

The Civil Right Not to Be Lynched

*State Law, Government, and Citizen Response to
the Killing of Willie Earle (1947)*

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Virtually every detailed scholarly analysis of particular lynchings or averted lynchings . . . powerfully reiterates the central role of law, either as a deterrent before or after the fact of mob formation or as a deliberate or inadvertent facilitator of vigilante hopes.

Larry J. Griffin, Paula Clark, Joanne C. Sandberg,
“Narrative and Event: Lynching and Historical Sociology”

The story of lynching should first tell us that our history never “caused” us to be violent.

Christopher Waldrep, *The Many Faces of Judge Lynch*

The standard version of the lynching of Willie Earle, who was taken from the county jail in Pickens, South Carolina, in 1947, and of the highly publicized trial of his murderers the following May has often been repeated.¹ The events began on a Saturday evening, February 15, when Thomas Watson Brown, a white, forty-eight-year-old taxi driver, picked up a fare at the corner of Markley and Calhoun streets in Greenville, South Carolina. At about ten o'clock that night, a local farmer, Hubert Newell, found Brown alive but bleeding on the ground near his cab outside Liberty—nearly twenty miles from where the fare had begun. The following afternoon, Pickens County and Liberty city authorities arrested Willie Earle, a twenty-four-year-old black laborer who had been living and working in Greenville but who was visiting his widowed mother in Liberty, a small farm and mill town. With some friends Earle had hired Walter Cary Gravelly's local taxi to drink and socialize at the Beverly rock quarry two miles

from Liberty. As the officers took him from the cab, Earle denied that he had been Brown's assailant.

Before daybreak on Monday morning, February 17, a vigilante mob from Greenville that was made up of at least thirty men, twenty-seven of them cab-drivers, abducted Earle from the Pickens County jail. Jailer J. Ed Gilstrap, who lived with his family in the jail, made no effort to stop the lynchers, who took Earle from Pickens through Easley and then into Greenville County. Outside West Greenville they interrogated, stabbed, and beat him and finally shot him twice, blowing away most of his face. Brown died later that morning in Greenville's St. Francis Hospital.² By Friday evening, thirty-one men—not including Gravelly, who was held but later released—had been charged. On Saturday morning, February 22, pictures of thirty of the accused assailants were printed in the *Greenville News*. Despite hearing twenty-six signed confessions, however, a Greenville coroner's jury on March 4 refused to charge any specific man, saying only that "parties of a mob" killed Earle. A state grand jury nevertheless returned a true bill of indictment eight days later. Solicitor Robert Ashmore, aided by Sam Watt as special state prosecutor appointed by newly elected Governor J. Strom Thurmond and his attorney general, John M. Daniel, made the state's case. Lasting for nine days in May 1947, the largest lynching trial in southern—perhaps in American—history unfolded in state circuit court in the Greenville County courthouse. After Judge J. Robert Martin dropped charges against five defendants and then ruled that the confessions could only apply to the men who made them and thus not as witness statements, an all-white, all-male jury acquitted the remainder.³

Of contemporary accounts of these events, none achieved the attention of Rebecca West's essay "Opera in Greenville," published in the *New Yorker* three weeks after the trial ended.⁴ New attention to the story has emerged over the last decade in the works of historians Christopher Waldrep, Kari Frederickson, Bryant Simon, and John Egerton; of biographers of Jesse Jackson (South Carolina native Marshall Frady) and of Strom Thurmond (Nadine Cohodas, Jack Bass, and Marilyn W. Thompson); and in a memoir by Thurmond's African American daughter.⁵ Briefer presentations of the story occur in A. V. Huff's history of Greenville, Walter Edgar's survey of South Carolina, Piper Peters Aheron's photographic volume, and Leon Litwack's introduction to the exhibition volume of pictures of lynching, *Without Sanctuary*.⁶ Between 1982 and 1992, there were five other contributions to public memory of this lynching. The first was by historian E. Donald Herd Jr., who in 1947 was a fifteen-year-old photographer for the weekly *Easley Progress* taking pictures at the death scene.⁷ Another account is a ghost story written by Nancy Roberts, who was teaching World War II veterans in Greenville in 1947.⁸ Three Greenville natives have presented other perspectives: a theological reflection by Will Willimon, chaplain at Duke University; a section in a history of Greenville by Nancy Vance Ashmore

Cooper (daughter of the prosecutor in the case); and a novel by the late Bennie Lee Sinclair, the state's poet laureate.⁹ Dan Hoover's 2003 retrospective piece in the *Greenville News* embellished, but did not probe beneath, the official story.¹⁰

In none of these works has anyone systematically examined the applicable state laws or the decisions made to implement or evade those laws in this case. Taken together they explain the failures of law enforcement to protect Willie Earle from being lynched and of the courts to convict his killers. When one examines the various levels of decisions, some surprising new links appear, especially about motivation and behavior. Always keeping in mind that "events . . . are inherently contingent because they did not have to happen as they did," one purpose of this essay is to explore these links from the state's perspective—essentially bracketing out federal aspects of this case.¹¹ Besides examining the volitional grounds of collective violence and of how state law was applied, a second purpose is to recount the actions of those South Carolinians who protested the lynching and the acquittal of Earle's murderers, thus upholding the principle of the civil right not to be lynched.



5. The body of Willie Earle in the Greenville County morgue. Courtesy of the South Caroliniana Library, University of South Carolina, Columbia

There was a single section in South Carolina's Constitution of 1895 acknowledging that lynching required some legal remedy. Titled "Prisoner lynched through negligence of officer—penalty on officer—county liable for damages," this section stated that when prisoners were taken from jail or from law enforcement, the state was exempted from liability for any subsequent violence. Sole responsibility instead rested with county officials, thereby making the county vulnerable to civil action for damages.¹² The 1942 State Code of Laws had three separate sections designed to implement this constitutional provision, two of which were relevant in the Earle case. One section (3041) made the county liable for damages for lynching but also gave it authority to recover costs from guilty parties. The other (1128) detailed the "Penalty upon officer from whom prisoner is taken." Facing potential liability at the state level, not to mention federal issues, it is no wonder that Pickens Sheriff Waymon Mauldin and his jailer, Gilstrap, for whom the sheriff was responsible, were under fire within hours of the lynching.¹³

Despite the fact that South Carolina, like the federal government, had no specific antilynching statute defining a mob and setting consequences for perpetrators, the legal framework was in place for a successful prosecution on charges of murder, accessory before and after the fact of murder, and conspiracy.¹⁴ But the trial jurors in 1947 decided that the evidence in the case was insufficient, despite the twenty-six signed confessions presented by prosecutors.¹⁵ They could not even agree to convict anyone on the lesser charge of conspiracy, which the confessions clearly demonstrated and Martin's charge explained.¹⁶

The defense attorneys were carefully chosen to represent their constituents. Thomas Wofford was a former federal attorney and Harvard Law graduate. Bradley Morrah, a cousin of John Marchant—the son of a mill owner and one of the defendants—was a state legislator. John Bolt Culbertson was a labor activist, and Ben Bolt a local attorney who meticulously tended to details. They decided not to present any witnesses, instead daring the twelve white jurors from Greenville County to convict any one white man, much less thirty-one of them, for the death of one black man, Willie Earle.¹⁷ Their strategy, which initially featured having Brown's widow, Emma, sitting at their defense table, was to ground the case on the widely shared assumption that Earle was Brown's assailant. The presence of the defendants and their family members sitting together and occupying a considerable portion of the downstairs white section of the courtroom was already a powerful force for the defense. The lawyers also sought to undermine the involvement of the Federal Bureau of Investigation in the case, to link its role to unwarranted federal intervention in local and southern affairs, and thus to invoke sectional rhetoric dating back to antebellum days and renewed in the overthrow of Reconstruction. They asked for, and received, the help of

United States Senator Olin D. Johnston in obtaining a transcript of Walter Winchell's radio broadcast critical of the handling of the case and of the southern propensity of tolerating lynching.¹⁸

Several factors complicated the state's case against the thirty-one men. Indeed, special state prosecutor Watt, speaking before bar associations after the trial, contended that the prosecution's case had been botched before he even became involved just prior to the coroner's jury proceedings about Earle's death.¹⁹ He might have had in mind the problem, which the defense team exploited, of the various ways in which the signed and witnessed confessions were obtained, especially the fact that they were not sworn to before Judge George B. Greene as part of individual indictments with attorneys for the defendants present. To build the entire case on them, moreover, was a huge risk. Judges had discretion as to whether the statements could be simultaneously confessions and witness testimonies. As an assistant solicitor in 1934 Ashmore had seen a Ku Klux Klan lynching case collapse when aggressive defense attorneys challenged the validity of statements by two defendants against six others. As in 1947, the judge ruled against the state, and all eleven Klansmen were freed.²⁰

The special state prosecutor most certainly had in mind the move by Greenville Sheriff Homer Bearden—with prosecutor Ashmore's consent—to release the thirty-second defendant, Cary Gravely, from Liberty on February 25, two days before Watt assumed his role. This cousin of mine, who was of my father's generation, was connected to the conspiracy that led to the lynching. After telling two Liberty cabdrivers about Earle's arrest, Gravely went to Greenville and met local taxi men who were discussing revenge for Brown's stabbing. Since Gravely, whose brother-in-law was Pickens jailer Ed Gilstrap, knew where Earle had been taken, he told the Yellow Cab dispatcher.²¹ These facts and relationships might have led investigators to explore events at the jail more thoroughly, if not to uncover possible foreknowledge of the emerging conspiracy, at least to prove inaction, as Waldrep has argued in discussing the federal issues in the case.²²

However crucial we may consider these decisions—remembering the motif we are pursuing that people made choices all along the way—Ashmore, like much of the general public, also accepted the jailer's story of being unarmed and overwhelmed by the intruders. The sixty-two-year-old Gilstrap put on an impressive performance for the media to solidify his narrative of justification for not protecting Earle's safety. His choice not to be a hero seemed more convincing than did the mandate to do his duty. His oblique statement—"I guess you boys know what you are doing," while warning the mob not to use profanity since his family was nearby—captured his passivity.²³ But Ashmore, Governor Thurmond, and Attorney General Daniel also made choices. Although it would have been a most difficult act, state authorities could have removed Gilstrap, Mauldin, or both. They had the constitutional power to depose

them, and Ashmore, as “the prosecuting Attorney,” to charge and try “any officer, State, County or municipal” who lost a prisoner through “negligence, permission or connivance” to “a mob or other unlawful assemblage of persons.”²⁴ Instead the focus shifted to the impressive manhunt involving fifty-nine federal, state, county, and city law officers, the speed with which the perpetrators were arrested and implicated, and the possibility of a successful trial against such a blatant lynching.

From the start Ashmore was caught in the crosshairs of the case. The morning of the lynching, he was due in Pickens to open the February term of court, where he would be working closely with Mauldin’s office. He anticipated that he would later be called upon to prosecute a case with many potential defendants, and that, as he told Jim Blessing of the *Anderson Independent*, this would be the toughest job of his fifteen-year career. He recognized the “street talk” predicting “that the state will never get a conviction in the lynch case,” but was mustering all the courage he had to see that justice was done.²⁵ Ashmore was aware that it was common knowledge that the lynching was planned around the Yellow Cab office within twenty-five yards of the courthouse that housed the circuit judge’s chambers above and the Greenville sheriff’s office on the bottom floor.

Some of the defendants recounted in their confessions how they discussed with Bearden’s on-duty deputies Brown’s stabbing and medical condition and the need for revenge against his attacker. Milford Forrester, a new deputy, and Clark M. Maxwell, a veteran in the department, had heard one driver’s drunken account of the lynching plan but dismissed it as hearsay.²⁶ A potential federal case for “inaction” was initially brewing within the Department of Justice, and thus there emerged the possibility that both counties might be implicated, as they could have been within state law, for not being alert to the dangers to Earle’s safety. The issue became hypothetical when the FBI and federal attorney Oscar Doyle from Anderson withdrew and left the case with the state, but that did not lessen the challenge Ashmore faced. Interviewing more than 150 taxi drivers in Greenville, he and the arresting officers had to decide who to indict and who to free and how to handle evidence and try so many men in the face of mounting public sympathy in the defendants’ favor.

It was in Pickens County that the first official legal action shaped the course of subsequent developments. Less than thirty hours after Earle’s corpse was found, and three days prior to having his death certificate signed, a jury of inquest, which Pickens Coroner Dennis Rampey impaneled; named Earle posthumously as Brown’s murderer.²⁷ The six male jurors first heard Pickens Deputy Sheriff Wayne Garrett submit an autopsy report on Brown. Garrett, who had arrested Earle once before in 1944, presented the circumstantial evidence that led him and Liberty policeman Eugene Merck to conclude that Earle had gone on Saturday night to his mother’s house after attacking Brown. Earle had remained in Liberty until the next afternoon, when Chief of Police D. B.

Owens, Garrett, and Merck arrested him and turned him over to Sheriff Mauldin in Pickens.²⁸

In the Tuesday afternoon hearing in Pickens there was no effort to make blood type matches between Brown and stains allegedly found on a jacket at Tessie Earle’s house or on a Boy Scout knife taken from Earle. There was no testimony from her or the other children. The proceeding seemed hastened in order to protect Pickens County and its sheriff and jailer from liability in a future lawsuit.²⁹ The most prominent figures in the audience were Brown’s brothers, who were asked to take the three dollars from six fifty-cent stipends given to the jurors back to their sister-in-law.³⁰ The coroner’s decision to hold the hearing so soon in the highly charged atmosphere, the deputy’s presentation of inadequately analyzed circumstantial evidence, the jurors’ sympathy for the grieving Brown family—these moves taken together set in motion the most essential feature for rationalizing the outcome of everything that came afterward. Whatever the intent, the coroner’s jury functionally provided the lynchers with essential elements of their later narratives of justification to which the purported confessions further substantiated. These confessions in turn became not admissions of guilt but self-justifying explanations.

The precipitating cause of the lynching of Willie Earle, of course, was the attack on Brown that led to his death. Someone, if not Earle, stabbed the cabdriver, causing his death a day and a half later. The twenty-six confessional statements—even though they were not available to the Pickens coroner’s jurors—solidified the perception of Earle’s guilt. Fourteen confessors stated that Earle, upon their interrogation at an initial stop on the lynching journey, acknowledged that he had stabbed Brown.³¹ Earle’s words, despite significant inconsistencies between the statements, were presented as factual and as though they were not being reported by men who were themselves accused of murder. His purported admission, rather than the sources from which it originated, became the essential feature of subsequent stories used to rationalize folk justice.

The confessions also contain four references by cabdrivers asserting that two men were picked up for Brown’s Saturday night fare in Greenville.³² The official story would state that Earle was a single fare, but again someone made a decision to ignore any contradictory evidence. There was no investigative follow-up about who the alleged second rider was and what happened to that person. That omission did not escape attention at the time. South Carolina NAACP and state Progressive Democratic Party (PDP) leader, newsman John H. McCray, was aware of it and of other contradictory aspects of the accounts accepted by much of the public. Writing privately to protest Columbia radio commentator Brim Rykard’s May 28 broadcast about the lynching and trial, McCray described his own “dispassionate, impartial and careful” detective work back in February and concluded: “I doubt seriously that Willie Earle, ill as he was, was guilty. Furthermore no effort has been made to locate the second passenger Brown picked up

with Earle in Greenville. The Pickens Coroner's jury indicted the dead Earle on the flimsiest information, evidence less than one tenth that the Greenville jury had before it."³³

Other than Earle's own words of denial to arresting officers and to Sheriff Mauldin at the jail, three accounts of these events exist that differ from the official narrative, which never included a positive identification by Brown of who had assaulted him, and raise questions about Earle's alleged guilt.³⁴ First, following McCray's reasoning and recalling the four confessions, there was the possibility that Earle, if in Brown's cab, either had an accomplice who was never found or was an innocent bystander, with the unidentified second fare being the violent party who escaped. Second, Tessie Earle insisted to reporters from the African American press of the period that Willie Earle never came to Liberty that night in a cab, but was on a through bus that made an unexpected stop. If her account, which I wrote about in the *South Carolina Review* at Clemson in 1997, was more than a mother's loyalty to her son, then Earle was set up by someone to take the fall for Brown's death.³⁵ That possibility would help explain why Earle had made no attempt to hide or run away, as might be expected of a murderer. A Clemson University student interviewing Faith Clayton from Pickens County for his master's thesis on the lynching raised a third possible sequence of events. Clayton reported that she had turned Earle away from the welfare office in Liberty that Saturday morning because he was intoxicated.³⁶ None of these alternative recollections establish proof to confirm Earle's innocence or guilt, such as we would have today with DNA and other forensic tests, but they do suggest reasons to question the official accounts.

The decision of the Pickens coroner's jury effectively transformed the lynchers into law enforcers—the prosecutors, the judges, and the jurors of Willie Earle.³⁷ Thereafter stories favorable to the jurors could assume, if not assert, that they acted under the Hebrew biblical logic of an eye for an eye. That ancient code sought to approximate equal justice and to provide a hedge against revenge: that is to say, not two eyes for one eye. The vigilantes took no other person from the racially segregated jail. Raymond Robinson, for example, was next to Earle in the cellblock.³⁸ No other random white-on-black violence occurred in reaction to Brown's demise, although it did surface briefly during and in the aftermath of the trial.³⁹ It became, therefore, a simple matter to correlate the death of Brown to the death of Earle and conclude, before there was any trial, that an equilibrium of sorts had been achieved. After the lynching occurred, of course, the question of Earle's guilt or innocence was not really the issue. The violation of his rights to a trial by a jury, to a defense attorney, and to protection while imprisoned was clear for all to see.

Most of the general public, right up to Governor Thurmond, however, accepted the view that Earle was guilty. The head of the FBI investigating team, J. C. Bills from Charlotte, apparently also came to this same conclusion, leaking

to the press on February 28 that members of the lynching party had attested to Earle's confession. That same day Governor Thurmond sent a letter to the Pickens sheriff commending him and his deputies "for your quick apprehension [sic] of the murderer of Mr. T. W. Brown of Greenville, S. C." The governor continued, "I deeply regret that the arrest was followed by a lynching of a prisoner," but then praised Mauldin for his work on the investigation of Earle's killers.⁴⁰ Mauldin's coordination with state constables, the FBI, and Greenville law enforcement effectively countered any move against him for negligence. His public response was to explain that he had instructed the jailer not to let anyone into the upstairs cellblock. More candidly, he as much as admitted that the idea of a break-in at the jail had crossed his mind, when according to a report in the press he said, "I didn't think they would try it."⁴¹

Revenge ruled in this story, first when the mob punished a single black man for the ultimately fatal attack on a white man and again when no one was found guilty for the lynching. It was also present in the historical foreground of Valentine's Day weekend in 1947 in Greenville County. Among local historians, another narrative of justification for the lynchers emerged, which even contained a rape story—the motif most often associated with the rhetorical defense for lynching, even though statistically and historically it was rarely the cause.⁴² The mob, this account goes, intended to avenge the state's execution in 1945 of another of their own—a white cabdriver, Charles Gilstrap, from Pickens County, who had been convicted of raping a twelve-year-old white girl in Greenville in 1944. The case, ironically, still elicited racial ramifications.⁴³

Though he admitted that he took sexual liberties with the pre-teenager, Gilstrap denied that he had raped her. He and his court-appointed attorney, John M. Schofield, failed to convince the jury that the victim had, by hanging out around cabstands, provoked his loss of control. Gilstrap was executed on February 9, 1945, his twenty-ninth birthday. He was initially scheduled to die the previous June 22—the date that George Junius Stinney Jr., a fourteen-year-old black adolescent, went to the electric chair.⁴⁴ What prompted the later execution date was an appeal by Schofield seeking to overturn the original verdict and capital sentence handed down by Judge Martin, who was himself trying his first case in circuit court. The appeal claimed that Solicitor W. A. Bull had violated Gilstrap's rights to a fair trial in challenging the all-white, all-male jury to convict in three respects, and especially by playing what today would be called the race card. "If this boy's color were black it wouldn't take you fifteen minutes to return a verdict of guilty, and he is not entitled to any more consideration than if his color were black," the defense charged Bull with saying.⁴⁵

The sentiment that Gilstrap's punishment represented an unjust outcome persisted in his family and among his fellow cabdrivers. Some of their anger targeted Judge Martin. The assault on T. W. Brown in 1947 occurred the week of the second anniversary of Gilstrap's electrocution. The Greenville lynch

mob, therefore, not only reacted in vengeance against Earle but also against the legal system itself, which Martin represented, and against the violation of the code of white supremacy, which Bull had committed. That code assumed that the intent of the state in making rape a capital crime was to discourage lynchings as a response and to substitute legal trials against perpetrators. It was further assumed that this change was meant primarily for black perpetrators, and thus the law was misapplied in this case. Swift capital punishment was the norm in 1947 South Carolina, so if Earle had been tried and convicted, he would have been electrocuted.⁴⁶ The cabdrivers knew that was the case, and that fact forces an exploration into a more complicated mixture of motivations. In the early morning of February 17, 1947, when selecting the final site for Earle's execution, although such a detail is in none of the confessions, the lynchers found a location near the Martin family property off old Bramlett Road outside West Greenville to deliver a symbolic, if covert, message. That choice prompted the Martin family to make their own investigation of the killing.⁴⁷

In his presiding role for the sensational trial in general sessions court in 1947, Martin earned the praise of a wide range of editors, lawyers, other judges, local community leaders, and citizens across the country that had taken the trouble to write him.⁴⁸ As widely reported in the press, his last act on May 21 was to turn his back on the jurors and leave without the customary expression of thanks for their service. Generally interpreted as displaying disdain that all defendants had been acquitted, the judge's gesture had a more personal dimension to it than most observers of the time could have realized. Its significance was not lost on some of the defendants even as they celebrated wildly their escape from judgment. Their victory represented a further computation of an eye for an eye. To pay back the judge for Charles Gilstrap's electrocution and be freed from being punished for killing Earle at the same time was sweet victory indeed. That was especially true for those, in February 1945, who had served as honorary pallbearers at Gilstrap's funeral and who had noted that the electrocution eerily burned his body into a dark caricature of itself.⁴⁹

On March 6, 1947, Governor Thurmond wrote to Mauldin and to all other sheriffs in the state, declaring, "The State cannot afford to have a repetition of the Greenville-Pickens lynching case." He offered to have the chief of the state constabulary to come to any county upon request where there was a need to safeguard "any person in your custody whose safety is endangered." He concluded, "The guarantee of such security in your County is your responsibility."⁵⁰ That correspondence wrapped up the primary role of the governor in the case, even though his policy statement on protecting prisoners was repeated in a press release after the trial.⁵¹ By the time he had thanked the FBI, the State Constabulary, the Pickens and Greenville County sheriff departments, and the Greenville chief of police for their work, the courts had taken over and Thurmond's responsibilities ended.⁵²

In future years Thurmond would consider his role in this case to have contributed to progress in race relations in the state.⁵³ As a former trial judge who had sentenced men to the electric chair, he certainly knew murder when he saw it. Of course Thurmond's law and order stance in this instance did not mean that he had been persuaded to join the civil rights campaigns against lynching or for black voting rights and an end to segregation. Over the next year he emerged as the leader of the Dixiecrat movement intent on opposing President Truman's civil rights program. He nonetheless understood that if the state was to retain control over these issues and not be subject to federal pressure, it had to stop lynching.

Until the state legislature adopted a new statute defining and setting punishments for lynching, the most important events in South Carolina in the aftermath of the trial were two civil court cases. Backed by the NAACP Legal Defense Fund, with Columbia attorney Harold Boulware doing the major work, Tessie Earle Robinson in 1948 sued both Pickens and Greenville counties. After the state supreme court decided in 1949 that Greenville was liable, she won a \$3,000 claim in a settlement with the county early in 1950. A countersuit by Emma D. Brown held up distribution of the funds until 1956, when Circuit Judge J. Woodrow Lewis, explaining the intent of the state law, released the award to Mrs. Robinson and her family. Pickens County astutely avoided liability, but in a limited sense her success in court against the county from which the lynchers hailed vindicated her son's civil right not to have been lynched.⁵⁴

Those South Carolinians who backed the lynchers also had their turn at bat when in April 1950, the Pickens jailer who had avoided being charged with neglect or complicity in not defending Earle got his revenge against his critics. In 1949 Frederick Philbrick in a textbook on forensics and rhetoric discussed the Willie Earle lynching trial, and mistakenly referred to Ed Gilstrap as "the jailer, himself a Negro." Gilstrap sued for libel and asked for \$150,000 in damages, even though the book referred only to him by his position and not by name. The case was argued in federal court, but it was premised on a state statute prohibiting a white man from being called a "Negro." Macmillan publishers and the author settled the suit, and the jailer retired from his post and moved into the county near where Charles W. Gilstrap was buried at Crossroads Baptist Church.⁵⁵

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Of the vital forces in American democracy, the media and citizen activism often succeed where the legal and political systems fail in keeping alive such principles as the right to a trial by jury. These sectors of American life in 1947 were the most consistent defenders of the civil right not to be lynched. Such politics of advocacy had varied venues in 1947 from individual expressions of moral outrage sent to Governor Thurmond to group protests at the local level to coordination with civil rights organizations of the time.

Two dozen residents of the state or expatriate South Carolinians and more than a dozen locally based groups in the state contacted Thurmond between February and May 1947 to express their support for authorization of state assistance to the prosecution. They often gave a religious cast to their objections to the lynching and wrote about being offended or shamed by the subsequent acquittals. The crime of lynching was "heinous before God and repulsive to man in a free society," a Presbyterian pastor in Conway, Hubert G. Wardlaw, declared. A Baptist college professor in North Carolina spoke of clearing "my home state . . . of this shame," and an Episcopal priest in Spartanburg, in an open letter to the governor, "deplore[d] this cowardly violation of Justice."⁵⁶ The writers included a woman in Due West slated to begin missionary work in India that fall, an Episcopal priest in Summerville, the pastor of Second Presbyterian Church in Charleston, a female teacher at the Methodist Church's Mather Academy in Camden, another woman who was student counselor for Presbyterians at Winthrop College campus in Rock Hill, an Episcopal church worker in Clearwater, a professor at Furman University, and a South Carolina native who taught at the Southern Baptist Theological Seminary in Kentucky.⁵⁷ Both a Methodist pastor and an educator in Greenville alerted the governor to the low odds for a conviction. A ministerial student at Emory University feared that if this "murder" went "unpunished," more lynchings would occur.⁵⁸

On the day of the lynching Columbia resident Gennie Seideman, as "an American of Jewish Ancestry," wrote to the governor about how "real and personal" the issues raised by the case were to her. "I am made aware how slight is my margin of safety in a land where race hatred is rampant."⁵⁹ Seideman called for "the full force of our government . . . against such crime." Echoing German pastor Martin Niemöller as the Nazis imprisoned him, she warned: "even White Protestant Americans will not be safe if this is not checked. Witness Germany, first the Jews, then all the people were involved in senseless blood and death. I pray that you will be strong."⁶⁰ Making another European comparison from Belgium, Sumter native, black military veteran, and PDP candidate for the United States Senate in 1944, Osceola E. McKaine, also praised Thurmond's action. The expatriate claimed that public opinion abroad would notice that the nation "and even South Carolina, seeks to practice at home the respect for the rights of minorities she seeks to impose on the rest of the world."⁶¹

Governor Thurmond also heard from citizen groups—from the state conference and the Cheraw branch of the NAACP to the executive board of the Charleston Young Women's Christian Association and the public affairs committee of the same organization in Greenville.⁶² Appropriate to its origins following the Leo Frank lynching in Georgia thirty-two years earlier, the American Civil Liberties Union alerted its South Carolinian members to a \$1,000 reward for information leading to the arrest, conviction, and imprisonment of any member of the mob.⁶³ The Business and Professional Women's Club of

Greenville damned "the mob rule exhibited" in the case as "contrary to the principles of Christian democracy on which is founded the American standard of justice for all through due process of law."⁶⁴ A group of "Negro Teachers of Pickens County" collectively commended Thurmond for his stand and appealed to him to use his office to bring "these criminals to justice." Likewise, one white and two black ministerial associations offered appreciation for his forceful leadership.⁶⁵

Besides the persistent work of the NAACP in matters of social justice, there were other agencies and movements for change whose representatives spoke out in 1947. In February two union organizations with locals in South Carolina—the Congress of Industrial Organizations and the Textile Workers Union of America—and John B. Isom, the pastor of the pro-union Saxon Baptist Church in Spartanburg, weighed in to support Thurmond's stance.⁶⁶ The newly formed (in 1944) interracial civil rights organization based in Atlanta, the Southern Regional Council (SRC), had both a South Carolina division headed by lawyer Marion Wright from Conway (who also wrote Thurmond personally) and a Richland County committee.⁶⁷ The Columbia-based branch worried that the Greenville verdict would deal "a serious blow to good racial relations" in the state, and the interfaith "Resolutions Committee" appealed to the governor to provide better protection to prisoners.⁶⁸ A future president of the SRC, Presbyterian layman, former Coker College professor, and writer James McBride Dabbs, wrote Thurmond five days after the lynching to warn "that the quick confessions . . . indicate that the murderers expect to get off without punishment." He hoped that Thurmond represented "progressive government" in the state against the forces of "a reactionary political machine" and "the resistance of a few bitter-enders."⁶⁹

There were also courageous citizens in the center of events willing to protest the lynching and subsequent controversy. In Pickens the editor of the weekly paper and a local Baptist layman, Gary Hiott Sr., immediately condemned the violation of Earle's right to a trial. In a front-page editorial of the *Pickens Sentinel* titled "Does a Man-Made Boundary Remove a Responsibility?" Hiott called the lynching "this blackest of all physical crimes" and predicted that the county and the state would undergo "humiliation" and "shame" over "the next few years" as a result of it. He especially emphasized how violated was "the feeling of a Christian people who tried to provide the protection that a human being has a right to expect," and he concluded that "men have not yet learned the teachings of the principles of America." In a letter to the paper a week later, his pastor at the First Baptist Church, E. R. Eller, praised "the splendid editorial," regretting "in shame that such a blot should be placed on South Carolina."⁷⁰

In the same *Sentinel* issue as Hiott's condemnation and in a neighboring town's *Easley Progress* appeared an invitation urging "public spirited citizens, both men and women" to attend a meeting on Thursday evening at Pickens High School "to discuss and draft a statement in regard to the mob violence" that had

invaded the county seat. The instigator for the protest meeting was twenty-seven-year-old South Carolinian Hawley Lynn, who had been pastor of Grace Methodist Church in Pickens for two years.⁷¹ Lynn invited well-known local civic leaders to preside—a Presbyterian churchman, J. T. Black; a Baptist deacon, O. T. Hinton Sr.; and his parishioner who was the widow of a judge, Mrs. J. T. “Queen” Mauldin.⁷²

Unfortunately Lynn’s invitation attracted persons to the meeting who defended the lynching. These speakers came from the Dacusville area near where Charles Gilstrap was buried and where the last lynching in the county had occurred in 1912. The victim in that case was a seventeen-year-old African American named Brooks Gordon. Retelling that thirty-five-year-old event, which had already been brought to public attention in the daily papers in Greenville and Anderson and in that week’s *Sentinel*, squelched the protest effort.⁷³ Facing the possibility that a motion to approve the lynching might prevail, Lynn and his sympathizers adjourned the meeting without being able to defend the reputation of Pickens.

But Lynn did not let the outcome of the protest meeting silence his conscience. Ten days later, on Sunday, March 2, he preached a powerful sermon to his congregation, which met weekly in the local high school since its church building had burned in October 1945. Titled “Who Lynched Willie Earle?” and subtitled “The Religious Roots of Democracy,” Lynn’s sermon courageously condemned the sentiments the pastor kept hearing around town. The preacher warned that those who “trample the rights of human beings underfoot” end up committing “a lynching in their hearts.” He also composed “A Prayer for the Sin of Lynching” and published it in the Methodist weekly in Columbia, the *Southern Christian Advocate*. Editor Hiott later reprinted it for *Sentinel* readers.⁷⁴ Lynn also confronted the owner of a local meat market for collecting money for the lynchers’ defense fund. Finally in May, as the trial opened, he praised Judge Martin for refusing motions to delay the case.⁷⁵

In a *Sentinel* editorial titled “Civilization Has a Long Way to Go,” Hiott reflected the response that many Pickens residents had to the verdicts in the Greenville trial. A future Pickens resident who would later succeed Eller as pastor of the Baptist church there had a similar reaction. A pre-ministerial student at all-white Furman University in Greenville, Lloyd Batson gave a satirical speech at his school damning the acquittals. In the speech, titled “America, the Land of the Free and the Home of the Brave, 1947 Style,” Batson attacked “lily-white justice” and condemned “race-hating, prejudiced people who tolerate and uphold the murder of one.”⁷⁶

Batson’s student voice coincided with a protest suggestive of later civil rights activities. About fifty students from the then segregated and all-male Wofford College in Spartanburg assembled the night when the verdict became known.⁷⁷ Holding up a sign reading “Was Justice Triumphant?,” Charles Crenshaw led

the students from the newspaper office in downtown Spartanburg to Morgan Square to condemn the outcome. Not accustomed to this kind of student activism and perhaps responding to critics, some faculty and administrators at the college questioned how to respond to the students. Retired professor and Methodist preacher A. M. Trawick came to the students’ defense, and the faculty meeting adjourned without action against them.⁷⁸

In Greenville another kind of protest emerged in the African American community. The confessional statements, which appeared in the press, identified the cab companies from which the lynchers had come. Alert black readers or those who sat in the segregated balcony of the courthouse with the reporters of the national African American press knew as well that some taxi drivers refused to join the lynch party. One of them was U. G. Fowler, the state’s lone witness among local taxi drivers against the defendants. His stance later earned him a beating and his picture in *Life* magazine.⁷⁹ Yellow, Greenville, Commercial, Bluebird, and American were the offending cab companies, and they became the targets of a boycott from black riders and any white patrons who chose to honor it. Eventually the companies offered free rides on Sunday to church services for black Greenvillians in an attempt to regain the lost business.

Down in Columbia, civil rights activist Modjeska M. Simkins heard about the Wofford protest, and it became for her one of “three pencils of light” to “penetrate the darkness” of depression after she heard the decision of the Greenville jury. Writing in the *Norfolk Journal and Guide*, Simkins described how “stunned and nauseated” she felt. “I am confident I am not alone in saying that I trust I shall never live through another 24 hours during which my heart could generate so much hate.”⁸⁰ No South Carolinian at that time participated in such a broad network of social activist organizations as Simkins.⁸¹ Her role in the state NAACP was the most relevant connection to another section of her “Palmetto State” column. There Simkins reported that Thurgood Marshall and Robert L. Carter from the Legal Defense Fund were in Columbia planning the lawsuits against the University of South Carolina School of Law for refusing to admit black applicant John Wrighten of Charleston and against “the ‘white supremacy’ primary,” which George Elmore had undertaken. A cabdriver in Columbia and photographer for John H. McCray’s *Lighthouse and Informer* weekly newspaper, Elmore also had direct experience of the Earle lynching. In February, four days prior to filing the eventually successful lawsuit to expand voting rights in the state, he shot the widely reprinted picture for the wire photo of Earle’s corpse after facial reconstruction.⁸²

Although many of the goals of the civil rights movement would not come to fruition in the state for another two decades, the lynching of Willie Earle touched later activists in the NAACP and PDP such as A. J. Whittenberg in Greenville, who filed the lawsuit for local desegregation of public schools in 1963. Whittenberg had viewed Earle’s corpse at the S. C. Franks Funeral Home, but he lived to

see the same Judge Martin from the federal bench rule favorably in behalf of his daughter's right to integrated education.⁸³ On occasion someone from the other side in 1947 switched roles. A defense attorney in the lynching trial, John Bolt Culbertson, became the most visible white member of the NAACP in the state, and he assisted Tessie Earle Robinson to free the civil award legally granted to her family.⁸⁴

Four years after the Earle lynching the state got its first statute criminalizing lynching when Representative Ernest Hollings introduced House Bill 1198 in February 1951.⁸⁵ After it won General Assembly approval the governor signed it into law. It defined lynching resulting in death as a first-degree violation and made mob violence not resulting in death a second-degree offense. It set punishments of death or with recommendation of mercy of a penitentiary sentence. A lynch mob in the statute became "the assemblage of two or more persons" unlawfully and with "premeditated purpose . . . and intent" to commit violence on another. Its members could be prosecuted for aiding and abetting "the crime and shall be guilty as principals." The county sheriffs and solicitors were duty bound "to act as speedily as possible to apprehend and identify the members of the mob and bring them to trial." Solicitors were given "summary power to conduct any investigation," including subpoena power and taking of testimony under oath. The new legislation retained the civil liability of members of mobs and of "political subdivisions," a provision still on the books today more than a century after its original enactment (1896) and still defining "exemplary charges of not less than two thousand dollars." In 1962 the code added the Earle case to the "application" section of notes citing the 1949 state supreme court case and settlement.⁸⁶

Along with many other factors, this legislative achievement has served in South Carolina to deter classic spectacle lynchings involving large mobs. Prosecutors still employ the statute to deal with small group violence, including murder, against an individual. Ironically, as a 2003 Associated Press story pointed out, those charged a half century later are more often African American than white Carolinians.⁸⁷ In itself, the presence in 1947 of an explicit antilynching statute may not have prevented the killing of Willie Earle. It is clear, however, that the failures in this case confirmed the need for legal principles and constitutional guarantees to triumph over all the rationalizations for lynching. Thereby justice, not revenge, can more nearly be approximated. It is also clear that capital punishment does not necessarily deter violence. Unequal and unfair capital punishment systems cynically encourage new rounds of violence, as the associates of Charles Gilstrap demonstrated. And it is finally clear that a vital democracy depends on the courage of people—like those who defended Earle's right not to be lynched—who are willing to go against the grain.⁸⁸

Notes

1. The Harry Frank Guggenheim Foundation (1988–90) and University of Denver Faculty Research Fund (1982–2001) supported this research. The University of South Carolina's Institute for Southern Studies provided an important residency in the spring of 1985, as did the Hambidge Center for the Arts and Humanities in Rabun Gap, Georgia, in 1992, 1993, and 1996. All taped oral history interviews have required permission according to protocols of the Internal Review Board for the Protection of Human Subjects at the University of Denver. A summary of my project is in my essay "Race, Truth, and Reconciliation: Reflections on Desmond Tutu's Proposal," *Journal of Religion and Society* 3 (2001): 1–20, especially 9–11.

2. Death certificates for Thomas Watson Brown, signed by Dr. Thomas Ross, February 21, 1947 (State File no. 01567); for Willie Earle, signed by Dr. Joseph Converse, February 17, 1947 (State File no. C1568), Greenville County Department of Health.

3. This summary distills accounts in the *Greenville News*, February 18–22 and March 5, 12, and 13, 1947; and the *Greenville Piedmont*, February 17–22 and March 4–5 and 12–13, 1947. The official FBI record includes the summary report compiled by Agent James A. Cannon and signed by Charlotte chief John C. Bills, originally file no. 44–73, obtained through the Freedom of Information Act and listed now as Willie Earle File 44–1565. It took me fifteen years and the efforts of two attorneys to receive the file in unredacted form. *Life*, June 2, 1947, 27–31, claimed that this trial was history-making for the South. On Watt's appointment, see Daniel to Watt, February 27, 1947, in the attorney general's annual report in *Reports and Resolutions of South Carolina to the General Assembly of the State of South Carolina* (Regular Session Commencing January 13, 1948), 1:221–22.

4. Rebecca West, "Opera in Greenville," *New Yorker*, June 14, 1947, 31–65, first reappeared with a new concluding paragraph in her anthology *A Train of Powder* (New York: Viking, 1955), 75–114, which is still in print. Ernest M. Lander Jr. and Robert Ackerman, eds., *Perspectives in South Carolina History: The First 300 Years* (Columbia: University of South Carolina Press, 1973), 361–67, republished parts, and all of "Opera" was reprinted in Christopher Waldrep, ed., *Racial Violence on Trial: A Handbook of Cases, Laws, and Documents* (Santa Barbara, Cal.: ABC-CLIO, 2001), 203–38, and in Jay Mecham, ed., *Voices in Our Blood: America's Best on the Civil Rights Movement* (New York: Random House, 2001), 10–11, 75–101. Waldrep excerpted it and the text of one confessional statement in his *Lynching in America: A History in Documents* (New York: New York University Press, 2006), 249–54.

5. Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palgrave Macmillan, 2002), 174–76, and *Racial Violence*, 85, 94, 104; Kari Frederickson, "'The Slowest State' and 'Most Backward Community': Racial Violence in South Carolina and Federal Civil-Rights Legislation, 1946–48," *South Carolina Historical Magazine* 98 (April 1997): 177–202, and *The Dixiecrat Revolt and the End of the Solid South, 1932–1968* (Chapel Hill: University of North Carolina Press, 2001), 58–65; Bryant Simon, "Race Reactions: African-American Organizing Liberalism and White Working-Class Politics in Post-War South Carolina," in *Jumpin' Jim Crow: Southern Politics from the Civil War to Civil Rights*, ed. Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon (Princeton, N.J.: Princeton University Press, 2000), 245–47, 249; John Egerton, *Speak Now against the Day: The Generation before the Civil Rights Movement in the South* (Chapel Hill: University of North Carolina Press, 1995), 371–73; Marshall Frady, *Jesse: The Life and Pilgrimage of Jesse Jackson* (New York: Random House, 1996), 96–97, and Nadine Cohodas, *Strom Thurmond and the Politics of Southern Change* (New York: Simon & Schuster, 1993), 99–100, 111–12, 151, 204, 281, 383. Jack Bass and Marilyn W. Thompson coauthored *Ol'*

Strom: An Unauthorized Biography of Strom Thurmond (Atlanta: Longstreet, 1998), 84–85, 98, and updated it in *Strom: The Complicated Personal and Political Life of Strom Thurmond* (New York: Public Affairs Press, 2005), 82–84, 96, 103. Essie Mae Washington-Williams, with William Stadiem, wrote of the Earle lynching in *Dear Senator: A Memoir of the Daughter of Strom Thurmond* (New York: Regan Books, 2005), 121–28, 189.

6. Archie Vernon Huff, *Greenville: A History of the City and County in the South Carolina Piedmont* (Columbia: University of South Carolina Press, 1995), 399–401; Walter B. Edgar, *South Carolina: A History* (Columbia: University of South Carolina Press, 1998), 518; Piper Peters Aheron, *Images of America: Greenville* (Charleston, S.C.: Arcadia, 1999), 114; Leon F. Litwack, “Hellhounds,” in James Allen et al., *Without Sanctuary: Lynching Photography in America* (Santa Fe: Twin Palms, 2000), 32.

7. E. Don Herd, “Lynching in the Upcountry, 1784–1980,” in *The South Carolina Upcountry, 1540–1980: Historical and Biographical Sketches* (Greenwood, S.C.: Attic, 1982), 498–546 (Earle lynching, 537–46). Authorities confiscated Herd’s negatives.

8. Nancy Roberts, “The Specter of the Slaughter Yards,” in *South Carolina Ghosts: From the Coast to the Mountains* (Columbia: University of South Carolina Press, 1983), 81–92, 145–46.

9. William H. Willimon, “Paradise Lost,” in *Sighing for Eden: Sin, Evil and the Christian Faith* (Nashville: Abingdon, 1985), 11–15; Nancy Vance Ashmore Cooper, *Greenville: Woven from the Past* (Northridge, Cal.: Windsor, 1986), 157–58, 160–61; Bennie Lee Sinclair, *The Lynching* (New York: Walker, 1992).

10. Dan Hoover, *Greenville News*, March 15, 2003. Having access to the Willie Earle file 44–1565 and its FBI summary report and photos from the Greenville Law Enforcement Center (LEC) file enriched his piece.

11. Larry J. Griffin, Paula Clark, and Joanne C. Sandberg, “Narrative and Event: Lynching and Historical Sociology,” in *Under Sentence of Death: Lynchings in the South*, ed. W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1997), 30–31. Their essay focuses on “historical counterexamples” of prevented lynchings to argue that motivation and behavior are not to be seen as inevitable or the results of forces beyond human choice.

12. S.C. Const. of 1895, art. VI, sec. 6.

13. *Code of Laws of South Carolina 1942* (Clinton, S.C.: Jacobs, 1942): Criminal Code, 1:775–76; Civil Code, 2:700–701. Since Earle’s killers made no effort to hide their identities, sec. 1131 (Criminal Code), which forbade “Assault, etc. by masked persons,” did not apply. Other sections of the code on the responsibilities of sheriffs and of jailers reinforced the constitutional and legislative norms. The FBI summary report contains a paragraph about agents’ interview with Sheriff Mauldin (13) and the signed statement by Jailer Gilstrap (20–24). Elsewhere in the Willie Earle file 44–1565 there is an intraoffice memorandum from J. K. Mumford to D. M. Ladd about the bureau’s entrance into the case. It reports the conversation of South Carolina federal attorney Oscar Doyle with Lamar Caudle of the Justice Department that “the jailer immediately turned over the man to the mob upon demand and apparently without any force being exerted, and therefore, in his opinion, it was a clear-cut case for the Bureau.” See also telegrams from J. C. Bills to J. Edgar Hoover, February 17, 1947, 8:00 P.M., and February 18, 1947, 4:42 P.M., stating that “indications [that] Jailer and Sheriff had talked matter over prior to interview by agents” and that “attitude of Jailer is believed to be improving and this may reflect improving attitude on part of Sheriff W. H. Mauldin of Pickens.” The jailer also had in Pickens County the power “to assist the rural police in the enforcement of the law.” Criminal Code, sec. 1960–8, *SC Code 1942*, 1:1082.

14. *SC Code 1942*: Criminal Code on murder (sec. 1101), accessories before and after the fact (sec. 1021–22, 1936–37) and conspiracy (sec. 1380–81), 1:704, 748, 857, and 1070–71.

15. Prosecutors read the confessions at the Greenville coroner’s inquest and in the grand jury proceedings. The local press and wire services printed excerpts from the statements. See *Greenville News*, March 12 and 13, 1947; May 14–17, 1947; *Greenville Piedmont*, March 5, 12 and 13, 1947; May 14–17, 1947. The text of each confession is in the FBI summary report and in the Greenville LEC file on the case.

16. The eighteen-page text of Martin’s charge to the jury typed on the letterhead of the court reporter for the Thirteenth Circuit is the only surviving item as a transcript from the trial. The general indictment and individual warrants are in the General Sessions Court records of Greenville County at the South Carolina Department of Archives and History, Columbia. Martin’s charge is in the Olin D. Johnston Papers, South Carolina Political Collections, University of South Carolina.

17. For Culbertson’s earlier involvement in social change, see Egerton, *Speak Now against the Day*, 187, 373.

18. Winchell’s national broadcast was on March 2, 1947. See Olin D. Johnston to American Broadcasting Co., April 24, 1947; John T. Madigan, national news editor, American Broadcasting Company, Inc., April 29, 1947, to Johnston; Johnston to John Bolt Culbertson, May 1, 1947, in the Johnston Papers.

19. As soon as his role was official, Watt managed to delay an inquest for Earle until he was updated on what had transpired thus far. See Daniel to Watt, February 27, 1947, cited in note 5. Emmett Walsh, interview with the author, Spartanburg, S.C., December 18, 1982. Early in his own career Walsh was Watt’s law clerk. The FBI was aware of Ashmore’s timidity concerning the case, as Bills put it to Hoover in an office memorandum on May 10, 1947 (Willie Earle file 44–1565), just before the trial began: “It has been apparent that the State Solicitor was not going to prosecute this matter aggressively. . . . Mr. ASHMORE apparently has been trying to feel the public pulse in each move he has made in connection with the prosecution.”

20. On November 16, 1933, Klansmen broke into George Green’s rented house in Taylors and shot and killed the aging black tenant farmer. A Klan meeting room operated openly in Greenville at the time, where members held “court” to decide on night-riding activity. The owner of the rental house, C. F. James, allegedly asked Andrew Monk to get the Klan to force Green to move, even though the tenant’s contract ran until the first of the next year. State constable Fred Newman took statements from the two defendants, who became state’s witnesses, but their testimonies were not admitted as evidence. See Tuskegee University Lynching Clippings file for South Carolina (1933); *Greenville News*, November 18, 20–21, 23–24, 28, 30, 1933; December 1–2, 6–8, 1933; November 3–4, 1934; and *Green v. Greenville County*, no. 14088, 180 S.E. 471 (S.C. Sup. Ct. 1935).

21. *Greenville Piedmont*, February 26, 1947; *Greenville News*, February 28, 1947. The two Liberty cabdrivers he told were Eugene Durham and Cleo Garrett (FBI summary report, 139–40, 208–9). Gravely claimed that he did not come to Greenville explicitly to inform the cabdrivers but to bring back to the city a girlfriend named Teat (the names Jackie and Katie both occur in the summary report). He said that he did not want that information shared with his wife. “After considerable questioning,” Gravely admitted to state constable Bill Gaines, FBI agent P. B. Beachum, and Sheriff Mauldin what he did but denied other rumors: that if he had only known what Earle had done he would have taken him to Greenville right away in his “fast” Chevrolet before officers could arrest his passenger or that he informed the mob planning the lynching where he could be reached to join them. On Ashmore’s

decision to release Gravelly, see J. C. Bills to J. Edgar Hoover, March 17, 1947, Willie Earle file 44-1565.

22. "The Taxi-cab Lynching: Mob Law, State Law, and National Law, or How 32 White Men Got Away with Murdering One Black Man in 1947," paper for "The Civil Rights Movement in South Carolina" conference at the Citadel, March 2003. He discloses the failed federal effort to reopen the case after the acquittals in May, not by retrying the same defendants on grounds of violation of Earle's civil rights but by focusing on Gilstrap's "inaction." Though Waldrep does not discuss it, two of the defendants, Perry Murrell and Walter Towers Crawford, received a six-month penitentiary sentence each for having admitted being at the scene of a crime while on federal parole. *Greenville News*, June 7, 1947, and July 2, 1947.

23. After interviewing Gilstrap and his wife in May, Rebecca West quoted what he said to the local press back in February and sympathetically retold his story in "Opera in Greenville," *New Yorker*, 34-35. Just before the lynching trial three prisoners, while trying to escape, hit Gilstrap over the head with a yard-long pipe. Carrying a pistol after being criticized for not being armed in February, he shot and killed one—Albert Finley. *Pickens Sentinel*, May 8, 1947, and June 5, 1947. When he testified in the lynching trial, therefore, he bore the marks of this attack and thus reinforced his public persona of holding a dangerous job. His behavior contrasts radically with the tragic heroism of Sheriff J. L. Thomas seventeen years earlier in neighboring Oconee County. On April 24, 1930, he was overpowered by a mob apparently led by the mayor of the town of Walhalla and its night policeman. The lawman suffered a fractured skull when he refused to turn over his pistol in trying to protect Allen Green. A paroled black convict and formerly a hero for having saved Walhalla's buildings during a fire, Green was held on a false charge of rape. His death by the mob was a gruesome spectacle lynching. See Tuskegee University Lynching Clipping files for South Carolina (1930) and Arthur Raper, *The Tragedy of Lynching* (1933; rpt., Montclair, N.J.: Patterson Smith, 1969), 261-85.

24. S.C. Const. of 1895, art. VI, sec. 6.

25. *Anderson Independent*, March 2, 1947. Robert Ashmore, interviews with the author, Greenville, December 22, 1982, and November 11, 1988. He did not recall Cary Gravelly's connection to the case or his relation to the jailer, but he vividly remembered the threats that he and his family received for his role. The post-World War II context in southern race relations, it is important to note, featured "an epidemic of random murder and mayhem [which] was sweeping like a fever through the region." There were frequent atrocities against African Americans. See Egerton, *Speak Now against the Day*, 359-75.

26. Forrester (misidentified as Malford and Winfred in the FBI summary report) and Maxwell were vulnerable to the same charges of inaction as were under consideration for the Pickens sheriff and jailer. The duty of deputies in the state code (sec. 3492) to patrol the county "to prevent or detect crime" was clear. Among a dozen examples of what to monitor is listed "lynching." *SC Code 1942*, 2:858. Neither Forrester nor Maxwell officially participated in the arrests, while one city policeman, L. E. Duncan, adamantly refused to work the investigation. Erwin Hosteltler (Irving Woodrow Hosteller in the report) was the intoxicated cabdriver. FBI summary report, 34, 37, 39; J. C. Bills, telegrams to J. Edgar Hoover, February 19, 20, 1947; Bills, memorandum to Hoover, March 17, 1947; Hoover, memoranda to Lamar Caudle, February 19, 20, 24, 1947; J. K. Munford to D. M. Ladd, February 20, 1947, in Willie Earle file 44-1565.

27. *Pickens Sentinel*, February 20, 1947. Manuel Rogers called the decision a "posthumous charge of murder" in *Greenville News*, February 19, 1947. See also *Greenville Piedmont*, February 19, 1947. Minutes of the County Coroner, State of South Carolina, County of Pickens, book 4, 331-34, recorded on February 20, 1947, at the Pickens County Courthouse. The

coroner's jury was made up of a Jewish businessman from Pickens, Herman Sperling; two other Pickens city residents, Ted R. Morrison and W. I. Irwin; and three county residents, Hugh Ellenberg, E. C. Porter, and Taylor Batson.

28. *Anderson Independent*, February 19, 1947. Pickens Jail Book records show Earle's arrest on February 16, with an entry that he had been released on February 17 shown to me on August 20, 1984, by Sheriff David Stone in the Pickens County Law Enforcement Center. It is not clear why Merck and Garrett in arresting Earle in December 1944 put up bond for him or what the charge was against him (Jail Book, 156). In Greenville Earle had two arrests in 1946, March 6 and September 16, for damage to property and drunkenness. Greenville LEC file 13948. I can find no record to confirm West's charge in "Opera" (34) that Earle had served time in a penitentiary for having assaulted a supervisor on a job.

29. The South Carolina statute about that potential liability was cited in a notice inserted in *Anderson Independent*, February 18, 1947—the morning before the afternoon hearing. On the role of the coroner in 1947, which included the power to replace or arrest the sheriff, to issue warrants and have the sheriff hold persons in the coroner's custody, to enforce dueling and gaming laws, and to hold inquests over the dead, see *SC Code 1942: Code of Criminal Procedure*, 1:734-42; *Civil Code*, 1:887-90 and 2:854; *Criminal Code*, 1:1074. Either the Pickens or Greenville coroner could have done Brown's inquest, under sec. 1020 of the Code of Criminal Procedure, *SC Code 1942*, 1:703-4. During the May trial defense attorney Wofford mistakenly claimed that coroner J. O. Turner was legally required to hold the hearing on Brown's death in Greenville County. See *Greenville News*, May 13, 1947.

30. *Greenville News*, February 19, 1947.

31. FBI summary report in Willie Earle file 44-1565: 41, 45, 54, 67, 72, 75, 80-81, 86, 99, 107, 113, 126, 131, 134.

32. *Ibid.*, 86, 108, 121, 134.

33. John H. McCray to Brim Rykard, May 29, 1947, John H. McCray Papers, South Caroliniana Library, University of South Carolina. McCray and state NAACP president James M. Hinton had come to Pickens and Greenville on Tuesday, February 18, to meet with Tessie Earle. There were reports in the press that Earle was epileptic, and members of his family, including his mother, confirmed to me that he was taking medication for the condition.

34. Minutes of Pickens County Coroner, inquest for Brown; *Greenville News*, February 19, 1947; *Greenville Piedmont*, February 19, 1947; *Pickens Sentinel*, February 20, 1947. The arresting officers who testified at the coroner's hearing said that Brown gave a description that they believed fit Earle but that he did not name Earle or otherwise identify him. Garrett and Merck admitted that Earle denied stabbing Brown. Greenville investigating officers who interviewed Brown in the hospital reported his attacker as being "a large black negro," which did not fit his death certificate or the Greenville City Police Record on Earle (Greenville LEC file 13948) from the two 1946 arrests, where he was listed as 5'9" and weighing 150 pounds. Dan Hoover uses the "large black negro" description of Earle in his article, *Greenville News*, March 15, 2003. See report of officers R. R. Dunn and J. R. Duncan, Greenville LEC files, serial no. 47-OJ-61, February 15, 1947, at 11:45 P.M., which also records only a single fare for Brown originating in Greenville.

35. Her account of his saying that he came by bus is in *Atlanta Daily World*, February 28, 1947, and Sheriff Mauldin told the press that Earle had made the same claim to him, *Anderson Independent*, February 18, 1947; *Greenville News*, February 18, 1947. Earle's mother in December 1982 remembered that the bus stopped in Liberty that Saturday and that when she got home from work at a local restaurant, Willie said he had come on it. See Gravelly, "Reliving South Carolina's Last Lynching: The Witness of Tessie Earle Robinson," *South Carolina Review* 29 (Spring 1997): 4-17.

36. David Redekop, "The Lynching of Willie Earle" (master's thesis, Clemson University, 1987), 37n77.

37. Paraphrasing an editorial in the *Pickens Sentinel*, May 29, 1947.

38. See Robinson's statement in the FBI summary file (where his name is spelled *Robertson*; 29–30) and Gilstrap's statement (22) reporting that he told the lynchers that Robinson had nothing to do with Brown's stabbing but had been in jail for a bad check charge. Willie Earle file 44–1565.

39. Early in the May trial, a state highway patrolman, M. J. Floyd, slapped a twenty-six-year-old, black truck driver, Woodrow Drummonds, whose truck had grazed the fender of Floyd's patrol car. Blacks and whites lined opposite sides of the driveway where the accident occurred, but ten white men offered to be witnesses for Drummonds, and a juvenile court judge, Richard Foster, assisted him in filing charges to end the fray. In the interest of "community welfare" the driver later withdrew charges. *Pittsburgh Courier*, May 17, 1947. Also while the Greenville trial was in session Pickens deputy Wayne Garrett shot and killed a thirty-five-year-old African American named Simpson who had set some woodland on fire in the Ruhamah community near Liberty. It is not clear what provoked Simpson to engage in arson, but he apparently threatened Garrett with a knife when the officer sought to arrest him. See the *Pickens Sentinel*, May 22, 1947, where Simpson's first name was given as Furlman, while the *Greenville News* account (May 17, 1947) called him James Simpson. Hendrix Rector, one of the freed defendants, was arrested June 3 for harassing a carload of four black Greenvilleans by shooting the car's spare tire. *Greenville News*, June 7, 11, 1947.

40. Bills's statement is in *Greenville Piedmont*, February 28, 1947. Thurmond to Sheriff W. H. Mauldin, February 28, 1947, carbon copy of original in Gubernatorial Papers, J. Strom Thurmond Papers, Clemson University. At a press conference on February 25, Thurmond had made a point to offer condolences to Mrs. Thomas Watson Brown, saying, "I would have been just as zealous to bring to the bar of justice the man who killed Brown, as I am to bring to justice the men who lynched Earle. I am against lawlessness of any sort." *Greenville Piedmont*, February 26, 1947. He apparently offered no public or private sympathy to Tessie Earle.

41. *Greenville Piedmont*, February 17, 1947. This double-edged statement is somewhat different from the interview the FBI summarized with Mauldin, in which he is reported to have said that "no suspicion of mob action entered his mind." FBI summary report, page 13, in Willie Earle File 44–1565. The jailer, however, did anticipate the possibility of a lynching attempt, according to Pickens night watchman Ben Looper. He remembered such a hypothetical discussion down at the jail that Sunday evening. Gilstrap first called Looper rather than his superior, Mauldin, to report the abduction. Looper conversation with Will Gravely, Pickens, September 7, 1999.

42. Waldrep, *Judge Lynch*, 109–10, 138.

43. South Carolina's law for the capital crime of rape was based in the S.C. Constitution, art. III, sec. 33, and in the Criminal Code (sec. 1109–10). There was provision to suspend execution with a recommendation by the jury for mercy and have the sentence reduced to penitentiary incarceration. A separate section (1111) titled "Carnal Knowledge of Woman Child" defined the age of consent and provided that if the child was over the age of ten a jury might also alter the punishment to a penitentiary sentence. *SC Code 1942*, 1:765–77. In a conversation with me in July 1981 the late John McCravy of Easley, former state legislator and local historian, cited Gilstrap's case to illustrate the unfair pardon and parole policies of Governor Ransome J. Williams's administration.

44. Stinney's story is the subject of David Stout's novel *Carolina Skeletons* (New York: Mysterious Press, 1988), which became a made-for-television film; see also the *State*, June 23, 1944.

45. *Greenville News*, February 5–6, 1944; March 14, 17–18, 1944; April 30, 1944; May 1–3, 1944; June 17, 1944; February 10, 1945; *State*, February 10, 1945; *Pickens Sentinel*, February 15, 1945; *State v. Gilstrap*, case no. 2542, S.C. Sup. Ct. 15690 (1944), 412–23, at South Carolina Department of Archives and History, case file *State v. Gilstrap*. Bull remembered his statement to the jury in different terms: "Gentlemen, in my opinion, if this were a negro I don't believe the jury would be out long, fifteen or twenty minutes, in arriving at a just verdict in this case."

46. On the move in several states to make rape a capital crime in order "to forestall 'lynching,'" see Waldrep, *Judge Lynch*, 152. One Greenville county example fifteen months earlier in Travelers Rest moved in less than ninety days from incident—a rape on September 26—to African American George Carter's execution on December 14, 1945. *Greenville News*, September 27, 1945; October 20, 31, 1945; November 1, 1945; December 15, 1945.

47. The site for Earle's murder was near a slaughterhouse, the B. P. Crenshaw Packing Company plant, near where Mrs. James Horace Arial and her husband rented "a two room house on the old Railroad cut." She heard the shotgun blasts that killed Earle. The FBI was curious why J. Robert Martin (the agents did not specify whether it was the senior Martin, who was also an attorney, or the judge) had visited his renter to ask what she knew about the case, but she said to him what she later told J. D. Bigham of the Greenville City Police and FBI agents J. M. Cole and Fred R. Mackenzie on February 18. See FBI summary report, page 15, in Willie Earle file 44–1565, and Greenville LEC File, Crime Master Sheet, Case No. 1650 (unnumbered item 15), Serial No. 47–130, signed by Bigham three weeks later, on March 12, 1947.

48. See papers of Judge J. Robert Martin Jr., South Carolina Legal History Collection, University of South Carolina Law School.

49. Gilstrap's obituary is in the *Pickens Sentinel*, February 15, 1945. Grace Norris, wife of one of the 1947 defendants, attended the funeral, at which drivers for the Bluebird and the Commercial Cab companies were honorary pallbearers. She described the corpse in a telephone conversation on December 14, 1989.

50. Strom Thurmond to Sheriff Chester Fleming, Abbeville, S.C., March 6, 1947, carbon copy in the Thurmond Papers. Note at the bottom: "This letter was sent to all sheriffs in South Carolina" alphabetically by county.

51. *Greenville News*, June 8, 1947.

52. See his letter dated May 28 to Arthur E. Kelly of Columbia in the Thurmond Papers. "I cannot influence juries to convict, but I can continue to investigate and apprehend those suspected. This I intend to do." That spring, however, Thurmond was mending fences with the white electorate by visiting the upstate twice. He spoke twice on May 5, a week before the trial opened, first at the church where Brown's funeral had been held in Greenville and then at Fairview Church in Pickens County. At the end of May he gave the Liberty High School commencement address to one thousand people. *Pickens Sentinel*, May 8, 1947; *Greenville News*, May 3, 1947; *Anderson Independent*, May 29, 1947; and Rev. Earl Paulk, pastor of Brown's church, to Thurmond, May 7, 1947, Thurmond Papers.

53. Senator Thurmond's reply, April 24, 1964, to my letter urging him to vote for the Civil Rights Bill of 1964 listed what he thought were his progressive moves. Then he wrote: "You may also recall that I prosecuted a number of cab drivers for the lynching of a young Negro named Earle. I was much criticized for this action, but I felt that justice should be administered." Letters in possession of the author.

54. See papers in the Judge of Probate Office in Pickens County under Willie Earle's estate, and Lewis's order in Pickens County Court of Common Pleas, December 21, 1956. The state supreme court case is *Earle v. Greenville County*, 215 SC539, 54 SE2d 348 (1949),

along with printed versions in the South Carolina Supreme Court Library of the Transcript of Record: Appeal from Greenville County Argument of J. D. Todd Jr. and Argument of Julien D. Wyatt, and Memorandum on Behalf of Respondent. *Greenville News*, March 25, 1948; February 2, 1949; April 1, 29, 1949; May 7, 1949; October 2, 15, 1949; November 13, 1949. There is a collection of relevant papers beginning with a retainer agreement of September 6, 1947, between Tessie Earle and the Legal Defense Fund and running through January 7, 1952, in the NAACP Papers, Library of Congress.

55. Frederick Philbrick, *Language and the Law: The Semantics of Forensic English*, 2nd printing (New York: Macmillan, 1950), 19–21. In a third printing in 1951 University of Chicago Professor Philbrick revised the paragraph referring to Gilstrap and reissued the book. *Greenville News*, April 8, 1950. *Gilstrap v. Macmillan*, Civil Action no. 2486 in the U.S. District Court for the Eastern District of South Carolina, Columbia, Division, April 7, 1950; May 22, 29, 1950; January 9, 1951. On racial references as libel, see *West's South Carolina Digest 1783 to Date*, vol. 13 (St. Paul, Minn.: West, 1950), 118.

56. Hubert Golden Wardlaw, February 22, 1947; L. E. M. Freeman, February 22, 1947; Capers Satterlee, "An Open Letter to Governor Thurmond," March 4, 1947, and follow-up letter, March 10, 1947, all to Strom Thurmond, Thurmond Papers.

57. Sarah H. Pressly, May 26, 1947; James A. McElroy, February 25, 1947; Frank P. Anderson, May 22, 1947; Alma Metcalfe, February 19, 1947; Marjorie Patterson, May 26, 1947; Elizabeth I. Brown, March 6, 1947; Laura Smith Ebaugh, June 3, 1947; Edward A. McDowell, May 23, 1947, all to Strom Thurmond, Thurmond Papers.

58. J. Owen Smith, March 11, 1947; Louise B. Wykes, February 25, 1947; Claude R. Harper, February 19, 1947, all to Strom Thurmond, Thurmond Papers.

59. In correspondence in the Thomas Wofford scrapbook, privately held, the Thurmond Papers at Clemson, and the President's Committee on Civil Rights at the Harry S. Truman Presidential Library there are numerous examples of anti-Semitism often tied to antiblack racism triggered by the Earle case.

60. Gennie Seideman to Strom Thurmond, February 17, 1947, Thurmond Papers.

61. Osceola E. McKaine to Strom Thurmond, March 12, 1947, Thurmond Papers. See Miles S. Richards, "The Eminent Lieutenant McKaine," *Carologue: Bulletin of the South Carolina Historical Society* 7 (Autumn 1991): 6–7, 14–17.

62. J. M. Hinton, February 17, 1947; Levi G. Byrd, February 18, 1947; Opal Kelly Hesse, July 7, 1947; Margaret Keith, May 5, 1947, all to Strom Thurmond, Thurmond Papers.

63. Telegram from ACLU, New York, February 19, 1947, to Strom Thurmond; R. B. Herbert to Strom Thurmond, February 22, 1947, enclosing carbon of Herbert to Arthur Garfield Hays, February 22, 1947, Thurmond Papers.

64. Gurtie Floyd for the Business and Professional Women's Club to the *Greenville News* and the *Greenville Piedmont*, April 17, 1947, with copies to Strom Thurmond, Police Chief J. H. Jennings, Sheriff R. H. Bearden, Chief Joel Townsend (of the State Constabulary), John Bills (FBI), Solicitor Robert Ashmore, Solicitor Sam Watt, Thurmond Papers.

65. Negro Teachers of Pickens County, February 25, 1947; S. A. Tinkler of York A. R. Presbyterian Church, February 26, 1947; W. E. Richardson and H. P. Billups for the Ministerial Alliance of Marion, Mullins, and Latta, March 6, 1947; C. B. Freeman and twenty-two others for the Baptist Ministers Union of Columbia and Richland County, February 18, 1947, all to Strom Thurmond, Thurmond Papers.

66. J. B. Finley, February 17, 1947; John B. Isom, February 18, 1947; telegram from L. E. McGurty, Local 15 FTA CIO Charleston, February 21, 1947; Franz E. Daniel of the Textile Workers Union of America, February 24, 1947, all to Strom Thurmond, Thurmond Papers. Isom's sermon "They Lynched Him," preached at Saxon Baptist the evening of February 23,

1947, is in the private possession of Mary-Elizabeth Isom of Tucson, Arizona. The bulletin of the church for that service is in the James M. Dabbs Papers, South Caroliniana Library, University of South Carolina. An excellent study of union activism in the area, including the role of Saxon Baptist Church, is G. C. Waldrep III's *Southern Workers and the Search for Community: Spartanburg County, South Carolina* (Urbana: University of Illinois Press, 2000).

67. The executive director of the SRC, Guy B. Johnson, wrote a supportive letter to Thurmond, March 11, 1947, in which he also explained the mission of the interracial organization. It and South Carolina division chairman Marion A. Wright's letter of February 22, 1947, to Strom Thurmond are in the Thurmond Papers.

68. A carbon copy of the resolutions of the Richland County committee of the SRC, no date but received by the governor's office on March 31, 1947, is in the Thurmond Papers. The document is signed by F. Clyde Helms, a Baptist pastor and social activist; Rabbi Sidney Ballon; R. Beverley Herbert; Mrs. H. H. Hickman; and Modjeska Simkins. On Helms, see Egerton, *Speak Now against the Day*, 186.

69. J. M. Dabbs to Thurmond, February 22, 1947, Thurmond Papers. See Thomas L. Johnson, "James McBride Dabbs: A Life Story" (Ph.D. dissertation, University of South Carolina, 1980).

70. Gary Hiott Sr., "Does a Man-Made Boundary Remove a Responsibility?," *Pickens Sentinel*, February 20, 1947; February 27, 1947.

71. See Gravely, ed., "'... A Man Lynched in Inhuman Lawlessness': South Carolina Methodist Hawley Lynn Condemns the Killing of Willie Earle (1947)," *Methodist History* 35 (January 1997): 71–80.

72. Hawley Lynn, interview with the author, Easley, S.C., June 28, 1983; W. Marvin Gravely, interview with the author, Pickens, S.C., February 16, 1987; F. G. Lindsay, conversation with the author, Over-55 Club, Pickens, S.C., June 28, 1989.

73. *Greenville News*, February 18, 1947; *Anderson Independent*, February 19, 1947; *Pickens Sentinel*, February 20, 1947.

74. *Southern Christian Advocate*, March 6, 1947; *Pickens Sentinel*, March 27, 1947. Lynn republished the sermon under its subtitle in the *Pulpit*, February 1950, 28–30.

75. Lynn interview; Lynn to Judge Robert J. [J. Robert] Martin Jr., May 8, 1947, in the Martin Papers. A contribution envelope for the cabdrivers' defense fund is in the Greenville LEC files.

76. Gary Hiott Sr., "Civilization Has a Long Way to Go," *Pickens Sentinel*, May 29, 1947. Talk in possession of Dr. Lloyd Batson of Easley, with typed copy of the text provided to the author.

77. The *Pittsburgh Courier* account, May 31, 1947, claimed that the students met Watt when he returned after his defeat in the Greenville trial. See *Spartanburg Herald*, May 22, 1947; *Southern Christian Advocate*, May 29, 1947. In publicizing the protest columnist John Temple Graves stated, "The opinion of South Carolina is represented by the marchers at Spartanburg." *Charleston News and Courier*, May 28, 1947.

78. Charles Crenshaw, conversation with the author, Atlanta, November 5, 1988. Professor Lewis Jones, who was at the faculty meeting, recollected the Trawick story to the author on December 7, 1982.

79. Fowler's picture was in *Life*, June 2, 1947, 28. The African American reporters were John H. McCray of Columbia, A. M. Rivera from North Carolina for the *Pittsburgh Courier*, and Albert Hinton for the *Norfolk Journal and Guide*.

80. Modjeska Simkins, *Norfolk Journal and Guide*, May 31, 1947.

81. Besides being state conference secretary for the NAACP, Simkins was on the board of directors of the Southern Conference of Human Welfare and its successor organization, the

Southern Conference Education Fund; the key organizer of the Southern Negro Youth Congress convention in Columbia; an activist with the United Negro and Allied Veterans of America and in the SRC; and a liaison for the Civil Rights Congress. She was also associate editor of McCray's *Lighthouse and Informer* weekly and a correspondent for the Associated Negro Press organization. See Barbara Woods Aba-Mecha, "Black Woman Activist in Twentieth Century South Carolina: Modjeska Monteith Simkins" (Ph.D. thesis, Emory University, 1978); Frank T. Adams, *James A. Dombroski: An American Heretic, 1897-1983* (Knoxville: University of Tennessee Press, 1992), 176, 196-201; and Egerton, *Speak Now against the Day*, 228, 428, 440.

82. John H. McCray, interview with the author, Talladega, Ala., June 10, 1983. On *Elmore v. Rice*, see Aba-Mecha, "Black Woman Activist," 197-207. Elmore's photo of Earle's corpse in the McCray papers appeared in several newspapers, for example, the *Baltimore Afro-American*, May 24, 1947. The Wrihten case led to a separate law school at South Carolina State; see Cohodas, *Strom Thurmond*, 104-5, 112-14, 123.

83. Whittenberg interview, 1982; *Greenville Piedmont*, March 15, 16, 1972.

84. Culbertson's conversion to NAACP activism occurred after Ernest Stokes, one of the defendants from 1947, physically attacked him at a political rally in 1950 in Travelers Rest. He had received threatening phone calls for having voted his progressive conscience when he was in the state legislature. See letters to the NAACP office in New York beginning June 1953, particularly the carbon copy of a letter for Greenville sheriff R. V. Chandler, March 17, 1954, sent to U.S. Attorney General Herbert Brownell and copied to NAACP leader Walter White, describing Stokes's assault, in the NAACP Papers. On Culbertson's help to Tessie Earle Robinson, see *Greenville Piedmont*, March 16, 1972.

85. An Associated Press story emphasized Hollings's motive as a states' rights move, while a United Press story quoted his goal as "to call a lynching what it is." See *Montgomery Advertiser*, March 15, 1951; *Atlanta Constitution*, March 15, 1951, both from the Tuskegee University Lynching files. Eighty-ninth South Carolina General Assembly, 1st sess., 1951, *Journal of the House of Representatives* (N.p.: State Budget and Control Board, n.d.), 389, 488, 525, 540-42, 555, 1354; *Journal of the Senate* (N.p.: Joint Committee on Printing, General Assembly of South Carolina, n.d.), 356, 916, 954, 995, 1153.

86. South Carolina General Assembly, *Acts and Joint Resolutions, Regular Session of 1951. Statutes at Large*, vol. 47, pt. 1 (N.p.: Joint Committee on Printing, General Assembly of South Carolina, n.d.), nos. 166, 233-34; *Code of Laws of South Carolina 1952* (Charlottesville: Michie, 1952), 2:750-51 (art. 2. sec. 16-57, 16-58, 16-59). See *Code of Laws of South Carolina 1976, Annotated* (Rochester, N.Y.: Lawyers Co-operative, 1976), 7:808-10 (art. III, sec. 15-51-210. Liability of a County for Lynching).

87. For an abridged version of AP writer Allen Breed's story, which ran nationally, see the *Denver Post*, May 18, 2003. Tracing definitions of lynching from the Revolutionary era, when both Charles Lynch and William Lynch of Virginia were associated with the term's origins, down to the Clarence Thomas confirmation hearings, Waldrep argues that one must be precise about what the term means in a particular historical period. On Revolutionary War veteran and emigrant from Virginia William Lynch (1742-1820), who is buried in upper Pickens County, see Waldrep, *Judge Lynch*, 19-22, 25, 197nn40-41.

88. Anthony Dunbar's book on white southern activists captures such courage. See *Against the Grain: Southern Radicals and Prophets, 1929-1959* (Charlottesville: University Press of Virginia, 1981).