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VIGILANTE JUSTICE AND NATIONAL REACTION: THE 1937 TALLAHASSEE DOUBLE LYNCHING

by WALTER T. HOWARD

THE gruesome southern custom of lynching blacks no longer plagues the state of Florida.¹ Yet, between 1882 and 1945, this species of vigilantism was a persistent problem.² In the period 1889 to 1918, peak lynching years in the United States, nearly 200 blacks were executed in Florida.³ During the decade 1890-1900, seventy-four blacks were victims to lynch-law in Florida, and in the first ten years of the twentieth century, fifty-one met death in the same fashion. Forty-nine blacks were lynched between 1910 and 1917, and thirty-four between 1922

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1. The subject of Florida lynchings and vigilantism, directed against blacks, whites, and ethnic groups, has attracted much scholarly attention. See James R. McGovern, *Anatomy of a Lynching: The Killing of Claude Neal* (Baton Rouge, 1982); Robert P. Ingalls, "Lynching and Establishment Violence in Tampa, 1858-1935," *Journal of Southern History* 53 (November 1987), 613-44, "The Tampa Flogging Case, Urban Vigilantism," *Florida Historical Quarterly* 56 (July 1977), 13-27, and "General Joseph B. Wall and Lynch-Law in Tampa," *Florida Historical Quarterly* 63 (July 1984); Jerrell H. Shofner, "Murders at 'Kiss-me-Quick': The Underside of International Affairs," *Florida Historical Quarterly* 62 (January 1984), 332-38, and "Judge Herbert Rider and the Lynching at LaBelle," *Florida Historical Quarterly* 59 (January 1981), 292-306; McGovern and Walter T. Howard, "Private Justice and National Concern: The Lynching of Claude Neal," *The Historian* 43 (August 1981), 546-59; Howard, "'A Blot on Tampa's History': The 1934 Lynching of Robert Johnson," *Tampa Bay History* 6 (Fall 1984), 5-18, and "Vigilante Justice: Extra-legal Executions in Florida, 1930-1940" (Ph.D. dissertation, Florida State University, 1987).
2. During these years Florida vigilantes lynched some 260 black victims. For a discussion on Florida lynching statistics, see Howard, "Vigilante Justice," 1-3.
3. There were also lynchings in other southern states in this same period. Five other southern states executed more blacks than Florida: Georgia (360), Mississippi (350), Texas (263), Louisiana (264), and Alabama (244). Arkansas, Tennessee, Kentucky, South Carolina, Virginia, and North Carolina lynched fewer blacks than Florida. National Association for the Advancement of Colored People, *Thirty Years of Lynching in the United States, 1889-1918* (New York, 1969), 41, 53-56.

and 1929.⁴ Twelve blacks were executed during the decade of the 1930s, and three in the five-year period, 1940-1945, before this violence finally ceased.⁵ One of the most notorious of these tragedies occurred when vigilantes lynched two black teenagers, Richard Ponder and Ernest Hawkins, in Tallahassee during the summer of 1937.⁶

Authorities had accused the youths of a knife assault on a white policeman, the symbol of authority in the community. It was not unheard of for blacks to be lynched for such actions in small southern towns, even as late as the 1930s.⁷ Moreover, several aspects of this episode make it an instructive drama. Embarrassed state officials observed with consternation that this double slaying took place in the capital city, not in a rural village isolated in the piney woods of northwest Florida. Furthermore, newspapers in northern cities such as New York, Washington, Chicago, Baltimore, and Pittsburgh printed details of the lynching for a national audience to read. The 1937 Tallahassee incident also drew the attention of major anti-lynching organizations, including the National Association for the Advancement of Colored People (N.A.A.C.P.), and the Association of South-

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4. Monroe Work, *Negro Year Book* (Tuskegee, 1942), 367. See also Association of Southern Women for the Prevention of Lynching, "Southern Women Look at Lynching," 32, Governor David Sholtz Records, 1933-1937, Administrative Correspondence, Lynching File, Series 278, Box 278, Florida State Archives, Tallahassee, Florida.
 5. Records of blacks lynched in Florida during the 1930s are in the files titled, "Lynching by Counties." Negro Collection, Files of the Association of Southern Women for the Prevention of Lynching, Trevor Arnett Library, Atlanta University, Atlanta, Georgia. There are also records of these incidents in the Lynching Files of the Administrative Correspondence Records of Florida Governors, Florida State Archives. See also Jessie Daniel Ames, *The Changing Character of Lynching: Review of Lynching, 1931-1941* (Atlanta, 1942; reprinted., New York, 1973), 36. For accounts of the three lynchings of the 1940s see Howard, "Vigilante Justice," 300-20.
 6. Florida led the nation with three lynchings in 1937. Other southern state records included Mississippi, two; Alabama, one; Georgia, one; and Tennessee, one. The most brutal lynching of the year occurred in Mississippi where two blacks were tortured with blow torches before they were killed. Frank Shay, *Judge Lynch: His First Hundred Years* (New York, 1938; reprint ed., Montclair, NJ, 1969), 250.
 7. The inclination of Floridians to take the law into their own hands and dispense punishment to blacks or whites who violated the community's honor has been discussed in several recent studies: Ingalls, "Lynching and Establishment Violence in Tampa, 1858-1935," 616-18, and "General Joseph B. Wall and Lynch-Law in Tampa," 51-70.

ern Women for the Prevention of Lynching (A.S.W.P.L.). This extra-legal execution also influenced wrangling over proposed federal anti-lynching legislation pending in Congress at the time.

The series of events leading up to the Tallahassee double lynching began on July 19, shortly after midnight, when two black youths, Richard Ponder and Ernest Hawkins, both eighteen and unemployed, forcibly broke into a local business establishment on South Adams Street in the downtown area. In the midst of the robbery, city patrolman J. V. Kelley surprised and captured them. With his suspects in custody, the police officer was enroute to jail when one of the prisoners attacked him with a knife. Fortunately, the wound was not fatal.⁸ The attackers left the seriously-injured Kelley at the scene as they fled into the darkness. Within the hour, however, Ponder and Hawkins were back in police custody.⁹

City, county, and state law officers expressed an immediate interest in the case. Tallahassee police Chief Gid Powledge, Leon County Sheriff Frank Stoutamire, and State's Attorney Orion C. Parker questioned the youths for several hours. The two suspects finally admitted to breaking and entering, but each accused the other of stabbing the police officer. Officials charged both with assault with intent to murder, as well as with breaking and entering. Ponder and Hawkins were locked up in the Leon County jail, recently constructed by the Public Works Administration.¹⁰

8. Kelley was immediately hospitalized and reported in fair condition later that morning, *Tallahassee Democrat*, July 20, 1937. Little is known about the two youths. Residents remember that they were two Tallahassee-born teenagers from the Smokey Hollow area, and that they were younger than eighteen years of age, perhaps as young as fourteen. Ponder and Hawkins are remembered as "mischievous" youths, but not as criminals, and there is no record of their involvement with the law prior to the alleged burglary. Interview with two Tallahassee blacks who recall the incident but wish to remain anonymous by Walter T. Howard, May 9, 15, 1988.
9. State's Attorney Parker compiled a detailed report of the entire incident upon the request of Governor Cone. Orion C. Parker to Fred P. Cone, August 4, 1937, Governor Fred P. Cone Records, 1937-1940, Administrative Correspondence, Lynching Files, Series 371, Box 40, Florida State Archives.
10. In 1927 the Florida legislature enacted a law which authorized the city of Tallahassee to confine its prisoners in the Leon County jail. Under this arrangement city police were given a key that permitted officers to enter the jail during all hours of the night. Officials believed that under these circumstances a night guard at the county facility was unnecessary. *Tallahassee Democrat*, July 21, 1937.

The two prisoners' stay in jail was brief. On July 20, at about 3:30 A.M., night guard Harry Fairbanks sat quietly reading a newspaper with his back to the door at the Tallahassee city jail. Suddenly, four masked men entered the station, captured him, and drove four blocks to the county facility.¹¹ There was no night guard on duty. Knowing that Fairbanks had the keys to the county prison, they ordered him to open the main entrance. Inside they told him: "We want the keys and we don't want any damn foolishness." Following these instructions, he opened the gun case that contained the county jail's keys. To reach the prisoners hidden in various areas of the jail, the gunmen used Fairbanks's knowledge of the key system. They forced him to unlock eight different doors enabling them to seize Ponder and Hawkins. Holding their terrified captives at gunpoint, the small group of kidnappers sped away in their automobile.¹²

Ponder and Hawkins were quickly lynched. At about 4:00 A.M., the kidnappers and their victims arrived at a destination just outside the city limits. There the men stopped the car and pulled the two youths out of the vehicle. They readied their small firearms, thirty-two and thirty-eight caliber hand guns. At this point, they turned one of the blacks loose and urged him flee for his life. After only a few steps, however, the gunmen cut him down with about fifteen or twenty rounds. As he lay bleeding from his multiple fatal wounds, the killers turned on the other captive and riddled his body with about fifteen or twenty shots. Then, as the bodies lay on the ground, the vigilantes lingered at the scene to paint threatening signs. These warnings admonished other blacks to "stay in their place" or they might be lynched also. Their task completed, the gunmen then drove away, leaving the remains of Ponder and Hawkins by the side of the road.¹³

About four hours after the abduction, a Leon County resident telephoned the sheriffs office reporting that he had come

11. According to Fairbanks, two of the men were dressed in "overcoats," the other two in "raincoats." All wore masks made of "bags" in which eye holes had been cut. *Ibid.*, July 20, 1937.

12. Parker to Cone, August 4, 1937, Governor Cone Records, Lynching File, Series 371, Box 40.

13. The details of this affair were described in two special reports to Governor Cone. Parker and Sheriff Stoutamire prepared lengthy formal accounts of this extra-legal execution. Parker to Cone, August 4, 1937; Frank Stoutamire to Cone, August 4, 1937, *ibid.* See also *Tallahassee Democrat*, July 20, 1937.

across the bodies of the men shot to death near his home. Responding to the call, Powledge, Stoutamire, and Parker proceeded out the Jacksonville highway to where the informant resided. There they spotted the bodies of Ponder and Hawkins, three miles east of Tallahassee on the edge of the right-of-way of State Road No. 1. Ironically, the remains were located only yards from the home of a Florida State Supreme Court justice.¹⁴

Local authorities in Tallahassee took the first investigative steps in the case. Upon official discovery of the bodies, the county judge convened a six-man coroner's jury and took testimony from several witnesses. Chief Powledge raised the possibility of police complicity in the lynching when he testified that only policemen and county law officers knew that Fairbanks, at the city jail, had a set of keys to the county facility.¹⁵

The testimony coming out of the coroner's inquest cast a shadow over Sheriff Stoutamire and his deputies. Some observers asked why the sheriff's office had not provided adequate security measures for its prisoners in this case. Others questioned the sheriff's judgment because he failed to foresee the possibility of vigilante action, and because he did not move Ponder and Hawkins to a safer jail in another town, or at least provide them with adequate armed protection.¹⁶

In an effort to answer persistent charges that the police might be implicated in the lynching, Tallahassee officials exhumed the bodies, removing several slugs for evidence. Test bullets fired from the guns of every city and county officer were also collected for comparison with those removed from the victims. In addition, the sheriff picked up four bullets near the remains of Ponder and Hawkins. On July 21, authorities sent all of their evidence to the Department of Justice in Washington, D.C. for examination. Explaining these steps, State's Attorney Parker declared: "If policemen are implicated we can establish it, and if they are not implicated the evidence will clearly exonerate."¹⁷

14. *Newsweek*, July 31, 1937, 9.

15. Stoutamire to Cone, August 4, 1937, Governor Cone Records, Lynching File, Series 371, Box 40; *Tallahassee Democrat*, July 20, 1937. Later that morning, after the coroner's inquest, sheriffs deputies buried the bodies in Tallahassee's black cemetery.

16. The sheriff was reported in the local press as declaring that neither he, nor his men, were guilty of any carelessness. *Tallahassee Democrat*, July 20, 1937.

17. *Ibid.*, July 22, 1937.



Leon County Sheriff Frank Stoutamire.

Meanwhile, allegations of police complicity and negligence in this case moved state leaders to act. Circuit Court Judge John Johnson wrote Florida Governor Fred P. Cone, stating that “there is something rotten in Denmark.” He added that he and the governor should “try to find that rottenness,” even if it implicated law officers.¹⁸

Under pressure to take some steps, the governor considered disciplinary action against Sheriff Stoutamire. However, when rumors circulated around Tallahassee that Cone might suspend the sheriff, prominent officials came to his defense. L. A. Wesson, mayor-commissioner of Tallahassee, wrote the governor: “The action of the persons responsible for the perpetration of this unwarranted and inexcusable act have caused the sheriff of Leon County considerable embarrassment.” He also noted: “The government of the city has always considered and looked upon Mr. Stoutamire as one of the most efficient law enforcement officers in the state of Florida.”¹⁹ Judge Johnson also wrote Governor Cone in support of the sheriff: “I have been officially associated with Mr. Stoutamire for more than ten years. I can assure you that he is one of the best, most efficient and straightest sheriffs in the state of Florida.”²⁰ In view of these strong recommendations, the governor decided not to suspend Stoutamire.

His fate settled, the sheriff tightened security at the county facility. He arranged for a full-time night guard to work as a deputy sheriff at the jail and to be paid by the city so long as it kept prisoners there. Stoutamire also organized a security system in which only employees of his office would have keys to the county prison in the future.²¹ The sheriff asked the city

18. Judge John B. Johnson to Cone, July 24, 1937, Governor Cone Records, Lynching File, Series 371, Box 40.

19. Wesson also stated that “The city is cooperating with the sheriff in an endeavor to ascertain the identity of the guilty parties . . .” L. A. Wesson to Cone, July 26, 1937, *ibid.*

20. Offering Cone “friendly” counsel, Johnson stated, “I earnestly ask that you refrain from entering an order of suspension against Sheriff Stoutamire until you get the evidence that would sustain such a suspension. I ask this for three reasons: 1. If such a suspension was without competent evidence it would mean his re-election at the next general election, 1938; 2. It would mean that the state of Florida would have to pay his entire compensation during the period of suspension; 3. It would be a calamity to disrupt the sheriff’s force at this time.” Johnson to Cone, July 25, 1937, *ibid.*

21. *Tallahassee Democrat*, July 25, 1937.



Governor Fred P. Cone (1937-1941) in his office. Photographs courtesy of the Florida State Archives, Tallahassee.

police to return their set of keys, and then sought to explain this step in a letter to the mayor-commissioner. He tactfully stated that he meant no criticism of the police, and he added, "I am responsible for all prisoners in the jail, and these developments have proven it is not wise and safe to permit any division of this responsibility."²² Finally, a federal prison inspector examined the Leon County jail and certified it as a safe place to lodge federal prisoners.²³

On August 1, 1937, test results from the United States Department of Justice arrived in Tallahassee. The Federal Bureau of Investigation reported in a telegram to Sheriff Stoutamire that sample bullets from the guns of Tallahassee policemen and Leon County deputies bore no connection to those that killed the lynch victims. Obviously eager to close the case, a relieved Stoutamire stated: "In my opinion there isn't much more we can do." Called back into session on August 3, the coroner's jury examined the F.B.I.'s report, but heard no additional evidence. The jury, as expected, concluded its proceedings and returned a verdict that Ponder and Hawkins had died by "gun-shot wounds inflicted by person or persons unknown."²⁴

The utilization of the F.B.I.'s facilities by Tallahassee officials was laudatory because local law enforcement in the South rarely sought federal aid in a lynching inquiry. Nevertheless, the probe into the murder of Ponder and Hawkins was limited in scope. The evidence indicates that investigators had not questioned law officers suspected of complicity in any great depth. Moreover, no one pursued the possibility that several policemen or deputies, using personal weapons, might have committed the crime and then fabricated convincing alibis. In addition, law officers could have informed third parties that Fairbanks had the keys to the county jail. Needless to say, investigating authorities did not aggressively explore these possibilities.²⁵

Indeed, these possibilities were not even mentioned in the public discussion of the murders in the local press. The *Tallahas-*

22. Stoutamire to Wesson, July 24, 1937, Governor Cone Records, Lynching File, Series 37 1, Box 40.

23. *Tallahassee Democrat*, July 25, 1937.

24. Stoutamire to Cone, August 4, 1937, Governor Cone Records, Lynching File, Series 37 1, Box 40.

25. The state's attorney never requested any indictments. *Tallahassee Democrat*, July 22, 1937.

see *Democrat* addressed the lynching in an editorial titled, "An Unfortunate Incident in the City's Record," which appeared July 20, 1937. This article articulated the community's embarrassment when it stated: "It does not promote the city's prestige in the eyes of the state and nation to adopt extra-legal means for the enforcement of justice." Tallahassee whites were obviously aware that their community had attracted national attention because of the double slaying. Nonetheless, this editorial appeared to excuse the lynching as understandable because the vigilantes had acted in response to an unsatisfactory criminal justice system. In fact, it emphasized an unsatisfactory criminal justice system and reflected the prevailing view in the local white community that the execution was a reaction to the "law's delay in dealing with Ponder and Hawkins." Furthermore, the editors even speculated that the Tallahassee lynchers may have been justice-seeking Southerners acting out their frustrations over what they considered to be the legal system's failure to convict and execute the black defendants in the Scottsboro cases being tried in Alabama courts.²⁶

Tallahassee, the capital of Florida, the seat of government in Leon County, and an educational center, seemed an unlikely setting for a lynching. Nevertheless, Tallahassee was still a small southern town of some 12,000 residents in 1937, and was perhaps the most isolated of all state capitals in the South in its proximity to heavily-populated areas.²⁷ It was also a very conservative community, still influenced by values and traditions of the Old South. The slave pews in the city's antebellum Presbyterian and Episcopalian churches called attention to the community's past experience with slavery.²⁸

Almost everyone in Tallahassee, white and black, must have understood why vigilantes murdered Ponder and Hawkins. Lynchers executed these men not merely to mete out punish-

26. *Ibid.*, July 20, 1937.

27. Tallahassee "lies 170 miles from Jacksonville, 200 from Pensacola, 240 from Tampa, 245 from Orlando, 460 from Miami, and 606 miles from Key West. It lies only 20 miles from the Georgia line." Hampton Dunn, *Yesterday's Tallahassee* (Miami, 1974), 27-28.

28. For a brief discussion of how deeply-rooted "Old South" traditions influenced the residents of Tallahassee during the 1930s, see Tom Wagdy, *Governor LeRoy Collins: Spokesman of the New South* (University, AL, 1985), 4-6, 11-12, 18-19. For a history of Tallahassee as an "Old South" community, see Bertram Groene's *Ante-bellum Tallahassee* (Tallahassee, 1971).

ment to two individuals, but to warn other blacks to “stay in their place.” Indeed, white Tallahassee let blacks know in no uncertain terms what their place was in the town’s life. During the 1930s whites were determined to keep the city’s large black population of some 5,000 residents (about forty-one percent of the total) in a socially subordinate position.²⁹ Strict segregation and continuous discrimination characterized black life in the community. Various Jim Crow customs were practiced in regard to the town’s schools, churches, parks, hotels, theaters, restaurants, and cemeteries.³⁰

Whites drew a tight line in the area of employment. Custom relegated most blacks to service occupations so that large numbers of the town’s minority population were concentrated in lower-paid menial and unpleasant jobs.³¹ The white majority confined Tallahassee blacks to designated residential areas of town like “Frenchtown,” around the Florida Agricultural and Mechanical College campus, and Smokey Hollow. These neighborhoods appeared to be the most run-down and deteriorated areas of the city.³² Whites completely segregated Tallahassee blacks in the social realm, and they sought to perpetuate their inferior position by limiting physical contact between the two races. Thus, any blacks who assaulted a white man broke one of

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29. United States Department of Commerce, *Fifteenth Census of the United States Population, Vol. III, Part 1* (Washington, 1930), 416.
 30. In Tallahassee during the 1930s the southern caste system was the rule in race relations. The racial situation in Tallahassee on the eve of this lynching was typical of the segregation which existed in Florida in the early decades of the twentieth century. Racial segregation during the 1930s is documented in Polk’s *Tallahassee City Directory* (Jacksonville, 1936). See also Wali Kharif, “The Refinement of Racial Segregation in Florida After the Civil War” (Ph.D. dissertation, Florida State University, 1983), 93. For an outline of the historical development of the southern caste system in Florida, see Jerrell H. Shofner, “Custom, Law, and History: The Enduring Influence of Florida’s ‘Black Code’,” *Florida Historical Quarterly* 55 (January 1977), 277-98.
 31. Black labor was crucial to Tallahassee’s economy. Black women held most of the domestic service jobs in the city, and in the general urban labor category, black workers outnumbered whites almost ten to one. Florida State Planning Board, *Statistical Abstract of Florida Counties*, Leon County, n.d., n.p.; Charles S. Johnson, *Statistical Atlas of Southern Counties: Listings and Analysis of Socio-Economic Indices of 1104 Southern Counties* (Chapel Hill, 1941), 79.
 32. Terry E. Lewis, “Frenchtown: A Geographical Survey of an All-Negro Business District in Tallahassee, Florida” (master’s thesis, Florida State University, 1966), 8.

the strongest taboos of prescribed interracial conduct and risked punishment.

The killers' violent act of lynching Ponder and Hawkins carried an unmistakable message to Tallahassee's black community. White Tallahasseans would not tolerate an assault by two black men on a white police officer, the uniformed representative of white authority. To make this clear, the lynchers left at the lynch scene a line of placards, hastily lettered in green paint on the side of pasteboard packing boxes. They read: "His last crime." "This is the beginning, who is next?" "This is your warning negros [sic], remember you might be next." "Warning, this is what will happen to all negroes who harm white people."³³

These intimidating threats and the lynching itself embarrassed and angered state leaders. Governor Cone, in particular, was surprised by this extra-legal murder because only one month earlier he had helped prevent a similar crime. At that time, he had called out the Florida National Guard to protect a black youth named Robert Hinds who had been threatened by a white mob.³⁴ Yet, he had taken no special steps to guarantee the safety of Ponder and Hawkins. Indeed, this incident surprised other state officials as well. A local judge who had collaborated with the governor in keeping Hinds out of mob hands, wrote Cone a letter explaining that he too had not seen the need for providing the two black prisoners with any extra protection.³⁵

33. All words in the sign were spelled correctly except for where "negros" appeared, and in several words the letter "s" was turned backward, *Tallahassee Democrat*, July 20, 1937.

34. Jane Cornell to Cone, May 19, 1937, Governor Cone Records, Lynching File, Series 371, Box 40. The governor confronted the lynching issue after only six months in office. On May 16, 1937, Sheriff Charles L. Robbins of Franklin County arrested Robert Hinds, a sixteen-year-old black, for allegedly assaulting and raping Mae Polous, a white woman. When Hinds came to trial in Tallahassee, Governor Cone called out the National Guard and stationed them around the Leon County Courthouse to avert a lynching. In the one-day trial of July 6, 1937, Hinds was found guilty, and he was electrocuted July 23, 1937. In her book on Jessie Daniel Ames and the Association of Southern Women for the Prevention of Lynching, Jacquelyn Dowd Hall inaccurately dates the day of Hinds's alleged attack on the girl as May 17, 1933, instead of May 16, 1937, and his execution as July 1935, instead of July 1937. See Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York, 1979), 228.

35. Judge Johnson wrote Cone saying, "Governor these negroes were not charged with what is termed a lynching crime. After I heard that the two

The immediate, widespread response to the Tallahassee killings impressed Governor Cone. As soon as the papers carried the news of the lynching, letters and telegrams poured into his office. These messages, condemning the slaying, came from as far away as Chicago and New York.³⁶ One Jacksonville minister wrote a perceptive letter comparing the Tallahassee incident to the two most dramatic vigilante murders of the decade in Florida: the Claude Neal lynching in Marianna (1934), and the flogging of Joseph Shoemaker in Tampa (1935). He wrote that Marianna "and Tampa and other places (Tallahassee) have permitted things to occur which have certainly blackened the name of our fair state of Florida."³⁷

Florida editors also expressed concern about damage to the state's good name. The editors of the *St. Petersburg Times* seemed to feel that their community might be viewed as guilty by association in the eyes of the nation because of the Tallahassee incident: "Florida was disgraced again early Tuesday when an armed mob of masked men took two accused Negroes from the county jail at Tallahassee and riddled their bodies with bullets. Publicity attendant upon this incident will do the city (St. Petersburg) irreparable harm everywhere throughout the North in the areas St. Petersburg is so dependent upon the good will and respect of the people of its continued growth."³⁸ A *Tampa Tribune* editorial titled, "Murder in Tallahassee," declared: "We had hoped Florida might get through 1937 with a clean lynching record. Whatever the charge, they were entitled to a fair trial."³⁹

negroes had been arrested, and that they had confessed, it never crossed my mind that there would be any attempt to take them out and lynch them. I dare say that you would not have thought so." Johnson to Cone, July 24, 1937, Governor Cone Records, Lynching File, Series 371, Box 40.

36. Most of the correspondence to Cone was like the letter from the Reverend LeRoy Cooley, Penney Farms, Florida, which called "for the suspension of the officers involved." Another from Mrs. John Drake of Philadelphia, Pennsylvania, informed the governor that if action was not taken against the lynchers, she would spend her winter vacation somewhere other than Florida. One man from New York City predicted that Cone would "go down in history as our greatest governor" if he could obtain convictions in this case. For other correspondence to Cone, see the telegram from the Chicago and Northern District Association of Colored Women, July 23, 1937; letter from Mrs. O. O. McCollum, n.d.; and the telegram from Hayden Crosby, July 21, 1937, *ibid.*
37. Albert Kissling to Cone, July 23, 1937, *ibid.*
38. *St. Petersburg Times*, July 21, 1937.
39. *Tampa Tribune*, July 22, 1937.

The *Miami Herald* stated: "All intelligent and loyal citizens of Florida deplore the lynching that took place in Tallahassee a day or two ago."⁴⁰ The *Miami Daily Times* called on the governor to prosecute the vigilantes because that would be "the only way of salvaging the reputation of the state."⁴¹

The public outcry over this lynching stirred the governor to announce: "I am going to do everything I can to get whoever did this!"⁴² He ordered the state's attorney and county sheriff to make a prompt and thorough investigation into the matter. However, he claimed that the slaying of Ponder and Hawkins was not actually a lynching; he referred to it as a simple "murder." This curious statement puzzled many observers. The governor knew that lynchings were messy affairs that created a bad press for the state; he may have wished to downplay the importance of this event by mislabeling it. His attempt to do so, however, was counterproductive and reflected the belief that he had not given much thought to the lynching issue. In light of what he had observed in Florida as a young man in the 1880s and 1890s, he apparently understood lynchings as ceremonial racial murders characterized by white mobs, manhunts, chases, torture, mutilation, and the public display of the victim's remains.⁴³ The Tallahassee double slaying was not that kind of ceremonial lynching. In this particular case a small group of armed men kidnapped Ponder and Hawkins from jail and then shot them to death in a vigilante-style execution conducted wholly outside the authority of the law.⁴⁴ This kind of extra-legal murder met all the criteria of a "lynching" as defined by anti-lynching organizations of the day and proposed federal anti-lynching legislation.

Governor Cone was well-known for his frequent intemperate remarks, and in this instance he committed one of his most

40. *Miami Herald*, July 22, 1937.

41. *Miami Daily-Times*, July 21, 1937.

42. *Tallahassee Democrat*, July 21, 1937.

43. Richard M. Brown's *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York, 1975), 205-18, describes these ceremonial lynchings that were prevalent in the 1880s and 1890s. Cone himself committed a vigilante act as a young man when he shot and wounded a carpetbag Republican during the late 1880s as an act of political vengeance. He was never indicted or tried for this offense. Jerrell H. Shofner, "The White Springs Post Office Caper," *Florida Historical Quarterly* 56 (January 1978), 339-47.

44. Ames, *Changing Character of Lynching*, 36-37.

damaging and controversial blunders.⁴⁵ Indeed, national press coverage of the affair centered around his statement denying that the double slaying constituted a lynching. Newspapers in several large cities across the country, including New York, Washington, Chicago, Boston, St. Louis, and Atlanta, carried the governor's remarks, as well as the salient details of the incident.⁴⁶ The *St. Louis Post-Dispatch* struck a skeptical note in an editorial that read as follows: "Governor Cone says, 'I'm going to do everything I can to get whoever did this! This looks like a lot of carelessness here by somebody'. Those are brave words, but if developments run true to form for the Deep South, nobody will be convicted of the lynching and nobody will lose his job at the jail."⁴⁷ Finally, on a coast-to-coast broadcast over N.B.C. radio, socialist Norman Thomas questioned Cone's ability to control the lynching problem when he was unable even to recognize this specific crime when it occurred.⁴⁸

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45. His most harmful and embarrassing gaffe occurred in New York City in October 1937, during a visit to the Florida exhibit at the World's Fair. On October 21, 1937, a delegation of representatives from liberal and religious organizations went to the Waldorf-Astoria Hotel, where Cone was staying, to question him about the trial of Tampa policemen and klansmen accused of flogging Joseph Shoemaker to death. The discussion was heated, and the governor lost his composure and lashed out with a blanket threat to all political radicals who might come to Florida. He declared: "You go down there [Florida] and violate state laws and you'll be punished. You go down there advocating overthrow of the American government and you'll be rode out on a rail. I think a man ought to be hung on a tree if he advocates overthrow of the government." A Worker's Defense League lawyer pressed an irate Cone, and asked him if he "wouldn't go to the law" before resorting to railriding and hanging. The governor snapped back, "I'd go to you first if you came into my home and were trying to take something." Governor Cone's rash words in this case received widespread newspaper coverage. The *New York Times* reported that Mayor Fiorella La Guardia was so unhappy with the governor's injudicious remarks that he snubbed Cone and the Florida delegation when they came to visit him. The mayor sent word to Cone and the Florida group that he was too busy to see them. So the Floridians left a basket of grapefruit and returned to the Waldorf-Astoria Hotel. However, as soon as they left, La Guardia received the Texas Christian University football team, and donned a ten-gallon hat for the benefit of photographers, *New York Times*, October 24, 1937. See also *New York Post*, October 23, 1937; *St. Petersburg Times*, October 24, 1937.
46. *New York Times*, July 21, 1937; *Washington Post*, July 23, 1937; *Chicago Tribune*, July 21, 1937; *Atlanta Constitution*, July 21, 1937; *St. Louis Post-Dispatch*, July 23, 1937; *Boston Herald*, July 23, 1937.
47. *St. Louis Post-Dispatch*, July 23, 1937.
48. Cone was informed of this broadcast in a telegram. J. H. Ingram to Cone, July 23, 1937, Governor Cone Records, Lynching File, Series 371, Box 40.

Cone's handling of the incident greatly disturbed the national black community. During the 1930s the N.A.A.C.P. made its campaign against lynching a top priority, and its leaders used the tactic of capitalizing on white abhorrence of the brutality of these crimes. They would, thus, publish results of their investigations in newspapers and disseminate them among liberal groups. In this way, they encouraged public support in favor of passage of federal anti-lynching legislation. In this particular instance, the N.A.A.C.P. promptly corrected the governor's erroneous definition of the crime when its assistant secretary, Roy Wilkins, sent a telegram to Cone. In it he stated, "*New York Times* today quotes you saying lynching of two Negroes in Tallahassee yesterday masked men who took them from city jail four blocks from state capitol was not lynching but a murder. This double killing [is] clearly a lynching since a group of men took over functions of government and meted out punishment without due process of law. N.A.A.C.P. urges you to use all forces at your command to speed apprehension, trial, and conviction of lynchers. Failure to act or perfunctory action will constitute additional proof states are unable or unwilling to punish these crimes and federal government therefore must act."⁴⁹ A number of black newspapers, including the *Chicago Defender*, *Baltimore Afro-American*, *Norfolk Journal and Guide*, and the *Atlanta Daily-World*, all derided the governor's irresponsible labeling of the double slaying, and lamented the fact that he had failed to prevent this lynching.⁵⁰ A sharp attack by the *Norfolk Journal and Guide* declared that "To Governor Cone, this state's 'Negro-baiting executive', the year's fifth and sixth lynchings were not lynchings but 'plain murder'."⁵¹ Finally, *The Crisis* asserted that Cone's inability to apprehend and try the Tallahassee vigilantes invalidated the argument of many Southerners that a federal anti-lynching law was unnecessary because state leaders could deter lynchings.⁵²

49. Telegram from Roy Wilkins to Cone, July 28, 1937, *ibid.*

50. *Chicago Defender*, July 24, 1937; *Baltimore Afro-American*, July 24, 1937; *Atlanta Daily-World*, July 24, 1937; *Norfolk Journal and Guide*, July 31, 1937.

51. The *Norfolk Journal and Guide* also ran an editorial that contrasted Cone's failings in this case to the success of the governor of Tennessee who took steps to prevent a lynching at about this time in his state. *Ibid.*, September 11, 1937.

52. *The Crisis*, January 1938, 13.

In contrast to the strident tones of the N.A.A.C.P. and the black press, the Association of Southern Women for the Prevention of Lynching responded rather mildly to Cone's blunder. In Florida, the Association and its allied organizations were very well-organized and active in the 1930s. By mid-decade the Florida Council of the Association had a membership of about 750 women and fifty men. Jane Cornell, leader of the Florida Council, wrote the governor: "We have experienced the handling of the threatened lynching of Robert Hinds and find ourselves convinced that you will carry out your determination to thoroughly investigate and punish the crime which has shocked the citizenry of the state. We have noted that you said 'this is a murder, not a lynching'. We presume you mean this only in the sense that all lynchings are 'murders'. The Tuskegee Institute and the Association of which I am an officer have both listed the death of these Negroes as 'Lynchings'. We would respectfully call your attention also to the fact that under either the Gavigan or the Wagner-Van Nuys bill, now pending in Congress, the Tallahassee deaths would be attributed to 'lynchings'."⁵³ Even in his response to Cornell's prodding, Cone never admitted his mistake.

Meanwhile the governor was aware of events in Washington. Ponder and Hawkins had been executed just a few weeks after the Wagner-Van Nuys anti-lynching bill had been introduced in the Senate.⁵⁴ The Tallahassee lynching provided Walter White of the N.A.A.C.P., leader of the anti-lynching crusade, with an opportunity to apply additional pressure on supporters in the Congress. He called the attention of his chief ally, New York Senator Robert Wagner, to the tragic event. Just days after the death of Ponder and Hawkins, Wagner promised to renew ef-

53. Jane Cornell to Cone, July 28, 1937, Governor Cone Records, Lynching File, Series 371, Box 40.

54. New York Congressman Joseph Gavagan's proposed bill (H.R. 1507) supported by the N.A.A.C.P. would invoke action by the United States District Court thirty days after a lynching, if state and local officials had failed to respond. Local officials found guilty of conspiring or cooperating with lynchers could be imprisoned from five to twenty-five years. The House passed the bill in April 1937. The Senate bill, Wagner-Van Nuys, carried the same penalties as the House proposal. Robert L. Zangrando, *The NAACP Crusade Against Lynching, 1909-1950* (Philadelphia, 1980), 141-43.

forts on the bill's behalf.⁵⁵ On July 27, the bill came before the Senate.⁵⁶

Some observers hoped that the Tallahassee lynching, along with other notorious southern executions, would prompt national and Florida officials to support federal anti-lynching legislation. This was not to be the case. In the summer of 1937, Walter White, as he had done through the 1930s again urged President Roosevelt to endorse the N.A.A.C.P. bill.⁵⁷ The administration, however, would lend no more support to the Wagner-Van Nuys bill than it had to earlier proposed anti-lynching legislation.⁵⁸ The president had not supported this kind of legislation because he needed the support of southern congressional leaders for the New Deal measures he considered vital for the country. Moreover, in July 1937, Roosevelt was too deeply involved in the controversy surrounding his Supreme Court reform bill to consider supporting the anti-lynching bill.⁵⁹

Florida's United States Senators, Claude Pepper and Charles Andrews, were no more disposed to support the anti-lynching cause than President Roosevelt. Senator Pepper knew about the Tallahassee tragedy, but spoke forcefully against Wagner-Van Nuys. In a brief speech from the Senate floor on August 12, 1937, he cited a few statistics showing that the number of lynchings had steadily declined every decade since the 1890s, and he asserted that with the return of prosperity this undesirable custom would die off on its own.⁶⁰ Pepper and Andrews both took a stand against the measure late in 1937, during a special session

55. *New York Times*, July 21, 1937; *Washington Post*, July 21, 1937; *Atlanta Constitution*, July 21, 1937.

56. Zangrando, *The NAACP Crusade Against Lynching*, 145.

57. *Ibid.*, 139-45, 154-58.

58. For an account of Roosevelt's attempt to distance himself from the bills, see McGovern and Howard, "Private Justice and National Concern: The Lynching of Claude Neal," 554-55.

59. McGovern, *Anatomy of a Lynching*, 115-24, see also James T. Patterson, *Congressional Conservatism and the New Deal: The Growth of the Conservative Coalition in Congress, 1933-1939* (Lexington, 1967), 156-57; and Nancy J. Weiss, *The National Urban League, 1910-1940* (New York, 1974), 265-66.

60. *Congressional Record*, 75th Cong., 1st Sess., August 12, 1937, 8756. This was the last piece of civil rights legislation that Claude Pepper opposed, although he continued to support the concept of white supremacy. See James C. Clark, "The 1944 Florida Democratic Senate Primary," *Florida Historical Quarterly* 66 (April 1988), 365.

of Congress.⁶¹ Finally, when Southerners filibustered Wagner-Van Nuys early in 1938, Senator Pepper fully participated in this effort, and even read into the *Congressional Record* a protest telegram from Governor Cone that opposed the bill.⁶² Pepper and Cone were probably not surprised when, in late February 1938, the Senate became tired of southern obstructionism and buried the proposed legislation.⁶³

Although the 1937 Tallahassee double slaying failed to convince Senator Pepper and Governor Cone to support the anti-lynching bill, it did reveal something of the social dynamics behind one particular Florida tragedy. Tallahassee lynchers kidnapped Ponder and Hawkins from jail in the state capital, passed immediate judgment on their guilt, and summarily executed them on the outskirts of town. They were determined to demonstrate that blacks in Tallahassee should remain socially subordinate, and that no black men should escape white wrath if they attacked a white police officer.

Pending federal anti-lynching legislation did not deter Tallahassee lynchers who took the law into their own hands in this instance. Moreover, the authorities' failure to apprehend and punish the executioners did little to discourage other Florida vigilantes. In fact, in the two years following this double slaying there were four recorded lynchings in the state.⁶⁴

61. *Congressional Record*, 75th Cong., 2nd Sess., November 18, 1937, 131, and November 22, 1937, 208.

62. Governor Cone's telegram read: "Wired Senator McKellar today people of Florida composed of citizens from every state in the Union bitterly opposed to antilynching law. We do not think it wise at this time of international unrest to pass a sectional bill like this, which can do nothing but cause bitter sectional feeling, as everyone knows it is aimed at Southern people. You can state to the Senate that Florida as always will be loyal to our country and our flag, but we do not want a return to the shackles of Reconstruction days upon the backs of our people, and we appeal to you Senators, as loyal American citizens, not to pass this bill." *Ibid.*, 75th Cong., 3rd Sess., January 24, 1938, 974.

63. Zangrando, *The NAACP Crusade Against Lynching*, 152-53.

64. Suspected of committing an "unnatural" sex crime against a white child, J. C. Evans, black, was taken from a Santa Rosa County deputy sheriff and shot to death by a band of four men in October 1937. In August 1938, Otis Price became another black lynch victim when he was executed by a mob in Taylor County for allegedly raping a white woman. A white man named Miles Brown was lynched April 1, 1939, by a mob in Panama City because he had murdered a prominent local businessman. Finally, Lee Snell, a black taxi driver, was murdered by two men in Fort Lauderdale

Ponder and Hawkins were the eighth and ninth black lynch victims in Florida during the 1930s. According to a nine-year survey (1930-1939) conducted by the A.S.W.P.L. at the end of the decade, Florida was the most lynch-prone southern state during this period, having the most difficulty in forestalling its annual outbreak of mob violence. From 1930 to 1939, the only lynch-free "white" year in Florida was 1933. The next worst state, Mississippi, saw two "white" years; Georgia and Louisiana, each three; and the rest of the lynching states of the decade, at least four. In Virginia, there was only one lynching in the entire period. Florida was third, behind Mississippi and Georgia, in total number of individual victims, but first in chronological consistency.⁶⁵

Ponder and Hawkins were only two of eight blacks lynched in the South in 1937. Closely following such tragedies, *The Christian Century* reviewed the year's lynchings and declared that the "most ominous item" in regard to the slaying of Ponder and Hawkins, as well as the executions of the other black victims, was that "there was no single arrest, indictment, or conviction. The state and local authorities refused to act."⁶⁶ In the Tallahassee case, the town's white citizens, the state's attorney, and the governor protested bitterly at first, but then abruptly dropped the matter. In the final analysis, Tallahassee and Florida authorities did not vigorously support prosecution of lynchers when the victims were black. The 1937 Tallahassee double lynching stands as "an unfortunate incident in the city's record."

April 29, 1939, after he had accidentally hit and killed a white child with his taxi. For descriptions of these lynchings, see Ames, *The Changing Character of Lynching*, 36.

65. For a discussion of this A.S.W.P.L. survey, see *Miami Daily-News*, April 2, 1939.
66. *The Christian Century*, IV (January 12, 1938), 35.