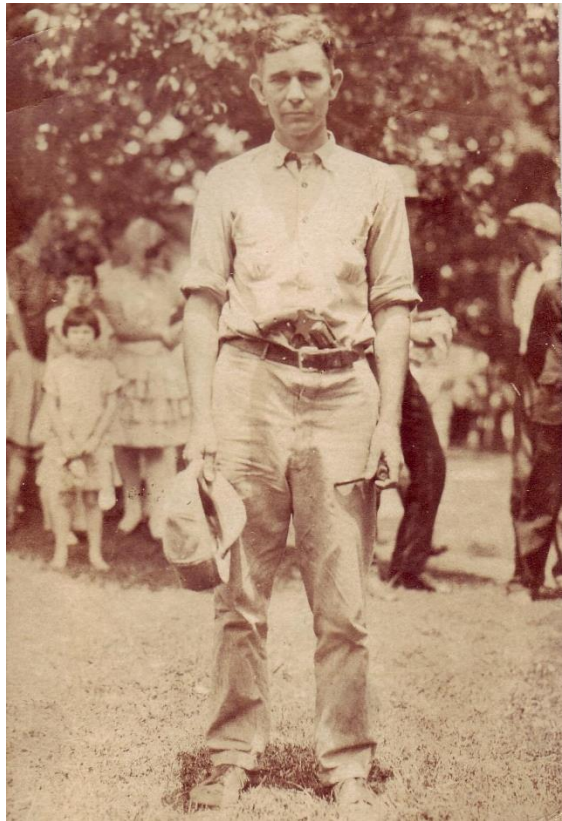


Figure 11. Commodore Vanderbilt Burleson.
Burleson stands on the Morganton courthouse lawn, with his pistol tucked in his belt.

Photograph courtesy of Ronald Huffman.

³⁸ “Negro Outlaw Slain at End of Long Trail in Mountains,” *Charlotte Observer*, July 4, 1927; Edwin B. Bridges to Governor A. W. McLean, July 5, 1927, McLean Governor Papers, Correspondence, 500–526, North Carolina State Archives, Raleigh, NC; “Burleson’s Deed,” *Hickory Daily Record*, July 15, 1927; “Along Comes a Hero,” *Cleveland County Star*, July 6, 1927. As historian Amy Louise Wood has noted, there is often an “uncanny resemblance” between lynching photography and photographs of hunters with their prey. Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890–1940* (Chapel Hill: University of North Carolina Press, 2009), 94.

That afternoon a local photographer took pictures of Burleson and of Broadus Miller's body, causing hordes of people to stampede the photographer's downtown studio, demanding copies of the photographs. "We had to sell the pictures while they were still wet," the studio owner later recounted. "If we had waited until they were dry that crowd would have torn the building down." In the two photographs of the dead outlaw, the shotgun Miller had allegedly carried is prominently displayed on top of his body. The shirtless dead man wears a pair of knee-length shorts, while a knotted sheet has been looped around his shoulders, presumably to use in carrying or dragging the body. In one of the photographs the corpse is spread-eagle with legs outstretched, while two men stand behind the body and raise it by the arms for the benefit of the camera; in order to keep Miller's head upright, one of the men props it up with his foot, his highly polished leather dress shoes contrasting sharply with the dead man's gaping mouth and open eyes.³⁹

When Pardon Commissioner Bridges learned Miller's body was on public display, he protested and urged "that an end be put to the morbid spectacle," but Sheriff Hallyburton replied that he feared "what the crowd would do if denied an opportunity to look at the man." Throughout the afternoon a constant stream of spectators moved through the roped aisle at the jailhouse. A journalist counted more than five thousand people passing in front of the body, but some persons went through the line more than once. Many spectators spat on the corpse, but police protected it from greater desecration. When one man "paused at the side of the dead negro and then kicked it mightily," deputies intervened and arrested him. Another person "showed an open knife up his sleeve and the officers pushed him on down the line hurriedly." As people

³⁹ MacNeill, "Broadus Miller Meets His Doom"; "L. E. Webb Relates Experience When Negro Was Killed," *Hickory Daily Record*, July 13, 1927. Copies of the photographs are in the possession of the author, courtesy of Ronald Huffman.



Figures 12 and 13. Broadus Miller's Body on Public Display.

Photographs courtesy of Ronald Huffman.

passed through the line, two men solicited donations for Gladys Kincaid's family, collecting more than three hundred dollars. Kincaid's mother was brought to see the body of her daughter's accused killer, but she would not allow her young children to accompany her. The press did not record Mrs. Kincaid's reaction to the exhibit, but Ben Dixon MacNeill noted that spectators who waited in line "came out expressing profound satisfaction" at having had "a glimpse of the huddled ragged figure."⁴⁰

⁴⁰ MacNeill, "Broadus Miller Meets His Doom"; "Young Man from the Mountains Shoots Outlaw," *Hickory Daily Record*, July 4, 1927; "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927; "Negro Outlaw Slain at End of Long Trail in Mountains," *Charlotte Observer*, July 4, 1927; Beatrice Cobb, "Indignant," *Morganton News-Herald*, July 7, 1927; Cecil Kincaid, telephone interview with author, June 28, 2007.

Several people in the crowd were drinking, and by late afternoon the scene on the courthouse lawn was becoming increasingly chaotic. Local officials feared the crowd would attempt to seize the corpse in order to desecrate it further. Although hundreds of spectators were still waiting in line, police took Miller's body back inside the jail, placed it in a coffin, and prepared to ship it by train for burial in an undisclosed location. At six-thirty that evening, "thousands were lined up at the railway station as officers placed the body in an express car." A funeral-home employee and sheriff's deputies accompanied the coffin. According to one account, the men planned to disembark in nearby Hickory and bury the body there, but some members of the crowd, intent on desecrating the corpse, had sped to Hickory and were waiting when the train arrived, so the body's handlers continued on further east. Late that evening the train stopped in Statesville, where the men unloaded the coffin and turned it over to a local funeral home. The following morning Broadus Miller was buried in an unmarked grave on the outskirts of a local African American cemetery.⁴¹

On the day Miller was buried in Statesville, the city celebrated the Fourth of July by hosting the long-planned annual state rally of the Ku Klux Klan. By the time of the Statesville rally, Judge Henry Grady no longer headed the North Carolina Klan. In January 1927, the judge had fallen out with Hiram Wesley Evans, the Klan's national leader. Evans had demanded state legislatures throughout the country enact anti-Catholic legislation, including a law prohibiting Catholics from disparaging Protestant marriages. Catholic weddings endangered "the sanctity of marriage," Evans declared, and attempting "to change the established American customs

⁴¹ "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927; MacNeill, "Broadus Miller Meets His Doom"; "Young Man from the Mountains Shoots Outlaw," *Hickory Daily Record*, July 4, 1927; "Negro Outlaw Slain at End of Long Trail in Mountains," *Charlotte Observer*, July 4, 1927; "Man Slaying Negro Killer is Hero of the Day," *Asheville Times*, July 4, 1927; "Broadus Miller's Body Buried Here," *Statesville Landmark*, July 4, 1927; Mull, *Tales of Old Burke*, 95–96.

concerning marriage would produce social confusion, discord, and finally civil war.” Judge Grady denounced the proposed laws as “silly, unseemly, and unconstitutional,” and he stepped down as Grand Dragon and resigned from the Klan.⁴²

In the wake of Judge Grady’s departure, several Klan chapters in North Carolina dissolved and membership declined, but though its heyday had passed, the Invisible Empire still maintained significant support. By noon an estimated two thousand Klansmen had gathered in Statesville, with hundreds more arriving throughout the day. They came “from all parts of North Carolina,” as well as from South Carolina, Tennessee, and Virginia. The Klan rally was held in conjunction with an afternoon horse show featuring an honored guest: Commodore Vanderbilt Burleson—killer of Broadus Miller and member of the Morganton Klan. With Burleson mounted behind him, a former local sheriff “rode in front of the grandstand and around the grounds, announcing, ‘Here’s the man who killed the negro.’ Cheers came from all sides of the grounds, many enthusiasts yelling out, ‘Bring him around and let me see him.’”⁴³

In the evening, a large parade wound its way through the crowded streets of downtown Statesville. Two mounted policemen “accompanied by two mounted Klansmen, with both riders

⁴² David Chalmers, *Hooded Americanism: The First Century of the Ku Klux Klan*, 95; Hiram W. Evans, “Preserving the American Home,” *Kourier Magazine* 3.4 (March 1927), 3-5, 10; Edgar Allen Booth, *The Mad Mullah of America* (Columbus, OH: Boyd Ellison, 1927), 269. Two weeks before the Fourth of July, Statesville officials had written to Governor McLean, requesting that the Statesville Calvary Troop of the National Guard be part of the celebration, but the governor declined the request. “I feel that it would set a very troublesome precedent,” he responded, “to call the Troop out for duty on any occasion except to enforce the law in the protection of life and property.” Angus Wilton McLean to Bailey Groome, June 27, 1927, Angus W. McLean General Correspondence, 1924–28, North Carolina State Archives, Raleigh, NC. As Chalmers notes, one of Hiram Wesley Evans’s proposed laws was an anti-miscegenation statute. North Carolina already had such a statute on the books and Judge Grady approved of it, so the proposed laws that Grady deemed “silly, unseemly, and unconstitutional” were only those targeting Catholics.

⁴³ “Several Thousand Klansmen in City,” *Statesville Landmark*, July 4, 1927; “Horse Show Very Successful Event,” *Statesville Landmark*, July 7, 1927; “Klan Parade Draws Immense Crowd,” *Statesville Daily*, July 5, 1927. For the role of horse shows in the first, Reconstruction-era incarnation of the Klan, see Paul Christopher Anderson, “Rituals of Horsemanship: A Speculation on the Ring Tournament and the Origin of the Ku Klux Klan,” in *Weirding the War: Stories from the Civil War’s Ragged Edges*, edited by Stephen Berry (Athens, GA: University of Georgia Press, 2011), 215-233.

in horses in white robes, led the procession,” followed by city officials and hundreds of robed Klansmen waving American flags. After circling the downtown streets, the procession stopped in front of the courthouse. The featured speaker for the Fourth of July celebration was Dr. William Hamlett, a Texas minister who had resigned from Austin’s First Baptist Church in order to become a full-time Klan spokesman. From a podium on the courthouse lawn, Hamlett proclaimed “the importance of keeping the human race pure, illustrated by the clear, pure mountain stream, as contrasted with the sluggish, stagnant streams of the lowlands.” Following the speech, a crowd of thousands watched a large fireworks display, capped off by “the burning of the fiery cross.”⁴⁴

As Klansmen gathered in Statesville to celebrate the Fourth of July, journalist Ben Dixon MacNeill’s account of the previous day’s events in Morganton appeared on the front page of the *Raleigh News and Observer*. His graphic description of the way Broadus Miller’s body had been treated would prompt a storm of editorial condemnation from some of the state’s leading newspapers. “Morganton Church-Goers Applaud a Gory Matinee,” proclaimed a headline in the *Raleigh Times*. “When the automobile brought the dead body through the streets, the people were just emerging from church, meditating sermons,” the *Times* lamented. “The siren announcing the kill changed them instantly from a collection of pious sheep and demure doves into a pack of wolves ravaging after the event.” Other papers joined the chorus of criticism. The *News and Observer* editorialized that the exhibition had been “a carnival of community hate” and “a

⁴⁴ Ibid; Mika Smith, “Hooded Crusaders: The Ku Klux Klan in the Panhandle and South Plains, 1921-1925,” (M.A. thesis, Texas Tech University, 2008), 18; V. L Brooks, *History of the First Baptist Church* (Austin, TX: n.p., 1923), 13. In an international context, the 1920s’ Klan clearly mirrored the fascist movements sweeping Europe during the same time period: On the same day as the Klan rally in Statesville, Joseph Goebbels would publish the first issue of *Der Angriff*, the Nazi Party newspaper. Russel Lemmons, *Goebbels and Der Angriff* (Lexington: University Press of Kentucky, 1994), 31.

gruesome spectacle to satisfy the fierce exultation and the morbid blood lust of a group of white men,” while the *Greensboro Daily News* castigated “a community where so many persons have happily utilized a Sunday afternoon to drench themselves in savagery.”⁴⁵

The criticism infuriated Morganton’s white residents. In the words of Beatrice Cobb, the townspeople were “spitting fire.” Newspapers throughout western North Carolina rallied to the town’s defense. “[W]hat other conduct could have been expected of an outraged people?” the *Charlotte Observer* demanded. “Why should they not have manifested a desire to view the body of the outlaw whose acts had brought so much distress upon that community?” The *Cleveland County Star* argued the desire “to see the body of a slain man” was “a curiosity that has evidenced itself enough to be termed natural.” Whether “natural” or not, manifestations of such morbid curiosity regularly occurred and were not limited to the dead bodies of black men. The previous year, on a Sunday afternoon in August 1926, six white teenage girls in an automobile had been killed at a railroad crossing on the outskirts of Gastonia. “The bodies, taken to local undertaking establishments, were viewed by an endless chain of curious men, women and children up until a late hour Sunday night and also Monday morning,” the press reported. “Force had to be used to keep back the crowd Monday morning.”⁴⁶

⁴⁵ Ben Dixon MacNeill, “Broadus Miller Meets His Doom in Gun Battle,” *Raleigh News and Observer*, July 7, 1927; “Morganton Church-Goers Applaud a Gory Matinee,” *Raleigh Times*, July 4, 1927; “Needless Atrocity,” *Raleigh News and Observer*, July 5, 1927; “On a Sunday Afternoon,” *Greensboro Daily News*, July 5, 1927; “The Veneer is Thin,” *Durham Morning Herald*, July 6, 1927.

⁴⁶ “Morganton Warm over Paper Story,” *Hickory Daily Record*, July 7, 1927; “Sheriff Resents Unfair Reports Affair Sunday,” *Morganton News-Herald*, July 7, 1927; “Why the Fuss?” *Hickory Daily Record*, July 12, 1927; “Morganton and Burke,” *Lenoir News-Topic*, July 18, 1927; “Some of the newspapers...” (untitled editorial), *Charlotte News*, July 6, 1927. “A Defense of Morganton,” *Charlotte Observer*, July 14, 1927; “The Morganton Affair,” *Cleveland Star*, July 11, 1927; “Six Girls Victims of an Automobile Wreck,” *Morganton News-Herald*, August 5, 1926; “Five Killed, One Injured, When Southern Train Hit Ford Truck at Crossing,” *Gastonia Daily Gazette*, August 2, 1926. Historian Suzanne Lebsack notes a similar angry reaction in the 1890s among residents of rural Lunenburg County, Virginia to editorial criticism from Richmond condemning lynching in the county. Among Lunenburg County residents, “resentment burned the hotter because the insults came from the city, the capital no less. City against country, central power versus local: The tensions were as old as cities themselves and never far below the surface. It took very little—a few condescending editorials would do—to set them on a career of their own.” Suzanne Lebsack, *A Murder in Virginia: Southern Justice on Trial* (New York: W.W. Norton, 2003), 157.

The crowd on the courthouse lawn had celebrated Miller's death, but vengeful celebrations were by no means unique to the South. The first executions in the United States in the year 1927 had taken place in Boston, where on an evening in early January a crowd numbering in the thousands gathered outside Charlestown State Prison. Fifteen months earlier three young white men had robbed a railway storage yard; during the robbery one of them had killed a night watchman, a crime for which he and his two companions were all sentenced to die. At midnight, as the condemned men were led one by one to their deaths in the electric chair, the huge crowd outside celebrated raucously, with triumphant shouts and blaring car horns. In a scene lit by the incessant flashing of reporters' camera bulbs, they surged forward, pressing squads of deployed policemen up against the prison's outer walls. The following week, nationally syndicated columnist Arthur Brisbane reflected upon the spectacle that had occurred in Boston. "Crowds that howled around the French guillotine," concluded Brisbane, "were not entirely different from human beings of today."⁴⁷

Yet clearly the spectacle in Morganton was more than morbid curiosity or vengeful celebration. Unlike the girls in Gastonia and the young men in Boston, Broadus Miller was an

⁴⁷ Daniel Allen Hearn, *Legal Executions in New England: A Comprehensive Reference, 1623-1960* (Jefferson, NC: McFarland, 1999), 352; Milton R. Palmer, ed., *The State Trooper, Volumes 7-8* (Detroit: State Trooper Publishing Company, 1925), 9; "Three Men Electrocutted at Boston Prison Today for a Single Murder," *Lancaster (PA) Daily Eagle*, January 6, 1927; "Carbarn Bandits Put to Death," *Fitchburg (MA) Sentinel*, January 6, 1927; "Three Massachusetts Bandits Die in Chair For Killing of Watchman in Car Barn Hold-Up," *New York Times*, January 6, 1927. Arthur Brisbane, "This Week," *Morganton News-Herald*, January 27, 1927. For more on Arthur Brisbane, see Sam G. Riley, ed. *Biographical Dictionary of American Newspaper Columnists* (Westport, CT: Greenwood Press, 1995), 39; David R. Spencer, *The Yellow Journalism: The Press and America's Emergence as a World Power* (Evanston, IL: Northwestern University Press, 2007), 156-161. The state executioner for Massachusetts, Robert G. Elliott, was employed by neighboring states as well. After finishing the job in Boston, Elliott travelled to New York's Sing Sing Prison and electrocuted three black inmates, giving him the dubious distinction of having killed six men in one day. Like the three condemned men in Boston, the three New York inmates had committed a robbery in which a night watchman was slain, and the killer and his two accomplices were all sentenced to death. Elliot would later be the person responsible for electrocuting Sacco and Vanzetti—an act for which anarchists bombed his house. Craig Brandon, *The Electric Chair: An Unnatural American History* (Jefferson, NC: McFarland, 1999), 222; "Watchman Is Slain, Four Quickly Seized," *New York Times*, February 8, 1926; "Three Negroes Die in Sing Sing Chair," *New York Times*, January 7, 1927.

African American, his dead body dragged across the courthouse lawn by an angry crowd of white men. The *Hickory Daily Record* quoted an unnamed “prominent Morganton citizen” who defended the treatment of the body, declaring that “the negro was in advanced stages of a dangerous disease when he was killed and ... nobody wanted to fondle him around.” In response to the widespread editorial condemnation, Beatrice Cobb admitted that “at first the corpse was not handled as carefully as it might have been,” but she rationalized what had occurred: “No man likes to touch the body of a mad dog; by his act Broadus Miller had practically lowered himself to that classification.” Local law enforcement officials had prevented the crowd from dragging the body behind an automobile, and when Miller’s body was later brought back out of the jailhouse and placed on public display, officers had guarded it. But the spectators who stood in line did more than just look at the corpse. As a man later recalled, he had gone through the line twice in order “to spit on Broadus.”⁴⁸

What took place on the Morganton courthouse lawn highlights the difficulty in precisely defining the term “lynching.” An extrajudicial killing? The outlawry proclamation gave judicial authority to every North Carolina citizen, and Miller’s death had thus been sanctioned by the state. The killing of an individual by a mob? Commodore Burlison acted alone in pulling the trigger. Could a dead man be posthumously lynched? Anti-lynching activists in the 1920s argued against expanding the definition in such a way. But placing a dead black man on public display—first at the base of a Confederate monument, then on the steps of the jailhouse—sent a clear and stark message to all African Americans. Decades later, an elderly white resident of

⁴⁸ “Morganton Warm Over Paper Story,” *Hickory Daily Record*, July 7, 1927; “Sheriff Resents Unfair Reports Affair Sunday,” *Morganton News-Herald*, July 7, 1927; “Too Severely Criticized,” *Morganton News-Herald*, July 14, 1927; Sandra Coffey, emails to the author, August 4, 13, 17, and 20, 2007.

Morganton candidly remarked that Broadus Miller's dead body had been exhibited in order to "put the fear of the Lord into Negroes."⁴⁹

Neither the NAACP nor the Tuskegee Institute—the two national organizations that kept track of lynching deaths—classified the killing of Miller as a "lynching," but the NAACP would thus categorize a North Carolina case that occurred a few weeks later. On the night of July 30, 1927, an African American named Tom Bradshaw was accused of assaulting a white girl in Nash County. After being arrested, he escaped under highly suspicious circumstances. A police officer transporting the handcuffed prisoner to jail at night stopped and let him out of the car, supposedly because Bradshaw wanted to kneel beside the road and pray. The policeman shot and wounded him as he fled. Still wearing handcuffs, and suffering from a gunshot wound, Bradshaw was chased by a large posse for three days, then shot and killed on the afternoon of August 2. For the rest of the afternoon his body lay in the field where he fell, while large crowds of people flocked to the scene to look at his corpse. Many of the spectators had cameras and took photographs. "Some drove up within a few feet of the Negro's body in their Fords," a reporter noted. "Others parked a mile away and walked." A local minister brought a group of children to see the dead body, then led them away after "they had one good, awed look."⁵⁰

⁴⁹ "Long Hunt for Negro Outlaw," *Morganton News-Herald*, July 7, 1927; Christopher Waldrep, "War of Words: The Controversy over the Definition of Lynching, 1899–1940," *Journal of Southern History* 66.1 (Feb. 2000), 75–100; Stewart E. Tolnay and E. M. Beck. *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (Chicago: University of Illinois Press, 1995), 78; C. T. Jr., telephone interview with the author, May 21, 2007. As Waldrep notes, anti-lynching activists were not consistent when drawing the distinction between "lynching" and "non-lynching." Though the NAACP did not classify Broadus Miller as a lynching victim, six years later—in August 1933—the organization would list as a lynching the North Carolina case of Doc Rogers, an African American killed in a gunfight with Pender County police. Rogers's corpse was posthumously seized and desecrated by a mob, who "dragged the body around the courthouse square" and mutilated it with gunfire. Waldrep, "War of Words," 87; Jessie Daniel Ames, *The Changing Character of Lynching: Review of Lynching, 1931-1941* (New York: AMS Press, 1973), 46.

⁵⁰ "Nash Negro Who Assaulted Girl Dies of Wounds," *Raleigh News and Observer*, August 3, 1927. Historian Vann R. Newkirk has recently categorized Broadus Miller's death as a "lynching," but he does not define the term. Vann R. Newkirk, *Lynching in North Carolina: A History, 1865–1941* (Jefferson, NC: McFarland, 2009), 106.

As an editorial in the *Greensboro Daily News* later noted, the cases of Tom Bradshaw and Broadus Miller were “in many respects similar.” The newspaper asserted it had “no disposition to argue the question” whether the killing of Bradshaw constituted a lynching. “Obviously the pursuers were more interested in killing him than capturing him,” the paper observed. “Morally it was so close to a lynching, as that term is generally used, that the difference is inconsequential.” The *Daily News* concluded there were “many acts” in North Carolina that could be classified as lynchings, but would never be catalogued as such.⁵¹

But though the cases of Miller and Bradshaw were in some respects similar, there were also significant differences between the two. Most importantly, whereas Miller had been outlawed, no proclamation had been issued against Bradshaw. The fleeing Bradshaw was still wearing handcuffs when he was shot and was universally acknowledged to have been unarmed; even his pursuers seemed embarrassed by the circumstances of his death, and no member of the posse would admit having fired the shot that killed him. Miller, on the other hand, allegedly carried and fired a gun. In the eyes of the law, his alleged possession of a shotgun was irrelevant—fleeing outlaws could be legally shot regardless of whether they were armed. But the gun made a profound difference in how the killing would be perceived by the public, providing an aura of respectability to what Commodore Burleson had done.⁵²

Among the men taking part in the manhunt for Broadus Miller had been a group of hunters who tracked him for several days through the mountains, staying continuously on his trail from Caldwell County and arriving in Ashford only minutes after Burleson killed him. The week after the killing, H.W. Gragg and Clyde Dula spoke to reporters and insisted Miller had been unarmed, for his trail had led through nearly impenetrable laurel thickets, places where a

⁵¹ “A Matter of Definition,” *Greensboro Daily News*, January 10, 1928.

⁵² “Nash Negro Who Assaulted Girl Dies of Wounds,” *Raleigh News and Observer*, August 3, 1927.

person “had to crawl considerable distances on hands and knees,” and “it would have been almost impossible” to traverse the thickets while toting a shotgun. There had never been “any sign of any gun on this trail,” the men declared. “Burluson showed us a shot gun, which he said the negro had fired at him,” Dula told reporters. “That gun had not been fired. Of that I am positive.” Beatrice Cobb angrily editorialized that it was “very unfortunate” the men’s claim “ever got into print,” but as the *Charlotte Observer* noted, “the desirability for North Carolina to preserve her record of fair play for accused men” required that the accusation be answered. Commodore Burluson hired Sam Ervin, Jr. to represent him and sued the two men for slander. H.W. Gragg then publicly apologized for having doubted “the manner in which Mr. Burluson killed the negro outlaw.” “It made no difference to me how he was killed just so he was dead,” Gragg hastened to assure the press. Dula never fully retracted his claim, but he admitted he could not prove it and agreed to pay Burluson a symbolic one cent in damages.⁵³

North Carolina would maintain “her record of fair play for accused men,” but there was often little doubt of that play’s outcome. In December 1927, an African American in his early twenties named Larry Newsome killed a fifteen-year-old white girl in Wayne County, the daughter of a bootlegger for whom Newsome worked. The girl’s body was found about 150 feet from her home, with her throat cut and her body badly slashed. When police apprehended

⁵³ “Claims Broadus Miller Shot While Asleep Beside Stump,” *Lenoir News-Topic*, July 14, 1927; “New Light on Miller Slaying,” *Charlotte Observer*, July 19, 1927; “What Is the Truth?” *Charlotte Observer*, July 20, 1927; “Vain Effort Being Made to Discredit Burluson,” *Morganton News-Herald*, July 21, 1927; “Blame the Newspapers,” *Morganton News-Herald*, July 28, 1927; “Gragg and Dula are Sued by Commodore Burluson,” *Lenoir News-Topic*, July 28, 1927; “A Show-Down Called,” *Durham Morning Herald*, reprinted in *Morganton News-Herald*, August 4, 1927; “Gragg Offers Apologies to Commodore Burluson,” *Lenoir News-Topic*, August 1, 1927; *Commodore Burluson v. C.L. Dula*, Superior Court of Burke County, August 29, 1927, Records of Burke County Superior Court, Burke County Clerk of Court Office, Morganton, NC. The laurel thickets in the North Carolina mountains were notoriously difficult to navigate. In the early twentieth century, writer Horace Kephart related the experience of two “powerful mountaineers” whom he knew. It had taken the men two days to traverse a laurel thicket that was only three or four miles wide. “I asked one of them how they had managed to crawl through the thicket,” recounted Kephart. The man replied, “We couldn’t crawl, we swum.” Horace Kephart, *The Book of Camping and Woodcraft: A Guidebook for Those who Travel in the Wilderness* (New York: The Outing Publishing Company, 1906), 212.

Newsome, his clothes were bloody and he had a blood-stained knife, and he would confess to what he had done. The crime had been brutal; so was the accused killer's background. He had grown up in a family of sharecroppers who drifted from one farm to another in eastern North Carolina. One of ten children, he had only a few weeks of formal education. His grandfather and at least one other relative had been declared insane. As a child, Newsome suffered from spasms, and he contracted syphilis when he was nineteen. Two years later he married. At the time of the murder, he, his wife, and child were living with his parents and three other people in a two-bedroom shack. Upon examining Newsome, doctors concluded he was "subnormal in general intelligence and decidedly psychopathic."⁵⁴

On Sunday, December 11, less than three days after the murder, a hastily scheduled special court session convened in Goldsboro to try Newsome. Presiding over the trial was Judge Henry Grady, who had resigned from the Klan earlier that year but still wore his judicial robe. As the trial commenced, the victim's relatives attempted to seize Newsome and drag him outside, where a crowd of ten thousand people had gathered to lynch him. As chaos erupted in the courtroom, the sheriff physically intervened, drawing his pistol and firing it twice into the ceiling, then handing the pistol to the judge and rushing the prisoner into the safety of the room designed for jury deliberations. Judge Grady covered the crowd with the pistol and announced, "Gentlemen, I would not willingly harm a man among you, but the next man who undertakes to lay hands upon this prisoner I will shoot dead. There is not going to be a lynching here."⁵⁵

Once again demonstrating his uncanny ability to be on the scene of dramatic events, journalist Ben Dixon MacNeill was present in the Goldsboro courtroom. MacNeill described the

⁵⁴ North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina* (Raleigh: North Carolina State Board of Charities and Public Welfare, 1929), 133-138.

⁵⁵ Ben Dixon MacNeill, "Judge Grady, Pistol in Hand, Foils Attempt to Lynch Negro Murderer," *Raleigh News and Observer*, December 12, 1927.

expression on the face of the pistol-wielding former Klan leader as “the look of a man who would not hesitate on the trigger for an instant if the occasion arose for pressing it.” Half an hour later, after National Guard troops had been deployed within the courtroom, the trial resumed. When the jury retired for deliberations, Judge Grady lectured the victim’s family. He could empathize with their anger, the judge announced, and he would not punish them for disrupting the trial, but the state had an exclusive right to punish offenders. “I am morally certain,” Judge Grady told the packed courtroom, “that the verdict will be guilty and that I shall presently sentence this prisoner to death. That ought to be sufficient for you.” Newsome was indeed quickly found guilty, and Grady then imposed the death sentence he had predicted.⁵⁶

The state-sanctioned judicial process moved more slowly than a lynch mob, but in Newsome’s case, the final destination was the same. Because of the unprecedented circumstances of the court proceedings in Goldsboro, attorneys filed an appeal and Newsome received a second trial, but nine months after Judge Grady’s original death sentence, he was electrocuted by the state. In 1925, after a Morganton jury convicted Arthur Montague, an extended appeals process had postponed his execution as well, leading Beatrice Cobb to suggest a lynching would have been preferable to any judicial delay. Montague’s alleged victim had been a boarding student from eastern North Carolina. “If she had been the daughter of a local citizen,” Cobb declared, “the situation would have never been allowed to reach its present state.” But eight months after Montague’s conviction, the editor’s desire for vengeance would be sated and the condemned man strapped into the electric chair. “Making frantic appeals to Jesus to ‘save my soul,’ Arthur Montague... paid with his life the full penalty of the law,” a press account noted.⁵⁷

⁵⁶ Ibid; *Report of the Adjutant General of the State of North Carolina: July 1, 1926 to December 31, 1927*, 10-11.

⁵⁷ Seth Kotch, “Unduly Harsh and Unworkably Rigid: The Death Penalty in North Carolina, 1910-1961,” (Ph.D. dissertation, University of North Carolina at Chapel Hill, 2008), 133; “Delay a Dangerous Element,” *Morganton News-Herald*, November 5, 1925; “When Patience Has Ceased To Be a Virtue,” *Morganton News-Herald*,

The week after Judge Grady defended the rule of law at gunpoint in the Goldsboro courtroom, Beatrice Cobb reflected on what had happened in Wayne County. The crime, which she predictably described as the act of “a negro brute,” had been very similar to “the atrocious murder of Gladys Kincaid” six months before. But there was one important difference between the two cases: “[W]e did not have to go through the ordeal of a trial. For weeks all of us lived in dread of what might happen should it be necessary to have a trial for Broadus Miller. We hoped and tried to believe that the law would be allowed to take its course. However, somebody might have tried to ‘start something’ and in that event there was no telling what might have happened.” In Cobb’s opinion, shared by many in Burke County and elsewhere, Commodore Burluson’s actions had provided an ideal ending to the case. The outlawed fugitive had been quickly killed and Morganton had been spared both a trial and a potential lynching.⁵⁸

If Broadus Miller had been taken alive, and if he had been successfully guarded from any would-be lynch mob, then there can be little doubt he would have been convicted and sentenced to death. From the spring of 1924, when Miller first arrived in North Carolina, until the summer of 1927, when he was outlawed and killed, the state executed twenty men. Only two of these men were white; father and son C.W. and Elmer Stewart were tried and convicted for killing two law officers who raided their moonshine still, and Judge Henry Grady sentenced them to death. Of the eighteen African Americans put to death by the state, two of the men came from unknown backgrounds. Of the sixteen African Americans whose origins can be determined, only six were North Carolina natives. The remaining ten men—including Arthur Montague—had moved to

November 26, 1925. “Arthur Montague Dies in Chair for His Crime,” *Morganton News-Herald*, January 28, 1926; North Carolina State Board of Public Welfare, *Capital Punishment in North Carolina*, 39.

⁵⁸ “Deserved Commendation,” *Morganton News-Herald*, December 15, 1927.

North Carolina from out of state, had been tried and convicted of rape or murder, and died in the electric chair. Nine of the ten men had come from South Carolina and Georgia.⁵⁹

In the early 1920s, the boll weevil played a major role in driving tens of thousands of tenant farmers and farm laborers out of South Carolina and Georgia; many of them arrived in North Carolina homeless and indigent. On the same day Arthur Montague allegedly assaulted a girl in Morganton, two African Americans were arrested in Winston-Salem and charged with murdering a local merchant; both men were South Carolina natives who had taken up residence in the tenement houses of Winston-Salem. Sometimes these newcomers were falsely accused of crimes they did not commit, as when South Carolinians Alvin Mansel and Preston Neely became the scapegoats of public hysteria in Asheville. In other cases, they almost certainly committed the deeds for which they were convicted. In January 1925, the state executed Kenneth Hale and John Leak, who had been convicted of robbing a Lexington taxi driver and dragging him from his car and beating him to death with an iron bar and a rock. The teenage Hale was the son of a Kentucky father and a mother from West Virginia. His companion John Leak had only recently

⁵⁹ North Carolina Department of Public Safety, "Persons Executed in North Carolina, 1921-1930," available online at <https://www.ncdps.gov>, Adult Corrections-Prisons-Death Penalty-History (accessed Dec. 17, 2013); "Three Held at Southport," Statesville, NC *Landmark*, July 31, 1924; "Stewart Surrenders in Brunswick County," Statesville, NC *Landmark*, August 4, 1924; "Negro Says Stewart Admit Killing George and Lilly," Lumberton, NC *Robesonian* August 14, 1924; "C.W. and Elmer Stewart Plead Not Guilty," Statesville, NC *Landmark*, October 2, 1924; "Stewart and Son Are Sentenced to Electric Chair," *Kingsport (TN) Times*, October 13, 1924. In addition to Arthur Montague, the other nine African Americans who had moved to North Carolina and were then executed were as follows: Kenneth Hale (WV), John Leak (SC), Willie Williams (SC), Thomas Robinson (SC), William Dawkins (SC), Fred Jones (GA), John Williams (GA), Robert Lumpkin (GA), and Ernest Walker (SC). For the birthplaces of these men, see the following: Kenneth Hale: death certificate, January 5, 1925, State Prison, Raleigh, Wake County, NC, register #134; John Leak: death certificate, January 5, 1925, State Prison, Raleigh, Wake County, NC, register #133, and 1920 census, Laurens County, SC, Cross Hill township, enumeration district #48, dwelling #140; Willie Williams: death certificate, June 12, 1925, State Prison, Raleigh, Wake County, NC, #12, register #326; Thomas Robinson: death certificate, October 2, 1925, State Prison, Raleigh, Wake County, NC, #107, register #532; William Dawkins: death certificate, January 8, 1926, State Prison, Raleigh, Wake County, NC, #20, register #15; Fred Jones: death certificate, June 11, 1926, State Prison, Raleigh, Wake County, NC, #67, register #346; John Williams: death certificate, September 21, 1926, State Prison, Raleigh, Wake County, NC, #11, register #548; Robert Lumpkin: death certificate, March 11, 1927, State Prison, Raleigh, Wake County, NC, Raleigh, 141, 466; Ernest Walker: 1920 census, Greenville County, SC, Greenville township, enumeration district #22, dwelling #63.

arrived in North Carolina. Before coming to the Tar Heel State, Leak had been a farm laborer in Laurens County—adjacent to Broadus Miller’s native Greenwood.⁶⁰

In 1908, journalist Ray Stannard Baker had described “the so-called ‘worthless Negroes,’ perhaps a growing class, who float from town to town, doing rough work, having no permanent place of abode, not known to the white population generally.” In later years, Baker’s description would frequently be criticized, but any crudeness of wording should not obscure the value of his insight. Neither Ray Stannard Baker nor later Thomas Wolfe addressed the question of why the “floater” drifted. Children of landless menial laborers, frequently orphaned, sometimes mentally ill, uprooted and cast out into a large and hostile world without money or formal education, neither belonging to any society nor having any feudal protector, condemned on sight by the color of their skin—such men had been effectively outlawed without any proclamation. And if their deeds matched the bleakness of their backgrounds, then who could be surprised?⁶¹

Broadus Miller’s background helps explain what happened in Morganton, but reducing an event to discernable causes never fully answers the question of why it occurred. On the first day of summer in 1927, innumerable threads converged. If any of those threads had been woven differently, the outcome would have changed. What would have happened if an Anderson jury had not deadlocked in 1921, leading to a mistrial and a plea-bargained three-year sentence for Miller? When Frank Tate and his wife decided to build a new house, could anyone have imagined the chain of events that had been set in motion? If stone mason Dante Martin had never

⁶⁰“Two Arrests at Winston,” Statesville, NC *Landmark*, April 23, 1925; “Taxi Driver Is Murdered,” Statesville, NC *Landmark* August 11, 1924; “Negro Found with License Number,” Statesville, NC *Landmark* August 11, 1924; “Lexington Citizen Brutally Murdered,” Morganton *News-Herald*, August 14, 1924; “Hale and Leak Are Electrocuted at Prison,” Morganton *News-Herald*, January 8, 1925. Kenneth Hale’s death certificate, January 5, 1925, State Prison, Raleigh, Wake County, NC, register #134; John Leak’s death certificate, January 5, 1925, State Prison, Raleigh, Wake County, NC, register #133; 1920 census, Laurens County, SC, Cross Hill township, enumeration district #48, dwelling #140.

⁶¹ Ray Stannard Baker, *Following the Color Line* (New York: Doubleday, 1908), 178.

departed Italy, would Miller have ever ended up on a work crew coming to Morganton? If Gladys Kincaid's father had not fallen ill and died, would her family have left their farm and moved to town?

Such hypothetical questions are unanswerable. History unfolds along a linear course, seemingly implacable but with a destination known only in hindsight. When the railroad connected Shoals Junction to Anderson, and upstate South Carolina to Asheville, and when another railway linked Asheville with Morganton and Statesville, then the tracks were laid that Broadus Miller would follow from his birthplace to his grave. Gladys Kincaid would be eulogized as a white lamb, Miller demonized as a black beast, but indigence and need drove a fifteen-year-old girl into a hosiery mill and those same forces brought an itinerant laborer to Morganton. Growing up on rural farms, then cast into a swirling world, two fatherless travelers whose paths crossed on a lonely road.

EPILOGUE

AN ENDURING MEMORY

“History is not some given, a fixed, chronological, linear outline with blank spots waiting to be filled with newly unearthed facts. It’s an activity over time of all the minds comprising it, the sum of these parts that produces a greater ecological whole. History, the past, is what you’re thinking, what you’ve thought. You, the individual, you the enabler and product of the collective enterprise of mind.”

- John Edgar Wideman, *Fatheralong*¹

The week after the exhibition on the courthouse lawn, stung by the editorial criticism from many of North Carolina’s leading newspapers, Beatrice Cobb announced she “had decided to try to help Morganton get over the effects” of the Broadus Miller case by refraining from any further commentary “on any of the circumstances connected with the affair.” In the same issue of the *News-Herald*, she made an exception to her new policy in order to defend Will Berry, in whose home Miller had boarded. Berry had been released from jail but faced hostility from local whites, and the editor asserted he was “a quiet, orderly type of negro” who should be allowed to “live and work here unmolested.”²

In the wake of Gladys Kincaid’s murder and the manhunt for Miller, racial tensions simmered in an atmosphere of mutual fear and suspicion. One month after Kincaid’s murder, a white girl in neighboring Catawba County claimed two African American boys had jumped “at her from behind a clump of grape vines” as she walked along a road. Learning of the alleged

¹John Edgar Wideman, *Fatheralong: A Meditation on Fathers and Sons, Race and Society* (New York: Pantheon, 1994), 101-102.

²“Too Severely Criticized,” *Morganton News-Herald*, July 14, 1927; “Regarding Will Berry,” *Morganton News-Herald*, July 14, 1927.

incident, a local resident drove to the scene and found the two boys standing by the roadside hitchhiking. He invited them to get in his car—and then took them to the Hickory police chief. Though the boys “bitterly denied” the girl’s accusations, they were jailed. As news of the arrests spread, Sheriff Hallyburton and his deputy Roscoe Cuthbertson drove from Morganton to Hickory and persuaded the police chief “to send the negroes to some other place for keeping.” Later that fall, under unclear circumstances, Deputy Cuthbertson shot and killed an African American circus worker at the Morganton train station.³

The events of 1927 would linger in the collective memory of Burke County residents for decades to come, with a broadside poem and three ballads serving as a primary means of recollecting these events. The weekend following Broadus Miller’s death, an amateur poet named Henry D. Holsclaw and his acquaintance Harry Lee Pennell penned a long narrative poem entitled “The Murder of Gladys Kincaid.” In racially explicit language, the poem told how “the Nigger was waiting to slay the poor child,” and in a chilling image that evoked the frequent immolation of lynching victims, Holsclaw and Pennell declared Miller “ought to have been burned the day he was born.” The poem concluded with a warning to African Americans “to stay in their place” and for “little white girls [to] be careful where you go.” The authors sold numerous copies of the poem as a printed broadside for twenty-five cents apiece. Some years later, it was published in the *News-Herald*, and many local residents clipped the poem from the newspaper and preserved it.⁴

³ “Negro Men Held on Serious Charges,” Statesville, NC *Landmark*, July 25, 1927; “A Show Negro Shot by Deputy Sheriff at Depot,” Morganton *News-Herald*, October 20, 1927.

⁴ Bruce E. Baker, “Lynching Ballads in North Carolina,” (MA thesis, University of North Carolina, Chapel Hill, 1995), 47-49; Mae Fleming Wellman, interviewed in *Let the Dead Speak*; Claudia Gould, “Fear and Truth in America” (Ph.D. dissertation, University of Birmingham, 2006), 222. Present-day Morganton residents have shown the author yellowing newspaper clippings of the poem from the *News-Herald* (unfortunately missing the date).

In addition to the poem, the murder of the young millworker inspired three ballads—“The Tragedy of Gladys Kincaid,” “Gladys Kincaid,” and “The Dreadful Fate of Gladys Kincaid.” The first two of these ballads were the work of unknown lyricists who set their words to traditional folk melodies, while the third song was composed in the fall of 1927 by Morganton musicians Tim and Britt Poteat. By the early 1930s, these ballads were being sung throughout Burke County and the surrounding region. All of them used racially explicit language to describe Kincaid’s death and the subsequent pursuit and killing of Broadus Miller. Folk song collector Mellinger Henry included “Gladys Kincaid” in his 1934 work *Songs Sung in the Southern Appalachians*. Two years earlier, Henry’s informant had recorded an Avery County woman singing the ballad, with its concluding verse a stark summation of the way in which many whites remembered the girl’s death: “Oh, this beats all I ever heard/ In all this wide, wide world/ The idea of a Negro beast/ Killing a poor white girl.”⁵

Like contemporary press accounts, the ballads portrayed the manhunt as a heroic quest to bring a murderer to justice. As “The Tragedy of Gladys Kincaid” proclaimed, “Go tell it to the country/ To both the black and white/ That old Burke County/ Shall e’er defend the right.” However, a subsequent lawsuit cast an embarrassing light on one of the manhunters’ main motivations. Three separate rewards had been offered for Broadus Miller: \$250 from Burke County, \$250 from the state, and a private subscription fund of about \$1,500. Though Commodore Burluson single-handedly shot and killed Miller, he had been assisted in the manhunt by Fons Duckworth and his two other companions. Two months after the shooting, they

⁵ Bruce E. Baker, “Lynching Ballads in North Carolina,” 50-54; Bruce E. Baker, “North Carolina Lynching Ballads,” in *Under Sentence of Death: Lynching in the South*, edited by W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1997), 219-246; Newman Ivey White, ed. *The Frank C. Brown Collection of North Carolina Folklore: Volume 2* (Durham, North Carolina: Duke University Press, 1952), 687-88; Mellinger Edward Henry, *Songs Sung in the Southern Appalachians—Many of Them Illustrating Ballads in the Making* (London: Mitre Press, 1934), 57.

sued Burleson and demanded a share of the rewards. The lawsuit dragged on for two years, with at least one mistrial and several continuances, and would not be settled until July 1929. Existing court records pertain only to the county reward, with the three plaintiffs dividing \$150 and Burleson receiving \$100. It is unclear what share—if any—the plaintiffs eventually received of the state and private rewards.⁶

Beatrice Cobb seemed to view the lawsuit as an embarrassing coda to the Broadus Miller saga, and the *News-Herald* provided virtually no coverage of the prolonged court battle over the reward money. The Statesville *Landmark*, however, delighted in Burke County's embarrassment. In a caustic article entitled "Man-Hunters Hunt Gold," the newspaper noted that after killing the outlaw, "the Commodore" had been acclaimed as "the fair-haired boy of the countryside," but this "rare and radiant character" had then been forced to wage "a stubborn defense of his right to hold as much as he wants to of the reward." The *Landmark* proposed a simple solution to the financial dispute: "The contestants are claiming distinction in a man-hunt. Let some worthy judge scatter the gold, for which they now war, over the countryside, set the man-hunters on a mark and bid them go, with a fair start and no favors. Then Burke will learn who best can scour the hills."⁷

In May 1929, the town council elected Fons Duckworth as Morganton's police chief. After the lawsuit was settled, Burleson and Duckworth reconciled, and Broadus Miller's killer joined the local police force. While a policeman, Burleson regularly carried the .45 caliber pistol he had used to kill Miller; on its wooden handle he had carved "Killed B. Miller. July 3, '27." At

⁶ "Demand is Made That Reward Be Divided," *Morganton News-Herald*, September 15, 1927; "Civil Term of Court Will Open on Monday," *Morganton News-Herald*, September 20, 1928. "Civil Court in Second Week Moving Slowly," *Morganton News-Herald*, October 4, 1928; Records of Burke County Civil Court, 1928 and 1929, Burke County Clerk of Court Office, Morganton, NC; Charles Burleson, personal interview with author, April 13, 2007; Margaret Burleson Crumley, telephone interview with author, May 15, 2007.

⁷ "Man-Hunters Hunt Gold," Statesville *Landmark*, June 25, 1928; Margaret Burleson Crumley, telephone interview with author, May 15, 2007.

some point in the late 1920s or early 1930s, the Morganton Klan disbanded, and for years afterwards Burleson stored the local klavern's robes and hoods in his attic. He eventually left the police force and began working in a furniture factory. When he died in 1967, a very brief obituary in the *News-Herald* described the man who had once been hailed as Burke County's hero as merely a "retired furniture worker," but the town's residents had not forgotten him. Among those attending his funeral was his neighbor Sam Ervin, Jr., who had become a United States senator. Commodore Burleson's grandson would gain fame among a new generation of hunters, developing and trademarking a camouflage pattern called Trebark® that has become the bestselling camouflage pattern in the United States.⁸

Long after all other states had abandoned the practice, North Carolina continued outlawing fugitives. Law enforcement officials viewed outlawry proclamations as highly effective, for upon being outlawed, many fugitives reversed course: instead of fleeing *from* the police, they came running *to* the police seeking protection. In 1953, after being outlawed in Guilford County for operating an illegal lottery scheme, a man quickly called his attorney and arranged to surrender; newspapers reported that he "was relieved to find sanctuary in the arms of the law." But the arms of the law dispensed death as well as protection. In 1965, a mentally ill black man in Jones County was outlawed for walking around nude in public and threatening people with a gun. After police raided his house and killed him, a coroner's jury ruled the killing "death by suicidal means." In 1969, the North Carolina Judiciary Council called for the repeal of the outlawry statute, warning it "would not withstand scrutiny for constitutional defects." The

⁸ "Town Board Names a New Police Force," Morganton *News-Herald*, May 9, 1929; "C.V. Burleson," Morganton *News-Herald*, December 29, 1967; Pat Burleson Howell, personal interview with author, June 26, 2007; Charles Burleson, personal interview with author, April 13, 2007; Margaret Burleson Crumley, telephone interview with author, June 27, 2007; John E. Phillips, "Where Did Trebark® Come From?", <http://www.outfittertuff.com/history.htm> (accessed June 29, 2007).

recommendation garnered little support among state legislators, but in 1973 they did amend the statute, stripping magistrates of the power to issue outlawry proclamations. Henceforth, only judges could do so.⁹

In 1975, an African American named Arthur Parrish was outlawed for allegedly killing a grocery store owner in Durham. The manhunt for Parrish drew the attention of nationally syndicated columnist Tom Tiede, who questioned “the propriety of allowing any farmer with a gun the right to plink away with impunity at human beings.” Tiede’s editorial appeared in newspapers throughout the country. Reacting to the negative publicity, North Carolina officials argued that outlawry proclamations rarely resulted in a fugitive’s death. Over the previous decade, nineteen men had been proclaimed outlaws; two of the men had committed suicide, while the remaining seventeen surrendered. Yet the outcome of the Parrish case demonstrated the inherent danger in outlawing accused suspects. Captured by police and put on trial for murder, Arthur Parrish was acquitted; prior to his arrest, he could have been legally killed by any North Carolina citizen.¹⁰

⁹ “Proclamation of Outlawry Brings Quick Surrender,” *Florence (AL) Times*, February 7, 1953; “Murder, Suicide or a Legal Lynching? 1965 Death Still Raises Questions,” *Greensboro News and Record*, May 21, 1994; Walter P. Henderson, *Death By Suicidal Means: The Killing of Wardell Burge* (Trenton, NC: Inheritance Press, 1994). “N.C. Assembly Advised to Rewrite Death Law,” *High Point (NC) Enterprise*, January 30, 1969. In New York and Pennsylvania, outlawry statutes remained on the books until the 1970s, but had not been used for several decades prior to their repeal. Frank Richard Prassel, *The Great American Outlaw: A Legacy of Fact and Fiction* (Norman, OK: University of Oklahoma Press, 1993), 107-108.

¹⁰ Tom Tiede, “North Carolina Still Employs ‘Outlaw Law,’” *Sarasota (FL) Journal*, August 13, 1975, “It’s Open Season on Arthur Parrish,” *Florence (AL) Times Daily*, August 10, 1975, “Provision Smacks of Barbarism,” *Bowling Green, KY Daily News*, August 1, 1975; Sam G. Riley, ed. *Biographical Dictionary of American Newspaper Columnists* (Westport, CT: Greenwood Press, 1995), 327; Court of Appeals of North Carolina, *State v. Carrington*, (7715SC575.2) 240 S.E.2d 475 (1978), 35 N.C. App. 53. Available online at http://www.leagle.com/decision/1978715240SE2d475_1693 (accessed December 20, 2013). Obie Carrington, Jr., the defendant in *State v. Carrington*, had been charged as an accessory after the fact in the Durham murder. In their original indictment of Carrington, prosecutors had listed “Arthur Parrish” as the culprit, but following Parrish’s acquittal, this listing had been changed to “unknown black male.” Carrington unsuccessfully appealed his conviction, citing the revised indictment.

The year prior to the manhunt for Parrish, a judge had outlawed Gerald Autry, a fugitive accused of rape, robbery, and assault. Autry promptly surrendered and would later be convicted of the charges against him, but the American Civil Liberties Union used his case to challenge the constitutionality of North Carolina's outlawry statute. In October 1976, a federal district court ruled the statute violated the Due Process Clause of the Fourteenth Amendment. No longer legally valid, the statute nevertheless remained on the books. In 1991, the Northampton County sheriff persuaded a district court judge to issue an outlawry proclamation against a jail escapee. The North Carolina attorney general hurriedly intervened and announced the proclamation was invalid. When informed that the outlawry had been unconstitutional, the sheriff was unapologetic. "I'd do it again," he declared. "They turn themselves in right quick, knowing somebody might shoot them." Six years later, in 1997, the state legislature formally repealed the outlawry statute.¹¹

Broadus Miller's native Greenwood County attracted the attention of the national press in 2012, when a mentally-impaired black man named Edward Lee Elmore was released from prison after spending three decades on death row. Convicted of raping and killing an elderly white woman in Greenwood, Elmore was the victim of fabricated evidence and prosecutorial

¹¹ "'Outlaw' Statute Not Valid," *Spartanburg Herald-Journal*, October 16, 1976; "N.C. Outlawry Statute Challenged," *Wilmington Morning Star*, December 17, 1975; *Autry v. Mitchell*, No. 75-0344-CRT-5, United States District Court, E. D. North Carolina, Raleigh Division, October 14, 1976, available online at http://www.leagle.com/decision/19761387420FSupp967_11221 (accessed December 17, 2013); "Fed. Court Cuts Down State's Outlaw Rule," *Lumberton, NC Robesonian*, October 15, 1976; "Declared an Outlaw," *Hendersonville, NC Times-News*, June 2, 1991; "Outlaw Declaration Invalid; Hunt for Escapee Continues," *Lexington, NC Dispatch* June 3, 1991; Jane Y. Chong, "Targeting the Twenty-First Century Outlaw," *Yale Law Journal*, 122.3 (December 2012), 750. According to the 1976 court decision, the North Carolina outlawry statute "was procedurally deficient under the Due Process Clause of the Fourteenth Amendment in four respects. First, it did not require a probable cause determination by a neutral judicial officer. Second, the statute did not require an arrest warrant or grand jury indictment. Third, the statute did not require an arrest warrant or other process to be served and returned, showing that the accused was not to be found within the jurisdiction. Finally, the outlawry proclamation was issued ex parte and did not require notice and an opportunity for the fleeing felon to be heard." Chong, "Targeting the Twenty-First Century Outlaw," 769-770. Though Chong asserts that the North Carolina legislature could have rewritten the statute and made it compliant with the judicial determination, it is difficult to see how a rewriting of the statute could have eliminated its intrinsic flaws.

misconduct, and judicial activists had waged a long legal battle to secure his release. But if the machinery of state-sanctioned justice seemed to run in familiar patterns, other aspects of Miller's childhood home have irrevocably changed. Cotton is no longer commercially grown in Greenwood County, and the wooden shacks of tenant farmers have disappeared from the county. In the mid-twentieth century, as passenger train service declined, the little depot community of Shoals Junction withered and ultimately vanished. Today, even the railroad tracks are gone, having been ripped up from the ground and removed.¹²

Yet Dunn Creek Baptist Church remains a communal gathering place and the spiritual home of a large congregation. Across the road from the church, spread over a long gentle knoll, is the church cemetery where Reverend James Selden Maddox is buried. Next to him lies Emma Walker Maddox, whose first husband—Reverend James Walker—had been gunned down and killed by a white millworker in Ware Shoals. For decades after they moved to North Carolina, Broadus Miller's family maintained ties with the church they had left behind. In 1991, the last member of Miller's immediate family—his ninety-one-year-old stepbrother Howard Robinson—died in Asheville; almost seventy years after leaving South Carolina, he was brought back and buried at Dunn Creek.¹³

All that remains of the old South Carolina state penitentiary in Columbia are the granite blocks of its foundation, but nearly a century after Miller's incarceration, the state's prisons continue to be the dumping ground for mentally ill offenders. In 2005, an advocacy group launched a class action lawsuit on their behalf. For over eight years, the South Carolina Department of Corrections filed delaying motions and contested all court-ordered evidentiary

¹² Raymond Bonner, *Anatomy of Injustice: A Murder Case Gone Wrong* (New York: Vintage Books, 2013). In the summer of 2014, George Rush—former mayor of Ware Shoals—gave the author a guided tour of the region around Shoals Junction.

¹³ "Howard Robinson," *Greenwood SC Index-Journal*, February 11, 1991.

disclosures. Finally, in January 2014, the case was adjudicated by Judge J. Michael Baxley. In his ruling, the judge described a hellish world in which mentally ill inmates “are exposed to a disproportionate use of force” and are often kept in solitary confinement for years, locked naked in small cells “with the blood and feces of previous occupants smeared on the floor and walls.” Judge Baxley ordered South Carolina to begin providing adequate treatment for prisoners suffering from mental illness, emphasizing the danger of discharging “untreated seriously mentally ill individuals from prison into the general population”—a Cassandra-like warning that seems destined to be ignored. Attorneys for the state immediately filed an appeal, and the court case will likely continue for several years.¹⁴

At the center of present-day Morganton is the historic Burke County courthouse. However, all judicial affairs now take place in a modern courthouse, a drab and unremarkable building a block away—an architectural trend indicative of a greater evolution, from a judicial system that strove to appear imposingly majestic to a modern bureaucracy that has become seemingly mundane. The old courthouse has been converted into a museum celebrating the county’s Confederate heritage; the events of 1927 are not mentioned. Carefully cleaned and restored in the 1990s, the Confederate monument still stands on the courthouse lawn where Broadus Miller’s body was dragged and displayed. Nearly six decades after Miller helped dig its foundations, the Franklin Pierce Tate House was added to the National Register of Historic Places, a proud example of West Union Street’s residential mansions. On East Union Street, the hosiery mill in which Gladys Kincaid worked—Garrou Knitting Mill—eventually became

¹⁴ Andrew Cohen, “When Good People Do Nothing: The Appalling Story of South Carolina’s Prisons,” *The Atlantic*, January 10, 2014; Andrew Cohen, “South Carolina Is Still Defending Its Neglectful Prisons,” *The Atlantic*, January 23, 2014; T.R., P.R., K.W., et al. v. South Carolina Department of Corrections, et al. Court of Common Pleas, Fifth Judicial District, C/A No: 2005-CP-40-2925, available online at <http://www.mentalhealth4inmates.org> (accessed February 2, 2014).

Premier Hosiery and remained in operation until the mid-1990s. The former mill was renovated in 2001 and now houses the Morganton City Hall.¹⁵

Until her death in 1959, Beatrice Cobb continued to be Morganton's leading civic booster. The *News-Herald* editor maintained her keen interest in politics, serving on the Democratic National Committee from 1934 to 1952. Deeply conservative on many social issues, she remained a generous patron of the local black community, leaving a will that included an annual legacy to an African American church. Morganton native Sam Ervin, Jr. would achieve national fame as a United States senator, heading the Senate Select Committee responsible for investigating Watergate. In 1980, Ervin penned a tribute to a former Burke County law officer in which he briefly described the pursuit of Broadus Miller, categorizing it as "the largest manhunt in western North Carolina's history." Though the manhunt had lasted twelve days, from June 21 to July 3, Ervin inexplicably claimed it had been a three-day affair. He portrayed Miller's alleged possession of a gun as incontestable fact and did not mention the subsequent exhibition of Miller's body.¹⁶

Rarely discussed in public forums, the events of 1927 were often recounted in private conversations. Over time, these oral histories expanded and exaggerated the horrors of what had occurred, claiming Gladys Kincaid had been raped as well as murdered and that Broadus Miller's body had been tied to an automobile and dragged around the courthouse square—neither of which claims are supported by any contemporary press accounts. In 1977, local historian Edward Phifer, Jr. published a comprehensive five-hundred-page history of Burke County that

¹⁵ Bill Poteat, "New Video Oral History Recalls Death of Gladys Kincaid," May 13, 1997, Crime and Criminals Vertical File, Burke County Public Library, Morganton, NC; Confederate Monument Vertical File, Burke County Public Library, Morganton, NC; "Franklin Pierce Tate House," National Register of Historic Places Inventory, Nomination Form (NPS Form 10-900), United States Department of the Interior, National Park Service, 1985.

¹⁶ *The Heritage of Burke County* (Morganton, NC: Burke County Historical Society, 1981), 145, 312; Roy Parker Jr., "Beatrice Cobb," North Carolina Press Association, 1998; *The Heritage of Burke County, Volume II* (Morganton, N.C.: Burke County Historical Society, 2001), 309.

included a three-sentence summary of the Broadus Miller case. Whereas Sam Ervin, Jr. grossly understated the length of the manhunt, Phifer wrote that the outlawed fugitive had been hunted “for several weeks.” His brief summation of the case was otherwise factually accurate. Phifer’s father had been the attending physician for the mortally injured Gladys Kincaid and had performed her autopsy, and the historian noted that Kincaid had been “brutally murdered” but he did not state she had been raped. In Phifer’s words, Miller had been “shot on sight,” his dead body then “exhibited on the south side of the public square as a continuous line of spectators filed by.”¹⁷

Decades after the spectacle on the Morganton courthouse lawn, some local residents were still disturbed by what they had witnessed. In 1960, a former schoolteacher named H. Clay Ferree composed a brief article on the Broadus Miller case for a Winston-Salem newspaper. Ferree had been present when Commodore Burleson and his companions arrived with Miller’s body, and the memory of seeing the body being “dragged like a dead animal” still haunted him. “I saw the bullet holes in his side, the seared and broken skin where the taut rope had cut his legs, and the blood that smeared his nose and mouth,” he recounted. “His work shoes had been completely worn out from constant running and clamoring over the hills and fields, and he had taken old rags and bound them around cracked and bleeding feet.” In 1975, writer John Alex Mull published *Tales of Old Burke*, which included a three-page chapter on the manhunt for Miller. As a seventeen-year-old boy, Mull had been walking home from church “when a car came tearing around the corner at the courthouse, screamed [*sic*] to a halt, and several men jumped out with guns. They opened the back door of the car and dragged a man out by his feet, which were wrapped in bloody rags.” Nearly half a century later, Mull still marveled at the

¹⁷ Edward Phifer, Jr. *Burke: The History of a North Carolina County* (Morganton, NC: Privately published, 1977), 348.

fervor of the “angry mob” that had wanted to desecrate a corpse. “It makes me wonder just how thick our veneer of civilization really is,” he reflected.¹⁸

On that Sunday in July 1927, eleven-year-old Harry Wilson, Jr. had been at church, but he left after Sunday school and loitered around the courthouse square, hoping for further developments in the ongoing manhunt. His wish was realized when he suddenly witnessed the arrival of the triumphant bounty hunters. In the early 1990s, first as a newspaper article and then as a brief chapter in a privately published memoir, Wilson recorded his still-vivid memory of what he had seen. “Deputies and police dragged the black man’s body from the car, feet first,” recalled Wilson. “He was naked except a small loincloth and enormous wrappings on his feet, evidently made from cutting up his shirt and trousers to protect his feet. . . . [H]is head bounced on the paving stones while being dragged to the courthouse door. His body fluids were draining from his nose and mouth, and the results of shots were plainly seen in the chest.” Wilson’s graphic description upset some of his fellow townspeople, who grumbled the way Miller’s body had been handled was a contentious and racially inflammatory issue, better ignored than openly remembered.¹⁹

During the 1970s, ethnologist Claudia Gould lived in Morganton and interviewed many residents, black and white. She found that the Broadus Miller case was “a famous local event,” but the town’s white and black residents remembered the case in starkly different ways. Whites still recalled the murder of the young millworker, citing it as a blunt warning to their daughters to stay away from black men. African Americans had not forgotten how every black resident of the

¹⁸ H. Clay Ferree, “The Day the Mob Took Over,” Crime and Criminals Vertical File, Burke County Public Library, Morganton, NC; J. Alex Mull, *Tales of Old Burke* (Morganton: News Herald Press, 1975), 93-95.

¹⁹ Harry Wilson, Jr., “1927,” *Lazarus Bros, The Early Years: The Story of Their Store and Their Times 1893- 1993* (n.p., n.d.). The description of public reaction to Wilson’s work is based on the author’s private conversations with Morganton residents in 2006 and 2007.

town had been targeted in the wake of Kincaid's death. Nor had they forgotten how churchgoers rejoiced over a dead body on the courthouse lawn on a Sunday afternoon. "Some people are such good Christians they go to church every Sunday—twice every Sunday and Wednesday go to prayer meeting," a local black man told Gould. "But they've got so much hate. Now how could you hate somebody and be a Christian?"²⁰

Memories of 1927 reverberated into the twenty-first century and continued to be racially divisive. As a ten-year-old child residing on Bouchelle Street, Marjorie Fleming experienced the inflamed anger of local white residents following Kincaid's murder. Eighty years later, she still remembered how frightened and apprehensive her family had felt. One of Fleming's relatives was Will Berry, who spent two weeks in jail, was threatened by potential lynch mobs, and after his release from jail faced ongoing harassment. "It wasn't right," Fleming plaintively recalled, "the way they treated poor Mr. Berry." Commodore Burleson's son Charles was two years old when his father killed Broadus Miller. After a long and successful business career, Charles Burleson retired and moved back to his hometown, where he delighted in reminiscing about his father's actions as manhunter and Klansman. "Daddy was my hero," he declared in 2007. "He did his duty, that's the way I feel about it."²¹

When Gladys Kincaid's mother died in 1958, her obituary appeared prominently on the front page of the *News-Herald*, but the reason for Mary Jane Kincaid's prominence was left unstated. The obituary did not need to mention her deceased daughter; longtime local residents knew who she was. For decades after their sister's murder, Gladys Kincaid's siblings continued

²⁰ Claudia Gould, email to author, March 3, 2013; Claudia Gould, "Fear and Truth in America," 222. Gould would later include a fictionalized retelling of the Broadus Miller case in one of her short stories. Claudia Gould, *Jesus in America, and Other Stories from the Field* (Logan, UT: Utah State University Press, 2009), 50.

²¹ Marjorie Fleming, personal interview with author, June 26, 2007; Charles Burleson, personal interview with author, April 13, 2007.

living in Morganton. Kincaid's sister Elizabeth was six years old in 1927; eighty years later, she confessed that throughout the rest of her childhood she had felt an overwhelming fear whenever she saw a black man. When interviewed in 2007, ninety-year-old Cecil Kincaid still felt the pain caused by his sister's death. He also remembered the lesson Mary Jane Kincaid taught her surviving children. "My mother told us not to go around hating black people," he recalled, "because there were good and bad black people, the same as everybody else."²²

The farmhouse in which the Kincaids lived has long since disappeared; the place where it stood is now the site of municipal baseball fields. On a high bluff on the opposite bank of the Catawba, about two miles upriver from the baseball fields, is Catawba Valley Baptist Church. The present-day church is a large, modern brick building. Behind the church is a well-kept, unfenced cemetery, and in the corner of the cemetery, next to the church parking lot, is the small gravestone of Gladys Kincaid. The gravestone's inscription is still legible, but the passage of time has eroded the face of the lamb carved on top of the stone.

²² "Mrs. Kincaid Dies at 75," *Morganton News-Herald*, March 20, 1958; Elizabeth Kincaid Conley, telephone interview with author, June 28, 2007; Cecil Kincaid, telephone interview with author, June 28, 2007.



Figure 14. Gravestone of Gladys Kincaid.
Catawba Valley Baptist Church, Morganton, North Carolina.

Photograph by Kevin W. Young.

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APPENDIX

KNOWN CASES OF OUTLAWRY PROCLAMATIONS IN NORTH CAROLINA:

MARCH 1866-JUNE 1927

1866-1870

Fall 1866-1868: Robeson County. Local justices of the peace reportedly outlawed Henry Berry Lowry and other members of the “Lowry Gang,” including Boss Strong, Andrew Strong, George Applewhite, Stephen Lowry, Henderson Oxendine, and Calvin Oxendine.

(“State of North Carolina,” *Wilmington, NC Daily Journal*, December 13, 1866; “Capture of a Thief,” *Wilmington (NC) Daily Dispatch*, April 14, 1867; United States Senate, *Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States: Volume Two, North Carolina* (Washington, D.C.: Government Printing Office, 1872), 283, 286, 296)

January 1867: Wake County. The press reported that Henderson Alford (black) “was outlawed for disgraceful conduct by the last superior court.”

(“Arrested,” *Raleigh Weekly Progress*, January 31, 1867; “A Proclamation by the Governor,” *Raleigh Sentinel*, October 5, 1876)

January 1869: Wake, Johnston, and Nash counties. Superior Court Judge Albion Tourgée outlawed Raiford Pearce and James Edwards (race unidentified), accused of burglary.

(“Proclamations,” *Raleigh Daily Standard*, January 13, 1869)

February 1869: Buncombe County. A Superior Court judge outlawed James A. Keith and D. L. Presley (both white), escapees from the Asheville jail who were being held for trial on murder charges. As a lieutenant colonel in the Confederate Army, Keith had ordered the January 1863 execution of thirteen civilians at Shelton Laurel in Madison County. He was never caught and state officials would abandon the attempt to prosecute him.

(“New Advertisement,” *Wilmington Post*, March 4, 1869; Phillip Shaw Paludan, *Victims: A True Story of the Civil War* (Knoxville: University of Tennessee Press, 1981), 109-114).

March 1869: Robeson County. Superior Court Judge Daniel Russell, Jr. outlawed “Lowry Gang” members Henry Berry Lowry, Boss Strong, Andrew Strong, Shoemaker John, John Dial, and William Chavis.

(“Proclamation of Outlawry,” *Wilmington (NC) Daily Journal*, March 10, 1869)

December 1869. Johnston County. Two justices of the peace outlawed Miles Draughon (white), the reputed local leader of the Ku Klux Klan. Draughon was accused of various depredations including horse theft. In February 1870, he was shot and killed by unidentified assailants.

(“For the Standard,” *Raleigh Daily Standard*, April 28, 1870; “Murdered,” *Wilmington Post*, February 20, 1870)

1871-1880

March 1871: Robeson County. Superior Court Judge Daniel Russell, Jr. outlawed nine white men—Smith Floyd, Augustus Ashley, Harley Williams, Rowland Williams, Faulk Floyd, Oscar Pitman, Giles Williams, Jr., Bawney Hartman, and Malcolm McNeill—accused of killing a black man. The case against the men would eventually be dropped.

(“Outlawed,” *Raleigh Daily Telegram*, March 18, 1871; “State News,” *Wilmington, NC Daily Journal*, September 19, 1872)

May 1871: Robeson County. Four justices of the peace outlawed “Lowry Gang” member Tom Lowry.

(“\$1000 Reward,” *Raleigh Daily Telegram*, May 23, 1871; “Startling from Robeson,” *Wilmington, NC Daily Journal*, May 11, 1871)

June 1871: Pasquotank County. Superior Court Judge C. C. Pool outlawed Jonathan Tweedy (race unidentified), accused of larceny.

(“A Proclamation,” Elizabeth City, *NC North Carolinian*, June 22, 1871)

February 1872: Alamance County. Superior Court Judge Albion Tourgée outlawed thirteen Klansmen: James Bradshaw, Michael Thompson, Michael Teer, George Mebane, Henry Robinson, George Rogers, John S. Dixon, Walter Thornton, David Johnson, Curry Johnson, James Johnson, Thomas Tate, Jesse Thompson, and Van Buren Holt. They were accused of lynching black political leader Wyatt Outlaw, but the case against them would never be prosecuted.

(“Proclamation,” *Raleigh Weekly Era*, March 14, 1872.)

March 1872: Bertie County. Superior Court Judge C. C. Pool outlawed Robert M. Bridger (race unidentified), jail escapee convicted of perjury.

(“Proclamations,” *Raleigh Tri-Weekly Era*, April 2, 1872)

August 1873. Robeson County. Two justices of the peace outlawed “Lowry Gang” member Jim Dial, alias Jim Locklear, accused of killing Floyd Oxendine (Lumbee).

(“Proclamation,” Lumberton, *NC Robesonian*, February 20, 1873)

January 1875: New Hanover County. Two justices of the peace outlawed Liberty Boney (black), accused of raping a white woman.

(“The Rape Case—The Proclamation of Outlawry,” *Wilmington Morning Star*, January 8, 1875)

February 1875: Robeson County. Two justices of the peace outlawed Jesse Legett (white), accused of killing a white man.

(“Proclamation of Outlawry,” *Wilmington Morning Star*, February 12, 1875)

March 1875: Cumberland County. A Superior Court judge outlawed L. Hansell Godwin (white), accused of poisoning a white woman.

("Notice!" Fayetteville, NC *North Carolina Gazette*, March 4, 1875)

December 1878. New Hanover County. Two justices of the peace outlawed Tom Johnston (black), an escaped convict accused of threatening his wife.

("A Negro Desperado," *Wilmington Sun*, November 28, 1878; "Proclamation of Outlawry Against Tom Johnson," "Proclaimed an Outlaw," *Wilmington Sun*, December 5, 1878)

March 1879. Moore County. Justices of the peace outlawed N. B. Taylor (white), a bootlegger accused of shooting and killing a revenue officer.

("Homicide," Pittsboro, NC *Chatham Record*, March 6, 1879; "\$500 Reward," *Raleigh Observer*, March 6, 1879)

February 1880. New Hanover County. Two justices of the peace outlawed Gilbert Fisher (black), accused of larceny.

("Local Dots," *Wilmington Morning Star*, February 12, 1880)

1881-1890

May 1881. New Hanover County: Two justice of the peace outlawed Nathan White (black), "a felon" from Anson County who had taken refuge in New Hanover.

("Carolina," *Wilmington, NC Daily Review*, May 7, 1881)

March 1882. Catawba County. A Superior Court judge outlawed Pink Bost (black), accused of robbery and burglary.

("State News," *Raleigh News and Observer*, March 15, 1882; *Winston-Salem Winston Leader*, April 11, 1882)

May-June 1884. Richmond County. Two justices of the peace outlawed Bill Freeman ("mulatto"), accused of shooting his father-in-law and mother-in-law.

("Crimes and Casualties," *Weekly Raleigh Register*, May 28, 1884; "Arrest the Felon," *Charlotte Democrat*, June 27, 1884)

July 1884. New Hanover County. Two justices of the peace outlawed Pompey Sneed (black), accused of burglary.

("Pompey Sneed Outlawed," *Wilmington Morning Star*, July 26, 1884; "Splinters," *Goldsboro Messenger*, September 15, 1884; "Pompey Sneed Seen Again," *Wilmington Daily Review*, August 25, 1884)

July 1884. Cumberland County. Two justices of the peace outlawed Frank Royalls (black), accused of the axe-murder of a black man.

("Murder in Cumberland," *Raleigh News and Observer*, July 17, 1884; "About Town," *Fayetteville Weekly Observer*, July 31, 1884)

November 1884. Guilford and Rockingham counties. A posse killed Abe Gorrell (black), whom press reports described as having “been under sentence of outlawry for several years” for multiple rapes of black women.

(“A Mad Man Killed,” *Raleigh News and Observer*, November 25, 1884; “State News,” *Pittsboro, NC Chatham Record*, December 4, 1884)

August 1889: Robeson County. Two justices of the peace outlawed Stephen Jacobs (“mulatto”) and Purdie Jacobs (“Croatan,” i.e. Lumbee Indian), accused of killing an unidentified victim.

(“Proclamation,” *Maxton (NC) Union*, August 20, 1889)

September 1889: Vance County. North Carolina Supreme Court Justice A. S. Merrimon outlawed James M. Caudle, Jr. and Charles Newby (both white), accused of killing a white man.

(“Almost a Fatal Difficulty,” *Henderson (NC) Gold Leaf*, September 5, 1889; “Proclamation of Outlawry,” *Henderson (NC) Gold Leaf*, September 12, 1889)

1891-1900

October 1892: Durham County. Two justices of the peace outlawed Henry Rogers (black), accused of armed burglaries. Captured in Maryland, Rogers would be tried and convicted and sentenced to a thirty-year prison term.

(“Rogers Outlawed!” *Durham (NC) Daily Globe*, October 26, 1892; “Rogers Is Guilty!” *Durham (NC) Globe*, January 19, 1893; “North Carolina,” *Oxford (NC) Public Ledger*, January 27, 1893)

March 1894. Cumberland County. Newspapers reported that “a writ of outlawry” had been issued against Jim Ray (black), accused of shooting a white posse member attempting to arrest him for stealing tobacco.

(“Shot by a Desperado—the Latter Outlawed,” *Fayetteville Weekly Observer*, March 15, 1894; “Straws,” *Greensboro Patriot*, March 14, 1894)

March 1895: Mecklenburg County. Two justices of the peace outlawed Jim Byers (black), a chain-gang escapee accused of raping a black woman.

(“Outlawed,” *Charlotte Observer*, March 23, 1895; “\$50 Reward!” *Charlotte Observer*, March 26, 1895; “Proclaimed an Outlaw,” *Charlotte Democrat*, March 29, 1895)

April 1895. Beaufort County. Two justices of the peace outlawed Thomas Bonner (black), accused of instigating a race riot in the town of Bath. Bonner would be arrested eleven years later.

(“Bloodshed in Bath,” *Raleigh News and Observer*, April 23, 1895; “Menace to Navigation,” *Raleigh News and Observer*, November 29, 1906)

June 1895: New Hanover County. Two justices of the peace outlawed Magnus Slade (black), alias Magnus Isham or John Dixon, accused of killing an African American storekeeper.

(“A Foul Murder,” “The Jones Murder,” “That ‘Inaccessible’ Swamp,” *Wilmington (NC) Morning Star*, June 7, 1895)

July 1896: Iredell County. A Superior Court judge outlawed Morganton native Sam Pearson (white), an escapee from a chain gang. Pearson reportedly fled to the state of Washington after his escape.

(“Note of the Chain Gang,” *Statesville Landmark*, April 3, 1896; “High Water in Burke,” *Charlotte Observer*, July 14, 1896)

September 1896. Orange County. Two justices of the peace outlawed Wash Atwater (black), accused of the attempted assault of a white woman. Atwater was caught and sentenced to fifteen years in the state penitentiary, from which he escaped.

(“Wash Atwater,” Hillsborough, *NC Orange County Observer*, September 3, 1896; “Sensation in Orange,” *Raleigh News and Observer*, August 27, 1896; “Has Wash Atwater Escaped,” *Raleigh Press-Visitor*, July 8, 1897)

September 1896: Wake County. Two justices of the peace outlawed Jim Booker (black), accused of killing an African American woman who had broken off her relationship with him. Arrested in Baltimore the next year, Booker would be hanged in Raleigh in January 1899.

(“Booker Is Outlawed,” *Raleigh News and Observer*, September 10, 1896; “Booker Arrested,” *Raleigh Press-Visitor*, December 13, 1897; “Pays Death Penalty,” *Raleigh News and Observer*, January 19, 1899)

October 1896: Davidson County. Newspapers reported that an outlawry proclamation had been issued for Obe Davis (white), accused of barn burning. After being outlawed, Davis surrendered and was then acquitted.

(“Obe Davis Outlawed,” Lexington, *NC Dispatch*, October 21, 1896; “Obe Davis a Free Man,” *Durham Sun*, November 24, 1896)

October 1896: Iredell County. Two justices of the peace outlawed Albert Griffin (black), accused of killing a black man.

(“Griffin, the Murderer, Outlawed,” *Statesville Landmark*, October 16, 1896; “Murder Saturday Night,” *Statesville Landmark*, October 13, 1896)

August 1897: Cumberland County. Newspapers reported that Alex Gilmore (black) “is outlawed in Cumberland for burglary” and was wanted “dead or alive.”

(“Russell and Butler Twins,” *Asheville Citizen*, August 27, 1897; “The Passing of Alex Gilmore,” *Fayetteville Observer*, October 16, 1897)

November 1897: Henderson County. A circuit court judge outlawed Aus Lambert (white), accused of killing a white railroad engineer who tried to prevent him from hobbing on a train.

(“Bumgarner Dies,” “Lambert Outlawed,” *Asheville Daily Gazette*, November 30, 1897)

May 1900. Cumberland County. Two justices of the peace outlawed Thomas Forb/Fort (white), accused of drunkenly entering the home of a cotton mill supervisor and attempting to rape the man’s wife.

(“A Deplorable Occurrence,” Wilmington, *NC Semi-Weekly Messenger*, May 18, 1900; “Proclamation of Outlawry,” *Raleigh News and Observer*, May 17, 1900)

1901-1910

September 1901. Granville County. Four justices of the peace outlawed Tom Rogers (white), accused of raping a farmer's teenage daughter. The rape accusation sharply divided the local community, and Rogers was outlawed after his friends and supporters freed him from police custody.

("Spirited Away," *Raleigh Morning Post*, August 29, 1901; "Defense of Rogers," *Raleigh Morning Post*, September 4, 1901; "Tom Rogers Outlawed," *Raleigh News and Observer*, September 17, 1901)

January 1902. Orange County. Newspapers reported an outlawry proclamation was issued against Van Fuller (black), accused of burning barns and stables. Caught in Virginia, Fuller was convicted and received a thirty-year prison sentence.

("Negro Outlawed," *Durham (NC) Sun*, January 9, 1902; "A Barn-Burner Caught," *Charlotte Observer*, January 11, 1902; "Capture of a Barn Burner," *Raleigh News and Observer*, January 11, 1902, "Durham After Masonic Temple," *Charlotte Observer*, March 13, 1902)

April 1902. Cumberland County. Two justices of the peace outlawed John and Galloway Blue (black), accused of belonging to a gang of housebreakers and bootleggers.

("Two Men Outlawed," *Asheville Citizen*, April 28, 1902; "Planning for Swedish Colony," *Charlotte Observer*, April 12, 1902; "Fayetteville," *Raleigh Morning Post*, April 27, 1902)

May 1903. Columbus County. Newspapers reported that H. B. "Buck" Register and his son Jabel Register (white) were outlawed for the murder of two men (one white, one black). The victims were wealthy bootleggers, and the Registers were accused of killing them in cold blood in order to rob them, then burning down a cabin with the men's bodies inside.

("Tells of Murders," *Raleigh News and Observer*, May 2, 1903; "North Carolina," *Wilmington Messenger*, May 16, 1903; "Another Arrest in Sales Case," *Charlotte Observer*, June 21, 1903)

August 1903. Mecklenburg County. Two justices of the peace outlawed Will Harris (black), accused of escaping prison and shooting a black man.

("Will Harris Now an Outlaw," *Charlotte News*, August 14, 1903; "Harris Outlawed," *Charlotte Observer*, August 15, 1903)

August 1904. Rockingham County. Newspapers reported an outlawry proclamation had been issued against Jack Dillard (black), an escapee from jail.

("The Old North State," Winston-Salem, NC *Union Republican*, September 1, 1904; "Jack Dillard Captured," Reidsville, NC *Webster's Weekly*, November 17, 1904)

May 1905. Davidson County. Three justices of the peace outlawed local bootlegger Nat Crump (black), accused of shooting and wounding a white man. Crump was captured by a posse, then sentenced to an eight-year prison term.

("Price on His Head," *Raleigh News and Observer*, May 24, 1905; "Negroes Fire on Officers," *Winston-Salem Journal*, January 26, 1905; "Nat Crump Outlawed," *Raleigh Morning Post*, May 24, 1905; "Outlaw Crump Captured by Posse," *Charlotte News*, May 27, 1905; "Crump Gets Eight Years for Attempted Murder," *Franklin (NC) Press*, August 23, 1905)

August 1905. Buncombe County. Newspapers reported that accused wife-murderer “Chief” Greenwood (white) “has been declared an outlaw.” However, press accounts of the case suggest that officials had secured only a warrant for Greenwood’s arrest, not an outlawry proclamation. The brother of a deputy sheriff, Greenwood was arrested in Tennessee but then escaped. (“Bench Warrant for Greenwood,” *Raleigh Morning Post*, August 10, 1905; “Greenwood Flies After the Terrible Deed,” *Raleigh News and Observer*, August 10, 1905)

circa 1906. Cumberland County. According to a press account, Lewis West (black) was outlawed, accused of “a number of grave charges,” apparently including armed threats. West fled to South Carolina, was arrested there and spent time in the South Carolina State Penitentiary, then escaped and returned to Cumberland County. In February 1911 he was outlawed once again; see below. (“Spirits Turpentine,” *Wilmington Morning Star*, October 2, 1907)

March 1906. Buncombe County. According to press accounts, accused counterfeiter Melvin Angel (white) was “outlawed” “and had “a price on his head.” Angel surrendered after being pursued relentlessly by federal agents. (“State News,” *Salisbury (NC) Globe*, March 15, 1905; “Too Hot For the Angel,” *Raleigh News and Observer*, May 10, 1905; 1900 census, Buncombe County, NC, Asheville township, Asheville city, ward 2, enumeration district #135, family #148.)

May 1906. Rowan County. Two justices of the peace outlawed Ed Davis (black), alias John Black, accused of killing a white streetcar conductor who tried to enforce racial segregation on the streetcar. Davis was never found. (“Davis Outlawed,” *Charlotte News*, May 4 1906; “Davis an Outlaw,” *Charlotte Observer*, May 5, 1906)

July 1906. Rockingham County. Newspapers reported that Hannibal Leak (black), accused of killing his wife, “is outlawed” and there was a reward “for his capture dead or alive.” (“Hannibal Leak Is Now an Outlaw,” *Charlotte News*, July 20, 1906; “Negro Kills His Wife,” *Wilmington, NC Semi-Weekly Messenger*, July 24, 1906)

November 1906. Buncombe County. A Superior Court judge outlawed the individual “supposed to be” Will Harris (black), accused of killing two white policemen and three black men in Asheville. (“Proclamation of Outlawry,” *Raleigh News and Observer*, November 17, 1906)

November 1907. Wilson County. A Superior Court judge outlawed Joe Bissette (white), accused of “numerous serious charges,” apparently including assault. Bissette surrendered when he learned he had been outlawed. (“Four Weeks Session,” *Nashville, NC Graphic* November 28, 1907; “Edward [*sic*, “Reward”] Offered for Outlaw,” *New Bern, NC Daily Journal*, December 4, 1907; “Bissette Caught,” *Raleigh News and Observer*, December 10, 1907; “In the Realms of Court,” *Nashville (NC) Graphic*, April 23, 1908)

January 1908. Rockingham County. Three justices of the peace outlawed Ed Penn (black), accused of shooting the white police chief of Reidsville during an attempted arrest. The shot hit the sheriff's badge, which protected him. The outlawed Penn was never found.

("Police Chief Shot Down," *Reidsville (NC) Review*, January 21, 1908. "From All Over the State," *Lexington, NC Dispatch*, January 29, 1908; "New About the Vicinity," *Reidsville (NC) Review*, January 24, 1908; "Town and County News," *Reidsville (NC) Review*, October 6, 1908; "Sheriff M. F. Pinnix Passes," *Reidsville (NC) Review*, May 7, 1912)

February 1909. Brunswick County. Newspapers reported an outlawry proclamation was issued against an army deserter named J. P. Walker (white), who escaped from the Southport jail where he was being held for killing the Brunswick County sheriff.

("J. P. Walker," *Wilmington Dispatch*, January 30, 1909; "Sheriff's Murderer Escapes from Jail," *Charlotte Evening Chronicle*, January 30, 1909; "Murderer Escaped," *Wilmington Morning Star*, January 30, 1909; "Walker Still Has Liberty," *Wilmington Dispatch*, February 6, 1909)

February 1909. Rowan County. Newspapers reported an outlawry proclamation was issued against John Jackson (black), accused of killing a white policeman. Jackson was never caught.

("Salisbury Officer Shot," *Concord (NC) Daily Tribune*, February 15, 1909; "Negro Shoots Officer in Salisbury," *Hickory (NC) Democrat*, February 18, 1909; "Officer Monroe Dies of Wound," *Asheville Citizen*, February 18, 1909 "No News of Jackson," *Salisbury Post*, reprinted in *Concord (NC) Daily Tribune*, February 18, 1909)

1911-1920

February 1911. Cumberland County. Two justices of the peace outlawed Lewis West, Wade Williams, and Dave Young (all three black). West was accused of killing a deputy sheriff and seriously wounding the Wilson County police chief; the other two men were his accused accomplices. All of the men were caught. Williams and Young were sentenced to prison, but West was executed in Raleigh in May 1911.

("Wilson Negro Outlawed," *Wilmington Morning Star*, February 5, 1911; "Lewis West and Gang of Desperados," *Fayetteville Weekly Observer*, February 8, 1911; "West Case Is On," *Greensboro Daily News*, March 14, 1911; "Draw Net around West," *Charlotte Observer*, March 16, 1911; "Electric Chair for Lewis West," *Raleigh News and Observer*, March 19, 1911 "Pays for His Crime," *Fayetteville Index*, May 5, 1911)

September 1911: Wilkes County. Two justices of the peace outlawed Code Lane (white), a bootlegger accused of shooting a federal revenue agent. Lane surrendered and received a ten-year prison sentence.

("Winston-Salem Man Tells How He Captured W. Nance," *Winston-Salem Twin-City Daily Sentinel*, September 6, 1911; "Evidence Was So Strong Assailants of Revenue Men Made Confessions," *Asheville Citizen*, December 8, 1911)

July 1912: New Hanover County. Two justices of the peace (one of them the Wilmington chief of police) outlawed Dancy Lewis (black), accused of the nighttime burglary of a white household.

("Unusual Action Is Taken," *Wilmington Morning Star*, July 11, 1912)

July 1913. New Hanover County. Two justices of the peace outlawed Joe Humphrey (black), alias Joe Mumford, who was accused of killing an African American woman. The woman was his former girlfriend, and she had previously testified against him for assaulting her. After serving a brief sentence on the chain gang, Humphrey returned to Wilmington and killed her. ("A Brutal Murder," *Wilmington Dispatch*, July 21, 1913; "Humphrey Outlawed," *Wilmington Dispatch*, August 1, 1913)

February 1914. Sampson County. An outlawry proclamation was issued against Tobe DeVane (black), a jail escapee who a few days earlier had been convicted of murder and sentenced to death.

("Grand Jury Indicts Sampson's Officers," *Wilmington Morning Star*, February 8, 1914)

circa 1915-1918. Cherokee County. A Superior Court judge outlawed accused murderer James Rose (white). A federal agent shot and killed Rose in January 1919.

("Outlaw Fatally Shot by Federal Agent," *Greensboro Daily News*, January 25, 1919)

September 1915. Graham County. A Superior Court judge outlawed Ed Williams (white), a bootlegger accused of killing his wife's family. Williams would be caught and sentenced to ninety years in the state penitentiary.

("Ferguson Proclaims Williams an Outlaw," *Asheville Citizen*, September 23, 1915; "Outlaw Caught by Graham Officers," *Charlotte Observer*, September 27, 1915; "Ed Williams Is Given 90 Years," *Asheville Times*, March 27, 1916)

December 1915. Wilson County. Newspapers reported an outlawry proclamation was issued against Bill Gay (white), a farm laborer accused of killing his former employer. When surrounded by a posse, Gay committed suicide.

("Wilson County Posse Is Hunting Bill Gay," *Wilmington Morning Star*, December 24, 1915; "Panic-Stricken Wife Sees Man Kill Her Husband," *Winston Salem-Journal*, December 26, 1915)

February 1916: Pitt County. A Superior Court judge outlawed Dave Evans (black), a chain gang escapee accused of killing white guard. Evans was shot and killed by a posse.

("Hundreds of Men Searching Country Near Greenville for Escaped Felons," *Wilmington Dispatch*, February 17, 1916; "Convict Guard Dies from His Injuries," *Greensboro Daily News*, February 18, 1916")

February 1916. Burke County. Newspapers reported an outlawry proclamation was issued against Charles Mace (white), a bootlegger accused of killing his wife. Captured the following month in South Carolina, Mace was tried and convicted and sentenced to thirty years in the state penitentiary.

("Mrs. Charles Mace Shot Through Head," Morganton, NC *News-Herald*, February 24, 1916; "Charles Mace, Burke Outlaw, Is Captured," *Marion Progress*, March 30, 1916; "Charles Mace Is Captured," Morganton, NC *News-Herald*, March 30, 1916; "Charles Mace Sentenced to Thirty Years in Pen," *Charlotte News*, May 12, 1916.)

October 1916. Wilkes County. Newspapers reported that justices of the peace had outlawed Otto Wood (white), accused of multiple automobile thefts. Wood was outlawed again in November 1923; see below.

("Reward of \$125 for Capture of Otto Wood Is Offered by Chief," *High Point Enterprise*, October 10, 1916)

November 1916. Bertie County. A Superior Court judge outlawed Leroy T. White (white), a prominent young farmer accused of beating his wife to death with a gun. White left a note at the crime scene announcing his intention to go drown himself, but authorities thought he may have faked his suicide in order to escape. Apparently he was never found.

(“Large Reward for Bertie Murderer,” *Winston-Salem Journal*, September 15, 1916; “Proclamation,” *Raleigh News and Observer*, November 8, 1916)

August 1917. Warren County. Two justices of the peace outlawed Willie Wyatt (black), a bootlegger accused of killing a black man and wounding the man’s wife. Arrested in Durham a year-and-a-half later, Wyatt was tried and convicted and sentenced to twenty-five years in the state penitentiary.

(“Murder Near Elberon,” Warrenton, NC *Warren Record*, August 14, 1917; “Reward,” *Raleigh News and Observer*, August 16, 1917; “Proclamation,” Warrenton, NC *Warren Record*, August 28, 1917; “Negro Arrested on Murder Charge,” *Durham (NC) Morning Herald*, May 22, 1919; “Willie Wyatt Caught by Sheriff Durham County,” Warrenton, NC *Warren Record*, May 23, 1919; “Cases in Court,” Warrenton, NC *Warren Record*, September 19, 1919; “Move Quick to Prevent Lynching,” *Raleigh News and Observer*, September 19, 1919)

August 1918. Rockingham County. Newspaper reported that two justices of the peace had outlawed four young white men—Pink Pervins, Charlie Smithy, Bud Castevens, and Clarence Ferguson—who escaped from jail while awaiting trial for disorderly conduct.

(“Four Youths Escape from Reidsville Jail,” *Rockingham Post-Dispatch*, August 23, 1918)

August 1919. Beaufort County. Superior Court Judge John H. Kerr outlawed Wesley Young (black), accused of killing his “mulatto” wife.

(“North Carolina, Pitt County, In the Superior Court,” *Raleigh News and Observer*, August 28, 1919)

January 1920. Davidson County. Two justices of the peace outlawed Baxter Shemwell (white), charged with assaulting a white attorney in Lexington. Shemwell promptly surrendered to authorities and would be sentenced to two-and-a-half years on the chain gang.

(“Baxter Shemwell is Posted as an Outlaw by Court in Davidson,” *Greensboro Daily News*, January 21, 1920; “Judge Firm in Shemwell Case,” *Lexington, NC Dispatch*, August 13, 1920)

1921-1927

April 1921. Pitt County. Two justices of the peace outlawed W. H. Harrington, Jr. (white), a chain gang escapee accused of larceny and arson. Harrington was caught in Baltimore two weeks later.

(“Notice!” *Greenville (NC) News*, April 11, 1921; “Harrington Apprehended,” *Kinston, NC Daily Free Press*, April 27, 1921)

May 1921. Guilford County. Two justices of the peace outlawed Carl Talley (white), the leader of a bootlegging gang accused of killing a white policeman in a shootout in Greensboro. Arrested in Virginia the following year, Talley would be sentenced to a fifteen-year prison term and paroled after serving seven years.

("Carl Talley Formally Declared an Outlaw," *Raleigh News and Observer*, May 10, 1921; "Carl Talley, Outlaw, Caught," *Greensboro Daily News*, December 25, 1922; "Oh, My God, ' Wife Cried," *Monroe (NC) Journal*, February 3, 1923; "Carl Talley Given Parole by Gardner," *Statesville Landmark*, September 8, 1930)

October 1921: Granville County. Two justices of the peace outlawed Wiley Perry (black), accused of killing a white member of the posse who had come to arrest him for possessing liquor. Arrested in Virginia the following year, Perry would be executed in Raleigh in May 1923. ("Wiley Perry Has Been Outlawed," *Durham Morning Herald*, November 6, 1921; "\$500 Reward," *Raleigh News and Observer*, November 2, 1921; "The State Offers Reward," *Oxford (NC) Public Ledger*, November 4, 1921; "Alleged Slayer of Aiken Taken," *Durham Morning Herald*, December 10, 1922; "Wiley Perry Is Executed," *Statesville Landmark*, May 10, 1923)

May 1922: Beaufort County. A Superior Court judge outlawed Tony Gibbs (black), accused of killing a white man. Gibbs was never caught.

("Slayer of Adden Is Still at Large," *Kinston, NC Daily Free Press*, May 10, 1922; "Negro Surrounded in Beaufort Swamp," *Hickory Daily Record*, May 10, 1922; "Posse Still Hunting for Negro Murderer," *Raleigh News and Observer*, May 10, 1922; "John H. Adden Murdered," *Washington (NC) Progress*, May 11, 1922; "Local and Personal," *Washington (NC) Progress*, May 18, 1922)

November 1922: Wilson County. Three justices of the peace outlawed Oscar Melvin (black), accused of killing a white policeman. Melvin was never caught.

("Wilson Patrolman Is Murdered by a Negro," *Greensboro Daily News*, November 21, 1922; "Virtually Surrounded by Posse Negro Slayer Makes His Escape," *Wilmington (NC) Morning Star*, November 21, 1922; "Outlaw Wilson Negro Wanted for Murder," *Raleigh News and Observer*, November 26, 1922)

November 1923. Guilford County. Two justices of the peace outlawed Otto Wood (white), accused of killing a white Greensboro pawnbroker. Wood had been previously outlawed in October 1916; see above. In October 1930, after escaping from the state penitentiary, Wood was outlawed for a third time, this time by a Superior Court judge in Wake County, and was later killed in a gun battle with police.

("Find No Trace of Otto Wood," *Statesville Landmark*, November 8, 1923; "Otto Wood Outlawed by Judicial Order," *Lumberton, NC Robesonian*, October 6, 1930).

December 1923: Lee County. A Superior Court judge outlawed J. W. Bowman (white), a prominent bootlegger accused of assault and "wrecking the sheriff's automobile." Caught and convicted, Bowman was sentenced to two years on the chain gang.

("Bowman Is Outlawed," *Rockingham Post-Dispatch*, December 13, 1923; "Sanford," *Enfield, NC Progress*, January 4, 1924)

August 1924. Catawba County. A Superior Court judge outlawed Carl Lippard (white), accused of liquor violations and assault with intent to kill. Lippard was a notorious prohibition blockader who ran the roads of Catawba and neighboring counties in a souped-up automobile. He was caught and sentenced to four years in the state penitentiary.

("Carl Lippard is Declared Outlaw," *Statesville Landmark*, August 8, 1924; "Carl Lippard," *Lincolnton, NC Lincoln County News*, August 21, 1924; "Carl Lippard Taken by Lincoln Officers," *Lincolnton, NC Lincoln County News*, September 29, 1924; "Carl Lippard Gets Four Years in Penitentiary," *North Wilkesboro Hustler*, November 19, 1924)

January 1927: Lee County. A judge outlawed Bud Davis (white), a bootlegger accused of killing the Lee County sheriff who was leading a raid on a still. Caught by deputies in Wake County, Davis was convicted and sentenced to thirty years at hard labor in the state penitentiary. ("Sheriff Is Shot By Blockaders," *Statesville Landmark*, January 31, 1927; "Bud Davis, Outlaw, Is Caught in Wake," *Statesville Landmark*, February 7, 1927; "4 Men Will Be Indicted for Slaying Lee County Sheriff," Lumberton, NC *Robesonian*, February 28, 1927; "Slayers of Lee County Sheriff Taken to Pen," Lumberton, NC *Robesonian*, April 18, 1927)

June 1927: Burke County. Two justices of the peace outlawed Broadus Miller (black), accused of killing a fifteen-year-old white girl. (Morganton *News-Herald*, June 23, 1927)